



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY — BUITENGEWONE KOERANT — IGAZETHI EYISIPESHELI

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

PIETERMARITZBURG

Vol. 10

28 OCTOBER 2016
28 OKTOBER 2016
28 KUMFUMFU 2016

No. 1748

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1994-4558



01748



9 771994 455008

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

Gazette *Page*
No. *No.*

PROCLAMATION • PROKLAMASIE

1	KwaZulu-Natal Commissions Act (3/1999): Establishment of Commissions of inquiry into underlying causes of the murder of politicians in KwaZulu-Natal in terms of section 127(2)(e)	1748	4
1	KwaZulu-Natal Wet op Kommissies (3/1999): Instelling van Kommissie van ondersoek na onderliggende oorsake van die moorde op politici in KwaZulu-Natal ingevolge artikel 127(2)(e)	1748	13

PROCLAMATION • PROKLAMASIE

PROCLAMATION 1 OF 2016

*by the
Premier of the Province of KwaZulu-Natal*

ESTABLISHMENT OF COMMISSION OF INQUIRY INTO UNDERLYING CAUSES OF THE MURDER OF POLITICIANS IN KWAZULU-NATAL IN TERMS OF SECTION 127(2)(e) OF THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996, READ WITH SECTION 2(1) OF THE KWAZULU-NATAL COMMISSIONS ACT, 1999

WHEREAS there has been a rapid escalation in the number of politicians murdered during 2016 in the Province of KwaZulu-Natal with adverse consequences for governance in the Province;

AND WHEREAS the Provincial Government considers it in the public interest that the underlying issues giving rise to, and fuelling, the murder of politicians be inquired into and investigated;

I hereby, in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996, read with section 2(1) of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999), and after consultation with the Member of the Executive Council for KwaZulu-Natal responsible for community safety and liaison, the Member of the Executive Council for KwaZulu-Natal responsible for cooperative governance and traditional affairs, the Independent Electoral Commission and the Minister of Police –

- (a) appoint a Commission of Inquiry into the Underlying Causes of the Murder of Politicians in KwaZulu-Natal;
- (b) appoint **Adv. MTK Moerane SC**, the Chairperson, and **Mr Vasu Gounden** and **Prof. Cheryl Potgieter** as members of the Commission;

- (c) appoint **Mr SA Mdledle** as Secretary to the Commission;
- (d) define the Terms of Reference of the Commission in terms of section 2(1)(b) of the KwaZulu-Natal Commissions Act, 1999, as set out in Part A of the Schedule hereto; and
- (e) make the Regulations applicable to the Commission in terms of section 2(1)(c) of the KwaZulu-Natal Commissions Act, 1999, as set out in Part B of the Schedule.

Given under my Hand at Pietermaritzburg this 28th day of October, Two thousand and Sixteen.

MR TW MCHUNU

Premier of the Province of KwaZulu-Natal

SCHEDULE

Part A TERMS OF REFERENCE

OF THE COMMISSION OF INQUIRY INTO UNDERLYING CAUSES OF THE MURDER OF POLITICIANS IN KWAZULU-NATAL

A Commission of Inquiry (“the Commission”) is hereby appointed in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996, read with section 2(1) of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999), and after consultation with the Member of the Executive Council for KwaZulu-Natal responsible for community safety and liaison, the Member of the Executive Council for KwaZulu-Natal responsible for cooperative governance and traditional affairs, the Independent Electoral Commission and the Minister of Police.

1. The Commission is appointed with the Terms of Reference, generally, to investigate and report on the underlying causes giving rise to the murder of politicians in KwaZulu-Natal with reference to –

- (a) the number, nature and locality of incidents of murder and attempted murder involving politicians, both as victims and suspects, in the Province since 2011;
- (b) indications whether the incidents are related to political, ethnic, tribal, social or criminal factors or any other internal or external influences or factors which may be considered relevant;
- (c) the outcome of any police investigation and prosecution of the incidents, including the number of successful prosecutions, trials and convictions of the perpetrators; and
- (d) the perceptions of the public, political parties, community structures and members of the relevant communities in respect of the underlying causes of the incidents of murder and attempted murder involving politicians, both as victims and suspects, and the effectiveness of the policing thereof by the police service in the Province.

2. The Commission must make recommendations –

- (a) to address the underlying causes giving rise to the murder of politicians in KwaZulu-Natal;
- (b) in respect of the prevention of future incidents of murder and attempted murder involving politicians, both as victims and suspects and ensuring the successful investigation and prosecution of the perpetrators;

(c) on the roles and responsibilities of all spheres of government (national, provincial and local) in the planning and coordination of their responses in respect of such incidents; and

(d) on any other matter of whatsoever nature that the Commission deems necessary or appropriate.

3. The provisions of the KwaZulu-Natal Commissions Act, 1999, are applicable to the Commission: Provided that the Commission must produce and submit its final detailed report containing a summary of the evidence, its findings and recommendations no later than 12 months after the date of this Proclamation.

4. The Office of the Premier, KwaZulu-Natal, is responsible for the financing of the Commission. This includes –

(a) the remuneration of the Chairperson, the other members of the Commission, the Secretariat and other personnel involved in the Commission; and

(b) related expenses, disbursements and costs, including the costs associated with the hiring of venues for the hearings.

5. The Commission must submit interim reports and recommendations to the Premier every three months prior to the final report being presented to the Premier. The Commission must complete its work within a period of 11 months from the date of this Proclamation and must submit its final report to the Premier within a period of one month after the date on which the Commission completes its work.

