



PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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**PROCLAMATION BY THE PREMIER OF THE PROVINCE OF THE WESTERN CAPE****NO. 18/2007****PROVINCE OF THE WESTERN CAPE****COMMISSION OF INQUIRY INTO POSSIBLE OCCURRENCE OF MALADMINISTRATION, CORRUPTION, FRAUD OR OTHER SERIOUS MALPRACTICE IN THE CITY OF CAPE TOWN**

Whereas the Provincial Minister of Local Government and Housing has designated the persons listed hereunder to conduct an investigation in terms of section 106(1)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), and whereas the investigation will be conducted in terms of the said Act, I, EBRAHIM RASOOL, Premier of the Province of the Western Cape, under the powers vested in me by section 1 of the Western Cape Provincial Commissions Act, 1998 (Act 10 of 1998) ("the Act"), appoint the same persons as members of this Commission, namely:

1. The Honourable Justice NC Erasmus, Chairperson
2. Mr G Papadakis
3. Ms H Vermeulen

I further appoint Mr Z Twala as Secretary to the Commission and Mr F Petersen to lead the evidence at the proceedings.

The terms of reference for this Commission are the following:

1. To conduct an investigation into the possible occurrence of maladministration, corruption, fraud or other serious malpractice in the City of Cape Town (the City) regarding the investigation allegedly authorised by the Speaker of the City in terms of item 13 of the Code of Conduct for Councillors in respect of Councillor Chabaan, and in particular:
  - 1.1 to establish the legality and lawfulness of the investigation authorised by the Speaker of the City;
  - 1.2 to establish whether the City or its political and administrative office bearers reported their suspicion of criminal activity by Councillor Chaaban to the South African Police Service, if yes when, if not, why not;
  - 1.3 to establish whether the City paid for work done by George Fivaz and Associates ("GFA"), or any other service provider relating to this matter, before they were appointed by the City and whether such payment was lawfully made;
  - 1.4 to establish whether any other service providers were engaged by the City for any matter related to the investigation allegedly authorised by the Speaker of the City in terms of item 13 of the Code of Conduct for Councillors, if so, what the scope of their services was, what the results of the work done by the service provider/s are, and what the costs incurred by the City in this regard were;
  - 1.5 to establish whether the contract between the City and GFA makes provision for the gathering of intelligence and electronic surveillance and monitoring of Councillors and other persons and if so, whether this is lawful;
  - 1.6 to establish whether any policies of the Council and/or its political and administrative structures were transgressed;
  - 1.7 to establish whether the City paid for work done on behalf of a political party or parties in this regard; and
  - 1.8 to establish whether the Municipal Finance Management Act, 2003 or any other laws were transgressed by the City and/or its agents in the procurement and implementation of the contracts with GFA.
2. The Chairperson or the Commission must submit a written report on its findings to the Premier by 31 January 2008.
3. Furthermore, I hereby make the regulations in the Schedule with reference to this Commission.

Signed at Cape Town on this 29th day of November 2007.

**E Rasool**  
Premier

**QR Dyantyi**  
Provincial Minister of Local Government and Housing

**SCHEDULE****REGULATIONS**

1. In these regulations, unless the context otherwise indicates —
  - “Chairperson” means the Chairperson of the Commission;
  - “Commission” means the Commission of Inquiry into the Possible Occurrence of Maladministration, Corruption, Fraud or other Serious Malpractice in the City of Cape Town;
  - “document” includes—
    - (a) any paper or other object on which there is writing or images;
    - (b) any object from which writing, sounds or images can be reproduced or retrieved;
    - (c) any electronically stored information that is transmittable.
  - “inquiry” means the inquiry conducted by the Commission;
  - “member” means a member of the Commission;
  - “the Act” means the Western Cape Provincial Commission Act, 1998 (Act 10 of 1998).
2. The proceedings of the Commission shall be recorded in the manner determined by the Chairperson.
3. Every person employed in the execution of the functions of the Commission, including any person appointed or designated to take down or record the proceedings of the Commission in writing or by mechanical means, or employed to transcribe the records so taken down, shall help 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 purpose of the report of the Commission.
4. 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.
5. The Chairperson 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.
6. 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, on the request of such a 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.
7.
  - (1) No person appearing before the Commission may refuse to answer any question on the grounds that the answer could incriminate him or her or that he or she may be tried on a criminal charge and may be prejudiced at such trial by the answer.
  - (2) No evidence regarding questions and answers contemplated in subregulation (1) and no evidence regarding any fact or information that comes to light in consequence of any such questions or answers, shall be admissible in any criminal proceedings, except in criminal proceedings where the person concerned is charged with an offence in terms of section 4(3) of the Act.
8. No person shall without the written permission of the Chairperson —
  - (1) 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
  - (2) 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.
9. No person shall publish or furnish any other person with the report or any interim report of the Commission or a copy thereof or information regarding the consideration of evidence by the Commission for publication, except in so far as it is necessary in the execution of the terms of reference of the Commission, or before the publication of any such report has been approved by the Premier.
10. No person shall insult, disparage or belittle the Chairperson or any member of the Commission or prejudice the proceedings or findings of the Commission.
11. Any person who contravenes or fails to comply a provision of regulation 4, 7(1), 8, 9 or 10 shall be guilty of an offence and liable on conviction to a fine not exceeding six thousand rand or imprisonment for a period not exceeding six months or both.

