

# Provincial Gazette Extraordinary

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## CONTENTS

## INHOUD

## IZIQUATHO

### Proclamation

### Proklamasie

### uMpoposho

- 4 Province of the Western Cape: Commission of Inquiry into possible occurrence of maladministration, corruption, fraud or other serious malpractice in the City of Cape Town—Repeal of Proclamation 18/2007 ..... 2
- 5 Commission of Inquiry into possible occurrences of fraud, corruption, maladministration, serious malpractice and other unlawful conduct in the City of Cape Town and the George Municipality ..... 3

- 4 Provinsie Wes-Kaap: Kommissie van Onderzoek na die moontlike voorkoms van wanadministrasie, korrupsie, bedrog of ander ernstige wanpraktyk in die Stad Kaapstad—Herroeping van Proklamasie 18/2007 ..... 5
- 5 Kommissie van Onderzoek na die moontlike voorkoms van bedrog, korrupsie, wanadministrasie, ernstige misdrywe of ander onwettige optrede in die Stad Kaapstad en die George Munisipaliteit ..... 6

- 4 Iphondo Lentshona Koloni: Ikhomishoni yophando ngolawulo olugwenxa, ubuqhetseba nako nokuphi na okunye okuyinkqubo egwenxa Kwisixeko Sekapa—Uyabhangiswa UmPoposho 18/2007.. 8
- 5 Ikhomishoni Yophando Ngoklawulo Olugwenxa, Ubuqhetseba Nako Nokuphi Na Okunye Okuyinkqubo Egwenxa Nokuninzi Okungekho Mthethweni Kwisixeko Sekapa Nakumasipala waseGeorge..... 9



**PROCLAMATION BY THE PREMIER OF THE PROVINCE OF THE WESTERN CAPE****NO. 4/2008**

PROVINCE OF THE WESTERN CAPE

**REPEAL OF PROCLAMATION 18/2007**

Proclamation 18/2007 published in *Provincial Gazette* 6485 on 4 December 2007 is hereby repealed.

Signed at Cape Town on this 19th day of March 2008.

**E. Rasool — Premier**

**Q R Dyantyi — Provincial Minister of Local Government and Housing**

**PROCLAMATION BY THE PREMIER OF THE WESTERN CAPE**

NO. 5/2008

**PROVINCE OF THE WESTERN CAPE****COMMISSION OF INQUIRY INTO POSSIBLE OCCURRENCES OF FRAUD, CORRUPTION, MALADMINISTRATION, SERIOUS MALPRACTICE AND OTHER UNLAWFUL CONDUCT IN THE CITY OF CAPE TOWN AND THE GEORGE MUNICIPALITY**

I, EBRAHIM RASOOL, Premier of the Province of the Western Cape, under the powers vested in me in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996 read with section 37(2)(e) of the Constitution of the Western Cape, 1997 (Act 1 of 1998) and section 1 of the Western Cape Provincial Commissions Act, 1998 (Act 10 of 1998), hereby appoint a Commission of Inquiry (“the Commission”) comprising of the following persons:

1. The honourable Justice NC Erasmus, Chairperson
2. Mr. G Papadakis
3. Ms. H Vermeulen

I further appoint Mr. Z Twala as Secretary to the Commission and Mr. F Petersen to lead the evidence at the proceedings thereof.

The matters to be investigated by the Commission and its other terms of reference are as follows:

1. To advise on the background to and the legality and lawfulness of the investigation ostensibly authorised by the Speaker of the City of Cape Town (the City) in terms of item 13 of the Code of Conduct for Councillors in respect of Councillor BJ Chaaban.
2. To establish whether the City or its political and/or its administrative office bearers reported any suspicion of criminal activity by Councillor BJ Chaaban to the South African Police Service.
3. To establish whether the City paid for work done by George Fivaz and Associates (GFA), or any other service provider, relating to the investigation of Councillor BJ Chaaban outside the scope of appointment of the relevant service provider.
4. To establish whether any other service providers were engaged by the City for any matter related to the aforesaid investigation, and if so, what the scope of their services were, what the results of the work performed by them were, and what the costs incurred by the City in this regard were.
5. To establish and advise whether any policies or by-laws of the Council and/or its political and administrative structures were transgressed during the investigation.
6. To establish whether the City paid for work done on behalf of a political party or parties with regard to the Chaaban investigation authorised by the Speaker.
7. To establish whether the scope of appointment of GFA by the City makes provision for the gathering of intelligence and/or electronic surveillance and/or monitoring of Councillors and/or other persons or whether this was foreseen and if so, to advise whether, in the Commission’s opinion this was lawful or in violation of the Constitution or the Bill of Rights.
8. To establish whether in the execution of the investigation ostensibly authorised by the Speaker of the City, the sanctity of the precincts of the Cape Town City Municipal Council and/or the Provincial Parliament was breached.
9. To advise whether political and/or administrative office bearers of the City of Cape Town and/or office bearers and/or representatives of political parties represented on the Council of the City and/or any person acting on their behalf contravened provisions of the Prevention and Combating of Corrupt Activities Act, 2004 in respect of the resignation by Councillor S Arendse as a Councillor representing the Independent Democrats and his subsequent re-election as a Councillor representing the Democratic Alliance.
10. To advise whether Councillor BJ Chaaban contravened provisions of the Prevention and Combating of Corrupt Activities Act, 2004 by offering and/or agreeing to provide gratification to Councillors to join the New Peoples Party in Municipalities across the Western Cape.
11. To advise whether political and/or administrative office bearers of the George Municipality and/or office bearers and/or representatives of political parties represented on the Council of the George Municipality and/or any person acting on their behalf contravened provisions of the Prevention and Combating of Corrupt Activities Act, 2004 in respect of the payment of money to Councillors and matters relating thereto in the run-up to, during and immediately after the September 2007 floor crossing period.
12. To establish whether the George Municipality paid for the investigation performed by GFA into the origin of a short message service (“sms”) allegedly circulated by Councillor P Hill of the City of Cape Town at the national conference of the Democratic Alliance in 2007, and if so, to advise whether such payment was lawful.

The Chairperson of the Commission must submit a written report on its findings to the Premier by **30 June 2008**.

The Commission of Inquiry established by Proclamation 18 of 2007 published in *Provincial Gazette* 6485 on 4 December 2007 which was repealed by Proclamation 4/2008 shall be deemed to have been established in terms of this Proclamation and everything done by that Commission or under its auspices shall be deemed to have been done in accordance with this Proclamation. Furthermore, I hereby make the regulations in the Schedule with reference to this Commission.

Signed at Cape Town on this 19th day of March 2008

**E. Rasool — Premier**

**Q. R. Dyantyi — Provincial Minister of Local Government and Housing**

**SCHEDULE****REGULATIONS**

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

“Chairperson” means the Chairperson of the Commission;

“Commission” means the Commission of Enquiry into the Possible Occurrence of Corruption, Fraud or other Serious Criminal Offences in the City of Cape Town;

“document” includes—

- (a) any paper or other object on which there is writing or images;
- (b) any object from which writing, sounds or images can be reproduced or retrieved; or
- (c) any electronically stored information that is transmittable.

“enquiry” means the enquiry conducted by the Commission;

“member” means a member of the Commission;

“the Act” means the Western Cape Provincial Commission Act, 1998 (Act 10 of 1998).

2. The proceedings of the Commission must be recorded in the manner determined by the Commission.
3. Every person employed in the execution of the functions of the Commission, including any person appointed or designated to take down or record the proceedings of the Commission in writing or by mechanical means, or employed to transcribe the records so taken down, must help preserve secrecy with regard to any matter or information that may come to his or her knowledge in the performance of his or her duties in connection with the said functions, except in so far as the publication of such matter or information is necessary for the purpose of the report of the Commission.
4. No person may communicate to any other person any matter or information which may have come to their knowledge in connection with the enquiry 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 is necessary in the performance of their duties in connection with the functions of the Commission or by order of a competent court.
5. The Chairperson may designate one or more knowledgeable person to assist the Commission in the performance of some of its functions, in a capacity under than that of a member.
6. Where, at the time of any person giving evidence before the Commission, members of the general public are or have been excluded from attendance at the proceedings of the Commission, the Chairperson may, on request of such a person, direct that no person may disclose in any matter whatsoever the name or address of such person or any information likely to reveal his or her identity.
7. (1) No person appearing before the Commission may refuse to answer any question on the grounds that the answer could incriminate them or that they may be tried on a criminal charge and may be prejudiced at such trial by the answer.
- (2) No evidence regarding questions and answers contemplated in subregulation (1) and no evidence regarding any fact or information that comes to light in consequence of any such questions and answers, is admissible in any criminal proceedings, except in criminal proceedings where the person concerned is charged with an offence in terms of section 4(3) of the Act.
8. No person may publish or furnish any other person with the report or any interim report of the Commission or a copy thereof or information regarding the consideration of evidence by the Commission for publication, except in so far as it is necessary in the execution of the terms of reference of the Commission, or before the publication of any such report has been approved by the Premier.
9. No person may insult, disparage or belittle the Chairperson or any member of the Commission or prejudice the proceedings or findings of the Commission.
10. Any person who contravenes or fails to comply with a provision of regulation 4, 7(1), 8 or 9 is guilty of an offence and liable on conviction to a fine not exceeding six thousand rand or imprisonment for a period not exceeding six months or both.