6. Members of the public who are in possession of information which may be relevant to the matters to be inquired into by the Commission and who wish to give evidence before the Commission are invited to contact the Secretary of the Commission, *Mr SA Mdledle*, to arrange a venue and time where they may testify before the Commission. The Secretary may be contacted at *Mdledle Inc.*, Ground Floor, Shackleton House, 187 Hoosen Haffejee Street, Pietermaritzburg, 3201, telephone number: (033) 345 4022 and email: solo@mdledleinc.co.za.

7. The venue and time for the sittings of the Commission will be announced in due course.

8. The Commission may, in its final report and any interim report it submits, make such recommendations as it deems fit.

9. The Commission may, where appropriate, refer any matter regarding the conduct of any person for prosecution or further investigation to the appropriate agency, department or body.

10. These Terms of Reference may be added to, varied or amended from time to time by the Premier.

Part B
REGULATIONS

**APPLICABLE TO THE
COMMISSION OF INQUIRY INTO UNDERLYING CAUSES OF THE MURDER OF
POLITICIANS IN KWAZULU-NATAL**

1. In these Regulations, unless the context otherwise indicates –

“**Chairperson**” means the Chairperson of the Commission of Inquiry into Underlying Causes of the Murder of Politicians in KwaZulu-Natal;

“**Commission**” means the Commission of Inquiry into Underlying Causes of the Murder of Politicians in KwaZulu-Natal;

“**document**” means 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 Provincial Government or State who has been appointed or designated to assist the Commission in the execution of its functions; and

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

2. The proceedings of the Commission must 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 must, at the outset, take an oath or make an affirmation in the following form:

"I, AB, 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 Underlying Causes of the Murder of Politicians in KwaZulu-Natal in shorthand / by mechanical means as ordered by the Chairperson of the Commission; and

(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 may 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), must assist 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, insofar as the publication of such matter or information is necessary for the purposes of the report of the Commission, and every such person, except the Chairperson, any member or any officer, must, 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, AB, declare under oath / affirm and declare that except insofar as it is necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into Underlying Causes of the Murder of Politicians in KwaZulu-Natal or by order of a competent court, I shall not communicate to any person any matter of information which may come to my knowledge in connection with the inquiry of the said Commission, or allow or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer."

5. No person may 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 allow or permit any other person to have access to any records of the Commission, except insofar 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 Chairperson may designate one or more knowledgeable persons to assist the Commission in the performance of its functions, in a capacity other than that of a member.

7. The Chairperson or an officer generally or specially authorised thereto by the Chairperson 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, the Chairperson may, at the request of such a person, direct that no person may disclose in any manner whatsoever the name or address of such person or any information likely to reveal his or her identity.

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

10. A 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 must be dealt with by the Commission in such a manner as not to adversely affect such legal proceedings or investigation.

13. The Chairperson, or any 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 is on such premises.

14. No person may, 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 Chairperson or intercept such document while it is being taken or forwarded to the Chairperson.

15. No person may, except insofar as is necessary in the execution of the Terms of Reference of the Commission, publish or furnish any other person with the report or any interim report of the Commission or a copy or a part thereof or information regarding the consideration of evidence by the Commission for publication before the expiration of a period of 14 days after it has been submitted to the Premier: Provided that the Premier may authorise publication of any such report before the expiration of that period.

16. No person may insult, disparage or belittle the Chairperson or any member of the Commission or prejudice the proceedings or findings of the Commission.

17. Any person who –

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

(b) contravenes a provision of regulation 5, 8, 14 or 15,

is guilty of an offence and liable on conviction to a fine or to imprisonment not exceeding 12 months.

PROKLAMASIE 1 VAN 2016

*deur die
Premier van die Provinsie van KwaZulu-Natal*

INSTELLING VAN KOMMISSIE VAN ONDERSOEK NA ONDERLIGGENDE OORSAKE VAN DIE MOORDE OP POLITICI IN KWAZULU-NATAL INGEVOLGE ARTIKEL 127(2)(e) VAN DIE GRONDWET VAN DIE REPUBLIEK VAN SUID-AFRIKA, 1996, GELEES MET ARTIKEL (2)(1) VAN DIE KWAZULU-NATAL WET OP KOMMISSIES, 1999

AANGESIEN die getal politici wat tydens 2016 in die Provinsie van KwaZulu-Natal vermoor is met rasse skrede toegeneem het met nadelige gevolge vir regering in die Provinsie;

EN AANGESIEN die Provinsiale Regering dit in openbare belang beskou dat inligting ingewin moet word oor en ondersoek ingestel moet word na die onderliggende kwessies wat aanleiding gee tot die moorde op politici en dit aanhits;

stel ek hiermee, ingevolge artikel 127(2)(e) van die Grondwet van die Republiek van Suid-Afrika, 1996, gelees met artikel 2(1) van die KwaZulu-Natal Wet op Kommissies, 1999 (Wet No. 3 van 1999), en na oorlegpleging met die Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir gemeenskapsveiligheid en skakeling, die Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir samewerkende regering en tradisionele sake, die Onafhanklike Verkiesingskommissie en die Minister van Polisie –

- (a) 'n Kommissie van Onderzoek na die Onderliggende Oorsaak van die Moorde op Politici in KwaZulu-Natal aan;
- (b) **Adv. MTK Moerane SA**, die Voorsitter, en **Mnr. Vasu Gounden** en **Prof. Cheryl Potgieter** as lede van die Kommissie, aan;

- (c) **Mnr. SA Mdledle** as Sekretaris vir die Kommissie aan; en
- (d) omskryf ek die Opdrag van die Kommissie ingevolge artikel 2(1)(b) van die KwaZulu-Natal Wet op Kommissies, 1999, soos uiteengesit in Deel A van die Bylae hieraan; en
- (e) maak ek die Regulasies van toepassing op die Kommissie ingevolge artikel 2(1)(c) van die KwaZulu-Natal Wet op Kommissies, 1999, soos uiteengesit in Deel B van die Bylae.

