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REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette
Regulasiekoerant

No. 5096

Vol. 336

PRETORIA, 8 JUNE
JUNIE 1993

No. 14864

COMMISSION

*by the
State President*

**TO: REGIONAL COURT MAGISTRATE HENDRIK
HERCULES VAN DER WATT**

Greetings:

Whereas I deem it expedient to appoint a commission to inquire into and report on the matters mentioned herein-after;

Now, therefore, by reason of the great trust I repose in your knowledge, judgment, and ability, I hereby authorise and appoint you to be chairman and sole member of a commission, with the following terms of reference:

To investigate into, report on and make recommendations regarding—

- the circumstances which gave rise to the allotment of Contract No. 95/92 by the State Tender Board for the supplying of certain soya based products to the State;
- the circumstances which gave rise to the subsequent cancellation of Contract No. 95/92 by the State Tender Board;
- the procedure that was followed with the allotment and subsequent cancellation of the above-mentioned contract;
- the question whether there was in fact a justified need for the conclusion of the above-mentioned contract;
- the question whether any malpractices occurred during the allotment and cancellation of the contract and if any person or instance was aggrieved or wrongfully and unlawfully favoured or enriched in the process;
- the question whether any negligence or wilful irregularities on the part of any person or instance was present in the process; and

OPDRAG

*van die
Staatspresident*

**AAN: STREEKHOF LANDDROS HENDRIK
HERCULES VAN DER WATT**

Saluut:

Aangesien ek dit dienstig ag om 'n kommissie aan te stel om ondersoek in te stel na en verslag te doen oor die aangeleenthede hieronder vermeld;

So is dit dat ek, aangesien ek groot vertroue in u kennis, oordeel en bekwaamheid stel, u hierby magtig en aanstel as voorsitter en enigste lid van 'n kommissie met die volgende opdrag:

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

- die omstandighede wat aanleiding gegee het tot die toekenning van Kontrak No. 95/92 deur die Staatstenderraad vir die lewering van sekere soja gebaseerde produkte aan die Staat;
- die omstandighede wat aanleiding gegee het tot die daaropvolgende kansellasië deur die Staatstenderraad van Kontrak No. 95/92;
- die prosedure wat gevolg is met die toekenning en daaropvolgende kansellasië van die bovermelde kontrak;
- die vraag of daar inderdaad 'n geregverdigde behoefte vir die aangaan van die bovermelde kontrak bestaan het;
- die vraag of enige wanpraktyke met die toekenning en kansellasië van die kontrak plaasgevind het en of enige persoon of instansie in die proses benadeel is of onregmatig bevoordeel, begunstig of verryk is;
- die vraag of daar in die proses enige nalatigheid of opsetlike onreëlmatigheid of ongerymdheid aan die kant van enige persoon of instansie aanwesig was; en

- any other matter which in the opinion of the commission may be connected with the above-mentioned.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this First day of June, One thousand Nine hundred and Ninety-three.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

A. J. VLOK,
Minister of the Cabinet.

PROCLAMATION

by the
State President
of the Republic of South Africa

No. R. 50, 1993

COMMISSION OF INQUIRY INTO STATE TENDER CONTRACT No. 95/92: TEXTURED VEGETABLE PROTEIN PRODUCTS

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 the said Act shall be applicable to the Commission of Inquiry into State Tender Contract No. 95/92: Textured Vegetable Protein Products, and I hereby make the regulations (Afrikaans and English) in the Schedule with reference to the said Commission.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this First day of June, One thousand Nine hundred and Ninety-three.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

A. J. VLOK,
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 State Tender Contract No. 95/92: Textured Vegetable Protein Products;

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

“**inquiry**” means the inquiry conducted by the Commission;

“**member**” means a member of the Commission;

- enige ander aangeleentheid wat volgens u oordeel met die voorgaande verband hou.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Eerste dag van Junie Eenduisend Negehoenderd Drie-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. J. VLOK,
Minister van die Kabinet.

PROKLAMASIE

van die
Staatspresident
van die Republiek van Suid-Afrika

No. R. 50, 1993

KOMMISSIE VAN ONDERSOEK · NA STAATS-TENDERKONTRAK No. 95/92: GETEKSTUREERDE PLANTPROTEÏENPRODUKTE

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet No. 8 van 1947), verklaar ek hierby dat die bepalings van voormelde Wet op die Kommissie van Onderzoek na Staatstenderkontrak No. 95/92: Getekstureerde Plantproteïenprodukte van toepassing is, en vaardig ek hierby die regulasies (Afrikaans en Engels) in die Bylae met betrekking tot genoemde Kommissie uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Eerste dag van Junie Eenduisend Negehoenderd Drie-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. J. VLOK,
Minister van die Kabinet.

BYLAE REGULASIES

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

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

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

“**Kommissie**” die in hierdie proklamasie bedoelde Kommissie van Onderzoek na Staatstenderkontrak No. 95/92: Getekstureerde Plantproteïenprodukte;

“**lid**” 'n lid van die Kommissie;

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

"premises" includes any land, building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.

