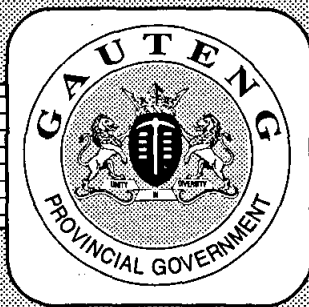


THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Selling price: R1,75 ◊ Other countries: R2,25
Verkoopprys: R1,75 ◊ Buitelands: R2,25

Vol. 1

PRETORIA, 6 NOVEMBER 1995

No. 102

GENERAL NOTICES · ALGEMENE KENNISGEWINGS

NOTICE 4243 OF 1995

PROVINCE OF GAUTENG

DELEGATION OF FUNCTIONS BILL

(as introduced)

2 bills

MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR

BILL

To provide for the delegation of functions by a competent authority and for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:-

Definitions

1. In this Act, unless the context indicates otherwise -

"Act of the Province" means an Act passed by the Provincial Legislature or any law the administration of which has been assigned to a competent authority within the jurisdiction of the government of the Province under section 235(8) of the Constitution;

"competent authority", in relation to an Act of the Province, means the member of the Executive Council entrusted with the administration of such Act in terms of that Act or the Constitution;

"Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

Delegation of functions by competent authority

2.(1) Unless a contrary intention appears from an Act of the Province, the

competent authority concerned may, on such conditions as he or she may determine, in writing authorize -

- (a) any officer or employee, or an officer or employee of a particular rank, in the Provincial Administration; or
- (b) any institution or body in the Province established by law,

to exercise any power or to perform any duty conferred or imposed on such competent authority by or in terms of that Act, excluding the power to issue proclamations or regulations.

(2) A competent authority who has granted an authority under subsection (1) shall not be prevented from performing the function concerned himself or herself, and may at any time in writing withdraw such authority.

Repeal of Ordinance No. 20 of 1945

3. The Delegation of Powers Ordinance, 1945 (Ordinance No. 20 of 1945), is hereby repealed.

Short title and commencement

4. This Act shall be called the Delegation of Functions Act, 1995, and shall be deemed to have come into operation on 17 June 1994.

KENNISGEWING 4243 VAN 1995

PROVINSIE GAUTENG

WETSONTWERP OP DELEGASIE VAN WERKSAAMHEDE

(soos ingedien)

LID VAN DIE UITVOERENDE RAAD VERANTWOORDELIK VIR

WETSONTWERP

Om voorsiening te maak vir die delegasie van werksaamhede deur 'n bevoegde gesag en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Gauteng,
soos volg:-

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken -

"bevoegde gesag" met betrekking tot 'n Wet van die Provinsie, die lid van die Uitvoerende Raad aan wie die Administrasie van sodanige Wet toevertrou is kragtens daardie Wet of die Grondwet;

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

"Wet van die Provinsie" 'n Wet aangeneem deur die Provinsiale Wetgewer of 'n wet waarvan die uitvoering ingevolge artikel 235(8) van die Grondwet aan 'n

bevoegde gesag binne die regsbevoegdheid van die regering van die Provinsie
opgedra is.

Delegasie van werksaamhede deur bevoegde gesag

2.(1) Tensy 'n teenstrydige bedoeling uit 'n Wet van die Provinsie blyk, kan die
betrokke bevoegde gesag op dié voorwaardes wat hy of sy bepaal, skriftelik -

(a) enige beampste of werknemer, of 'n beampste of werknemer van 'n besondere
rang, in die Provinsiale Administrasie; of

(b) enige instelling of liggaam in die Provinsie by wet ingestel,

magtig om enige bevoegdheid uit te oefen, of om enige plig te verrig, wat aan
sodanige bevoegde gesag by of ingevolge daardie Wet verleen of opgelê is,
uitgesonderd die bevoegdheid om proklamasies of regulasies uit te vaardig.

(2) 'n Bevoegde gesag wat 'n magtiging kragtens subartikel (1) verleen het,
word nie belet om die betrokke werksaamheid homself of haarself uit te voer
nie, en kan te eniger tyd skriftelik sodanige magtiging terugtrek.

Herroeping van Ordonnansie No. 20 van 1945

3. Die Ordonnansie insake die Opdrag van Bevoegdhe, 1945 (Ordonnansie No. 20 van 1945), word hierby herroep.

Kort titel en inwerkingtreding

4. Hierdie Wet heet die Wet op die Delegasie van Werkzaamhede, 1995, en word geag op 17 Junie 1994 in werking te getree het.

NOTICE 4243 OF 1995

I PROVINSI YASE-GAUTENG

UMTHETHO-SIVIVINYWA WOKWABIWA KWAMAGUNYA OKWENZA IMISEBENZI

(njengoba wethuliwe)

ILUNGA LEKHABHINETHI YEPROVINSI KWEZE-

UMTHETHO-SIVIVINYWA

Ukulungiselela ukwabiwa kwamandla okwenza imisebenzi ethize ziphathi-mandla ezinamagunya (delegation of functions by a competent authority), kanye nezinto eziphathelene nalokho.

NGAKHOKE, KWENZIWA UMTHETHO, yiProvinsi yase-Gauteng, ngokulandelayo:-

Izincazelo (amadefenishini)

1. Kule-Act (uMthetho wePhalamende), ngaphandle kokuba kubekwe ngenye indlela ngaphakathi -

I-Act yeProvinsi, ichaza i-Act ephasiswe yiPhalamende yeProvinsi noma yimuphi omunye umthetho, ukuqhutshwa kwawo, okunikezwe iziphathi-mandla ezithile, ngegunya likahulumeni weProvinsi, ngaphansi kukasekshini 235(8) woMthetho-sisekelo;

"Iziphathi-mandla ezinamagunya", maqondana ne-Act yeProvinsi, kuchaza iKhabhinethi yeProvinsi, enegunya lokuqhuba leyo-Act, ngokulandela leyo-Act, noma uMthetho-sisekelo;

"Umthetho-sisekelo" uchaza uMthetho-sisekelo weRiphabliki yeNingizimu Afrika, ka 1993 (Act No. 200 ka 1993).

Ukunikezelwa kwamandla okwenza imisebenzi kuziphathi-mandla ezinamagunya

- 2.(1) Ngaphandle kokuba kunenhloso ephikisayo kule-Act yeProvinsi, isiphathi-mandla esinamagunya (competent authority), kungathi ngaphansi kwezimo ezingabonwa yiso, ngokubhala phansi, sigunyaze -

- (a) i-ofisa noma isikhulu esithile (officer), noma umqashwa (employee), noma i-ofisa enesikhundla esithize, okukanye umqashwa onesikhundla esithize; okukanye
- (b) i-institushini (isikhungo) esithize, okukanye inhlango ethize kuProvinsi, futhi esungulwe ngokomthetho,

ukuthi zisebenzise amagunya, okukanye ukwenza umsebenzi, onikezwe leso siphathi-mandla, ngokwaleyo-Act, lokhu kungabandakanyi amandla okukhipha izaziso zomthetho (amaproklameshini), noma amareguleshini.