Gegee onder my Hand te Pietermaritzburg hierdie 28ste dag van Oktober, Twee-duisend-en-sestien.

MNR. TW MCHUNU

Premier van die Provinsie van KwaZulu-Natal

BYLAE**Deel A
OPDRAG****VAN DIE
KOMMISSIE VAN ONDERSOEK NA ONDERLIGGENDE OORSAKE VAN DIE MOORDE OP
POLITICI IN KWAZULU-NATAL**

'n Kommissie van Onderzoek ("die Kommissie") word hiermee ingestel ingevolge artikel 127(2)(e) van die Grondwet van die Republiek van Suid-Afrika, 1996, gelees met artikel 2(1) van die KwaZulu-Natal Wet op Kommissies, 1999 (Wet No. 3 van 1999), en na oorlegpleging met die Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir gemeenskapsveiligheid en skakeling, die Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir samewerkende regering en tradisionele sake, die Onafhanklike Verkiesingskommissie en die Minister van Polisie.

1. Die Kommissie word ingestel met die opdrag, in die algemeen, om ondersoek in te stel na en verslag te lewer oor die onderliggende oorsake wat aanleiding gee tot die moorde op politici in KwaZulu-Natal met verwysing na –

- (a) die getal, aard en ligging van insidente van moord en poging tot moord waarby politici betrokke is, beide as slagoffers en verdagtes, in die Provinsie sedert 2011;
- (b) aanduidings of die insidente wat verband hou met politieke, etniese, stam, sosiale of kriminele faktore of enige ander interne of eksterne invloede of faktore wat as tersaaklik beskou kan word;
- (c) die uitkoms van enige polisie-ondersoek en vervolging na die insidente, ingesluit die getal suksesvolle vervolgings, verhore en skuldigbevindings van die oortreders; en
- (d) die persepsies van die publiek, politieke partye, gemeenskapstrukture en lede van die tersaaklike gemeenskappe ten opsigte van die onderliggende oorsake van die insidente van moord en poging tot moord waarby politici betrokke is, beide as slagoffers en verdagtes, en die doeltreffendheid van die polisiëring daarvan deur die polisie in die Provinsie.

2. Die Kommissie moet aanbevelings maak –

- (a) ten einde die onderliggende oorsake wat aanleiding gee tot die moorde op politici in KwaZulu-Natal aan te spreek;

- (b) ten opsigte van die voorkoming van toekomstige insidente van moord en poging tot moord waarby politici betrokke is, beide as slagoffers en verdagtes en ten einde die suksesvolle ondersoek en vervolging van die oortreders te verseker;
- (c) oor die rolle en verantwoordelikhede van alle regeringsfere (nasionaal, provinsiaal en plaaslik) in die beplanning en koördinerings van hul reaksie ten opsigte van sodanige insidente; en
- (d) oor enige ander aangeleentheid, van watter aard ookal, wat die Kommissie as nodig of toepaslik beskou.

3. Die bepalings van die KwaZulu-Natal Wet op Kommissies, 1999, is van toepassing op die Kommissie: Met dien verstande dat die Kommissie sy finale breedvoerige verslag, wat 'n opsomming van die bewysstukke, sy bevindings en aanbevelings bevat, nie later nie as 12 maande na die datum van hierdie Proklamasie moet lewer en voorlê.

4. Die Kantoor van die Premier, KwaZulu-Natal is verantwoordelik vir die finansiering van die Kommissie. Dit sluit in –

- (a) die besoldiging van die Voorsitter, die ander lede van die Kommissie, die Sekretariaat en ander personeel betrokke by die Kommissie; en
- (b) verwante uitgawes, uitbetalings en kostes, ingesluit die kostes verbonde aan die huur van lokale vir die aanhore.

5. Die Kommissie moet elke drie maande tussentydse verslae en aanbevelings by die Premier indien voordat die finale verslag aan die Premier voorgelê word. Die Kommissie moet sy werksaamhede binne 'n tydperk van 11 maande vanaf die datum van hierdie Proklamasie voltooi en moet sy finale verslag aan die Premier voorlê binne 'n tydperk van een maand na die datum waarop die Kommissie sy werksaamhede voltooi het.

6. Lede van die publiek wat oor inligting beskik wat tersaaklik mag wees tot die aangeleenthede wat deur die Kommissie ondersoek moet word en wat verlang om getuienis te lewer voor die Kommissie word uitgenooi om die Sekretaris van die Kommissie, *Mnr. SA Mdledle*, te kontak ten einde 'n tyd en plek te reël waar hulle voor die Kommissie kan getuig. Die Sekretaris kan gekontak word by *Mdledle Inc.*, Grondvloer, Shackleton House, Hoosen Haffejeestraat 187, Pietermaritzburg, 3201, telefoonnommer: (033) 345 4022 en epos: solo@mdledleinc.co.za.

