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CONTENTS • INHOUD*No.**Page
No. Gazette
 No.***PROCLAMATION**

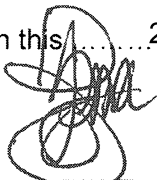
- | | | | |
|----|---|---|-------|
| 59 | Commissions Act (8/1947): Commission of Inquiry into the tragic incidents at or near the area commonly known as the Marikana Mine in Rustenburg in the North West Province, South Africa, on or about 11-16 August 2012 | 3 | 35730 |
|----|---|---|-------|
-

PROCLAMATION*by the**President of the Republic of South Africa***No. 59, 2012****COMMISSION OF INQUIRY INTO THE TRAGIC INCIDENTS AT OR NEAR THE AREA COMMONLY KNOWN AS THE MARIKANA MINE IN RUSTENBURG IN THE NORTH WEST PROVINCE, SOUTH AFRICA, ON OR ABOUT 11-16 AUGUST 2012**

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby –

- (a) declare that the provisions of the said Act shall be applicable to the Commission of Inquiry to investigate matters of public, national and international concern arising out of the tragic incidents at or near the area commonly known as the Marikana Mine, in Rustenburg, in the North West Province, South Africa, on or about Saturday 11 August to Thursday 16 August, 2012; and
- (b) make the regulations in the Schedule with reference to the said Commission.

Given under my Hand and the Seal of the Republic of South Africa at ...Pretoria...
on this21..... day ofSeptember..... Two thousand and twelve.

**PRESIDENT**

By Order of the President-in-Cabinet:

**MINISTER OF THE CABINET**

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 tragic incidents at or near the area commonly known as the Marikana Mine in Rustenburg, North West Province, South Africa, referred to in Government Gazette No. 35680 of 12 September 2012;

"Director-General" means the Director-General of the Department of Justice and Constitutional Development;

"document" includes, whether in electronic form or otherwise, any book, pamphlet, record, list, circular, plan, poster, publication, drawing, photograph, picture or data, and also any disc, hard-drive recording or other device by means of which information or data is recorded or stored;

"inquiry" means the inquiry conducted by the Commission;

"member" means a member of the Commission;

"Minister" means the Minister of Justice and Constitutional Development;

"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;

"Secretary" means a person designated by the Minister to provide administrative support to the Commission.

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 or electronic means or to transcribe such proceedings which have been so taken or recorded shall at the outset take an oath or make an affirmation in the following form:

I, A... B..., declare under oath or affirm and declare—

(a) that I shall faithfully and to the best of my ability take down or record the proceedings of the Commission of Inquiry to investigate matters of public, national and international concern arising out of the tragic incidents at or near the area commonly known as the Marikana Mine, in Rustenburg, in the North West Province, South Africa, on or about Saturday 11 August to Thursday 16 August, 2012, in shorthand or by mechanical or electronic 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 or electronic record of the proceedings of the said Commission made by me or by any other person.

(2) No shorthand notes or mechanical or electronic record of the proceedings of the Commission shall be transcribed except by order of the Chairperson.

4. (1) The Minister may designate a suitably qualified person as Secretary of the Commission.

(2) The Secretary shall be assigned such functions as may be necessary to enable him or her to provide an efficient administrative support function to the Commission.

(3) The Secretary shall, where necessary, be assisted by officers of any Department of State seconded to its service, or persons in the service of any public or other body who are by arrangement with the body concerned seconded to the service of the Commission.

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

6. Any member and any person designated under regulation 4(1) or 5 who is not an employee in the public service, may be paid such fees or travelling and subsistence allowance, while engaged upon or in the business of the Commission, as the Minister may, with the concurrence of the Minister of Finance, determine.

7. Any officer or person designated thereto by the Chairperson may be present at any stage of the inquiry or the gathering of information or the hearing of evidence at the inquiry.

8. Any person appearing before the Commission may be assisted by an advocate or an attorney.

9. (1) No person appearing before the Commission may refuse to answer any question on any ground other than the privilege contemplated in section 3(4) of the Commissions Act, 1947 (Act No. 8 of 1947).

(2) No evidence regarding questions and answers contemplated in sub-regulation (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 6 of the Commissions Act, 1947 (Act No. 8 of 1947), or regulation 17.

(3) Any 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.

