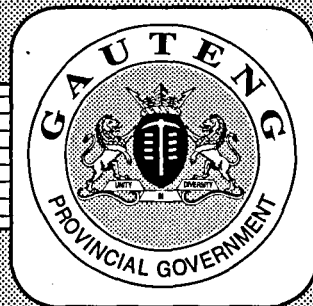


THE PROVINCE OF  
GAUTENG



DIE PROVINSIE  
GAUTENG

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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Vol. 5

PRETORIA, 5 MAY  
MEI 1999

No. 47

## PROCLAMATION

by the  
PREMIER

No. 2836

5 May 1999

### PROVINCIAL COMMISSIONS ACT, 1997 (ACT NO 1 OF 1997) COMMISSION OF INQUIRY INTO HOSPITAL CARE PRACTICES

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 hospital care practices in Gauteng Province with the Terms of Reference hereto and I make the regulations in the Schedule.

For purposes of the Commission of Inquiry I appoint Maria Mamodypi Rantho as Chairperson, Leonie Fourie as Secretary, Rakgama Andries Manoko as an official envisaged in section 2(1)(d) of the Act to lead evidence to the Commission of Inquiry and the following Members:

- ♦ Professor Soromini Kallichurum;
- ♦ Doctor Mohamed Fazel Randeru;
- ♦ Advocate Daniël Petrus de Villiers;
- ♦ Jerry Vilakazi; and
- ♦ Catherine Makwakwa.

I further determine that the Commission shall commence its work on 05 May 1999 and report to me on 09 July 1999.

Given under my Hand at Johannesburg this Twenty ninth day of April, One Thousand Nine hundred and Ninety-nine

**Dr. M. MOTSHEKGA**  
Premier: Gauteng Province

## **TERMS OF REFERENCE**

to the

### **COMMISSION OF INQUIRY INTO HOSPITAL CARE PRACTICES**

The Commission's terms of reference are as follows:

1. To investigate whether any officials of the Provincial Department of Health contravened the provisions of any Act, regulation or relevant policy in the performance of their duties and functions with regard to the provision of health care to patients and handling of other persons at provincial hospitals.
2. To investigate whether any official/person employed at any provincial hospital contravened any provisions of any Act, regulation or relevant policy with regard to the performance of their duties in the handling of patients at any provincial hospital.
3. To investigate whether patients at any provincial hospital are treated with required standard of service in line with the applicable legislation, regulations or relevant policies.
4. To investigate the causes and extent of the poor treatment of patients and customers at provincial hospitals.
5. To determine whether any official of the Provincial Administration and/or persons employed at hospitals have been negligent or indolent in the treatment and handling of patients at provincial hospitals and/or have committed any act or acts of misconduct in terms of the applicable legislation.
6. To determine managerial responsibility and accountability for the findings.
7. To make findings and recommendations on the above matters and if the Commission is unable to make any finding on any such matters, it shall record that fact.

## 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 hospital care practices 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 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 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 hospital care practices 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 form:

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 hospital care practices 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. 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.

11. 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.
12. 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.
13. 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; or
  - (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.
14. 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.
15. Any person who-
  - (a) willfully 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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## PROCLAMATION

by the

Premier of the Province of Gauteng

**No. 2900 (Premier's), 1999**

**EXTENSION OF TIME TO SUBMIT FINAL REPORT TO THE PREMIER: COMMISSION OF INQUIRY INTO THE CAUSES OF TAXI VIOLENCE AND RELATED UNRESOLVED DEATHS IN GAUTENG PROVINCE APPOINTED UNDER PROCLAMATION No. 916 (PREMIER'S), 1999 AS PUBLISHED IN *PROVINCIAL GAZETTE EXTRAORDINARY* No. 12 OF 9 FEBRUARY 1999**

By virtue of the powers vested in me by section 2 (1) and section 8 (1) of the Provincial Commissions Act, 1997 (Act No. 1 of 1997), I hereby extend the time on which the above Commission of Inquiry has to submit a final report to me to 31 July 1999.

