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**[Kindly note that an Afrikaans and Xhosa translation of
this Proclamation will be gazetted in the near future.]**

PROCLAMATION
APPOINTMENT OF
COMMISSION OF INQUIRY

PREAMBLE

WHEREAS a routine operation by the National Intelligence Agency led to considerable media coverage about the possible presence of listening devices within certain offices of the Provincial Administration: Western Cape, and

WHEREAS it is essential to have clean, suspicion-free government; and

WHEREAS there is concern about a possible lack of an adequate system of maintaining records detailing the way in which the affairs of the Province of the Western Cape are managed and administered;

NOW THEREFORE

I, Petrus Jacobus Marais, Premier of the Province of the Western Cape, under the power vested in me in terms of section 127(2)(e) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) read with section 37(2)(e) of the Constitution of the Western Cape 1997 (Act 1 of 1998) and section 1(1)(a) of the Western Cape Provincial Commissions Act, 1998 (Act 10 of 1998—“the Commissions Act”)—

(a) appoint—

The Hon. Mr. Justice Siraj Desai;
and
Mr John Ernstzen

as a Commission of Inquiry (“the Commission”) into Public Administration Practices and Procedures in the Office of the Premier and the Office of the Director-General in the Province of the Western Cape from 1994 to date with terms of reference as set out in the Schedule to this proclamation;

(b) declare the provisions of the Commissions Act applicable to the Commission;

(c) designate The Hon. Mr. Justice S. Desai as chairperson of the Commission; and

(d) appoint Dr. T. J. Sutcliffe as secretary to the Commission.

Given under my hand and the Seal of the Province of the Western Cape at Cape Town on this 27th day of March 2002.

PETRUS JACOBUS MARAIS, PREMIER: WESTERN CAPE

SCHEDULE

TERMS OF REFERENCE

of the Premier of the Western Cape

to the

COMMISSION OF INQUIRY

The Commission’s terms of reference are as follows:

1. To conduct an inquiry into:
 - (a) the adherence to acceptable procedures and practices followed by the Office of the Premier and the Office of the Director-General from 1994 to date, including those in relation to the management and care of recorded information, regardless of the form or medium in which such information was recorded;
 - (b) the use of surveillance methods within the Provincial Administration: Western Cape,
 - (c) any malpractices and/or irregularities on the part of any person or organization in relation to the issues mentioned in 1(a) and 1(b); and
 - (d) any other matter relevant to or connected to the issues referred to in 1(a) and 1(b) above.
2. To compile a report detailing:
 - (a) Any findings in respect of the above; and
 - (b) any recommendations in respect of such findings.
3. To submit interim reports to the Premier on any matter referred to in paragraph 1, if and when considered appropriate by the Commission.
4. To complete its work and submit a report to the Premier within a period of three months from the date of its appointment.