- (2) Isiphathi-mandla esinamandla, esinikezele ngamagunya njengoba kubekiwe kusabsekshini (1), ngeke sivinjelwe ukwenza imisebenzi yaso, kanti futhi kungathi noma ngasiphi isikhathi, sihoxise lawo magunya ngokubhala phansi.

Ukususwa kwe-Ordinance No. 20 of 1945

3. Ukunikezwa kwamagunya ngaphansi kwe-Ordinance, 1945 (Ordinance No 20. of 1945) kuyasuswa.

Isihloko esifishane kanye nokusungula ukusebenza

4. Le-Act, iyobizwa ngokuthi yi-Act, yokwabiwa kwamagunya okwenza imisebenzi, ka 1995 (Delegation of Functions Act, 1995), kanti futhi iyothathwa ngokuthi isungule ukusebenza mhlaka 17 kuJuni 1994

NOTICE 4243 OF 1995

PROFENSI YA GAUTENG

MOLAO-TŠHITŠHINYO WA PHETIŠETŠO YA MEŠOMO

(bjale ka ge o hlagišitšwe)

LELOKO LA KHANSELE PHETHIŠI LEO LE LEBANEGO LE ...

N. Sotho

MOLAO-TŠHITŠHINYO

Go beakantšhetša phetišetšo ya mešomo ke bolaodi bjoo bo nago le maatla a go dira bjalo le merero eo e phetišetšo.

O FETIŠWA ke Lekgotlatheramolao la Profensi ya Gauteng ka tsela ye e latelago:

Dihlalošo

1. Mo Molaong (Act) wo, ntle le ge kamano e bontšha ka tsela e nngwe -

"Molao (Act) wa Profensi" go ra gore Molao wo o fetišitšwego ke Lekgotlatheramolao la Profensi, goba tshepedišo ya molao ofe goba ofe eo e filwego bolaodi bjo bo nago le maatla ka gare ga mellwane ya mmušo wa Profensi ka tlase ga karolo ya 235(8) ya Molaotheo.

"Bolaodi bjo bo nago le maatla" mabapi le Molao wa Profensi, go lebišitšwe go leloko la Khansele Phethiši leo le rwešitšwego tshepedišo ya Molao oo ka go latela Molao goba Molaotheo.

"Molaotheo" go ra gore Molaotheo wa Ripabliki ya Afrika Borwa, wa 1993 (Act No. 200 of 1993).

Phetišetšo ya mešomo ke bolaodi bjo bo nago le maatla a go dira bjalo

2.(1) Ntle le ge go bonagala go na le maikemišetšo ao a lego kgahlanong ka gare ga Molao wa Profensi, bolaodi bjo bo nago le maatla, bjo bo amegago, bo ka re ka tlase ga mabaka ao bo a beago bja dumelela, ka lengwalo-

(a) mohlankedi goba modiredi ofe goba ofe, goba mohlankedi goba modiredi ofe goba ofe wa renke e itšego ka gare ga Tshepedišo ya Profensi; goba

(b) institušene goba sebopego sefe goba sefe seo se hlomilwego go ya ka molao ka gare ga Profensi,

gore se phethagatše maatla afe goba afe, goba mošomo ofe goba ofe oo o filwego goba o rwešitšwego bolaodi bjoo bo nago le maatla, ke Molao goba ka go latela wona, go sa akaretšwe maatla a go hlagiša diproklamešene goba melawana ya tshepedišo.

(2) Bolaodi bjo bo nago le maatla, bjoo bo fanego ka tumelelo ka tlase ga karolwana ya (1), bo ka se thibelwe go phethagatša mošomo wo o amegago ka bo bjona, mme nakong efe goba efe bo ka gomiša phetišetšo eo.

N. Sotho

Phedišo ya Odinense e e tsebjago bjalo ka *Ordinance No. 20 of 1945*

3. Odinense e e tsebjago bjalo ka *Delegation of Powers Ordinance, 1945 (Ordinance No. 20 of 1945)*, e a fedišwa.

Leina ka boripana le letšatši la go thoma go šoma

4. Molao wo, o tla tsebja bjalo ka Molao wa Phetišetšo ya mešomo, wa 1995 (the Delegation of Functions Act, 1995), mme o tla tšewa o thomile go šoma go tlogela ka di 17 Juni 1994.

NOTICE 4244 OF 1995

PROVINCE OF GAUTENG

PROVINCIAL COMMISSIONS BILL

(as introduced)

MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL GOVERNMENT

BILL

To make provision for the functions of commissions of enquiry appointed by the Premier, and to provide for incidental matters.

BE IT ENACTED by the Provincial Legislature of the Province of Gauteng, as follows:-

Definitions

1. In this Act, unless the context indicates otherwise -

"chairperson" in relation to a commission, means the chairperson of that commission designated under section 2(1)(e);

"commission" means a commission of enquiry appointed under section 147(1)(d) of the Constitution;

"Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);

"Premier" means the Premier of the Province acting in accordance with section 147(2) of the Constitution;

"Province" means the Province of Gauteng;

"Supreme Court" means the Supreme Court of South Africa.

Proclamation by Premier

2.(1) Whenever the Premier has appointed a commission, he or she may, by proclamation in the *Provincial Gazette* -

(a) declare the provisions of this Act or any other law to be applicable to such commission, subject to such modifications and exceptions as he or she may specify in such proclamation;

(b) define the matter to be investigated by the commission and its other terms of reference;

(c) make regulations -

(i) conferring additional powers on the commission;

- (ii) providing for the procedure to be followed at the investigation and for the preservation of secrecy; and
 - (iii) providing generally for all matters which he or she considers necessary or expedient to prescribe for the purposes of the investigation;
- (d) appoint a secretary to the commission, and such other officials as he or she may deem necessary to assist the commission;
- (e) designate any member of the commission as the chairperson of that commission; and
- (f) reconstitute or terminate the commission.

(2) Any regulation made under subsection (1)(c) may provide for penalties for any contravention thereof or failure to comply therewith, by way of a fine or imprisonment for a period not exceeding six months.

(3) Subject to section 11, a member or an official of a commission who is not in the full-time employment of the State may be paid such remuneration, allowances and expenses as may be determined by the Premier.

Sittings of Commission

3.(1) A commission may sit at any time and place in the Province determined by the chairperson, for the purpose of hearing evidence or addresses or of deliberating.

(2) Unless the chairperson for good reasons decides otherwise, all evidence and addresses shall be heard by a commission in public, and the chairperson shall give notice thereof in such manner as he or she may determine.

Witnesses

4.(1) For the purpose of ascertaining any matter relating to the subject of its investigation, a commission shall have the powers which the Supreme Court has within the Province -

- (a) to subpoena any person to attend a sitting of the commission in order to give evidence, or produce any

book, document or object, before the commission at the time and place specified in the subpoena; and

(b) to call as a witness any person present at a sitting of the commission and -

(i) cause an oath or affirmation to be administered to him or her;

(ii) examine him or her; and

(iii) call him or her to produce any book, document or object.

(2) A subpoena contemplated in subsection (1)(a) shall be signed and issued by the secretary of the commission, and shall be served by the secretary, or any person authorized by the secretary to do so, in the same manner as a subpoena for the attendance of a witness at a criminal trial in the Supreme Court.