2. The proceedings of the Commission shall be recorded in the manner determined by the Chairman.

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, A.B., declare under oath/affirm and declare—

- (a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into State Tender Contract No. 95/92: Textured Vegetable Protein Products in shorthand/by mechanical means 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. Every person employed in the execution of 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 purposes of the report of the Commission, and every such person, except the Chairman, a member or any officer, shall, before performing any duty with the Commission, take and subscribe before the Chairman an oath of fidelity or secrecy in the following form:

I, A.B., declare under oath/affirm and declare that except in so far as it shall be necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into State Tender Contract No. 95/92: Textured Vegetable Protein Products, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer.

5. No person who is in terms of regulation 4 required to take and subscribe an oath of fidelity or secrecy shall communicate to any other person any matter or information which may have come to his

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

"perseel" ook grond of 'n gebou, bouwerk, gedeelte van 'n gebou of bouwerk, voertuig, vervoermiddel, vaartuig of lugvaartuig;

"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, A.B., verklaar onder eed/bevestig en verklaar—

- (a) dat ek getrou en na my beste vermoë die verrigtinge van die Kommissie van Ondersoek na Staatstenderkontrak No. 95/92: Getekstureerde Plantproteïenprodukte in snelskrif sal aanteken/op meganiese wyse sal opneem soos deur die Voorsitter 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 behalwe op las van die Voorsitter.

4. Elke persoon wat diens doen by die verrigting 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, behalwe vir sover bekendmaking van sodanige aangeleentheid of inligting vir die doeleindes van die Kommissie se verslag nodig is, en elke sodanige persoon, behalwe die Voorsitter, 'n lid of 'n beamppte, moet, voordat hy enige diens by die Kommissie verrig, 'n eed van getrouheid of geheimhouding voor die Voorsitter in die volgende vorm aflê en onderteken:

Ek, A.B., verklaar onder eed/bevestig en verklaar dat, behalwe vir sover dit by die uitvoering van my pligte in verband met die werksaamhede van die Kommissie van Ondersoek na Staatstenderkontrak No. 95/92: Getekstureerde Plantproteïenprodukte of ingevolge 'n bevel van 'n bevoegde hof nodig is, ek geen aangeleentheid of inligting wat in verband met genoemde Kommissie se ondersoek tot my kennis kom, aan enigiemand sal meedeel nie en niemand sal toelaat of veroorloof om toegang tot stukke van die Kommissie te verkry nie, met inbegrip van enige aantekening, opname of transkripsie van die verrigtinge van genoemde Kommissie in my besit of bewaring of in die besit of bewaring van genoemde Kommissie of 'n beamppte.

5. Niemand wat ingevolge regulasie 4 'n eed van getrouheid of geheimhouding moet aflê en onderteken, mag enige aangeleentheid of inligting wat in verband met die Kommissie se ondersoek tot sy kennis gekom

knowledge in connection with the inquiry of the Commission or suffer or permit any other person to have access to any records of the Commission, except in so far as it shall be necessary in the performance of his duties in connection with the functions of the Commission or by order of a competent court.

6. The Chairman or an officer generally or specially authorized thereto by the Chairman shall administer an oath or affirmation to any witness appearing before the Commission.

7. (1) If any person who gave 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.

(2) No person shall contravene any provision of a direction referred to in subregulation (1).

8. Any witness appearing before the Commission may only be cross-examined by a person if the Chairman permits such cross-examination by such person because the Chairman deems it necessary in the interest of the functions of the Commission.

9. Any witness appearing before the Commission may, in the discretion of the Chairman and in such manner as may be determined by him, be assisted by an advocate or an attorney.

10. An officer, attorney or advocate designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and adduce evidence and arguments relating to the inquiry.

11. The Chairman, any member or any officer may, for the purpose of the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document on or kept on such premises.

12. (a) No person shall, without the written permission of the Chairman, disseminate any document submitted to the Commission by any person in connection with the inquiry or publish the contents or any portion of the contents of such documents.

(b) No person may without the written permission of the Chairman peruse any document, including any statement, which is destined to be submitted to the Chairman or intercept it whilst it is being taken or forwarded to the Chairman.

13. No person shall, except in so far as shall be necessary in the execution of the terms of reference of the Commission, publish or furnish to any other person the report of the Commission or a copy or part thereof or information regarding the consideration of evidence by the Commission unless and until the State President has released the report for publication or until the report has been laid upon the Table in Parliament.

14. No person may insult, disparage or belittle the Chairman or a member of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission.

het, aan iemand anders meedeel of iemand anders toelaat of veroorloof om toegang te verkry tot stukke van die Kommissie nie, behalwe vir sover dit by die uitvoering van sy pligte in verband met die werksaamhede van die Kommissie of ingevolge 'n bevel van 'n bevoegde hof nodig is.

6. Die Voorsitter of 'n beamppte deur die Voorsitter in die algemeen of spesiaal daartoe gemagtig, moet 'n getuie wat voor die Kommissie verskyn 'n eed oplê of van hom 'n bevestiging afneem.