7. Die tyd en plek vir die sittings van die Kommissie sal mettertyd aangekondig word.

8. Die Kommissie kan, in sy finale verslag en enige tussentydse verslag ingedien deur die Kommissie, sodanige aanbevelings maak soos hy mag goeddink.

9. Die Kommissie kan, waar toepaslik, enige aangeleentheid met betrekking tot die gedrag van enige persoon na die toepaslike agentskap, departement of liggaam verwys vir vervolging of verdere ondersoek.

10. Die Premier kan, van tyd tot tyd, byvoegings, veranderings of wysings tot hierdie Opdrag maak.

Deel B
REGULASIES

VAN TOEPASSING OP DIE
KOMMISSIE VAN ONDERSOEK NA ONDERLIGGENDE OORSAKE VAN DIE MOORDE OP
POLITICI IN KWAZULU-NATAL

1. In hierdie Regulasies, tensy uit die samehang anders blyk, beteken –

“**beampte**” ’n persoon voltyds in diens van die Provinsiale Regering of Staat, aangestel of aangewys om die Kommissie by te staan in die uitvoer van sy werksaamhede;

“**dokument**” enige boek, pamflet, rekord, lys, omsendskrywe, plan, aanplakbiljet, plakkaat, publikasie, tekening, foto of prent;

“**Kommissie**” die Kommissie van Onderzoek na die Onderliggende Oorsake van die Moorde op Politici in KwaZulu-Natal;

“**lid**” ’n lid van die Kommissie;

“**ondersoek**” die ondersoek uitgevoer deur die Kommissie;

“**perseel**” ingesluit enige grond, gebou, struktuur, gedeelte van ’n gebou of struktuur, voertuig, vervoermiddel, vaartuig of lugvaartuig; en

“**Voorsitter**” die Voorsitter van die Kommissie van Onderzoek na die Onderliggende Oorsake van die Moorde op Politici in KwaZulu-Natal.

2. Die verrigtinge van die Kommissie moet opgeneem word op die wyse deur die Voorsitter bepaal.

3.(1) Enige persoon aangestel of aangewys om die verrigtinge van die Kommissie aan te teken of op te neem in snelskrif of op meganiese wyse of om sodanige verrigtinge wat aldus aangeteken of opgeneem is te transkribeer moet, voor die aanvang, ’n eed of ’n plegtige verklaring aflê in die volgende vorm:

“*Ek, A.B., verklaar onder eed / bevestig en verklaar –*

(a) dat ek getrou en na die beste van my vermoë die verrigtinge van die Kommissie van Onderzoek na die Onderliggende Oorsake van die Moorde op Politici in KwaZulu-Natal in snelskrif / deur meganiese middel soos deur die Voorsitter van die Kommissie beveel sal

aanteken / opneem; en

(b) dat ek volledig en na die beste van my vermoë enige snelskrifnotas / meganiese opname van die verrigtinge van die vermelde Kommissie gemaak deur my of deur enige ander persoon sal transkribeer.”.

(2) Geen snelskrifnotas of meganiese opname van die verrigtinge van die Kommissie kan getranskribeer word nie tensy deur die Voorsitter aldus beveel.

4. Elke werknemer betrokke by die uitvoer van die werksaamhede van die Kommissie, ingesluit enige persoon verwys na in regulasie 3(1), moet meehelp om geheimhouding te beskerm met betrekking tot enige aangeleentheid of inligting wat tot sy of haar wete mag kom in die verrigting van sy of haar pligte in verband met die vermelde werksaamhede behalwe, in soverre as wat die publikasie van sodanige aangeleentheid of inligting nodig is vir die doeleindes van die verslag van die Kommissie, en elke sodanige persoon, met uitsondering van die Voorsitter, enige lid of enige beampte, moet, voor enige plig in verband met die Kommissie verrig word, voor die Voorsitter 'n eed van getrouheid of geheimhouding neem en onderteken in die volgende vorm:

“Ek, AB, verklaar onder eed / bevestig en verklaar plegtig dat, behalwe in soverre dit nodig is vir die uitvoer van my pligte in verband met die werksaamhede van die Kommissie van Ondersoek na die Onderliggende Oorsaak van die Moorde op Politici in KwaZulu-Natal of deur bevel van 'n bevoegde hof, ek nie aan enige persoon enige aangeleentheid of inligting wat tot my wete mag kom in verband met die ondersoek van die vermelde Kommissie sal kommunikeer nie, of sal toelaat of duld dat enige persoon toegang tot enige rekords van die Kommissie sal hê nie, ingesluit enige aantekening, opname of transkripsie van die verrigtinge van die vermelde Kommissie in my besit of bewaring of in die besit of bewaring van die vermelde Kommissie of enige beampte.”.

5. Geen persoon mag aan enige ander persoon enige aangeleentheid of inligting, in verband met die ondersoek van die Kommissie, wat tot sy of haar wete mag gekom het, kommunikeer nie, of toelaat of duld dat enige ander persoon toegang tot enige rekords van die Kommissie sal hê nie, behalwe in soverre dit nodig is in die verrigting van sy of haar pligte in verband met die werksverrigtinge van die Kommissie of deur 'n bevel van 'n bevoegde hof.

6. Die Voorsitter kan een of meer kundige persone aanwys om die Kommissie by te staan in die verrigting van sy werksaamhede, in 'n hoedanigheid anders as dié van 'n lid.