(3) If required by the chairperson to do so, a witness shall, before giving evidence, take an oath or make an affirmation administered by the chairperson or such official of the commission as the chairperson may designate.

(4) Any person who has been subpoenaed to attend any sitting of a commission as a witness or has given evidence before a commission shall be entitled to the same witness fees as if he or she had been subpoenaed to attend, or had given evidence at, a criminal trial in the Supreme Court held at the place of such sitting.

Offences by witnesses

5.(1) Any person subpoenaed under section 4(1)(a), read with section 4(2), who, without sufficient cause -

- (a) fails to attend at the time and place specified in the subpoena; or
- (b) fails to remain in attendance until the completion of the investigation before the commission or until he or she is excused by the chairperson from further attendance,

shall be guilty of an offence.

(2) Any person called as a witness under section 4(1)(b) who, without sufficient cause -

- (a) refuses to be sworn or to make an affirmation as a witness

after he or she has been required by the chairperson to do so;

(b) having been sworn or having made an affirmation, fails to answer fully and satisfactorily any question lawfully put to him or her; or

(c) fails to produce any book, document or object in his or her possession or custody or under his or her control, which he or she has been called to produce,

shall be guilty of an offence.

(3) Any witness who, after having been sworn or having made an affirmation, gives false evidence before a commission on any matter, knowing such evidence to be false or not believing it to be true, shall be guilty of an offence.

(4) Any person convicted of an offence in terms of subsection (1), (2) or (3) shall be liable to a fine or to imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment.

Offences in respect of witnesses

6. Any person who -

- (a) procures, induces, intimidates, corrupts or bribes any witness to refrain from giving evidence or to give false evidence before a commission;
- (b) by any means or contrivance whatsoever keeps a witness away from any sitting of a commission; or
- (c) destroys or conceals any book, document or object which to his or her knowledge might be of assistance to a commission in any matter relating to the subject of its investigation,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment.

Obstructing commission prohibited

7. Any person who, at any sitting of a commission, wilfully -

- (a) interrupts the proceedings of a commission;
- (b) hinders or obstructs a commission in the performance of its functions; or
- (c) disturbs the peace and order of such proceedings,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Report of commission

8.(1)(a) A commission shall report in writing to the Premier in accordance with its terms of reference, but not later than 12 months after its appointment or such further period as may be granted by the Premier on the written request of the commission.

(b) Any disagreement among the members of a commission shall be stated in such report.

(2) Any person who, without the consent of the Premier or the commission furnishes a copy of the report of a commission, or any part thereof, to any other person before the expiration of a period of 14 days

after it has been submitted to the Premier shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Certain evidence not to be divulged

9. Any person appointed to assist a commission who, without the consent of the commission or the Premier or otherwise than in the discharge of his or her duties to such commission, divulges to any other person any evidence given at a sitting of such commission which is not open to the public, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

Rules for regulating proceedings

10. A commission may, subject to the provisions of this Act, make such rules for its own guidance on the conduct and management of its proceedings as it may determine.

Cost of commission

11. The remuneration, allowances and expenses of a member or an official contemplated in section 2(3), the witness fees contemplated in

section 4(4) and all other costs which the Premier regards necessary for the proper performance by the commission of its functions, shall be paid out of money appropriated for that purpose by the Provincial Legislature, unless the person, local authority or other body who asked for such commission has, before the appointment of the commission, agreed with the Premier to pay all or a portion of such costs.

Repeal of Ordinance 9 of 1960

12.(1) Subject to subsection (2), the Commissions of Inquiry Ordinance, 1960 (Ordinance No. 9 of 1960), is hereby repealed.

(2) Any commission appointed under the said Ordinance before the commencement of this Act may be continued under that Ordinance in so far as it is not in conflict with the Constitution.

Short title

13. This Act shall be called the Provincial Commissions Act, 1995.

KENNISGEWING 4244 VAN 1995

PROVINSIE VAN GAUTENG

WETSONTWERP OP PROVINSIALE KOMMISSIES

(soos voorgestel)

LID VAN DIE UITVOERENDE RAAD VERANTWOORDELIK VIR PLAASLIKE REGERING

WETSONTWERP

Om voorsiening te maak vir die funksie van kommissies van ondersoek aangestel deur die Premier, en vir aangeleenthede wat daarmee in verband staan.

WORD DIT BEPAAL deur die Provinsiale Wetgewer van die Provinsie van Gauteng, soos volg:-

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken-

"Grondwet" die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);

"Hooggeregshof" die Hooggeregshof van Suid-Afrika;

"kommissie" 'n kommissie van ondersoek aangestel kragtens artikel 147(1)(d) van die Grondwet;

"Premier" die Premier van die Provinsie handelende in ooreenstemming met artikel 147(2) van die Grondwet;

"Provinsie" die Provinsie van Gauteng;

"voorsitter" met betrekking tot 'n kommissie, 'n voorsitter van daardie kommissie aangewys kragtens artikel 2(1)(e).

Proklamasie deur Premier

2. (1) Wanneer die Premier 'n kommissie aangestel het, kan hy of sy, by proklamasie in die *Provinsiale Koerant*-

(a) verklaar dat die bepalings van hierdie Wet of enige ander wet toepaslik is op sodanige kommissie, onderhewig aan sodanige veranderings en uitsonderings wat hy of sy kan spesifiseer in sodanige proklamasie;

(b) definieer die aangeleentheid wat ondersoek word deur die kommissie en sy ander opdragte;

(c) regulasies uitgevaardig-

(i) wat addisionele magte aan die kommissie toeken;

(ii) wat voorsiening maak vir die prosedure wat gevolg moet word by die ondersoek en vir die handhawing van geheimhouding; en

(iii) wat in die algemeen voorsiening maak vir alle aangeleenthede wat hy of sy noodsaaklik

of wenslik ag om vir die doeleindes van die ondersoek voor te skryf;

- (d) 'n sekretaris aanstel vir die kommissie, en sodanige ander amptenare wat hy of sy noodsaalik kan ag om die kommissie by te staan;
- (e) enige lid van die kommissie as die voorsitter van daardie kommissie aanwys; en
- (f) die kommissie herkonstitueer of beëindig.

(2) Enige regulasie gemaak kragtens subartikel 1(c) kan voorsiening maak vir strawwe vir enige oortreding daarvan of versuim om daaraan gehoor te gee, by wyse van 'n boete of gevangenisstraf vir 'n tydperk wat nie ses maande oorskry nie.

(3) Onderhewig aan artikel 11, kan 'n lid of 'n beampste van die kommissie wat nie in die voltydse diens van die Staat is nie, sodanige vergoeding, toelaes en uitgawes betaal word as wat vasgestel kan word deur die Premier.

Sittings van die Kommissie

3. (1) 'n Kommissie kan te enige tyd en plek in die Provinsie sit soos bepaal deur die voorsitter vir doeleindes van die aanhoor van getuienis of pleidooie of vir beraadslaging.

(2) Tensy die voorsitter as gevolg van goeie redes anders besluit, moet alle getuienisse en pleidooie in die openbaar deur die kommissie gehoor word, en moet die voorsitter kennis daarvan gee op 'n manier as wat hy of sy kan bepaal.

