

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)

Local **60c** Plaaslik
Other countries **85c** Buitelands
Post free • Posvry

**Regulation Gazette
Regulasiekoerant**
No. 4369

Registered at the Post Office
as a Newspaper
As 'n Nuusblad by die
Poskantoor geregistreer

Vol. 288

PRETORIA, 2 JUNE 1989
JUNIE

No. 11913

COMMISSION

by the

State President of the Republic of South Africa

To:

Mr Oelof Abraham de Meyer

GREETINGS!

Whereas I deem it expedient to appoint a commission to inquire into and report on the matters mentioned hereinafter and by reason of the great trust I repose in your knowledge and ability, I hereby authorise and appoint you to be the Chairman and sole member of a commission, with the following terms of reference:

To inquire into and report and make recommendations on—

- (a) any mismanagement which may have occurred in the Government Service of Lebowa, the Lebowa Development Corporation or the Lebowa Agricultural Company, with special reference to—
 - (i) any malpractices or irregularities, including any non-compliance with financial or other instructions, in the administration of a department of the said Government Service or in the administration of the said Corporation or Company;
 - (ii) any irregular or improper favouring of individuals or instances by any such department or the said Corporation or Company, whether or not such individuals or instances are attached to that department, Corporation or Company;
 - (iii) any abuse by persons in the management of any such department or the said Corporation or Company of their authority or position to attempt influencing decision-making in the Government of Lebowa; and
 - (iv) any losses sustained by any such department or the said Corporation or Company as a result of any misappropriation of funds of,

OPDRAG

van die

Staatspresident van die Republiek van Suid-Afrika

Aan:

Mnr. Oelof Abraham de Meyer

SALUUT!

Aangesien ek dit dienstig ag om 'n kommissie te benoem om ondersoek in te stel na en verslag te doen oor die aangeleenthede hieronder vermeld, en groot vertrouwe het in u kennis en bekwaamheid, magtig ek u en stel ek u aan as Voorsitter en enigste lid van 'n kommissie, met die volgende opdrag:

Om ondersoek in te stel na en verslag en aanbevelings te doen oor—

- (a) enige wanbestuur wat in die Regeringsdiens van Lebowa, die Lebowa-Ontwikkelingskorporasie of die Lebowa-Landboumaatskappy mag voorgekom het, met spesiale verwysing na—
 - (i) enige wanpraktyke of ongerymdhede, met inbegrip van enige nie-nakoming van finansiële of ander voorskrifte in die administrasie van 'n departement van genoemde Regeringsdiens of in die administrasie van genoemde Korporasie of Maatskappy;
 - (ii) enige onreëlmatige of onbehoorlike bevoordeling van individue of instansies deur so 'n departement of genoemde Korporasie of Maatskappy, hetsy sodanige individue of instansies aan daardie departement, Korporasie of Maatskappy verbonde is of nie;
 - (iii) enige misbruik deur persone in die bestuur van so 'n departement of genoemde Korporasie of Maatskappy van hul gesag of posisie om besluitneming in die Regering van Lebowa te probeer beïnvloed; en
 - (iv) enige verliese wat so 'n departement of genoemde Korporasie of Maatskappy as gevolg van enige wanbesteding van fondse van, of toegewys of beskikbaar gestel aan,

or allocated or made available to, that department, Corporation or Company or as a result of any conduct referred to in subparagraph (i), (ii) or (iii);

- (b) the question whether any cases of mismanagement found by the Commission to have occurred have resulted in any loss or non-beneficial use of funds of, or derived from, the Lebowa Revenue Fund or made available by the South African Government or a body established by law; and
- (c) steps to be taken to put an end to, or to prevent the reoccurrence of, any such cases of mismanagement in order to ensure that funds mentioned in (b) above are applied to the best advantage of Lebowa and its residents.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Seventeenth day of May, One thousand Nine hundred and Eighty-nine.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

G. VANN. VILJOEN,
Minister of the Cabinet.

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 75, 1989

COMMISSION OF INQUIRY INTO THE APPROPRIATION OF THE LEBOWA REVENUE FUND AND ALLEGED MISMANAGEMENT IN LEBOWA

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare that the provisions of that Act shall be applicable to the Commission of Inquiry into the Appropriation of the Lebowa Revenue Fund and Alleged Mismanagement in Lebowa, and I hereby make the regulations contained in the Schedule hereto with reference to the said Commission of Inquiry.