7. Die Voorsitter of 'n beampte, in die algemeen of in die besonder deur die Voorsitter daartoe gemagtig, moet 'n eed afneem van, of 'n plegtige verklaring aanvaar deur, enige getuie wat voor die Kommissie verskyn.

8. Indien, ten tye van enige persoon se getuienisaflegging voor die Kommissie, lede van die algemene publiek uitgesluit is of was van bywoning van die verrigtinge van die Kommissie, kan die Voorsitter, op versoek van sodanige persoon, gelas dat geen persoon op hoegenaamd enige wyse die naam of adres van sodanige persoon, of enige inligting wat moontlik sy of haar identiteit kan onthul, bekend mag maak nie.

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

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

11. 'n Beamppte, prokureur of advokaat aangewys daartoe deur die Voorsitter kan teenwoordig wees by die aanhoor van getuienis tydens die ondersoek en kan getuienis en argumente met betrekking tot die ondersoek aanvoer.

12. Wanneer die Kommissie by die voorlegging van getuienis of inligting aan hom tevrede is dat die Kommissie se ondersoek enige bestaande, ingestelde of hangende regsgedinge of enige ondersoek ingestel ingevolge enige wet nadelig kan beïnvloed, moet getuienis wat tersaaklik is tot sodanige regsgedinge of ondersoek deur die Kommissie op sodanige wyse hanteer word dat dit nie sodanige geregtelike verrigtinge of ondersoek nadelig beïnvloed nie.

13. Die Voorsitter, of enige lid of enige beamppte kan, met 'n lasbrief en vir die doeleindes van die ondersoek, te alle redelike tye enige perseel betree en inspekteer en aandrang en beslag lê op enige dokument wat op sodanige perseel is.

14. Geen persoon mag sonder die skriftelike toestemming van die Voorsitter –

(a) enige dokument voorgelê aan die Kommissie deur enige persoon in verband met die ondersoek versprei of die inhoud of enige gedeelte van die inhoud van sodanige dokument publiseer nie; of

(b) enige dokument deurlees nie, ingesluit enige verklaring wat bestem is om voorgelê te word aan die Voorsitter, of sodanige dokument onderskep terwyl dit na die Voorsitter geneem of aangestuur word nie.

15. Geen persoon mag, behalwe in soverre dit nodig is in die uitvoer van die Opdrag van die Kommissie, die verslag of enige tussentydse verslag van die Kommissie of 'n afskrif of 'n gedeelte daarvan of inligting rakende die oorweging van getuienis deur die Kommissie publiseer of aan enige ander persoon verskaf vir publikasie voor die verstryking van 'n tydperk van 14 dae nadat dit aan die Premier voorgelê is nie: Met dien verstande dat die Premier publikasie van enige sodanige verslag voor die verstryking van daardie tydperk kan magtig.

16. Geen persoon mag die Voorsitter of enige lid van die Kommissie beledig, verneder of verkleineer of die verrigtinge of bevindinge van die Kommissie benadeel nie.

17. Enige persoon wat –

(a) opsetlik die Voorsitter, enige lid of enige beampte verhinder, teenstaan of dwarsboom in die uitoefening van enige bevoegdheid bedoel in regulasie 13; of

(b) 'n bepaling van regulasie 5, 8, 14 of 15 oortree,

is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf wat nie 12 maande oorskry nie.

ISIMEMEZELO***sikaNdunankulu wesiFundazwe saKwaZulu-Natali***

UKUSUNGULWA KWEKHOMISHANA YOPHENYO EZOPHENYA NGEZIZATHU ZOKUBULAWA KOSOPOLITIKI KWAZULU-NATALI NGOKWESIGABA 127(2)(e) SOMTHETHOSISEKELO WERIPHABHULIKHI YASENINGIZIMU AFRIKA, 1996, SIFUNDWA NESIGABA 2(1) SOMTHETHO WAMAKHOMISHANA, 1999

NJENGOBA sekube nokwenyuka ngesivinini kwesibalo sosopolotiki ababulewe ngo 2016 esiFundazweni saKwaZulu-Natali okunomthethelela ongemuhle kwezokubusa esiFundazweni;

NANJENGOBA uHulumeni wesiFundazwe ubona kufanele ukuthi kuphenywe ngezizathu eziholele nezibhebhethekise ukubulawa kosopolitiki;

Ngalokhu, ngokwesigaba 127(2)(e) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika ka 1996, sifundwa nesigaba 2(1) soMthetho wamaKhomishana waKwaZulu-Natali, 1999 (uMthetho No. 3 ka 1999), nangemuva kokubonisana neLungu loMkhandlu oPhethe elibhekele ezokuphepha komphakathi nezokuxhumana, neLungu loMkhandlu oPhethe elibhekele ezokubusa ngokubambisana nezomdabu, neKhomishana yoKhetho kanye noNgqongqoshe wamaPhoyisa –

- (a) ngiqoka iKhomishana yoPhenyo ezoPhenya ngeziZathu zokuBulawa kosoPolitiki KwaZulu-Natali;
- (b) ngiqoka **uMmeli wamaseJajini MTK Moerane SC**, uSihlalo, **noMnu. Vasu Gounden** kanye **noSolwazi Cheryl Potgieter** njengamalungu eKhomishana;

- (c) ngiqoka **uMnu. SA Mdledle** njengoNobhala weKhomishana;
- (d) ngicacisa amaPhuzu okuzoSetshenzelwa Phezu Kwawo eKhomishana ngokwesigaba 2(1)(b) soMthetho wamaKhomishana waKwaZulu-Natali, 1999, njengoba kubekwe kwiNgxenye A yoHlelo olungezansi; futhi
- (e) ngisungula iMithethonqubo ezosebenza kwiKhomishana ngokwesigaba 2(1)(c) soMthetho wamaKhomishana waKwaZulu-Natali, 1999, njengoba kubekwe kwiNgxenye B yoHlelo.