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**PROKLAMASIE DEUR DIE PREMIER VAN DIE PROVINSIE WES-KAAP**

**NO. 4/2008**

PROVINSIE WES-KAAP

**HERROEPING VAN PROKLAMASIE 18/2007**

Proklamasie 18/2007 wat op 4 Desember 2007 in *Provinsiale Koerant* 6485 gepubliseer is, word hiermee herroep.

Geteken te Kaapstad op hierdie 19de dag van Maart 2008.

**E. Rasool — Premier**

**Q. R. Dyantyi — Provinsiale Minister van Plaaslike Regering en Behuising**

**PROKLAMASIE DEUR DIE PREMIER VAN DIE WES-KAAP**

NO. 5/2008

**PROVINSIE WES-KAAP****KOMMISSIE VAN ONDERSOEK NA DIE MOONTLIKE VOORKOMS VAN BEDROG, KORRUPSIE, WANADMINISTRASIE, ERNSTIGE MISDRYWE OF ANDER ONWETTIGE OPTREDE IN DIE STAD KAAPSTAD EN DIE GEORGE-MUNISIPALITEIT**

Ek, EBRAHIM RASOOL, Premier van die Provinsie Wes-Kaap, stel, volgens die magte wat aan my verleen word deur artikel 127(2)(e) van die Grondwet van die Republiek van Suid-Afrika, 1996, wanneer dit saam met artikel 37(2)(e) van die Grondwet van die Wes-Kaap, 1997 (Wet 1 van 1998), en artikel 1 van die Wet op Wes-Kaapse Provinsiale Kommissies (Wet 10 van 1998) gelees word, hiermee 'n Kommissie van Onderzoek (hierna "die Kommissie" genoem) aan wat uit die volgende persone bestaan:

1. Die agbare Regter N.C. Erasmus, Voorsitter
2. Mnr. G. Papadakis
3. Me. H. Vermeulen

Verder wys ek mnr. Z Twala as Sekretaris van die Kommissie aan en mnr. F. Petersen om gedurende die verrigtinge die getuienis te lei.

Die aangeleentheid wat die Kommissie moet ondersoek en die opdrag aan die Kommissie is soos volg:

1. Om ondersoek in te stel na die agtergrond en die wetlikheid en regmatigheid van die ondersoek wat na bewering deur die Speaker van die Stad Kaapstad (hierna "die Stad" genoem) gemagtig is ingevolge item 13 van die Gedragskode vir Raadslede ten opsigte van Raadslid B.J. Chabab.
2. Om vas te stel of die Stad of amptenare van sy politieke en administratiewe kantoor hul vermoede van kriminele aktiwiteite deur Raadslid B.J. Chabab aangemeld het by die Suid-Afrikaanse Polisiediens.
3. Om vas te stel of die Stad vir George Fivaz en Vennote (GFA) of enige ander diensverskaffers betaal het vir werk wat in verband met die ondersoek na Raadslid B.J. Chabab gedoen is buite die aanstellingsbestek van die betrokke diensverskaffer.
4. Om vas te stel of enige ander diensverskaffers deur die Stad betrek is by enige aangeleentheid met betrekking tot bogenoemde ondersoek, en indien wel, wat die omvang van hul dienste was, wat die uitslag was van die werk wat deur die diensverskaffer(s) gedoen is en watter koste deur die Stad in hierdie opsig aangegaan is.
5. Om vas te stel en ondersoek in te stel of enige beleid of verordening van die Raad en/of sy politieke en administratiewe strukture oortree is gedurende die ondersoek.
6. Om vas te stel of die Stad betaal het vir werk wat namens 'n politieke party of partye gedoen is wat die Chabab-ondersoek soos deur die Speaker gemagtig, betref.
7. Om vas te stel of die kontrak deur die Stad en die GFA voorsiening maak vir die inwin van vertroulike inligting en/of vir elektroniese waarnemings en/of die monitering van raadslede en/of ander persone en of dit voorsien is, en indien wel, om vas te stel, of dit, volgens die Kommissie, wettig of 'n skending van die Konstitusie of die Handves van Menseregte was.
8. Om vas te stel of die onskendbaarheid van die gebied van die Stad Kaapstad se Munisipale Raad en/of die Provinsiale Parlement gedurende die uitvoering van die ondersoek wat na bewering deur die Speaker van die Stad gemagtig is, aangetas is.
9. Om vas te stel of amptenare van die Stad Kaapstad se politieke en administratiewe kantoor en/of amptenare en/of verteenwoordigers van politieke partye wat op die Raad van die Stad verteenwoordig word en/of enige ander persoon wat namens hulle optree, die bepaling van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, oortree het ten opsigte van Raadslid S. Arendse se bedanking as raadslid wat die Onafhanklike Demokrate verteenwoordig, en sy daaropvolgende herverkiesing as raadslid wat die Demokratiese Alliansie verteenwoordig.
10. Om vas te stel of Raadslid B.J. Chabab die bepaling van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, oortree het deur aan te bied en/of in te stem om raadslede in munisipaliteite regoor die Wes-Kaap wat by die New Peoples Party aansluit, te vergoed.
11. Om vas te stel of amptenare van die George-munisipaliteit se politieke en/of administratiewe kantoor en/of amptenare en/of verteenwoordigers van politieke partye wat op die Raad van die George-munisipaliteit verteenwoordig word en/of enige ander persoon wat namens hulle optree, die bepaling van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, oortree het ten opsigte van die betaling van geld aan raadslede en verwante aangeleenthede in die tydperk voor, gedurende en onmiddellik na die oorlooptydperk in September 2007.
12. Om te bepaal of die George-munisipaliteit betaal het vir die ondersoek gedoen deur GFA oor die oorsprong van 'n SMS wat na bewering deur Raadslid P. Hill van die Stad Kaapstad by die Demokratiese Alliansie se nasionale konferensie in 2007 gestuur is, en indien wel, om die wettigheid van so 'n betaling te ondersoek.

Die Voorsitter van die Kommissie moet teen **30 Junie 2008** 'n skriftelike verslag oor hul bevindings aan die Premier voorlê.

Die Kommissie van Onderzoek aangestel deur Proklamasie 18 van 2007 wat in *Provinsiale Koerant* 6485 van 4 Desember 2007 gepubliseer is, en wat deur Proklamasie 4/2008 herroep is, word geag ingevolge hierdie Proklamasie aangestel te wees en alles wat deur daardie Kommissie of onder sy beskerming gedoen word, word geag ooreenkomstig hierdie Proklamasie gedoen te wees.

Hiermee vaardig ek voort in die Bylae die regulasies met betrekking tot hierdie Kommissie uit.

Onderteken in Kaapstad op hierdie 19de dag van Maart 2008.