(4) Any witness may be re-examined by his or her legal representative for the purpose of explaining the evidence given by the witness during his or her examination.

10. Where, at the time of any person presenting information to or 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.

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 inquiry instituted in terms of any law, evidence which is relevant to such legal proceedings or inquiry shall be dealt with by the Commission in such a manner as not to affect adversely such legal proceedings or inquiry.

12. (1) The Chairperson, any member or any officer may, with a warrant, for the purposes of the inquiry, at all reasonable times and without prior notice or with such notice as he or she may deem appropriate enter and inspect any premises and demand and seize any document or article which is on such premises.

(2) Any entry upon or search of any premises or person thereon in terms of this regulation, shall be conducted with strict regard to decency and order, including—

- (i) a person's right to, respect for and the protection of his or her dignity;
- (ii) the right of a person to freedom and security; and
- (iii) the right of a person to his or her personal privacy.

(3) The premises referred to in sub-regulation (1) may be entered only by virtue of a warrant issued in chambers by a magistrate, regional magistrate or judge of the area of jurisdiction within which the premises are situated.

(4) A warrant referred to in sub-regulation (1) may be issued by a judge in respect of premises situated in another area of jurisdiction, if he or she deems it justified.

(5) A warrant referred to in sub-regulation (1) may be issued only if it appears to the magistrate, regional magistrate or judge from information revealed under oath or affirmation that there is a need for a warrant authorising a search and seizure and that there are reasonable grounds to believe that any document or article referred to in sub-regulation (1) is on or at such premises or suspected to be on or at such premises.

13. (1) 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, or allow 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.

(2) Every person in the service of the Commission, except the Chairperson, any member or any officer, shall, before performing any duty in connection with the Commission, take and subscribe before the Chairperson an oath in the following form:

I, A... B..., declare under oath or affirm and declare 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 to investigate matters of public, national and international concern arising out of the tragic incidents at or near the area commonly known as the Marikana Mine, in Rustenburg, in the North West Province, South Africa, on or about Saturday 11 August to Thursday 16 August, 2012 or by order of a competent court, I shall not communicate to any person any matter or information which comes to my knowledge in connection

with the inquiry, or allow or permit any person to have access to any records of the Commission, including any notes, 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.

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; 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 shall, except in so far as shall be 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 President: Provided that the President may authorise publication of any such report before the expiration of that period.

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

17. (1) A person is guilty of an offence if he or she—
- (a) wilfully hinders, resists or obstructs the Chairperson, any member or any officer in the exercise of any power contemplated in regulation 10; or
 - (b) contravenes regulation 9, 13, 14 or 16; or
 - (c) contravenes regulation 15.
- (2) A person convicted of an offence in terms of sub-regulation (1) is liable—
- (i) in the case of an offence referred to in paragraph (a) or (b), to a fine, or to imprisonment for a period not exceeding six months; and
 - (ii) in the case of an offence referred to in paragraph (c), to a fine, or to imprisonment for a period not exceeding 12 months.
18. These regulations may be added to, varied or amended from time to time.
19. The Commission may determine its own procedures.

ISIHLOKOMISO**esenziwa****NGUMONGAMELI WERIPHABLIKHI YOMZANTSI-AFRIKA****EsinguNombolo 59, 2012****IKOMISHONI YOPHANDO NGEZIGANEKO EZENZEKA KUMGODI WASEMARIKANA
ONGOWENKAMPANI I-LONMIN PHAKATHI KOMHLA WE-11 NOWE-16 KU-AGASTI
2012**

Ngokwamagunya endiwanikwa sisiqendu 1 se*Commissions Act* 8 ka-1947–

- (a) ndivakalisa ukuba okutshiwo ngulo Mthetho kuza kusebenza kwiKomishoni
Yophando Ngeziganeko Ezenzeka KuMgodi WaseMarikana Ongowenkampani
ILonmin kwithuba eliphakathi komhla we-11 nowe-16 kuAgasti 2012; kwaye
- (b) ndenza imimiselo kwiSihlomelo ngokumayela nale Komishoni.

Igunyazwe ngeSandla sam nangeTywina leRiphabliki yoMzantsi-Afrika e...Pretoria... ngalo
mhla ...21..... kwinyanga ka.....September..... kunyaka wamaWaka Amabini Aneshumi
Elinesibini.