**PROKLAMASIE DEUR DIE PREMIER VAN DIE PROVINSIE WES-KAAP****NO. 18/2007****PROVINSIE WES-KAAP****KOMMISSIE VAN ONDERSOEK NA DIE MOONTLIKE VOORKOMS VAN WANADMINISTRASIE, KORRUPSIE, BEDROG OF ANDER ERNSTIGE WANPRAKTYK IN DIE STAD KAAPSTAD**

Waar die Provinsiale Minister van Plaaslike Regering en Behuising die persone hieronder aangewys het om ingevolge artikel 106(1)(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) 'n ondersoek uit te voer en waar die ondersoek ingestel sal word ingevolge die genoemde Wet, stel ek, EBRAHIM RASOOL, Premier van die Provinsie Wes-Kaap, volgens die magte wat aan my verleen word deur artikel 1 van die Wet op Wes-Kaapse Provinsiale Kommissies (Wet 10 van 1998) (hierna "die Wet" genoem), dieselfde persone aan as lede van hierdie Kommissie, naamlik:

1. Die Agbare Regter NC Erasmus, Voorsitter
2. Mnr G Papadakis
3. Me H Vermeulen

Verder stel ek aan mnr Z Twala as Sekretaris van die Kommissie en mnr F Petersen om gedurende die verrigtinge die getuienis te lei.

Die opdrag van hierdie Kommissie is soos volg:

1. Om ondersoek in te stel na die moontlike voorkoms van wanadministrasie, korrupsie, bedrog of ander ernstige wanpraktyk in die Stad Kaapstad (hierna "die Stad" genoem) na aanleiding van die ondersoek wat na bewering deur die Speaker van die Stad gemagtig is ingevolge item 13 van die Gedragskode vir Raadslede ten opsigte van Raadslid Chabaan en in besonder:
  - 1.1 om die wetlikheid en regmatigheid van die ondersoek wat na bewering deur die Speaker van die Stad gemagtig is, te bepaal;
  - 1.2 om vas te stel of die Stad of sy politieke en administratiewe ampsdraers hul vermoede van kriminele aktiwiteite deur Raadslid Chaaban aangemeld het by die Suid-Afrikaanse Polisiediens, en indien wel, wanneer, en indien nie, waarom nie;
  - 1.3 om vas te stel of die Stad vir George Fivaz en Vennote (GFA) of enige ander diensverskaffers betaal het vir werk wat in verband met hierdie aangeleentheid gedoen is voordat hulle deur die Stad aangestel is en of sodanige betaling regmatig geskied het;
  - 1.4 om vas te stel of enige ander diensverskaffers deur die Stad betrek is by enige aangeleentheid met betrekking tot die ondersoek wat na bewering deur die Speaker van die Stad gemagtig is ingevolge item 13 van die Gedragskode vir Raadslede, en indien wel, wat die omvang van hul dienste was, wat die uitslag was van die werk wat deur die diensverskaffer(s) gedoen is en watter koste deur die Stad in hierdie opsig aangegaan is;
  - 1.5 om vas te stel of die kontrak deur die Stad en die GFA voorsiening maak vir die inwin van vertroulike inligting en vir elektroniese waarnemings en die monitering van Raadslede en ander persone, en indien wel, of dit wettig is;
  - 1.6 om vas te stel of enige beleid van die Raad en/of sy politieke en administratiewe strukture oortree is;
  - 1.7 om vas te stel of die Stad betaal het vir werk wat namens 'n politieke party of partye gedoen is in hierdie opsig; en
  - 1.8 om vas te stel of die Wet op Munisipale Finansiële Bestuur (2003) of enige ander wette oortree is deur die Stad en/of sy agente in die verkryging en implementering van die kontrakte met die GFA.
2. Die Voorsitter van die Kommissie moet teen 31 Januarie 2008 'n skriftelike verslag oor hul bevindings aan die Premier voorlê.
3. Hiermee maak ek voorts in die Bylae die regulasies met betrekking tot hierdie Kommissie.