**E. Rasool — Premier**

**Q. R. Dyantyi — Provinsiale Minister van Plaaslike Regering en Behuising**

## BYLAE

## REGULASIES

1. In hierdie regulasies, tensy die konteks iets anders suggereer, beteken—
  - “Voorsitter” die Voorsitter van die Kommissie.
  - “Kommissie” beteken die Kommissie van Ondersoek na die Moontlike Voorkoms van Korrupsie, Bedrog of ander Ernstige Kriminele Oortredings in die Stad Kaapstad.
  - “dokument” sluit in —
    - (a) enige dokument of ander voorwerp waarop daar geskryf of geteken is;
    - (b) enige voorwerp waarvan inskripsies, klanke of tekeninge gereproduseer of herwin kan word; of
    - (c) enige elektronies bewaarde inligting wat oordraagbaar is.
  - “ondersoek” beteken die ondersoek wat deur die Kommissie uitgevoer word.
  - “lid” beteken ’n lid van die Kommissie.
  - “die Wet” beteken die Wet op die Wes-Kaapse Kommissie, 1998 (Wet 10 van 1998).
2. Die werksaamhede van die Kommissie sal aangeteken word op ’n wyse wat deur die Kommissie bepaal sal word.
3. Elke persoon wat in diens geneem is om funksies van die Kommissie te vervul, insluitend enigiemand wat aangestel of aangewys word om die verrigtinge van die Kommissie skriftelik of meganies af te neem of aan te teken, of wat in diens geneem is om die aantekeninge wat op hierdie wyse gemaak is, te transkribeer, moet help om vertroulikheid te handhaaf met betrekking tot enige aangeleentheid of inligting wat moontlik onder sy of haar aandag gekom het gedurende die uitvoering van sy of haar pligte in verband met die genoemde funksies, behalwe as die publiserings van sodanige aangeleentheid of inligting noodsaaklik vir die doeleindes van die verslag van die Kommissie is.
4. Geen persoon mag aan iemand anders enige aangeleentheid of inligting in verband met die ondersoek van die Kommissie wat onder sy of haar aandag gekom het, oordra, of toelaat of toestem dat enige ander persoon toegang verkry tot enige verslae van die Kommissie, behalwe as dit noodsaaklik is vir die uitvoering van sy of haar pligte met betrekking tot die funksies van die Kommissie of in opdrag van ’n bevoegde hof.
5. Die Voorsitter mag een kundige persoon of meer in ’n hoedanigheid wat verskil van dié van die lid, aanwys om die Kommissie by te staan in die uitvoering van sommige van sy funksies.
6. Terwyl enige persoon getuie is voor die Kommissie lewer en die algemene publiek verbied is of word om dié verrigtinge van die Kommissie by te woon, mag die Voorsitter op versoek van die betrokke gelaas dat niemand op enige manier die naam of die adres van hierdie persoon of inligting wat moontlik sy of haar identiteit kan openbaar, onthul nie.
7.
  - (1) Geen persoon wat voor die Kommissie verskyn, mag weier om enige vraag te beantwoord nie as die antwoord hom of haar kan inkrimineer of as hy of sy op ’n strafregtelike aanklag verhoor kan word en in sodanige verhoor deur die antwoord benadeel kan word.
  - (2) Geen getuie in verband met vrae en antwoorde wat in subregulasie (1) gesuggereer word en geen getuie in verband met enige feit of inligting wat aan die lig kom as gevolg van enige van hierdie vrae of antwoorde sal toelaatbaar wees in enige strafregtelike verrigtinge nie, behalwe in strafregtelike verrigtinge waar die betrokke persoon van ’n oortreding ingevolge artikel 4(3) van die Wet aangekla word.
8. Niemand mag die verslag of die voorlopige verslag van die Kommissie of ’n afskrif daarvan, of inligting oor die oorweging van getuie deur die Kommissie vir publikasie, publiseer of dit vir enigiemand anders gee nie, behalwe as dit noodsaaklik in die uitvoering van die opdrag van die Kommissie is, of voordat die publikasie van enige sodanige verslag deur die Premier goedgekeur is.
9. Niemand mag die Voorsitter of enige lid van die Kommissie beledig, verneder of kleiner, of bevooroordeel wees oor die verrigtinge of bevindings van die Kommissie nie.
10. Enigiemand wat ’n bepaling van regulasie 4, 7(1), 8 of 9 oortree of in gebreke bly om daaraan gehoor te gee, maak hom of haar skuldig aan ’n oortreding en sal by skuldigbevinding onderhewig wees aan ’n boete van minstens ses duisend rand of gevangenisstraf vir ’n tydperk van minstens ses maande of albei.

**UMPOSHO WENKULUMBUSO YEPHONDO LENTSHONA KOLONI****ONGUNOMBOLO 4/2008****IPHONDO LENTSHONA KOLONI****UKUBHANGISWA KOMPOSHO 18/2007**

UmPoposho 18/2007 owapapashwa kwiGazethi yePhondo engunombolo 6485 ngomhla wesi-4 kuDisemba ka-2007 ngenxa yoko uyabhangiswa.

Kutyikitywe eKapa ngalo mhla we 19 Matshi ku-2008.

**E. Rasool — INkulumbuso**

**Q. R. Dyantyi — UmPhathiswa womMandla nezeziNdlu kuRhulumentewePhondo**



**UMPOSHO OKHUTSHWA YINKULUMBUSO YENTSHONA KOLONI**

ONGUNOMBOLO: 5/2008

**IPHONDO LENTSHONA KOLONI**

IKHOMISHONI YOPHANDO NGOKLAWULO OLUGWENXA, UBUQHETSEBA NAKO NOKUPHI NA OKUNYE OKUYINKQUBO EGWENXA NOKUNINZI OKUNGEKHO MTHETHWENI KWISIXEKO SEKAPA NAKUMASIPALA WASEGEORGE