UMONGAMELI

NgoMyalelo kaMongameli kwikhabhinethi:

UMPHATHISWA WEKHABHINETHI

ISIHLOMELO
IMIMISELO

1. **Kule mimiselo**, ngaphandle kokuba okunye okubhaliweyo kuyo kubonisa ngenye indlela—

"uSihlalo" nguSihlalo weKomishoni;

"iKomishoni" yiKomishoni Yophando Ngeziganeko KuMgodi WaseMarikana Ongowenkampani I-Lonmin kwithuba eliphakathi komhla we-11 nowe-16 kuAgasti 2012 ekuthethwe ngayo ku*Shicilelo-Mithetho* olunguNombolo ... luka-2012;

"uMlawuli-Jikelele" nguMlawuli-Jikelele weSebe Lobulungisa Nophuhliso LoMgaqo-siseko;

"uxwebhu" luquka, nokuba yinto ekwimo ye-elektroniki okanye enjani na, nayiphi na incwadi, iphetshana, irekhodi, uludwe, ileta ejikeleziswayo, isicwangciso, iphowusta, incwadi, umzobo, ifoto, umfanekiso okanye ingcombolo, kwakunye nayiphi na idiski, ushicilelo lwe*hard-drive* okanye nasiphi na esinye isixhobo eshicilelwa okanye egcinwa ngayo ingcombolo;

"uphando" luphando olwenziwa yiKomishoni;

"ilungu" lilungu leKomishoni;

"uMphathiswa" nguMphathiswa Wobulungisa Nophuhliso LoMgaqo-Siseko;

"igosa" ngumntu oqeshwe ngokupheleleyo ngurhulumente, omiselwe okanye ochongelwe ukubaancedise iKomishoni ekwenzeni imisebenzi yayo;

elithi "ngaphakathi kwamasango" liquka nawuphi na umhlaba, isakhiwo, inxalenye yesakhiwo, inqwelo-mafutha, inqanawa okanye inqwelo-moya;

"uNobhala" ngumntu ochongwe nguMphathiswa ukubaancedise iKomishoni kwizinto ezibhalwayo.

2. Okuthethwayo kwiKomishoni kuza kushicilelwa ngendlela egqitywe nguSihlalo.

3. (1) Nawuphi na umntu omiselwe okanye ochongelwe ukuba abhale ngesandla okanye ashicilele ngomatshini okanye akhuphele okuthethwayo kwiKomishoni makathi ekuqaleni afunge okanye enze isibhambathiso ngale ndlela ilandelayo:
Mna, A... B..., ndivakalisa ndifungile okanye ndenze isibhambathiso ukuba—
- (a) ngokuthembeka, nangokusemandleni am, ndiza kubhala ngesandla okanye ndishicilele ngomatshini okuthethwaayo kule Komishoni Yophando Ngeziganeko Ezenzeka KuMgodi WaseMarikana Ongowenkampani I-Lonmin, ngendlela endiyalelwe ngayo nguSihlalo weKomishoni;
- (b) ndiza kukhuphela ngokupheleleyo nangokwamandla am amanqaku abhalwe ngesandla okanye ngomatshini ezinto ezithethiweyo kule Komishoni;
- (2) Akukho manqaku abhalwe ngesandla okanye ngomatshini ezinto ezithethwayo kwiKomishoni aya kuthi akhutshelwe, ngaphandle kokuba kutsho umyalelo kaSihlalo.
4. (1) UMphathiswa usenokuchonga umntu ofanelekileyo abe nguNobhala weKomishoni.
- (2) UNobhala makabelwe imisebenzi nguMphathiswa okanye nguMlawuli-Jikelele ukuze abe luncedo kwiKomishoni kwizinto ezibhalwayo.
- (3) Xa kunokwenzeka, uNobhala makancediswe ngamagosa alo naliphi na isebe likarhulumente abolekiweyo, okanye abantu abasebenzela urhulumente okanye iqumrhu elinjengorhulumente, bebolekwe iKomishoni ngokuvumelana nelo qumrhu.
5. USihlalo usenokuchonga umntu okanye abantu abanolwazi okanye abanamava ukuba bancedise iKomishoni ekwenzeni imisebenzi yayo, bengengawo amalungu eKomishoni.