Getuies

4. (1) Ten einde enige aangeleentheid vas te stel betreffende die onderwerp wat ondersoek word, het 'n kommissie die bevoegdheid wat 'n Hooggeregshof in die Provinsie het-

(a) om enige persoon te dagvaar om 'n sitting van die kommissie by te woon om getuienis te lewer, of die voorlegging van enige boek, dokument of voorwerp voor die kommissie op die tyd en plek in die dagvaarding gespesifiseer; en

(b) om enige persoon wat by 'n sitting van die kommissie teenwoordig is as 'n getuie te roep en-

(i) te bewerkstellig dat 'n eed of bevestiging van hom of haar afgeneem word;

(ii) hom of haar te ondervra; en

- (iii) hom of haar versoek om enige boek, dokument of objek voor te lê.

(2) 'n Dagvaarding bedoel in subartikel (1)(a) moet geteken en uitgereik word deur die sekretaris van die kommissie, en moet beteken word deur die sekretaris, of enige ander persoon wat deur die sekretaris gemagtig is om dit te doen, op dieselfde manier as 'n dagvaarding van 'n getuie om 'n kriminele verhoor in die Hooggeregshof by te woon.

(3) As 'n voorsitter dit vereis, moet die getuie voordat getuienis gelewer word 'n eed neem of 'n bevestiging aflê soos opgelê deur die voorsitter of sodanige amptenaar van die kommissie as wat die voorsitter mag aanwys.

(4) Enige persoon wat gedagvaar is om enige sitting van die kommissie as 'n getuie by te woon of wat getuienis gelewer het voor die kommissie is geregtig op dieselfde getuiefooie asof hy of sy gedagvaar was om 'n kriminele verhoor gehou in die Hooggeregshof by die plek van sodanige sitting by te woon of getuienis te lewer.

Oortredings deur getuies

5. (1) Enige persoon gedagvaar kragtens artikel 4(1)(a), gelees met artikel 4(2), wat sonder voldoende rede:-

- (a) versuim om teenwoordig te wees op die tyd en plek in die dagvaarding vermeld; of
- (b) versuim om teenwoordig te bly tot die ondersoek voor die kommissie afgeloop het of totdat hy of sy deur die voorsitter van verdere bywoning verskoon is,

is skuldig aan 'n misdryf.

(2) Enige persoon geroep as 'n getuie kragtens artikel 4(1)(b) wat sonder voldoende rede-

- (a) weier om as 'n getuie die eed af te lê of 'n bevestiging te maak, nadat hy of sy deur die voorsitter van die kommissie versoek is om dit te doen;
- (b) nadat hy of sy die eed afgelê of die bevestiging gemaak het, in gebreke bly om enige vraag wettiglik aan hom of haar gestel, volledig en bevredigend te antwoord;
- (c) in gebreke bly om enige boek, dokument of voorwerp in sy of haar besit of bewaring of onder sy of haar beheer oor te lê wat hy of sy gevra is om te lê,

is skuldig aan 'n misdryf.

(3) Enige getuie wat, na inswering of afneming van 'n bevestiging, valse getuienis lewer voor 'n kommissie rakende enige aangeleentheid, wetende dat sodanige getuienis vals is of nie glo dat dit waar is nie, is skuldig aan 'n misdryf.

(4) Enige persoon wat skuldig bevind is van 'n misdryf ingevolge subartikel (1), (2) of (3) kan gevonnissen word met 'n boete of met gevangenisstraf vir 'n tydperk van nie langer as 12 maande nie of beide sodanig boete en gevangenisstraf.

Misdrywe in verband met getuies

6. Enige persoon wat-

- (a) 'n getuie verkry, uitlok, intimideer, verlei of omkoop om na te laat om getuienis af te lê of om valse getuienis voor 'n kommissie af te lê;
- (b) by enige middel of set hoegenaamd 'n getuie weg hou van 'n sitting van 'n kommissie; of
- (c) enige boek, dokument of voorwerp wat tot sy of haar wete van hulp kan wees vir 'n kommissie in enige aangeleentheid wat in verband staan met die onderwerp van die ondersoek weg te steek of te vernietig,

is skuldig aan 'n misdryf en is strafbaar by skuldigbevinding aan 'n boete of gevangenisstraf wat nie 'n tydperk van 12 maande oorskry nie, of beide sodanige boete en gevangenisstraf.

Belemmering van 'n kommissie verbied

7. Enige persoon wat opsetlik by 'n sitting van 'n kommissie-

- (a) die verrigtinge van 'n kommissie onderbreek;
- (b) 'n kommissie hinder of belemmer by die vervulling van sy funksies; of
- (c) die vrede en ordelikheid van sulke verrigtinge steur,

is skuldig aan 'n misdryf en is strafbaar by skuldigbevinding met 'n boete of gevangenisstraf vir 'n tydperk wat nie 6 maande oorskry nie, of beide sodanige boete en gevangenisstraf.

Verslag van kommissie

8. (1) (a) 'n Kommissie moet skriftelik in ooreenstemming met sy opdrag maar nie later as 12 maande na sy aanstelling of

sodanige verlengende tydperk soos wat toegestaan kan word deur die Premier by die skriftelike versoek van die kommissie, verslag aan die Premier doen.

(b) Enige meningsverskil tussen die lede van die kommissie moet vervat word in sodanige verslag.

(2) Enige persoon sonder die toestemming van die Premier of die kommissie 'n afskrif van die verslag van die kommissie, of enige gedeelte daarvan aan iemand anders verstrek voor 'n tydperk van 14 dae verstryk het nadat dit aan die Premier voorgelê is skuldig aan 'n misdryf en is strafbaar by skuldigbevinding met 'n boete of gevangenisstraf wat nie 'n tydperk van ses maande oorskry nie of beide sodanige boete en gevangenisstraf.

Sekere getuienis moet nie openbaar gemaak word nie

9. Enige persoon aangestel om 'n kommissie behulpsaam te wees wat, sonder die toestemming van die kommissie of die Premier of andersins as in die uitvoering van sy of haar pligte teenoor die kommissie, enige getuienis afgelê by sitting van sodanige kommissie wat nie vir die publiek toeganklik was nie, aan iemand anders openbaar, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf wat nie 'n tydperk van twee jaar oorskry nie, of met beide sodanige boete en gevangenisstraf.

Reëls om verrigtinge te kontroleer

10. 'n Kommissie kan, behoudens die bepalings van hierdie Wet, sodanige reëls maak vir hulle eie leiding en die bestuur en beheer van sy verrigtinge as wat hulle mag bepaal.

Koste van kommissie

11. Die besoldiging, toelaes en reiskoste van 'n lid of 'n beampete van 'n kommissie soos bedoel in artikel 2(3), die getuiefooie bedoel in artikel 4(4) en alle ander kostes wat die Premier as noodsaaklik ag vir die behoorlike uitvoering deur die kommissie van sy pligte, word betaal uit gelde vir daardie doel deur die Provinsiale Wetgewer bewillig is, tensy die persoon, plaaslike owerheid of enige ander liggaam wat sodanige kommissie aangevra het, voor die aanstelling van die kommissie, met die Premier ooreengekom het om alle of 'n gedeelte van sodanige kostes te betaal.