Mna, EBRAHIM RASOOL oyiNkulumbuso yePhondo leNtshona Koloni, ngokwamagunya endawanikwayo licandelo 127(2)(e) lomGaqo-siseko weRiphabhlikhi yoMzantsi-Afrika, 1996 ofundwa necandelo 37(2)(e) lomGaqo-siseko weNtshona Koloni, 1997 (umThetho 1 ka-1998) kunye necandelo 1 lomThetho weKhomishoni zePhondo leNtshona Koloni, 1998, (umThetho 10 ka-1998), bgenxa yoko ndinyula iKhomishoni yoPhando (“iKhomishoni”) ebandakanya aba bantu balandelayo:

1. Ohloniphekileyo uJaji N.C. Erasmus, uSihlalo
2. UMnu.G Papadakis
3. Nksk. H Vermeulen

Kananjalo ndikwanyula uMnu. Z Twala abe nguNobhala wale Khomishoni noMnu. F Petersen ukuba akhokele ukufunwa kobungqina kwiindibano zale Khomishoni.

Imi ngolu hlobo imibandela emayiphandwe yile Khomishoni nazezinye iindlela zayo zokukhangela:

1. Kukecebisa ngentsusa, ukunxulumana nemithetho nangokuba semthethweni kophando olugunyaziswayo ngokubonakalayo nguSomlomo wesiXeko saseKapa, (isiXeko) phantsi kwemiqathango yomHlathi 13 womGaqo wokuziPhatha kooCeba, igxininise ngakumbi kuCeba B.J. Chaaban.
2. Kufumaniswe ukuba ingaba isiXeko okanye amagosa aso anezikhundla zezopolitiko okanye zolawulo ayinikile na ingxelo kwiNkonzo yamaPolisa oMzantsi-Afrika ngako nakuphi na akukrokelayo okuzizenzo zolwaphulo-mthetho okwenziwa nguCeba B.J. Chaaban.
3. Kufumaniswe ukuba ingaba isiXeko sihlawulile na ngomsebenzi owenziwa ngabakwaGeorge Fivaz and Associates (GFA), okanye owenziwe nangowuphi na obonelelayo ngeenkonzo, ngokunxulumene nophando olungoCeba B.J. Chaaban okungadibenanga nokuqeshwa kwalowo unikezela ngeenkonzo.
4. Kufumaniswe ukuba ingaba bakhona na abanye abaniki beenkonzo abaye baqeshwa sisiXeko esi malunga nawo nawuphi na umba ophathelele kolu phando kuthiwa lwagunyaziswa, kuze kuthi ukuba kunjalo yayisithini na imihlaba yaloo nkonzo yabo, nokuba zazisithini na iziphumo zomsebenzi abawenzayo, nokuba isiXeko sadleka malini na ngalo mba.
5. Kukufumanisa nokucebisa ukuba ingaba kukho imigaqo-nkqubo yeKhansile okanye imithetho yedolophu okanye izigqeba zayo zolawulo okanye zopolitiko eyathi yazityeshela na ngexesha lolu phando.
6. Kukufumanisa ukuba ingaba isiXeko sahlawula na ngomsebenzi owenziwayo egameni leqela okanye lamaqela ezopolitiko malunga nophando olungoChaaban olwagunyaziswayo nguSomlomo.
7. Kukufumanisa ukuba ingaba ikhontraki phakathi kwabakwa-GFA nesiXeko inako na ekuqulathileyo ngokuqokelelwa kweenkcukacha nokucutshwa kooCeba nabanye abantu ngokusebenzisa izinto ezisebenza ngombane, ukuze ukuba kunjalo icebise ukuba ingaba, ngokweembono zeKhomishoni, oko kusemthethweni na okanye kutyeshelwe umGaqo-siseko okanye kutyeshelwe umThetho oYilwayo wamaLungelo oluntu.
8. Kukufumanisa ukuba ingaba ekusetyenzisweni kophando olugunyaziswe ngokubonakalayo nguSomlomo wesiXeko, waphulwe na umthetho ojongene nobungcwele beendawo ezibiyelweyo zeBhunga likaMasipala wesiXeko seKapa okanye zePalamente yePhondo.
9. Kukecebisa ukuba ingaba amagosa asezikhundleni zezopolitiko okanye ezolawulo esiXeko saseKapa okanye abameli bamaqela ezopolitiko abakwiKhansile yesiXeko okanye nawuphi na umntu osebenza egameni labo, uyaphule na imimiselo yomThetho ka-2004 wokuNqandwa nokuThintelwa kweZenzo zokuQhetseba, ngokuphathelele ekusishiyeni kwakhe isikhundla sakhe uS. Arendse njengoCeba obemele i-Independent Democrats kunye nokuphinda kwa khe anyulwe njengoCeba omele i-Democratic Alliance.
10. Kukecebisa ukuba ingaba uCeba B.J. Chaaban uyaphule na imimiselo yomThetho ka-2004 yokuNqandwa nokuThintelwa kweZenzo zobuQhetseba ngokunikezela nangokuvuma ukubonelela ngokwaneliswa kooCeba ukuze bazibandakanye ne-New Peoples Party kooMasipala bonke beNtshona Koloni.
11. Kukecebisa ukuba ingaba amagosa asezikhundleni zezopolitiko okanye ezolawulo loMasipala waseGeorge namameli bamaqela ezopolitiko ebengabameli kwiBhunga likaMasipala waseGeorge okanye nawuphi na umntu ebesebenza egameni labo, uyaphule na imimiselo yomThetho ka-2004 wokuNqandwa nokuThintelwa kobuQhetseba ngokubhekiselele kwintlawulo yemali eya kooCeba nakweminye imicimbi enxulumene noko bekusenziwa, ngelo xesha namsinyane emva kwexesha lokuwelela kwamanye amaqela ngoSeptemba wonyaka ka-2007.
12. Kukufumanisa ukuba ingaba uMasipala waseGeorge uluhlawulele na uphando olwenziwayo ngabakwa-GFA ngokumalunga nentsukaphi yomyalezo ofinyezizwayo (“sms”) ekukholelwa ekubeni wajikeleziswa nguCeba P. Hill wesiXeko saseKapa kwinkongolo kazwelonke ye-Democratic Alliance ngonyaka ka-2007, yaye ukuba kunjalo, makucetyiswe ukuba intlawulo elolo hlobo yayisemthethweni na.