6. Naliphi na ilungu kunye naye nawuphi na umntu ochongwe ngokommiselo 4(1) okanye 5 ongengomqeshwa karhulumente, unokuhlawulwa imali okanye imali yeendleko zohambo nokutya ngoxa esenza umsebenzi weKomishoni, ngokwendlela egqitywe nguMphathiswa ebonisana noMphathiswa Weemali.

7. Naliphi na igosa okanye umntu ochongiweyo nguSihlalo uvumelekile ukuba abekho nangaliphi na ixesha lokuqhubeka kophando okanye lokuqokelelwa kwengcombolo okanye lokuphulaphulwa kobungqina.

8. Nawuphi na umntu ovela phambi kweKomishoni unokuncediswa ligqwetha leejaji okanye ligqwetha.

9. (1) Akukho mntu ovela phambi kweKomishoni ovumelekileyo ukuba ale ukuphendula mibuzo ngaso nasiphi na isizathu ngaphandle kwesizathu semfihlo esixelwe kwisiqendu 3(4) se *Commissions Act 8 ka-1947*.

(2) Ubungqina obungemibuzo neempendulo obuxelwe kummiselwana (1), nobungqina obungesibakala esithile okanye ingcombolo ethi ivele xa kubuzwa imibuzo okanye xa kuphendulwa, ayiyi kwamkeleka njengobungqina xa kuqhubeka ityala lolwaphulo-mthetho, ngaphandle kwaxa kwelo tyala lolwaphulo-mthetho umntu lowo ebekwe ityala ngokwesiqendu 6 se *Commissions Act 8 ka-1947*, okanye ngokommiselo 17.

(3) Naliphi na ingqina elivela phambi kweKomishoni linokuncinwa kuphela ukuba uSihlalo uyakuvumela oko kuncinwa kuba ekubona kuyimfuneko ukuze yenzeke kakuhle imisebenzi yeKomishoni.

(4) Naliphi na ingqina linokubuzwa imibuzo yokucacisa iindawana ezingacacanga, liyibuzwa ligqwetha lalo, liyibuzwa ngenjongo yokucacisa iindawana ezithile ezivele xa belinika ubungqina.

10. Ukuba, xa umntu othile ebevelisa ingcombolo ethile okanye enika ubungqina phambi kweKomishoni belungavumelekanga ukuba lubekho uluntu, uSihlalo usenokuthi, ngokucelwa nguloo mntu, ayalele ukuba kungabikho mntu udandalazisa igama okanye idilesi yaloo mntu okanye odandalazisa ingcombolo enokuthi idandalazise ukuba ungubani.

11. Nanini na xa iKomishoni yanelisekile kwinto yokuba ubungqina okanye ingcombolo ebekwe phambi kwayo inokuba nesiphumo esibi kwityala eliqhubekayo okanye elingekaqosheliswa okanye kuphando oluqalisiweyo ngokomthetho othile, obo bungqina okanye ingcombolo obunento yokwenza netyala eliqhubekayo elingekaqosheliswa buya kusingathwa yiKomishoni ngendlela yokuba bungabi nesiphumo esibi kwelo tyala okanye uphando.

12. (1) USihlalo, okanye naliphi na ilungu okanye igosa linokuthi, linesigunyazisi, lingene nakwawaphi na amasango lize lihlole elifuna ukukuhlola okanye lithathe naluphi na uxwebhu okanye into engaphakathi kwaloo masango, likwenza oko ngawo onke amaxesha afanelekileyo, lingakhange libhungise okanye libhungisile ngendlela elibona kufaneleke libhungise ngayo.

(2) Nakuphi na ukungena kumasango omntu okanye ukugqogqwa nokusetshwa komntu olapho ngokwalo mmiselo, makwenziwe kuhlonelwa ngokungqongqo isidima somntu nocwangco, kuquka—

- (a) ilungelo lomntu lokuba nesidima, nokuhlonelwa kwaso nokukhuselwa kwaso;
- (b) ilungu lomntu lokuba ngokhululekileyo nokhuselekileyo;
- (c) nelungelo lomntu lokuba neemfihlo zakhe.

(3) Amasango ekuthethwe ngawo kummiselwana (1) kunokungenwa kuwo kuphela ngokungunyazwa sisigunyazisi esikhutshwe yimantyi ise-ofisini, okanye yimantyi yenqila okanye yijaji yommandla ekuza kugqogqwa kuwo.