Herroeping van Ordonnansie 9 van 1960

12. (1) Onderhewig aan subartikel (2), word die Ordonnansie op Kommissies van Ondersoek, 1960 (Ordonnansie No. 9 van 1960), hierby herroep.

(2) Enige kommissie aangestel kragtens die genoemde Ordonnansie voor die aanvang van hierdie Wet kan voortgesit word kragtens daardie Ordonnansie in soverre dit nie bots met die Grondwet nie.

Kort titel

13. Hierdie Wet heet die Wet op Provinsiale Kommissies, 1995.

NOTICE 4244 OF 1995

I PROVINSI YASE-GAUTENG

UMTHETHO-SIVIVINYWA WAMAKHOMISHANI EPROVINSI

ILUNGA LEKHABHINETHI YEPROVINSI ELIBHEKENE NEZOHULUMENI BEZINDAWO

UMTHETHO-SIVIVINYWA

Ukwenza amalungiselelo okusebenza kwamakhomishani enza uphenyisiso, abekwe wu-Premier, kanye nokunye okuphathelene nalezi zinto.

NGAKHOKE, KWENZIWA UMTHETHO, yiProvinsi yase-Gauteng, ngokulandelayo:-

Izincazelo (amadefenishini)

1. Kule-Act (uMthetho wePhalamende), ngaphandle kokuba kuchazwe ngenye indlela ngaphakathi -

"usihlalo" maqondana nekhomishani, uchaza usihlalo wekhomishani, obekwe ngokulandela isekshini 2(1)(e);

"ikhomishani" ichaza ikhomishani yokwenza uphenyisiso, ebekwe ngokulandela isekshini 147(1)(d) yoMthetho-sisekelo;

"Umthetho-sisekelo" uchaza uMthetho-sisekelo weRiphabliki yeNingizimu Afrika, 1993 (Act No. 200 ka 1993).

"U-Premier", uchaza i-Premier yeProvinsi yase-Gauteng, esebenza ngokulandela isekshini 147(2) yoMthetho-sisekelo;

"IProvinsi", ichaza iProvinsi yase-Gauteng;

"iNkantolo eNkulu - Supreme Court", ichaza iNkantolo eNkulu - Supreme Court, yeNingizimu Afrika.

IProklameshini (isaziso somthetho) esikhishwa wu-Premier

- 2.(1) Nomangabe yisiphi isikhathi lapho u-Premier ebeka iKhomishani, angathi ngokukhipha isaziso somthetho (iproklameshini) kuGazethi yeProvinsi -

- (a) enze ukuthi le-Act noma omunye umthetho, usebenze kuleyo khomishani, kodwa ngokushintsha-shintsha lapho okumele kushintshwe khona, njengoba kuyobekwa yileyo proklameshini;

- (b) u-Premier angachaza izinto okumele ikhomishani yenze uphenyisiso ngazo, kanye namandla okusebenza kwayo nemikhawulo yemisebenzi yayo;

- (c) u-Premier angenza amareguleshini -

- (i) azonikeza amagunya angezelwe kuleyo

khomishani;

- (ii) amareguleshini azonikeza ngenqubo (amaprosija) okumele alandelwe ekwenzeni uphenyisiso, kanye nokugcinwa kwezimfihlo; kanti futhi
- (iii) u-Premier angabuye enze namanye amalungiselelo abona efanele, okukanye okumele abekwe, ukufeza inhloso yophenyisiso;
- (d) U-Premier angabeka usekretari (unobhala) wekhomishani, kanye namanye ama-official angabona efanele ukuthi abekwe ukusizana nekhomishani;
- (e) angabeka noma yiliphi ilunga lekhomishani ukuthi libe ngusihlalo waleyokhomishani; kanti futhi
- (f) U-Premier, angasungula noma aqede ikhomishani.

(2) Noma yiyiphi ireguleshini esungulwe ngaphansi kukasabsekshini (1)(c), ingenza ukuthi kube nama-penalty, ngokweqiwa, noma ukwehluleka ukulandela leyoreguleshini, lokhu kungenziwa ngefayini, noma ukuya ejele isikhathi esingeqi izinyanga ezingu 6.

(3) Ngokulandela usekshini 11, ilunga lekhomishani noma i-official yekhomishani, engaqashiwe ngokugcwele kuHulumeni, ingakhokhelwa izimali, ama-alawensi, kanye nezindleko ngendlela okuyobekwa ngayo wu-Premier.

Ukuhlala kwekhomishani

3.(1) Ikhomishani iyohlala ngesikhathi nendawo kuProvinsi, okuyobe kubekwe wusihlalo, ngenhloso yokulalela ubufakazi enkundleni, izinkulumo noma izingxoxo.

(2) Ngaphandle kokuba usihlalo ebeke ngenye indlela, bonke ubufakazi, buyolalelwa yikhomishani emphakathini (in public), kanti futhi usihlalo uyonikeza inothisi yalokho, ngendlela yena ayobona kufanele ngayo.

Ofakazi

4.(1) Ngenhloso yokuqinisekisa noma yini okuphathelene nophenyo, ikhomishani iyoba namandla (amagunya) iNkantolo eNkulu (Supreme Court) enawo kuProvinsi -

- (a) ikhomishani ingabizela enkundleni (subpoena) umuntu ukuthi eze emhlanganweni wekhomishani azonikeza ubufakazi, okukanye alethe noma yiliphi ibhuku, idokumente, noma into ethize, phambi kwekhomishani, ngesikhathi nendawo okuyobe kubekiwe kuleyo subpoena;

kanti futhi

- (b) ikhomishani ingabiza noma yimuphi umuntu ozonikeza ubufakazi emhlanganweni wekhomishani -
- (i) ukuthi lowo muntu enze isifungo (oath) noma isiqiniseko (affirmation);
- (ii) ikhomishani ingahlolisisa lowo muntu; kanti futhi
- (iii) ikhomishani ingatshela lowo muntu ukuthi akhiphe ibhuku, idokumente noma yini okunye okuthize ekudingayo.

(2) I-subpoena ebekwe kusabsekshini (1)(a), iyosayinwa wunobhala (usekrethari) wekhomishani, inikezwe kulowo muntu wusekrethari, okukanye omunye umuntu oyogunyazwa wusekrethari ukwenza lokho, futhi leyo subpoena iyokwenziwa ngendlela efanayo naleyo esuke yenziwa emacaleni obugebengu (criminal trial) eNkantolo eNkulu (Supreme Court).

(3) Uma kudingwa wusihlalo ukuthi lowo muntu onikeza ubufakazi enze isifungo (oath), noma isiqiniseko, okumele siphutshwe wusihlalo, ngaphambi kokuthi lowo muntu anikeze ubufakazi, athathe isifungo (oath), noma enze isiqiniseko (affirmation), isiyothathwa wusihlalo wekhomishani okukanye enye i-official yekhomishani njengoba kuyobe kubekwe wusihlalo.

(4) Noma wubani umuntu othole i-subpoena yokuthi avele phambi wekhomishani, njengofakazi, okukanye onikeze ubufakazi kukhomishani, uyonikezwa izimali okumele zinikezwe ofakazi kumacala obugebengu eNkantolo eNkulu.