Given under my Hand and Seal of the Republic of South Africa at Cape Town this Seventeenth day of May, One thousand Nine hundred and Eighty-nine.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

G. VANN. VILJOEN,
Minister of the Cabinet.

SCHEDULE

REGULATIONS

1. In these regulations, unless the context otherwise indicates—

“Chairman” means the Chairman of the Commission;

“Commission” means the Commission of Inquiry into the Appropriation of the Lebowa Revenue Fund and Alleged Mismanagement in Lebowa referred to in this Proclamation;

daardie departement, Korporasie of Maatskappy of as gevolg van enige handelinge in subparagraaf (i), (ii) of (iii) bedoel, gelyk het;

- (b) die vraag of enige gevalle van wanbestuur wat deur die Kommissie gevind word voorgekom het, enige verlies of nie-voordelige benutting van fondse van, of afkomstig van, die Lebowa-Inkomstefonds of wat deur die Suid-Afrikaanse Regering of 'n liggaam deur 'n Wet ingestel beskikbaar gestel is, tot gevolg gehad het; en

- (c) stappe wat gedoen kan word om enige sodanige gevalle van wanbestuur stop te sit of die herhaling daarvan te voorkom ten einde te verseker dat fondse in (b) hierbo genoem tot beste voordeel van Lebowa en sy inwoners aangewend word.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sewentiende dag van Mei Eenduisend Negehoenderd Nege-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

G. VANN. VILJOEN,
Minister van die Kabinet.

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 75, 1989

KOMMISSIE VAN ONDERSOEK NA DIE AANWENDING VAN DIE LEBOWA-INKOMSTEFONDS EN BEWEERDE WANBESTUUR IN LEBOWA

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet No. 8 van 1947), verklaar ek hierby dat die bepalings van daardie Wet van toepassing is op die Kommissie van Onderzoek na die Aanwending van die Lebowa-Inkomstefonds en Beweerde Wanbestuur in Lebowa en vaardig ek hierby die regulasies in die Bylae hiervan vervat, met betrekking tot genoemde Kommissie van Onderzoek uit.

Gegee onder my Hand en die Seël van die Republiek van die Suid-Afrika te Kaapstad, op hede die Sewentiende dag van Mei Eenduisende Negehoenderd Nege-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

G. VAN. N. VILJOEN,
Minister van die Kabinet.

BYLAE

REGULASIES

1. In hierdie regulasies, tensy uit die samehang anders blyk beteken—

“beampte” iemand in die voltydse diens van die Staat wat aangestel of aangewys is om die Kommissie by die uitvoering van sy werksaamhede behulpsaam te wees;

“dokument” ook 'n boek, pamflet, aantekening, lys, omsendbrief, plan, plakkaat, aanplakbiljet, publikasie, tekening, foto of prent;

"document" includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

"inquiry" means the inquiry being conducted by the Commission;

"member" means a member of the Commission;

"officer" means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the performance of its functions.

2. The proceedings of the Commission shall be recorded in such manner as the Chairman may determine.

3. (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form:

I,
(insert name of declarant)

declare under oath/affirm and declare—

(a) that I shall faithfully and to the best of my ability take down/record by mechanical means the proceedings of the Commission of Inquiry into the Appropriation of the Lebowa Revenue Fund and Alleged Mismanagement in Lebowa as ordered by the Chairman of the Commission;

(b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of the proceedings of the said Commission made by me or by any other person.

(2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the Chairman.

4. An officer designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and may adduce evidence and arguments relating to the inquiry.

5. If any person who has given or is giving evidence before the Commission or has been summoned so to give evidence so requests the Commission, the Chairman may direct that no person shall publish in any manner whatsoever the name or address of such person or any information likely to reveal his identity.