Sikhishwe ngaphansi kweSandla sami eMgungundlovu ngalolu suku mhla zingama-28 kuMfumfu, oNyakeni weziNkulungwane eziMbili neShumi nesiThupha.

MNU. TW MCHUNU

uNdunankulu wesiFundazwe saKwaZulu-Natali

UHLELO***INgxenye A*****AMAPHUZU OKUZOSETSHENZELWA PHEZU KWAWO
EKHOMISHANA YOPHENYO EZOPHENYA NGEZIZATHU ZOKUBULAWA
KOSOPOLITIKI KWAZULU-NATALI**

Ngalokhu kuqokwa iKhomishana yoPhenyo (“iKhomishana”) ngokwesigaba 127(2)(e) soMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996, sifundwa nesigaba 2(1) soMthetho wamaKhomishana waKwaZulu-Natali, 1999 (uMthetho No. 3 ka 1999), nangemuva kokubonisana neLungu loMkhandlu oPhethe elibhekele ezokuphepha komphakathi nezokuxhumana, neLungu loMkhandlu oPhethe elibhekele ezokubusa ngokubambisana nezomdabu, iKhomishana yoKhetho kanye noNgqongqoshe wamaPhoyisa.

1. IKhomishana iqokwe inamaPhuzu ezoSebenzela Phezu Kwawo, ngokujwayelekile, ukuphenya nokubika ngezizathu eziholele ekubalaweni kosopolitiki KwaZulu-Natali mayelana –

(a) nesibalo sezigameko, nohlobo lwezigameko nendawo yezigameko zokubulawa nezokuzama ukubulala ezibandakanya osopolitiki, njengezisulu nanjengabasolwa, esiFundazweni, kusukela ngonyaka ka 2011;

(b) izinkomba zokuthi ngabe lezi zigameko zimayelana nezepolitiki, nobuhlanga, nobuzwe, nesimo senhlalo noma nobugebengu nanoma yimiphi eminye imithelela engathathwa njengehambisana nalokho;

(c) umphumela wanoma yiluphi uphenyo lwamaphoyisa lwezigameko nolokushushiswa kwezigameko, kubandakanya isibalo samacala ashushiswa nathethwa ngempumelelo kanye nokugwetshwa kwezelelesi;

(d) izimvo zomphakathi, zamaqembu ezezipolitiki, zezinhlaka zomphakathi kanye namalungu emiphakathi ethintekayo maqondana nezizathu zezigameko zokubulawa nokuzama ukubulala okubandakanya osopolitiki, njengezisulu nanjengabasolwa, nokuqapha ngendlela kombutho wamaphoyisa esiFundazweni.

2. IKhomishana kumele yenze izincomo –

(a) zokubhekana nezizathu eziholele ekubulaweni kosopolitiki KwaZulu-Natali;

(b) maqondana nokunqanda izigameko ngesikhathi esizayo zokubulala nezokuzama ukubulala okubandakanya osopolitiki, njengezisulu nanjengabasolwa nokuqinisekisa uphenyo nokushushiswa ngempumelelo kwezelelesi;

(c) ngamaqhaza namajoka azo zonke izinhlaka zahulumeni (kazwelonke, wesifundazwe nabasekhaya) ekuhleleni nasekudidiyelweni izimpendulo zabo mayelana nalezo zigameko; kanye

(d) nanoma yiluphi udaba lwanoma yiluphi uhlobo iKhomishana engalubona lunesidingo noma lufanele.

3. Izinhlizeko zoMthetho wamaKhomishana waKwaZulu-Natali, 1999, ziyasebenza kwiKhomishana: Kuncike ekutheni iKhomishana kumele idalule futhi yethule umbiko wokugcina onzulu oqukethe ubufakazi obufingqiwe, okutholakele kanye nezincomo zingakedluli izinyanga eziyi-12 kusukela osukwini okushicilelwe ngalo lesi Simemezelo.

4. IHhovisi likaNdunankulu laKwaZulu-Natali, yilona elizohlinzeka iKhomishana ngezimali. Lokhu kubandakanya –

(a) iholo likaSihlalo, izimali ezikhokhelwa amalungu eKhomishana, abahlinzeka imisebenzi yobuBhalane, nabanye abasebenzi abayingxenywe yeKhomishana; kanye

(b) nezindleko kanye nezimali ezizochithwa ezihambisana nokuqashwa kwezindawo zokuhlala kwezicawu zeKhomishana.

5. IKhomishana kumele yethule imibiko yesikhashana kanye nezincomo sezikhashana kuNdunankulu njalo ngenyanga ngaphambi kokwethula umbiko wokugcina kuNdunankulu. IKhomishana kumele iphothule umsebenzi wayo ezinyangeni eziyisihlanu kusukela osukwini okushicilelwe ngalo lesi Simemezelo futhi kumele yethule umbiko wokugcina kuNdunankulu ingakapheli inyanga iKhomishana iphothule umsebenzi wayo.