Amacala enziwa ngofakazi

5.(1) Noma wubani umuntu othole i-subpoena ngaphansi kukasekshini 4(1)(a), efundwa nosekshini 4(2), okuyothi ngaphandle kwesizathu esibonakalayo -

- (a) ahluleke ukuvela enkundleni ngesikhathi nendawo ebekwe ku-subpoena; okukanye
- (b) ahluleke ukuhlala enkundleni kuze kuphele isikhathi sopenyo lwekhomishani, okukanye kuze kufike lesi sikhathi lapho usihlalo wekhomishani emchazela ukuthi isiqedile ngobufakazi bakhe,

uyoba necala.

(2) Noma wubani umuntu obizwe ukuthi azonikeza ubufakazi ngaphansi kukasekshini 4(1)(b), okuyothi ngaphandle kwesizathu esibonakalayo -

- (a) angabe ukwenza isifungo, okukanye ukwenza isiqiniseko

njengofakazi, ngemuva kokuba ecelwe wusihlalo ukwenza lokho;

(b) okukanye umuntu okuyothi ngemuva kokuba enze isifungo, okukanye isiqiniseko, ahluleke ukuphendula noma yimiphi imibuzo ngokuphelele nangendlela egculisayo, imibuzo eyobe ibuzwa kuye ngokomthetho; okukanye

(c) ahluleke ukukhipha ibhuku elidingekayo, idokumente, into ethile, okukuye, okukanye okuphansi kolawulo lwakhe, ayobe etshelwe ukuthi akukhiphe,

uyoba necala.

(3) Noma yimuphi ufakazi, okuyothi ngemuva kokuba efungile noma enze isiqiniseko, anikeze ubufakazi obungamanga phambi kwekhomishani, noma yikuphi okunye, futhi ebe azi ukuthi lobo bufakazi abunikezayo bungamanga, okukanye ekholelwa ukuthi abulona iqiniso, uyoba necala.

(4) Noma wubani umuntu othweswe icala ngokulandela usabsekshini (1), (2), noma u (3), uyonikezwa ifayini, okukanye aye ejele isikhathi esingeqi ezinyangeni ezingu 12, okukanye enze kokubili, ifayini nokuya ejele.

Amacala maqondana nofakazi

6. Noma wubani -

(a) oveza, ocindezela, osabisa, noma owenza inkohlakalo, noma othenga umuntu ngenkohlakalo ukumgqiba (bribe), lokhu ekwenza kufakazi, ukuthi lowo fakazi ahoxe ekunikezeleni ngobufakazi, okukanye ukuthi anikeze ubufakazi obungamanga phambi kwekhomishani;

(b) noma wubani umuntu okuyothi noma ngaziphi izindlela, zenkohliso azame ukuvimba ufakazi ukuthi angezi enkundleni yekhomishani; okukanye

(c) noma wubani umuntu, oyozama ukushabalalisa noma ukufihla ibhuku, idokumente, okukanye into ethile, yena ngolwazi lwakhe abona ukuthi ingasiza ikhomishani kunoma yikuphi okuphathelene nophenyisiso,

uyoba necala, kanti futhi anganikezwa ifayini, okukanye aye ejele isikhathi esingeqi ezinyangeni ezingu 12, okukanye akwenze kokubili, ukukhokha ifayini nokuya ejele.

Ukuvimbela ikhomishani emsebenzini wayo, akuvunyelwe

7. Noma wubani umuntu kunoma yiwuphi umhlangano wekhomishani, okuyothi ngamabomu -

(a) aphazamise ukuqhubeka kwenkundla yekhomishani;

(b) aphazamise nokuhixizisa ikhomishani ekwenzeni

umsebenzi wayo; okukanye

(c) aphazamise uxolo nokuqhubeka kwezinto ngendlela efanele,

uyoba necala, kanti futhi angafayinelwa lona, okukanye aye ejele isikhathi esingeqi ezinyangeni ezingu 6, okukanye akwenze kokubili, ukukhokha ifayini nokuya ejele.

Umbiko wekhomishani

8.(1)(a) Ikhomishani iyonikeza umbiko obhalwe phansi ngomsebenzi wayo, ngokulandela imisebenzi yayo nemikhawulo yayo, kodwa lokhu akumele kwenziwe sekweqe isikhathi esingaphezulu kwezinyanga ezingu 12, ngemuva kokubekwa kwayo ikhomishani, okukanye ukweqa lesi sikhathi esiyobe sibekwe wu-Premier, okukanye ngesicelo esiyobe sibhalwe phansi sekhomishani.

(b) Uma kukhona ukungavumelani phakathi kwamalunga ekhomishani, lokho kuyobhalwa phansi kulowo mbiko.

(2) Noma wubani umuntu, okuyothi ngaphandle kokuvunyelwa wu-Premier, noma ikhomishani, anikeze ikhophi yombiko wekhomishani, okukanye ingxenye yawo, kunoma yimuphi umuntu, ngaphambi kokuthi kuphele izinsuku ezingu 14, ngemuva kokuba lowo mbiko unikezwe uPremier, uyoba necala, angathweswa lona, afayinwe, okukanye aye ejele isikhathi esingeqi izinyanga ezingu 6, okukanye akwenze kokubili, ukukhokha ifayini nokuya ejele.

Obunye ubufakazi okumele bungadalulwa

9. Noma yimuphi umuntu obekelwe ukuthi asizane nekhomishani, okuyothi ngaphandle kwemvume yekhomishani, okukanye imvume kaPremier, kanti futhi kungaqondene nokwenza umsebenzi wakhe kuleyo khomishani, adalule kumuntu othize, ubufakazi obunikezwe enkundleni yekhomishani, ebingavulelwe umphakathi, uyoba necala, ayofayinelwa lona, okukanye aye ejele isikhathi esingeqi iminyaka emibili, okukanye akwenze kokubili, ukukhokha ifayini nokuya ejele.

Imitheshwana yenqubo yenkundla (Rules for regulation proceedings)

10. Ikhomishani ingathi ngokulandela le-Act, yenze imitheshwana (rules) yenqubo, kanye nokuqhutshwa kwezinkundla zayo, lokhu ikwenze ngokubona kwayo.

Izindleko zekhomishani

11. Ukukhokhelwa, ama-alawensi, kanye nezindleko zamalunga, okukanye i-official, njengoba kubekiwe kusekshini 2(3), izimali ezikhokhelwa ofakazi njengoba kubekiwe kusekshini 4(4), kanye nezinye izindleko u-Premier azibona zifanele, ukuthi ikhomishani ikwazi ukwenza imisebenzi yayo, ziyokhokha ezimalini ezibekelwe lenhloso, eziyobe zibekwe yiPhalamende yeProvinsi, ngaphandle

kokuthi lowo muntu, isiphathi-mandla sendawo (local authority), ocele leyo khomishani, ngaphambi kokuthi kubekwe ikhomishani, eyobe evumelene no-Premier, ukukhokha zonke izindleko noma ingxenye yalezo zindleko.

Ukushintshwa kwe-Ordinance 9 of 1960

12.(1) Ngokulandela usabsekshini (2), lapha kushintshwa i-Commissions of Inquiry Ordinance, 1960 (Ordinance No. 9 of 1960).

(2) Noma yiyiphi ikhomishani ebekwe ngaphansi kwe-Ordinance echazwe ngenhla, ngaphambi kwale-Act, ingaqhubeka ngaphansi kwaleyo-Ordinance, inqaba nje uma ingaphikisani noMthetho-sisekelo.