7. (1) Indien 'n persoon wat getuie is voor die Kommissie afgelê het of aflê of wat opgeroep is om aldus getuie 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 sal openbaar, op enige wyse hoege-naamd bekend maak nie.

(2) Niemand mag 'n bepaling van 'n lasgewing bedoel in subregulasie (1) oortree nie.

8. 'n Getuie wat voor die Kommissie verskyn, kan slegs deur 'n persoon in kruisverhoor geneem word indien die Voorsitter sodanige kruisverhoor deur daardie persoon toelaat omdat die Voorsitter dit in die belang van die werksaamhede van die Kommissie nodig ag.

9. 'n Getuie wat voor die Kommissie verskyn, kan na goeddunke van die Voorsitter en op die wyse wat hy bepaal, deur 'n advokaat of prokureur bygestaan word.

10. 'n Beamppte, prokureur of advokaat deur die Voorsitter daartoe aangewys, kan by die aanhoor van getuie by die ondersoek aanwesig wees en getuie en argumente wat op die ondersoek betrekking het, aanvoer.

11. Die Voorsitter, 'n lid of 'n beamppte kan vir doeleindes van die ondersoek te alle redelike tye enige perseel betree en besigtig en enige dokument wat op sodanige perseel is of bewaar word, opeis en in beslag neem.

12. (a) Niemand mag, sonder die skriftelike toestemming van die Voorsitter, 'n dokument wat in verband met die ondersoek deur enige persoon aan die Kommissie voorgelê is, versprei of die inhoud of 'n gedeelte van die inhoud van so 'n dokument publiseer nie.

(b) Niemand mag sonder die skriftelike toestemming van die Voorsitter enige dokumente, met inbegrip van enige verklaring, wat bestem is om aan die Voorsitter voorgelê te word, insien of onderwyl dit na die Voorsitter geneem of aan hom versend word, onderskep nie.

13. Niemand mag, behalwe vir sover dit by die uitvoering van die Kommissie se opdrag nodig is, die verslag van die Kommissie of 'n afskrif of 'n gedeelte daarvan of inligting met betrekking tot die oorweging van getuie deur die Kommissie publiseer of aan iemand anders verstrek nie, tensy en voordat die Staatspresident die verslag vir publikasie beskikbaar gestel het of voordat die verslag in die Parlement ter Tafel gelê is.

14. Niemand mag die Voorsitter of 'n lid van die Kommissie beledig, neerhaal of verkleineer of die veringtinge of die bevindings van die Kommissie benadeel, beïnvloed of vooruitloop nie.

15. Any person who—

- (a) wilfully hinders, resists or obstructs the Chairman, any member or any officer in the exercise of any power referred to in regulation 11; or
- (b) contravenes the provisions of regulations 5, 7 (2), 12 or 13; or
- (c) contravenes the provisions of regulation 14, shall be guilty of an offence and liable on conviction—
 - (i) in the case of an offence referred to in paragraph (a) or (b), to a fine not exceeding R200 or imprisonment for a period not exceeding six months; and
 - (ii) in the case of an offence referred to in paragraph (c), to a fine not exceeding R1 000 or imprisonment for a period not exceeding 12 months.

15. Iemand wat—

- (a) die Voorsitter, 'n lid of 'n beampte by die uitoefening van 'n bevoegdheid in regulasie 11 bedoel, opsetlik hinder, teengaan of dwarsboom; of
- (b) die bepalings van regulasie 5, 7 (2), 12 of 13, oortree; of
- (c) die bepalings van regulasie 14 oortree, is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar—
 - (i) in die geval van 'n misdryf in paragraaf (a) of (b) bedoel, met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
 - (ii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

IMPORTANT ANNOUNCEMENT

Closing times PRIOR TO PUBLIC HOLIDAYS for

LEGAL NOTICES
GOVERNMENT NOTICES **1993**

The closing time is **15:00** sharp on the following days:

- ▶ **31 March**, Wednesday, for the issue of Thursday **8 April**
- ▶ **7 April**, Wednesday, for the issue of Friday **16 April**
- ▶ **13 May**, Thursday, for the issue of Friday **21 May**
- ▶ **9 December**, Thursday, for the issue of Friday **17 December**

Late notices will be published in the subsequent issue. If, under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a **SEPARATE Government Gazette** must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye VOOR VAKANSIEDAE vir

WETLIKE KENNISGEWINGS
GOEWERMENTSKENNISGEWINGS **1993**

Die sluitingstyd is stiptelik **15:00** op die volgende dae:

- ▶ **31 Maart**, Woensdag, vir die uitgawe van Donderdag **8 April**
- ▶ **7 April**, Woensdag, vir die uitgawe van Vrydag **16 April**
- ▶ **13 Mei**, Donderdag, vir die uitgawe van Vrydag **21 Mei**
- ▶ **9 Desember**, Donderdag, vir die uitgawe van Vrydag **17 Desember**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n **APARTE Staatskoerant** verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1992 to 30 September 1993, English is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

—oOo—

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1992 tot 30 September 1993 word Engels EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*

IMPORTANT!!

Placing of languages:

Government Gazette

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