(4) Isigunyazisi ekuthethwe ngaso kummiselwana (1) sinokukhutshwa yijaji kube kuza kugqogqwa komnye ummandla ukuba ikubona kufanelekile oko.

(5) Isigunyazisi ekuthethwe ngaso kummiselwana (1) sinokukhutshwa kuphela ukuba, ngokwengcombolo etyhilwe kwimantyi okanye kwimantyi yenqila okanye kwijaji kufungiwe okanye kwenziwe isibhambathiso, kubonakala ukuba kukho imfuneko yesigunyazisi esigunyaza ukugqogqa nokuthatha, kananjalo kube kukho izizathu ezivakalayo zokukholelwa ukuba naluphi na uxwebhu okanye into ekuthethwe ngayo kummiselwana (1) ingaphakathi kuloo masango okanye kurhaneleka ukuba ilapho.

13. (1) Akukho mntu uvumelekileyo ukuba axelele omnye umntu udaba okanye ingcombolo athe wayazi ngokunxulumene nophando lweKomishoni, kungekho mntu uvumelekileyo kananjalo ukuba avumele omnye umntu ukuba afikelele kwiirekhodi zeKomishoni, ngaphandle kokuba oko kuyimfuneko ukuze enze imisebenzi yakhe emayela neKomishoni, okanye uyalelwe ngumyalelo wenkundla.

(2) Wonke umntu osebenzela iKomishoni, ngaphandle kukaSihlalo okanye ilungu leKomishoni okanye igosa layo, makathi ngaphambi kokuba enze umsebenzi weKomishoni, afunge phambi kukaSihlalo ngale ndlela ilandelayo:

Mna, A... B..., ndivakalisa ndifungile okanye ndenze isibhambathiso ndithi, xa kuyimfuneko ekwenzeni imisebenzi yam enxulumene neKomishoni Yophando Ngeziganeko KuMgodi WaseMarikana Ongowenkampani I-Lonmin kwithuba eliphakathi komhla we-11 nowe-16 kuAgasti 2012, okanye xa ndiyalelwe yinkundla, andiyi kudlulisela komnye umntu naluphi na udaba okanye ingcombolo endithe ndayazi enxulumene nolu phando, okanye ndivumele umntu afikelele kwiirekhodi zeKomishoni, kuquka namanqaku, okukhutshelwe ngokubhalwa obekuthethwa kwiKomishoni, okukum okanye okukwiKomishoni okanye okukwigosa layo.

14. Akukho mntu uvumelekileyo ngaphandle kwemvume ebhaliweyo kaSihlalo ukuba—

- (a) atyhutyhise kwabanye abantu uxwebhu olungeniswe kwiKomishoni lungeniswa ngumntu ngokunxulumene nophando lwayo, engavumelekanga kananjalo ukuba apapashe okuqulethwe okanye inxalenye yokuqulethwe lolo xwebhu; okanye
- (b) afunde uxwebhu oluza kungeniswa kuSihlalo okanye alukhawulele olo xwebhu ngoxa lusisiwa okanye luthunyelwa kuSihlalo.

15. Akukho mntu uvumelekileyo, ngaphandle kokuba wenza imisebenzi yeKomishoni, ukuba apapashe okanye anike omnye umntu ingxelo okanye ingxelo yethutyana yeKomishoni, okanye ikopi yayo okanye inxalenye yayo, okanye ingcombolo engokuqwalaselwa kobungqina yiKomishoni ngenjongo yokuba ipapashwe, lingekapheli ithuba eliziintsuku ezili-14 ingenisiwe kuMongameli, kodwa ke uMongameli unokukugunyaza ukupapashwa kwaloo ngxelo ngaphambi kokuphela kwelo thuba.

16. Akukho mntu uvumelekileyo ukuba athuke okanye adelele uSihlalo weKomishoni okanye ilungu layo, okanye abek' emngciphekweni uphando okanye okufunyanisiweyo yiKomishoni.

17. (1) Umntu waphul' umthetho ukuba—

- (a) ngabom uthintela okanye uxab' endleleni kaSihlalo okanye endleleni yelungu okanye yegosa leKomishoni xa lisebenzisa igunya elixelwe kummiselo 10; okanye
- (b) waphula ummiselo 9, 13, 14 okanye 16; okanye
- (c) waphula ummiselo 15.