Isihloko esifishane

13. Le-Act, iyobizwa ngokuthi yi-Act yeProvinsi yamaKhomishani ka 1995 (Provincial Commissions Act, 1995).

NOTICE 4244 OF 1995

PROFENSI YA GAUTENG

MOLAO-TŠHITŠHINYO WA DIKHOMEŠENE TŠA PROFENSI

(bjalo ka ge o hlagišitšwe)

LELOKO LA KHANSELE PHETHIŠI LEO LE LEBANEGO LE MMUŠO WA SELEGAE/BOMASEPALA

N. Sotho

MOLAO-TŠHITŠHINYO

Go beakantšhetša mešomo ya dikhomišene tša dinyakišišo tšeo di hlomilwego ke Tonakgolo, lego beakantšhetša merero eo e sepedišanago le dinyakišišo tšeo.

O FETIŠWA ke Lekgotlatheramolao la Profensi ya Gauteng ka tsela ye e latelago:

Dihlalošo

1. Mo Molaong (Act) wo, ntle le ge kamano e bontšha ka tsela e nngwe -

"modulasetulo" mabapi le khomišene, go ra gore modulasetulo wa khomišene eo a kgethilwego ka tlase ga karolo ya 2(1)(e);

"khomišene" go ra gore khomišene ya dinyakišišo eo e hlomilwego ka tlase ga karolo ya 147(1)(d) ya Molaotheo;

"Molaotheo" go ra gore Molaotheo wa Ripabliki ya Afrika Borwa, wa 1993 (Act No. 200 of 1993);

"Tonakgolo" go ra gore Tonakgolo ya Profensi, eo e šomago ka go latela karolo ya 147(2), ya Molaotheo;

"Profensi" go ra gore Profensi ya Gauteng;

"Kgoro ya Tsheko ya ka Godimo (Supreme Court)" go ra gore Kgoro ya Tsheko ya ka Godimo ya Afrika Borwa.

Proklamešene ka Tonakgolo

2.(1) Ge Tonakgolo e hlomile khomišene, e ka dira tše di latelago ka go šomiša proklamešene go *Gazette ya Profensi* -

- (a) e ka tsebagatša gore ditaelo tše di lego Molaong wo, goba molaong ofe goba ofe, di tla šoma go khomišene eo, ka tlase ga diphetogo gammogo le tše Tona e rilego di sa elwe hloko, go ya ka ge yona Tona e tla hlaloša go proklamešene eo;
- (b) e ka hlaloša morero wo o swanetšego go nyakišišwa ke khomišene le mellwane ya yona ya go šoma;
- (c) e ka dira melawana ya tshepedišo -
 - (i) eo e fago khomišene maatla a tlaleletšo;
 - (ii) eo e fanago ka tsela eo e swanetšego go latelwa ge go dirwa dinyakišišo le gore ditaba tše itšego di dule di le sephiri; le

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- (iii) eo e beakantšhetšago merero ka moka eo Tona e bonago e hlokega goba e le maleba ka mabaka a dinyakišišo tšeo;
- (d) e ka bea mongwaledi wa khomišene le bahlankedi ba bangwe ge e bona go hlokega, gore ba thuše khomišene;
- (e) e ka kgetha leloko lefe goba lefe la khomišene bjalo ka modulasetulo wa khomišene; lego
- (f) hlama khomišene ka leswa goba go e fediša.

(2) Molawana ofe goba ofe wa tshepedišo oo o dirilwego ka tlase ga karolwana ya (1)(c) o ka laela mabapi le kotlo ya tshelo efe goba efe ya molao goba go palelwa go wo latela, mme kotlo eo e tla ba go golega motho yoo dikgwedi tše sa fetego tše tshela.

(3) Ka tlase ga karolo ya 11, leloko goba mohlankedi wa khomišene eo e sego mosomedi wa Mmušo wa go ya go ile, a ka lefiwa moputso, di-alawense le ditshinyagalelo go ya ka ge di beilwe ke Tonakgolo.

Ditulo/Dikopano tša Khomišene

3.(1) Khomišene e ka ba le tulo ka nako le lefelong lefe goba lefe ka gare ga Profensi, leo le beilwego ke modulasetulo, ka maikaelelo a go theetša bohlatse goba polelo goba go ba le ditherišano tše tseneletšego.

(2) Ntle le ge modulasetulo a ka phetha ka tsela e nngwe go ya ka mabaka a mabotse, bohlatse le dipolelo ka moka tša khomišene di tla theetšwa ke khomišene phatlalatša, mme modulasetulo o tla fana ka nothisi mabapi le se, ka tsela eo a ikgethelago yona.

Dihlatse

4.(1) Khomišene e tla ba le maatla a swanago le ya Kgoro ya Tsheko ya ka Godimo ka gare ga Profensi, ka maikaelelo a go kgonthišiša morero ofe goba ofe oo o amanago le taba eo e nyakišišwago, e lego -

- (a) maatla a go laela motho mang goba mang gore a ihlagise tulong ya yona gore a tle a fe bohlatse goba go tšweletša, puku, tokomane goba selwana sefe goba sefe, ka nako le lefelong leo le hlalošitšwego go taelo eo; le
- (b) maatla a go bitša motho mang goba mang yo a lego gona tulong ya khomišene, bjalo ka hlatse lego-
 - (i) dira gore motho yoo a dirišwe keno goba tiišo;
 - (ii) laela motho yoo gore a tšweletše puku, tokomane goba selwana sefe goba sefe.

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(2) Taelo ya gore motho a iponagatše pele ga khomišene, eo akantšhitšwego go karolwana ya 1(a), e tla saenwa lego tšweletšwa ke mongwaledi wa khomišene, mme e tla fiwa ke mongwaledi goba motho yoo mongwaledi a mo dumeletšego gore a dire bjalo, mme se se tla dirwa ka tšela eo e swanago le eo e latelwago ge motho a bitšwa gore a tle a be hlatse kahlong ya bosenyi ya Kgoro ya Tsheko ya ka Godimo.

(3) Hlatse e tlare pele ga ge e fana ka bohlatse, ya dira keno goba tiišo ge modulasetulo a re go be bjalo, mme keno/tiišo e tla sepedišwa ke modulasetulo goba mohlankedi wa khomišene eo a kgethilwego ke modulasetulo gore a dire bjalo.

(4) Motho mang goba mang yo hweditšwego taelo ya gore a tsenele tulo efe goba efe ya khomišene, bjalo ka hlatse goba gore a tle a fe bohlatse pele ga khomišene, o tla ba le tokelo ya go lefelwa tšhelete eo e lefelwago dihlatse goba bao ba fanago ka bohlatse tshekong ya bosenyi ya Kgoro ya Tsheko ya ka Godimo, eo e swaretšwego go lefelo leo la tulo.

