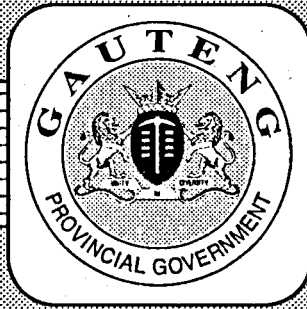


THE PROVINCE OF
GAUTENG



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PRETORIA, 9 FEBRUARY 1999
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No. 12

PROCLAMATION

No. 916 (Premier's), 1999

PROCLAMATION

by the

Premier of the Province of Gauteng

COMMISSION OF INQUIRY INTO THE CAUSES OF TAXI VIOLENCE AND RELATED UNRESOLVED DEATHS IN GAUTENG PROVINCE

By virtue of the powers vested in me by section 2 (1) of the Provincial Commissions Act, 1997 (Act No. 1 of 1997), I hereby appoint a commission of inquiry into taxi violence and unresolved deaths connected to such taxi violence in Gauteng Province with the Terms of Reference hereto and appoint Advocate Lindi Nkosi—Thomas as Chairperson, Mr. Mohamed Randera as member, and Mr Daniel Eksteen van Wyk as the Secretary of the Commission, and further make regulations in the Schedule.

Given under my Hand at Johannesburg this twenty first day of January, One thousand Nine hundred and Ninety-nine.

M. MOTSHEKGA

Premier: Gauteng Province.

TERMS OF REFERENCE

to the

COMMISSION OF INQUIRY INTO THE CAUSES OF TAXI VIOLENCE AND RELATED UNRESOLVED DEATHS IN GAUTENG PROVINCE

The Commission's terms of reference are as follows:

1. To probe the causes of taxi violence and related unresolved deaths in Gauteng Province, make a finding and recommendations to me by no later than 1 May 1999.

2. The Commission is specifically directed to—
 - (a) investigate the causes of recent and past taxi violence and unresolved deaths related thereto in the Gauteng Province;
 - (b) obtain as much information as possible on such causes;
 - (c) establish the causes of such violence and the persons responsible, and
 - (d) make recommendations for appropriate actions.
3. If the Commission is unable to make any finding on any such matters, it shall record that fact.
4. The Commission must commence its work on 1 February 1999.
5. The Commission is directed to submit a preliminary report to the Premier on 28 February 1999 and the second preliminary report on 31 March 1999.
6. The Commission is directed to submit a final report to the Premier on 1 May 1999.

SCHEDULE REGULATIONS

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

“Chairperson” means the person designated as such under section 2 (1) of the Provincial Commissions Act, 1997 (Act No. 1 of 1997)

“Commission” means the Commission of Inquiry into the causes of taxi violence and related unresolved deaths in Gauteng Province;

“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;

“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 recored in the manner determined by the Chairperson.

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 the causes of taxi violence and related unresolved deaths in Gauteng Province in shorthand/by mechanical means as ordered by the Chairperson 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 Chairperson.

4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3 (1) shall help to 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 purposes of the report of the Commission, and every such person, except a Member or any officer, shall, before performing any duty in connection with the Commission, take and subscribe before the Chairperson an oath of fidelity or secrecy in the following manner:

I, A. B. declare under oath/affirm that except in so far as it is necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into the cause of taxi violence and related unresolved deaths in Gauteng Province, or by order of a competent court I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the 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 Commission in my possession or custody or in the possession or custody of the Commission or any officer.

5. No person shall communicate to any other person any matter or information which may have come to his or her 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 is necessary in the performance of his or her duties in connection with the functions of the Commission or by order of a competent court.

6. The Commission may designate one or more knowledgeable persons to assist the Commission in the performance of some of its functions, in a capacity other than that of a member.

7. A Member or an officer generally or specially authorized thereto by the Commission must administer an oath to or accept an affirmation from any witness appearing before the Commission.

8. 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, a Member may, on the request of such person, direct that no person shall disclose in any manner whatsoever the name or address of such person or any information likely to reveal his or her identity.

9. Any witness appearing before the Commission may be cross-examined by a person only if the Chairperson permits such cross-examination by such person in the interest of the functions of the Commission.

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

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

12. Whenever the Commission is satisfied upon evidence or information presented to it that the Commission's inquiry may adversely affect any existing, instituted or pending legal proceedings or any investigation instituted in terms of any law, evidence which is relevant to such legal proceedings or investigation shall be dealt with by the Commission in such a manner as not to affect adversely such legal proceedings or investigation.

13. A Member or any officer may, with a warrant, for the purposes of the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document which are on or in such premises.

14. No person shall without the written permission of the Chairperson—

(a) 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 document;

(b) peruse any document, including any statement, which is destined to be submitted to the Commission or intercept such document while it is being taken or forwarded to the Commission.

15. No person shall insult, disparage or belittle the Chairperson, or the Member, or the Secretary or any officer or prejudice the proceedings or findings of the Commission.

16. Any person who—

(a) wilfully hinders, resists or obstructs the Chairperson or the Member, or any officer of the Commission in the exercise of any power contemplated in regulation 13; or

(b) contravenes or fails to comply with any provision of these regulations
is guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months.

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