USihlalo weKhomishoni kufuneka angenise ingxelo ebhaliweyo kwiNkulumbuso ngako konke okufunyenweyo ngomhla wama-30 ngoJuni ka-2008.

IKhomishoni yoPhando eyasekwa ngeProclamation 18 ka-2007 eyapapashwa kwiGazethi yePhondo engunombolo 6485 ngomhla wesi-4 ngoDisemba ka-2007 neyabhangiswa yiProclamation 4/2008 iya kuthathwa njengesekiweyo ngokuphathelele kule Proclamation yaye yonke inyo eyenziwe yilaa Khomishoni okanye phantsi kwemiqathango yayo, iya kuthathwa njengeyenziwayo ngokumalunga nale Proclamation. Kananjalo, ngenxa yoko ndibeka imiqathango kwiShedyuli ngokumalunga nale Khomishoni.

Ityikitye eKapa ngalo mhla we 19 Matshi kunyaka ka-2008.

**E. Rasool — INkulumbuso**

**Q. R. Dyantyi — UmPhathiswa womMandla nezeziNdlu kuRhulumente wePhondo**

**ISHEDYULI**

**IMIQATHANGO**

1. Kule miqathango, ngaphandle kwalapho indlela elisetyenziswe ngayo eli gama ilinika enye intsingiselo—
 

“uSihlalo” uthetha umHlali-ngaphambili weKhomishoni;

“IKhomishoni” ibhekiselele kwiKhomishoni yoPhando ngeZenzo zeNkohlakalo, ngobuQhetseba okanye nangoluphi na ulwaPhulo-mthetho oluXhomisa amehlo kwisiXeko saseKapa;

“uxwebhu” lubandakanya—

  - (a) Nalo naliphi na iphepha okanye enye into ekubhaliweyo kuyo ekuklho imibhalo okanye imizobo kuyo;
  - (b) Nayiphina into ekunokukotshwa kuyo okanye kuthathwe umbhalo, isandi okanye imizobo; okanye
  - (c) Nazo naziphi na iinkcukacha ezigcinwe kwinto esebenza ngombane nezinokukhupheleka.