6. Amalungu omphakathi anolwazi olungasiza odabeni oluzobe luphenywa yiKhomishana futhi afisa ukwethula ubufakazi phambi kweKhomishana ayamenywa ukuthi axhumane noNobhala weKhomishana *uMnu. SA Mdledle*, ukuze kuhlelwe indawo nesikhathi lapho engethula khona ubufakazi phambi kweKhomishana. UNobhala utholakala *eMdledle Inc.*, Ground Floor, Shackleton House, 187 Hoosen Haffjee Street, Pietermaritzburg, 3201, inombolo yocingo: (033) 345 4022 kule imeyli: solo@mdledleinc.co.za.

7. Indawo nesikhathi sokuhlala kwezigcawu zeKhomishana kuyomenyezelwa ngesikhathi esifanele.

8. IKhomishana, uma seyethula umbiko wayo wokugcina noma umbiko wayo wesikhashana, ingenza lezo zincomo ezibona zifanele.

9. IKhomishana, uma ibona kufanele, ingadlulisela noma yiluphi udaba olumayelana nokuziphatha kwanoma yimuphi umuntu ukuthi luyoshushiswa enkantolo noma kwenziwe olunye uphenyo ngenye i-ejensi, ngomunye umnyango noma umgwamanda.

10. La maPhuzu okuzoSetshenzelwa Phezu Kwawo angengezwa, angashintshwa noma angachitshiyelwa nguNdunankulu ngezikhathi ezithile.

INgxyene B**IMITHETHONQUBO****EZOSEBENZA****KWIKHOMISHANA YOPHENYO EZOPHENYA NGEZIZATHU ZOKUBULAWA
KOSOPOLITIKI KWAZULU-NATALI**

1. Kule Mithethonqubo, ngaphandle uma ingqikithi isho okwehlukile –

“**uSihlalo**” kushiwo uSihlalo weKhomishana yoPhenyo ezoPhenya ngeziZathu zokuBulawa kosoPolitiki KwaZulu-Natali;

“**iKhomishana**” kushiwo iKhomishana yoPhenyo ezoPhenya ngeziZathu zokuBulawa kosoPolitiki KwaZulu-Natali;

“**umbhalo**” kushiwo noma iyiphi incwadi, ipheshana, irekhodi, uhlu, isekhula, ipulani, uqwembe, ibhodi, ushicilelo, umdwebo noma isithombe;

“**uphenyo**” kushiwo uphenyo olwenziwe yiKhomishana;

“**ilungu**” kushiwo ilungu leKhomishana;

“**umsebenzi**” kushiwo umuntu osebenza ngokugcwele kuHulumeni wesiFundazwe noma osebenzela uMbuso oqokelwe noma ojutshelwe ukusiza iKhomishana ukwenza imisebenzi yayo;

“**izakhiwo**” kubandakanya noma yimuphi umhlaba, isakhiwo, uhlaka, ingxenyane yesakhiwo noma yohlaka, imoto, isithuthi, umkhumbi noma ibhanoyi.

2. Izingxoxo zeKhomishana kumele ziqoshwe ngendlela enqunywe uSihlalo.

3.(1) Noma yimuphi umuntu oqokelwe noma ojutshelwe ukuthi abhale phansi noma aqophe izingxoxo zeKhomishana ngesandla noma ngomshini noma abhale okuqoshiwe kumele, ngaphambi kokuba aqale ukwenza lokho, enze isifungo noma enze isiqinisekiso ngale ndlela:

“*Mina, AB, ngiyafunga/ngiyaqinisekisa ukuthi –*

(a) ngiyobhala/ngiyooqopha ngokwethembeka nangalo lonke ikhono lami izingxoxo zeKhomishana yoPhenyo ezophenya ngeziZathu zokuBulawa kosoPolitiki KwaZulu-Natali ngesandla/ngomshini njengalokhu ngiyalelwe uSihlalo weKhomishana; futhi

(b) ngiyobhala okuqoshiwe ngalo lonke ikhono lami okuyimibhalo yezandla/amarekhodi omshini ezingxoxo zeKhomishana enziwe yimi nanoma yimuphi omunye umuntu.”.

(2) Akukho mibhalo yesandla noma yomshini ethinta izingxoxo zeKomidi eyoqoshwa phansi ngaphandle komyalelo kaSihlalo.

4. Wonke umuntu oqashelwe ukuthi enze imisebenzi yeKhomishana, kubandakanya noma yimuphi umuntu okukhulunywe ngaye kumthethonqubo 3(1), kumele asize ngokugcina ubumfihlo banoma yiluphi udaba noma ulwazi angase ahlangebazine nalo uma enza imisebenzi yakhe mayelana nemisebenzi ajutshelwe yona, ngaphandle uma ukushicilelwa kwalolo daba noma kwalolo lwazi kudingeka ngokwezinhloso zombiko weKhomishana, futhi bonke labo bantu, ngaphandle kukaSihlalo, kwelungu noma komsebenzi, kumele, ngaphambi kokwenza noma yimuphi umsebenzi ophathelene neKhomishana, bathathe isifungo sokwethembeka nobumfihlo phambi kukaSihlalo kanje:

“Mina, AB, ngiyafunga/ngiyaqinisekisa ukuthi ngaphandle uma kunesidingo ukuze ngenze umsebenzi wami ophathelene nemisebenzi yeKhomishana yoPhenyo ezophenya ngeziZathu zokuBulawa kosoPolitiki KwaZulu-Natali noma ngokomyalelo wenkantolo yomthetho, angeke ngazise muntu nganoma yiluphi udaba noma ulwazi engingaluthola mayelana nophenyo lwale Khomishana, noma ngivumele noma ngigunyaze noma yimuphi umuntu ukuthi athole noma yimaphi amarekhodi eKhomishana, kubandakanya noma yimuphi umbhalo, irekhodi noma ulwazi oluqoshiwe lwezingxoxo zeKhomishana okukhulunywe ngayo olukimi noma olugcinwe yimi noma olusezandleni zeKhomishana noma olugcinwe yiKhomishana noma umsebenzi weKhomishana.”.