Onderteken in Kaapstad op hierdie 29ste dag van November 2007.

**E Rasool**  
Premier

**QR Dyantyi**  
Provinsiale Minister van Plaaslike Regering en Behuising

**BYLAE**  
**REGULASIES**

1. In hierdie regulasies, tensy die konteks iets anders suggereer, beteken “Voorsitter” die Voorsitter van die Kommissie.  
 “Kommissie” beteken die Kommissie van Ondersoek na die Moontlike Voorkoms van Wanadministrasie, Korruptsie, Bedrog of ander Ernstige Wanpraktyk in die Stad Kaapstad.  
 “dokument” sluit in —
  - (a) enige dokument of ander voorwerp waarop daar geskryf of geteken is;
  - (b) enige voorwerp waarvan inskripsies, klanke of tekeninge gereproduseer of herwin kan word;
  - (c) enige elektronies bewaarde inligting wat oordraagbaar is.
 “ondersoek” beteken die ondersoek wat deur die Kommissie uitgevoer word.  
 “lid” beteken ’n lid van die Kommissie;  
 “die Wet” beteken die Wet op die Wes-Kaapse Kommissie, 1998 (Wet 10 van 1998).
2. Die werksaamhede van die Kommissie sal aangeteken word op ’n wyse wat deur die Voorsitter bepaal sal word.
3. Elke persoon wat in diens geneem is om funksies van die Kommissies te vervul, insluitend enigiemand wat aangestel of aangewys word om die verrigtinge van die Kommissie skriftelik of meganies af te neem of aan te teken, of wat in diens geneem is om die aantekeninge wat op hierdie wyse gemaak is, te transkribeer, moet help om vertroulikheid te handhaaf met betrekking tot enige aangeleentheid of inligting wat moontlik onder sy of haar aandag gekom het gedurende die uitvoering van sy of haar pligte in verband met die genoemde funksies, behalwe as die publisering van sodanige aangeleentheid of inligting noodsaaklik vir die doeleindes van die verslag van die Kommissie is.
4. Geen persoon mag aan iemand anders enige aangeleentheid of inligting in verband met die ondersoek van die Kommissie wat onder sy of haar aandag gekom het, oordra, of toelaat of toestem dat enige ander persoon toegang verkry tot enige verslae van die Kommissie, behalwe as dit noodsaaklik is vir die uitvoering van sy of haar pligte met betrekking tot die funksies van die Kommissie of in opdrag van ’n bevoegde hof.
5. Die Voorsitter mag een kundige persoon of meer in ’n hoedanigheid wat verskil van dié van die lid, aanwys om die Kommissie by te staan in die uitvoering van sommige van sy funksies.
6. Terwyl enige persoon getuienis voor die Kommissie lewer en die algemene publiek verbied is of word om dié verrigtinge van die Kommissie by te woon, mag die Voorsitter op versoek van die betrokke gelaas dat niemand op enige manier die naam of die adres van hierdie persoon of inligting wat moontlik sy of haar identiteit kan openbaar, onthul nie.
7.
  - (1) Geen persoon wat voor die Kommissie verskyn, mag weier om enige vraag te beantwoord nie as die antwoord hom of haar kan inkrimineer of as hy of sy op ’n strafregtelike aanklag verhoor kan word en in sodanige verhoor deur die antwoord benadeel kan word.
  - (2) Geen getuienis in verband met vrae en antwoorde wat in subregulasie (1) gesuggereer word en geen getuienis in verband met enige feit of inligting wat aan die lig kom as gevolg van enige van hierdie vrae of antwoorde sal toelaatbaar wees in enige strafregtelike verrigtinge nie, behalwe in strafregtelike verrigtinge waar die betrokke persoon van ’n oortreding ingevolge artikel 4(3) van die Wet aangekla word.
8. Niemand mag sonder die skriftelike toestemming van die Voorsitter —
  - (1) enige dokument wat aan die Kommissie voorgelê word deur enigiemand in verband met die ondersoek, versprei of die inhoud of enige deel van die inhoud van so ’n dokument publiseer nie; of
  - (2) enige dokument, insluitend enige verklaring, wat bedoel is om aan die Voorsitter voorgelê te word, bestudeer of so ’n dokument onderskep terwyl dit na die Voorsitter geneem of aangestuur word nie.
9. Niemand mag die verslag of die voorlopige verslag van die Kommissie of ’n afskrif daarvan, of inligting oor die oorweging van getuienis deur die Kommissie vir publikasie, publiseer of dit vir enigiemand anders gee nie, behalwe as dit noodsaaklik in die uitvoering van die opdrag van die Kommissie is, of voordat die publikasie van enige sodanige verslag deur die Premier goedgekeur is.
10. Niemand mag die Voorsitter of enige lid van die Kommissie beledig, verneder of kleiner, of bevooroordeel wees oor die verrigtinge of bevindings van die Kommissie nie.
11. Enigiemand wat ’n bepaling van regulasie 4, 7(1), 8, 9 of 10 oortree of in gebreke bly om daaraan gehoor te gee, maak hom of haar skuldig aan ’n oortreding en sal by skuldigbevinding onderhewig wees aan ’n boete van minstens ses duisend rand of gevangenisstraf vir ’n tydperk van minstens ses maande of albei.