6. Every person employed in carrying out the functions of the Commission, including any person referred to in regulation 3 (1), shall aid in preserving secrecy in regard to any matter or information that may come to his knowledge in the performance of his duties in connection with the said functions, except in so far as the publication of such matter or information shall be necessary for the purpose of the report of the Commission.

7. No person shall insult, disparage or belittle the Commission or any member of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission.

8. Any person who—

(a) contravenes a direction under regulation 5; or

(b) contravenes the provisions of regulation 7,

shall be guilty of an offence and on conviction liable—

(i) in the case of an offence referred to in paragraph (a), to a fine not exceeding R500 or imprisonment for a period not exceeding six months; and

"Kommissie" die in hierdie Proklamasie bedoelde Kommissie van Onderzoek na die Aanwending van die Lebowa-Inkomstefonds en Beweerde Wanbestuur in Lebowa;

"lid" 'n lid van die Kommissie;

"ondersoek" die ondersoek wat deur die Kommissie ingestel word; en

"Voorsitter" die Voorsitter van die Kommissie.

2. Die verrigtinge van die Kommissie word genotuleer op die wyse deur die Voorsitter bepaal.

3. (1) Iemand wat aangestel of aangewys is om die verrigtinge van die Kommissie in snelskrif aan te teken of op meganiese wyse op te neem of om sodanige verrigtinge wat aldus aangeteken of opgeneem is, te transkribeer, moet vooraf 'n eed of bevestiging in die volgende vorm aflê:

Ek,
(voeg naam van verklaarder in)

verklaar onder eed/bevestig en verklaar—

(a) dat ek getrou en na my beste vermoë die verrigtinge van die Kommissie van Onderzoek na die Aanwending van die Lebowa-Inkomstefonds en Beweerde Wanbestuur in Lebowa sal aanteken/op meganiese wyse sal opneem soos deur die Voorsitter van die Kommissie gelas;

(b) dat ek enige snelskrifaantekeninge/meganiese opname van die verrigtinge van genoemde Kommissie deur my of iemand anders gemaak, volledig en na my beste vermoë sal transkribeer.

(2) Geen snelskrifaantekeninge of meganiese opname van die verrigtinge van die Kommissie word getranskribeer nie, uitgesonderd in opdrag van die Voorsitter.

4. 'n Beampte deur die Voorsitter daartoe aangewys, kan by die aanhoor van getuienis by die ondersoek aanwesig wees en kan getuienis en argumente wat op die ondersoek betrekking het, aanvoer.

5. Indien 'n persoon wat getuienis voor die Kommissie afgelê het of aflê of wat opgeroep is om aldus getuienis af te lê, die Kommissie aldus versoek, kan die Voorsitter gelas dat niemand die naam of adres van sodanige persoon of enige inligting wat waarskynlik sy identiteit kan openbaar, op enige wyse hoegenaamd bekendmaak nie.

6. Elke persoon wat diens doen by die uitvoering van die Kommissie se werksaamhede, met inbegrip van iemand in regulasie 3 (1) bedoel, moet ten aansien van enige aangeleentheid of inligting wat by die vervulling van sy pligte in verband met bedoelde werksaamhede tot sy kennis kom, geheimhouding help bewaar, uitgesonderd vir sover bekendmaking van sodanige aangeleentheid of inligting vir die doeleindes van die Kommissie se verslag nodig is.

7. Niemand mag die Kommissie of 'n lid van die Kommissie beledig, neerhaal of verkleineer of die verrigtinge of die bevindings van die Kommissie benadeel, beïnvloed of vooruitloop nie.

8. Iemand wat—

(a) 'n lasgewing kragtens regulasie 5 oortree; of

(b) die bepalings van regulasie 7 oortree,

is aan 'n misdryf skuldig en by skuldigebevinding strafbaar—

(i) in die geval van 'n misdryf in paragraaf (a) bedoel, met 'n boete van hoogstens R500 of gevangenisstraf vir 'n tydperk van hoogstens ses maande; en

(F) in the case of an offence referred to in paragraph (b), to a fine not exceeding R1.000 or imprisonment for a period not exceeding one year.

(II) in die geval van 'n misdryf in paragraaf (b) beboel met 'n boete van hoogstens R1.000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar.

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