5. Akekho umuntu oyoxoxa nomunye umuntu nganoma yiluphi udaba noma ulwazi alutholile mayelana nophenyo lweKhomishana, noma avumele noma agunyaze omunye umuntu ukuthi athole noma yimaphi amarekhodi eKhomishana, ngaphandle uma kudingeka ukuze enze umsebenzi wakhe ngokuhambisana nemisebenzi yeKhomishana noma uma eyalelwe yinkantolo yomthetho.

6. USihlalo angaqoka umuntu noma abantu abanolwazi olunzulu abazosiza iKhomishana ukwenza imisebenzi yayo, ngaphandle kokuthi babe ngamalungu eKhomishana.
7. USihlalo noma umsebenzi ogunyaziwe noma ogunyazwe ngokukhethekile uSihlalo kumele ayalele noma yimuphi ufakazi ovela phambi kweKhomishana ukuthi enze isifungo noma isiqinisekiso.
8. Uma, ngesikhathi kukhona umuntu owethula ubufakazi phambi kweKhomishana, amalungu omphakathi engavunyelwe ukuba yingxenywe yezingxoxo zeKhomishana, uSihlalo, uma lowo muntu ecela, angayalela ukuthi kungabi khona muntu odalula nganoma iyiphi indlela igama noma ikheli noma imininingwane yalowo muntu.
9. Ufakazi ovela phambi kweKhomishana angaphekwa ngemibuzo omunye umuntu kuphela uma uSihlalo egunyaza lokho ngenxa yokuthi uSihlalo ubona kunesidingo ukuze kufezeke izinhloso zemisebenzi yeKhomishana.
10. Ufakazi ovela phambi kweKhomishana angasizwa ummeli wasemajajini noma ummeli, ngokubona kukaSihlalo nangendlela enganqunywa uSihlalo.
11. Umsebenzi, ummeli noma ummeli wasemajajini oqokwe uSihlalo angaba khona uma sekulalelwa ubufakazi esigcawini futhi angethula ubufakazi abambe neqhaza kwizimpikiswano ezimayelana nophenyo.
12. Uma iKhomishana igculisekile, ngobufakazi noma ngolwazi olwethulwe kuyo, ukuthi uphenyo lweKhomishana kungenzeka luphazamise ngandlela thile olunye uphenyo noma amanye amacala akhona, afakiwe noma asazothethwa, afakwe ngokwanoma yimuphi umthetho, ubufakazi obuthinta lawo macala noma lolo phenyo kumele iKhomishana ibusebenzise ngendlela engeke iphazamise lawo macala noma lolo phenyo.
13. Ngokwezinhloso zophenyo, uSihlalo, nanoma yiliphi ilungu noma umsebenzi angangena futhi ahlole noma yisiphi isakhiwo noma afune noma athathe noma yimuphi umbhalo okuleso sakhiwo ngesikhathi esifanele, uma kunencwadi emgunyazayo.
14. Akekho umuntu, ngaphandle kwemvume ebhalwe phansi kaSihlalo –
 - (a) ongasabalalisa noma yimuphi umbhalo oledwe kwiKhomishana yinoma yimuphi umuntu mayelana nophenyo noma ashicilele okuqukethwe noma ingxenywe yokuqukethwe kulowo mbhalo; noma

(b) ongafunda noma yimuphi umbhalo, kubandakanya noma yisiphi isitatimende, esibhekiswe kuSihlalo noma avimbele ukuthathwa noma ukuhanjiswa kwalowo mbhalo kuSihlalo.

15. Akekho umuntu, ngaphandle uma kunesidingo ngenkathi kwenziwa umsebenzi weKhomishana, ongashicilela noma anikeze omunye umuntu umbiko nanoma yimuphi umbiko wesikhashana weKhomishana noma ikhophi noma ingxenye yawo noma ulwazi mayelana nokucutshungulwa kobufakazi yiKhomishana ukuze kushicilelwe ngaphambi kokuphela kwezinsuku eziyi-14 uthunyelwe kuNdunankulu: Kuncike ekutheni uNdunankulu angagunyaza ukushicilelwa kwanoma yimuphi phakathi kwaleyo mibiko ngaphambi kokuphela kwaleso sikhathi.

16. Akekho umuntu ongahlambalaza, ongachwensa noma ongeya uSihlalo nanoma yiliphi ilungu leKhomishana noma aphazamise izingxoxo noma imiphumela yeKhomishana.

17. Noma yimuphi umuntu –

(a) ngenhloso othikameza, ovimbela noma ophazamisa uSihlalo, noma yiliphi ilungu noma umsebenzi ngenkathi enza umsebenzi wakhe ohlongozwe kumthethonqubo 13; noma

(b) owephula inhlinzeko yoMthethonqubo 5, 8, 14 noma 15, uyothweswa icala futhi akhokhiswe inhlawulo noma abhadle ejele isikhathi esingeqile ezinyangeni eziyi-12.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065