**UMPOSHO OKHUTSHWA YINKULUMBUSO YEPHONDO LENTSHONA KOLONI****NOMB. 18/2007****IPHONDO LENTSHONA KOLONI****IKHOMISHONI YOPHANDO NGOLAWULO OLUGWENXA, UBUQHETSEBA NAKO NOKUPHI NA OKUNYE OKUYINKQUBO EGWENXA KWISIXEKO SEKAPA**

Njengoko umPhathiswa wePhondo woLawulo lweeDolophu neziThili noBonelelo ngeziNdlu ekhethe aba bantu badweliswe ngezantsi apha ukuba baqhube uphando ngokwemiqathango yecandelo 106(1)(b) lomThetho oyiLocal Government: Municipal Systems Act, 2000 (umThetho 32 ka-2000), nanjengoko uphando olu luza kuqhutywa ngokwalo mThetho ukhankanyiweyo, mna, EBRAHIM RASOOL, oyiNkulumbuso yePhondo leNtshona Koloni, ngokwamagunya endawanikwayo licandelo 1 lomThetho oyiWestern Cape Provincial Commissions Act, 1998 (umThetho 10 ka-1998) ("umThetho"), ndinyula aba bantu ukuba babe ngamalungu ale Khomishoni, bona bangaba:

1. Ohloniphekileyo uJaji N.C. Erasmus, uSihlalo
2. Mnu G. Papadakis
3. Nksk H. Vermeulen

Kananjalo ndikwanyula noMnu Z. Twala ukuba abe nguNobhala wale Khomishoni noMnu. F. Petersen ukuba akhokele ukufunwa kobungqina kwiindibano zale Khomishoni.

Ugunyaziso olunikwa le Khomishoni lolu lulandelayo:

1. Ukuba mayenze uphando ngolawulo olugwenxa, ubuqhetseba nako nakuphi na okunye okuyinkqubo egwenxa kwisiXeko seKapa (isiXeko) ngokuphathelele kuphando ekuthiwa lugunyaziswe nguSomlomo wesiXeko phantsi kwemiqathango yomhlathi 13 womGaqo wokuziPhatha kooCeba, ngokunxulumene noCeba umnu Chabaan, igxininise ngakumbi:
  - 1.1 ekufumaniseni ukuba semthethweni kolu phando lugunyaziswe nguSomlomo wesiXeko;
  - 1.2 ekufumaniseni ukuba ngaba isiXeko okanye amagosa aso anezikhundla zezopolitiko okanye zolawulo akhe axela na kwiiNkonzo zamaPolisa aseMzantsi-Afrika ukuba ayakrokra ukuba uCeba Chaaban unako akwenzayo okungekho mthethweni, ukuba kunjalo kwenziwa nini oko, ukuba akuzange kwenziwe oko kwakutheni ukuba kungenziwa;
  - 1.3 ukufumanisa ukuba ngaba isiXeko esi saba nentlawulo esiyenzayo na ngomsebenzi owenziwa ngabakwaGeorge Fivaz and Associates ("GFA"), okanye nangowuphi na umniki wenkonzo ngokuphathelele kulo mba, phambi kokuba banyulwe sisiXeko esi nokuba ingaba loo ntlawulo yenziwa ngokusemthethweni na;
  - 1.4 ukufumanisa ukuba ingaba bakhona na abanye abaniki beenkonzo abaye baqeshwa sisiXeko esi malunga nawo nawuphi na umba ophathelele kolu phando kuthiwa lwagunyaziswa nguSomlomo wesiXeko phantsi kwemiqathango yecandelo 13 lomGaqo wokuziPhatha kooCeba, kuze kuthi ukuba kunjalo ifumanise ukuba yayisithini na imihlaba yaloo nkonzo yabo, nokuba zithini na iziphumo zolo phando lwenziwa ngaba baniki beenkonzo nokuba isiXeko sadleka malini na ngalo mba;
  - 1.5 ukufumanisa ukuba ingaba ikhontrakthi phakathi kwesiXeko esi nabakwa-GFA inako na ekuqulathileyo malunga nokuqokelelwa kweenkcukacha nokucutshwa kooCeba nabanye abantu ngokusebenzisa izinto ezisebenza ngombane, ukuze ukuba kunjalo ifumanise ukuba ingaba oko kusemthethweni na;
  - 1.6 ukufumanisa ukuba ingaba ikhona na imigaqo-nkqubo yeKhansile okanye izigqeba zayo zolawulo okanye zezopolitiko eyathi yatyeshelwa;
  - 1.7 ukufumanisa ukuba ingaba isiXeko esi sibenayo intlawulo esiyenzileyo na ngomsebenzi owenziweyo sihlawula egameni leqela lopolitiko okanye lamaqela opolitiko ngokuphathelele kulo mba;
  - 1.8 nokufumanisa ukuba ingaba umThetho oyiMunicipal Finance Management Act, 2003 okanye nayo nayiphi na eminye imithetho yaye yaphulwa na sisiXeko esi okanye ngabagunyaziswa baso ekufunyanweni nasekusebenziseni iikhontrakthi nabakwa-GFA.
2. USihlalo okanye iKhomishoni le kufuneka ingenise ingxelo yayo ebhaliweyo ngeziphumo zophando lwayo kwiNkulumbuso yePhondo ungalulanga umhla wama-31 kuJanyuwari ka-2008.
3. Kananjalo, ndenza nemigaqo ekwiShedyuli malunga nale Khomishoni.

Isayinwe eKapa ngalo mhla we-29 kuNovemba ka-2007.