“uphando” lubhekiselele kuphando oluqhutywa yile Khomishoni;

“ilingu” libhekiselele kuwolo ulilungu lale Khomishoni;

“umThetho” ubhekisa kumthetho oyiWestern Cape Provincial Commission Act, 1998 (umThetho 10 ka-1998).
2. Iingoxo zale Khomishoni kufuneka zirekhodwe ngohlobo egqibe ngalo iKhomishoni.
3. Wonke umntu oweshelwe ukwenza umsebenzi weKhomishoni, kuqkwa naye nawuphi na umntu oqeshelwe okanye okhethelwe ukubhala phantsi okanye ukurekhodisha iingxoxo zale Khomishoni ngokubhala okanye nokuba kungento engumatshini, okanye oqeshelwe ukukhuphelela ngokubhala okurekhodishiweyo ngomatshini, makancede ngokugcina isifuba sakhe ngawo nawuphi na umbandela okanye nagazo naziphi na iinkcukacha anokuzazi ngenxa yokuba esenza le misebenzi ikhankanyiweyo, ngaphandle kokuba loo mbandela okanye ezo nkcukacha kufuneka zifakwe kwingxelo yale Khomishoni.
4. Akukho mntu uvumelekileyo ukuba axelele nawuphi na umntu ngawo nawuphi na umbandela okanye ngazo naziphi na iinkcukacha ezinokwaziwa ngokumalunga nophando lweKhomishoni, okanye abandezeleke okanye avumele nawuphi na umntu ekufikeleleni kwiirekhodi zale Khomishoni, ngaphandle kokuba kukho imfuneko kwicala lomsebenzi wabo ngokumalunga nenkqubo yeKhomishoni okanye ngegunya lobuchule benkundla.
5. USihlalo angakhethe umntu omnye okanye abangaphezu kwesinye abanolwazi bancede iKhomishoni kweminye yemisebenzi yayo, kwisikhundla esingaphantsi kweso selungu elo.
6. Apho, naxesha liphi na umntu abunikayo ubungqina phambi kweKhomishoni, abantu ngokubanzi bengavunyelwanga ukuba babekho kwiingxoxo zeKhomishoni, uSihlalo anganakho, ngokucelwa ngulowo mntu, usenokukhupha umyalelo wokuba kungabikho namnye umntu olixelayo, nangaluphi na uhlobo, igama ne-adresi yaloo mntu, okanye naziphi na iinkcukacha ezinokujmxela ukuba ungubani kanye loo mntu.
7.
  - (1) Akukho mntu uzokubela phambi kwale Khomishoni unokwala ukuphendula nawuphi na umbuzo kuba esithi ukuwuphendula kwakhe kungambeka ityala okanye angabanjelwa ulwaphulo-mthetho okanye makavavanyelwe ityala yaye angabopheleleka xa kuxoxwa ngenxa yokuphendula kwakhe.
  - (2) Akukho bungqina busuka kwimibuzo okanye kwiimpindulo ekubhekiswa kuyo kumhlathana (1) kwaye kungekho nabuphi na ubungqina obuya kwamkeleka obuphathelele kuyo nayiphi na into okanye kwiinkcukacha ezithe zavela ngenxa yaloo mibuzo nezo mpindulo, xa kuxoxwa ityala xa umntu ebanjelwe ulwaphulo-mthetho, ngaphandle kokuba umntu lowo ubanjelwa ulwaphulo-mthetho phantsi kwemiqathango yecandelo 4(3) lalo mThetho.
8. Akukho mntu uya kupapasha okanye anike omnye umntu ingxelo okanye nayiphi na ingxelo yexeshana yale Khomishoni okanye okanye ikopi yayo okanye naziphi na iinkcukacha ezimalunga nengqwalasela yobungqina beKhomishoni kusenzelwa upapasho, ngaphandle kokuba oko kuyimfuneko ekuqhutyweni komsebenzi ogunyaziswe yile Khomishoni, okanye phambi kokuba upapasho lwaloo ngxelo luvunyele yiNkulumbuso yePhondo.
9. Akukho mntu uya kuthuka, uya kunyemba okanye uya kutshabhiswa uSihlalo okanye naliphi na ilungu leKhomishoni okanye anyelise inkqubo okanye iziphumo zale Khomishoni.
10. Nawuphi na umntu otyeshelayo okanye osilelayo ekuthobeleni imiqathango yomhlathi 4, 7(1), 8 okanye 9 uyakuba netyala lolwaphulo-mthetho kwaye uya kugwetyelwa ifayini engagqithanga kumashumi amathandathu eeRandi okanye uya kugwetyelwa ukuthothoza etrongweni ixesha elingagqithanga ezinyangeni ezintandathu okanye uya kuzifumana zobini ezo zigwebo.