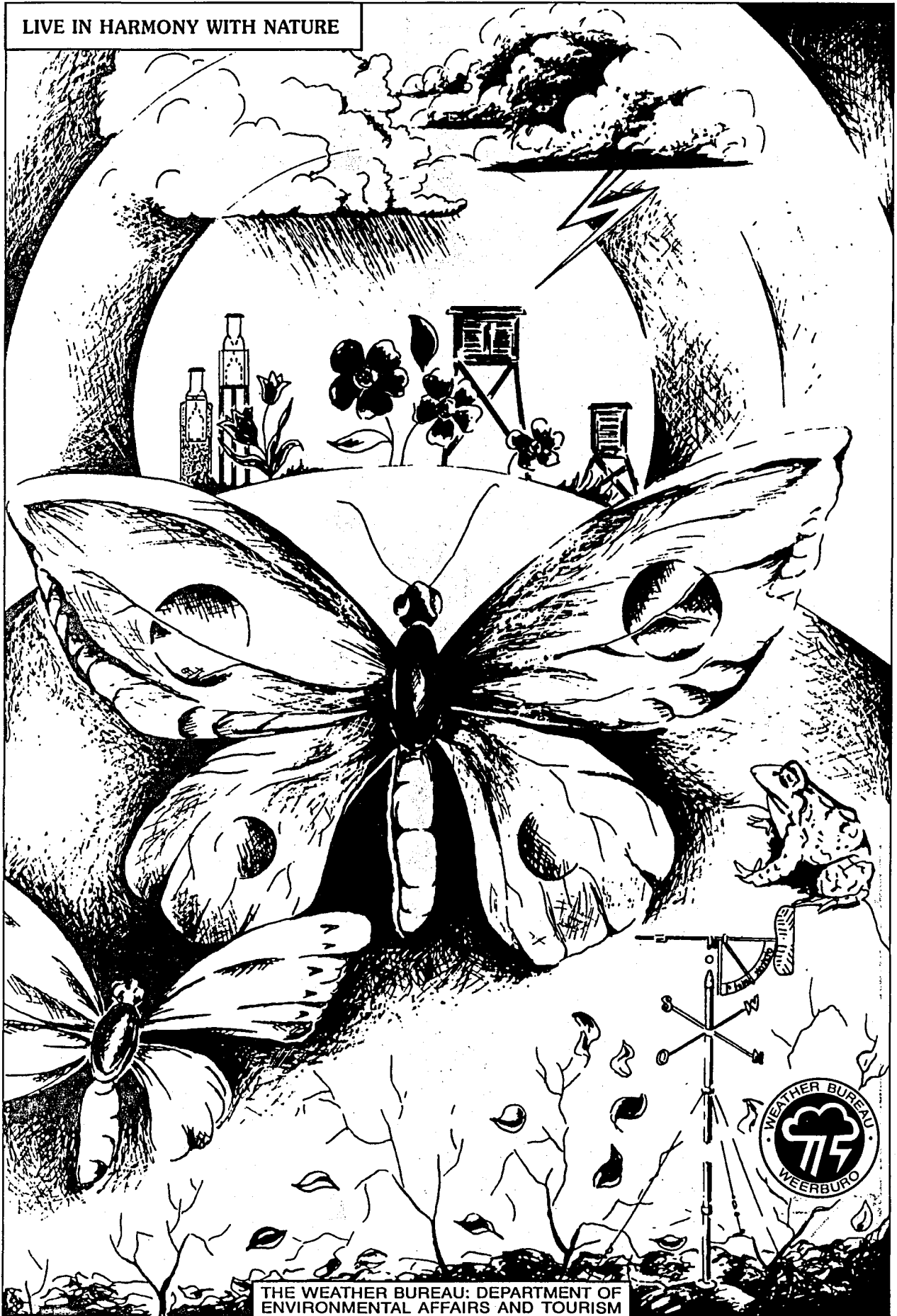
Given under my Hand at Johannesburg this Third day of May, One thousand Nine hundred and Ninety-nine.

**M. MOTSHEKGA**

**Premier: Gauteng Province**

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LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

# THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM  
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

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