**E. Rasool**  
INkulumbuso yePhondo

**Q.R. Dyantyi**  
umPhathiswa wePhondo woLawulo lweeDolophu neziThili noBonelelo ngeziNdlu

## ISHEDYULI

### IMIGAQO

1. Kule migaqo, ngaphandle kwalapho indlela elisetyenziswe ngayo eli gama ilinika enye intsingiselo —
  - “uSihlalo“ ubhekisele kuSihlalo wale Khomishoni;
  - “ikhomishoni” ibhekisele kwiKhomishoni yoPhando ngolawulo olugwenxa, ubuqhetseba nako nokuphi na okunye okuyinkqubo egwenxa kwisixeko seKapa;
  - “uxwebhu” lubandakanya—
    - (a) nalo naluphi na iphepha okanye enye into ekubhaliweyo kuyo okanye ekukho imizobo kuyo;
    - (b) nayo nayiphi na into ekunokuthi kuyo kukotshwe okanye kuthathwe umbhalo, isandi okanye imizobo;
    - (c) nazo naziphi na iinkcukacha ezigcinwe kwinto esebenza ngombane nezinokukhupheleka.
  - “uphando” lubhekisele kuphando oluqhutywa yile Khomishoni
  - “ilungu” libhekisele kulowo ulilungu lale Khomishoni;
  - “umThetho” ubhekisele kumThetho oyiWestern Cape Provincial Commission Act, 1998 (umThetho 10 ka-1998).
2. Iingxoxo zale Khomishoni ziya kurekhodishwa ngolo hlobo athe wagqiba ngalo uSihlalo.
3. Wonke umntu oye waqeshelwa ukuba enze umsebenzi wale Khomishoni, kubandakanya naye nawuphi na umntu oqeshelwe okanye okhethelwe ukuba abhale phantsi okanye arekhodishe iingxoxo zale Khomishoni nokuba kungento engumatshini, okanye oye waqeshelwa ukuba akhuphele ekubhalweni oko kuthe kwarekhodishwa ngomatshini. uya kusigcina isifuba ngawo nawuphi na umba okanye ngazo naziphi na iinkcukacha anokuzazi ngenxa yokuba esenza le misebenzi ikhankanyiweyo, ngaphandle ke kwaxa loo mbandela okanye ezo nkcukacha kufuneka zifakwe kwingxelo yale Khomishoni.
4. Akukho mntu uya kuxelela nawuphi na omnye umntu ngawo nawuphi na umba okanye ngazo naziphi na iinkcukacha eziphathelele kule Khomishoni anokuthi azazi, okanye avumele naye nawuphi na omnye umntu ukuba afikelele kwiirekhodi zale Khomishoni, ngaphandle kwaxa oko kuyimfuneko ekwenzeni kwakhe umsebenzi wakhe ophathelele kule Khomishoni okanye xa eyalelwe yinkundla efanelekileyo ukuba mazenze njalo.
5. USihlalo usenokukhetha umntu okanye abantu abanolwazi nobungcali ukuba bancedise le Khomishoni ekwenzeni eminye yemisebenzi yayo; engelilo yena ilungu layo.
6. Xa kuye kwathi ngexesha apho nawuphi na umntu enika ubungqina kule Khomishoni abantu ngokubanzi bengavunyelwanga ukuba babekho kwiingxoxo zeKhomishoni le, uSihlalo, ngokucelwa ngulowo mntu, usenokukhupha umyalelo wokuba kungabikho namnye umntu odiza, nangaluphi na uhlobo, igama okanye i-adresi yaloo mntu okanye naziphi na iinkcukacha ezinokumdiza loo mntu ukuba ungubani na.
7.
  - (1) Akukho mntu uzokucela phambi kwale Khomishoni unokwala ukuphendula nawuphi na umbuzo kuba esithi ukuwuphendula kwakhe kungambeka ityala okanye angabanjelwa ulwaphulo-mthetho okanye kungambophelela xa kuxoxwa elo tyala.
  - (2) Akukho bungqina busuka kwimibuzo okanye kwiimpendulo ekubhekiswa kuyo kumhlathi (1) kwaye kungekho nabuphi na ubungqina obuphathelele kuyo nayiphi na into okanye kuzo naziphi na iinkcukacha ezithe zavela ngenxa yaloo mibuzo okanye ezo mpendulo, buya kwamkeleka ekuxoxweni kwetyala xa umntu ebanjelwa ulwaphulo-mthetho, ngaphandle kokuba umntu lowo ubanjelwa ulwaphulo-mthetho phantsi kwemiqathango yecandelo 4(3) lalo mThetho.
8. Akukho mntu uya kuthi engafumenanga mvume ibhaliweyo kuSihlalo —
  - (1) Ahambise nalo naluphi na uxwebhu obelungenisiwe kwiKhomishoni le nguye nawuphi na umntu noluphathelele kolu phando, okanye apapashe iziqukatho zalo okanye inxenye yazo; okanye
  - (2) Afunde naluphi na uxwebhu, kubandakanya nayo nayiphi na inkcazo, oluthe lwangeniswa kuSihlalo okanye alurhiwule olo xwebhu xa lusiwa okanye ludluliselwa kuSihlalo.
9. Akukho mntu uya kupapasha okanye uya kunika nawuphi na omnye umntu ingxelo okanye ingxelo yexeshana yale Khomishoni okanye ikopi yayo okanye nazo naziphi na iinkcukacha eziphathelele kuqwalaselo lobungqina obuza kupapashwa yile Khomishoni, ngaphandle kwaxa oko kuyimfuneko ekuqhutyweni komsebenzi ogunyaziswe le Khomishoni, okanye phambi kokuba upapasho lwaloo ngxelo luvunye yiNkulumbuso yePhondo.
10. Akukho mntu uya kuthuka okanye uya kunyemba okanye uya kutshabhisa uSihlalo okanye nalo naluphi na ilungu lale Khomishoni okanye anyelise inkqubo okanye iziphumo zophando lwale Khomishoni.
11. Nawuphi na umntu otyeshelayo okanye osilelayo ekuthobeleni imiqathango yomhlathi 4, 7(1), 8, 9 okanye 10 uyakuba netyala lolwaphulo-mthetho kwaye agwetywe ifayini engadlulanga kwiwaka leeRandi okanye agwetyelwe ukuthothoza entolongweni isithuba esingadlulanga kwiinyanga ezintandathu, okanye aziwiselwe zozibini ezi zigwebo.

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