Tshelo ya molao eo e dirilwego ke dihlatse

5.(1) Motho mang goba mang yo a laetšwego gore a iponagatše pele ga khomišene ka tlase ga karolo ya 4(1)(a), ge e balwa mmogo le 4(2), eo ntle le lebaka le kwagalago -

- (a) a palelwago ke go iponagatša ka nako le lefelong leo a laetšwego gore a iponagatše go lona; goba
- (b) a palelwago go iponagatša pele ga khomišene go fihlela ge dinyakišišo di fihla mafelelong, goba go fihlela ge modulasetulo a re a se sa hlwela a iponagatša,

o tla bonwa molato wa tshelo ya molao.

(2) Motho mang goba mang yo a biditšwego bjalo ka hlatse ka tlase ga karolo ya 4(1)(b), yeo ntle le lebaka le kwagalago -

- (a) a ganago go dira keno goba tiišo bjalo ka hlatse, ka morago ga ge modulasetulo a mo laetše gore a dire bjalo;
- (b) a palelwago ke go araba potšišo efe goba efe eo a e botšišwago, ka mo go kgotšofatšago; goba
- (c) a palelwago ke go tšweletša puku, tokomane goba selwana sefe goba sefe seo a nago le sona, goba se le ka tlase ga hlokomelo ya gagwe goba ka tlase ga taolo ya gagwe, seo a laetšwego gore a se tšweletše,

o tla bonwa molato wa tshelo ya molao.

(3) Hlatse efe goba efe eo e rego ka morago ga go dira keno goba tiišo, ya fana ka bohlatse bjo bo fošagetšego go khomišene, mabapi le morero ofe goba ofe, mme hlatse eo e tseba gore bohlatse bjoo bo fošagetše goba e sa tshepe gore ke bja nnete, e tla bonwa

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molato wa tshelo ya molao.

(4) Motho ofe goba ofe yo a šwaretšwego tshelo ya molao ka go latela karolwana ya (1), (2) goba (3) o tla swanela ke go lefa faene, goba go golegwa sebaka seo se sa fetego dikgwedi tše 12, goba go lefišwa faene eo a ba a golegwa gape.

Tshelo ya molao eo e amago dihlatse

6. Motho mang goba mang yo a -

- (a) ikhweletšago, a hlohleletšago, a tšhošetšago, a lekago go dira gore hlatse e be le bomenemene goba a reka hlatse efe goba efe gore e se ke ya fa bohlatse, goba gore e fane ka bohlatse bjo bo fošagetšego pele ga khomišene;
- (b) dirago gore hlatse e se iponagatše tulong efe goba efe ya khomišene ka go šomiša mokgwa goba bohwirihwiri bjo bongwe le bjo bongwe; goba
- (c) a fedišago goba a khutišago puku, tokomane goba selwana sefe goba sefe seo go ya ka tsebo ya gagwe se ka thušago khomišene go morero ofe goba oo o amanago le taba eo e nyakišišwago,

o tla bonwa molato wa tshelo ya molao, mme ge a se no swarwa o tla swanela ke go lefa faene goba go golegwa sebaka seo se sa fetego dikgwedi tše 12, goba go lefišwa faene lego golegwa.

Go ema tseleng ya khomišene go ileditšwe

7. Motho mang goba mang, yo tulong ya khomišene a ikgethelago-

- (a) go šitiša mešomo ya khomišene;
- (b) go thiba goba go ema tseleng ya khomišene ge e phethagatša mesomo ya yona; goba
- (c) go šitiša khutšo le molao mošomong woo wa khomišene,

o tla bonwa molato wa tshelo ya molao, mme ge a se no swarwa o tla swanela ke go lefa faene goba go golegwa sebaka seo se sa fetego dikgwedi tše tshela, goba go lefišwa faene lego golegwa.

Rapoto ya khomišene

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8.(1)(a) Khomišene e tla fa Tonakgolo pego eo e ngwadilwego ka go latela mellwane ya yona ya go šoma, eupya se, se swanetše go dirwa pele go feta dikgwedi tše 12 ge khomišene e se no hlomiwa, goba nakong ya tlaleletšo eo e ka fiwago ke Tonakgolo ka go latela kgopelo ya Khomišene eo e ngwadilwego fase.

(b) Go se dumelelane go gongwe le go gongwe magareng ga maloko a khomišene go tla hlalošwa rapotong eo.

(2) Motho mang goba mang yo fanago ka khopi ya rapoto ya khomišene goba karolo e nngwe ya yona, go motho mang goba mang pele go feta nako eo e beilwego ya matšatši a 14, ge rapoto e se no fiwa Tonakgolo, mme a dira se ntle le tumelelo go tšwa go Tonakgolo goba go khomišene - o tla bonwa molato wa tshelo ya molao, mme ge a se no swarwa o tla swanela ke go lefa faene goba go golegwa nako eo e sa fetego dikgwedi tše tshela, goba a lefišwa faene le gona go golegwa.

Bohlatse bjo bongwe ga se bja swanela go utullwa

9. Motho mang goba mang yo a kgethilwego gore a thuše khomišene, mme ntle le tumelelo ya khomišene goba ya Tonakgolo, goba ka tsela e nngwe yeo e sa amanego le mešomo ya gagwe go khomišene, a utulla bohlatse bofe goba bofe bja sephiri bjo bo filwego khomišene, go motho mang goba mang, o tla bonwa molato wa tshelo ya molao, mme ge a se no swarwa o tla swanela ke go lefa faene goba go golegwa nako eo e sa fetego mengwaga e mebedi, goba a lefišwa faene le gona go golegwa.

Melawana eo e laolago tšhomelo

10. Khomišene e ka re ka tlase ga ditaelo tša Molao (Act) wo, ya itirela melawana eo e tlogo ikgakolla ka yona mabapi le tšhepedišo gammogo le taolo ya tšhomelo ya yona, ge e bona go hlokega.

Ditshinyagalelo tša khomišene

11. Meputso, di-alawense le ditshinyagalelo tša maloko goba bahlankedi bao go boletšwego ka bona go karolo ya 2(3), ditefelo tša dihlatse tše go boletšwego ka tšona go karolo ya 4(4) gammogo le ditshinyagalelo tše dingwe ka moka tše Tonakgolo e bonago e le tša maleba gore khomišene e kgone go phethagatša mešomo ya yona, di tla lefelwa go tšwa go tšhelete eo e beetšwego merero e, ke Lekgotlatheramolao la Profensi, ntle le ge motho, mmušo wa selegae goba sebopego se sengwe seo se kgopetšego gore go be le khomišene, se dumelelane le Tonakgolo pele go hlomiwa khomišene gore se tla lefela ditshinyagalelo ka moka, goba karolo ya tšona.

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Phedišo ya Odinense e e tsebjago bjalo ka *Ordinance 9 of 1960*

12.(1) Ka tlase ga karolwana ya (2), Odinense ya Dikhomišene tša Dinyakišišo ya 1960 [(Commissions of Inquiry Ordinance, 1960 (Ordinance No. 9 of 1960)], e a fedišwa.

(2) Khomišene efe goba efe eo e hlomilwego ka tlase ga Odinense eo go boletšwego ka yona pele ga ge Molao (Act) wo o thoma go šoma, e tla tšwela pele ka tlase ga Odinense eo ge fela go tšwela pele ga yona go se kgahlanong le Molaotheo.

Leina ka boripana

13. Molao (Act) wo, o tla tsebja bjale ka Molao wa Dikhomišene tša Profensi (Provincial Commissions Act, 1995).

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