(2) Umntu ofunyaniswe enetyala ngokommiselwana (1)—

- (a) xa ikukwaphul' umthetho ekuthethwe ngako kwisiqendu (a) okanye (b), uya kugwetywa ifayini, okanye agwetywe ukuvalelwa entolongweni ixesha elingagqithiyo kwiinyanga ezintandathu; kuze
- (b) xa ikukwaphul' umthetho ekuthethwe ngako kwisiqendu (c), agwetywe ifayini, okanye ukuvalelwa entolongweni ixesha elingagqithiyo kwiinyanga ezili-12.

18. Le mimiselo inokuman' isongezwa, okanye iman' ukutshintshwa.

19. Le Komishoni inokuzenzela isigqibo ngokwayo ngendlela eza kuqhuba
ngayo.

KGWELETSO

ka

MOPRESIDENTE WA REPHABOLIKI YA AFORIKA BORWA**Palo 59, 2012****KHOMISHENE YA DIPATLISISO KODUWENG E ETSAHETSENG SEBAKENG KAPA HAOFI LE SEBAKA SE TSEBAHALANG E LE MORAFO WA MARIKANA KO RUSTENBURG, PROVENSENG YA LEBOYA BOPHIRIMA, AFORIKA BORWA KA LA KAPA KA BO DI 11-16 PHATO 2012**

Ka matla ao ke a nehetsweng ke karolo 1 ya *Commissions Act, 1947 (Act No. 8 of 1947)* ke –

- (a) tsebisa ha molao o hlahositsweng o tla sebetsa Khomisheneng ya dipatlisiso ho fuputsa dintlha tsa setjhaba, naha le matjhabatjhaba tse hlahellang koduweng e etsahetseng sebakeng kapa pela sebaka se tsebahalang ka morafu wa Marikana o Rustenburg, Provenseng ya Leboya Bophirima, Aforika Borwa ka la kapa ka bo Moqebelo wa 11 Phato ho ya ho Labone 16 Phato 2012 le
- (b) ho etsa melao Shejulung ka tebiso ho Khomeshene e boletsweng.

E dumelletswa ke nna ka letshwao la Rephaboliki ya Afrika Borwa, sebakaPretoria..... ka la21..... letsatsi laSeptember.....
Dikete tse pedi le leshome le metso e mmedi.

MOPRESIDENTE

Ka taelo ya Mopresidente Kabineteng:

LETONA LA KABINETE

SHEJULE

MELAO

1. Melaong ena, ntle le ha moelelo o hlalosa ka tsela e nngwe—
"Modulasetulo" e bolela Modulasetulo wa Khomishene;
"Khomishene" e bolela Khomishene ya dipatlisiso diketsahalong tse etsahetseng haofi kapa sebakeng se tsejwang ka hore ke morafu wa Marikana o Rustenburg Provenseng ya Leboya Bophirima Aforika Borwa e hlalotswang koranteng ya mmuso ya 35680 ya 12 Lwetse 2012;
"Molaodi Kakaretso" e bolela Molaodi Kakaretso wa Lefapha la Toka le Ntshetsopele ya Molaotheo;
"Tokomane" e kenyeletsa, e entsweng ka mokgwa wa elektroniki kapa ka tsela e nngwe, buka, phamfolete, rekoto, lenane, tsebiso, leano, phoustara, phatlalatso, setshwantsho kapa lesedi, disc, ho rekota ka hard drive kapa ka tsela e nngwe e tla rekota kapa boloka lesedi;
"batlisisa" e bolela dipatlisiso tse e ntsweng ke Khomishene;
"setho" e bolela setho sa Khomishene;
"Letona" e bolela Letona la Toka le Ntshetsopele ya Molaotheo;
"Ofisiri" e bolela motho ya sebeletsang mmuso ka dinako tsohle ya kgethuweng ho ka thusa Khomishene ho phetha mesebetsi ya yona;
"meaho" e kenyeletsa lefatshe, karolo ya meaho, sepalangwang, sekepe kapa sefofane;
"mongodi" e bolela motho ya kgethuweng ke Letona ho ka nehelana ka tshehetso ho Khomishene.

2. Ditsamaiso tsa Khomishene di tla rekotwa ka mokgwa o hlwauweng ke modulasetulo.

3. (1) Motho e mong le e mong ya kgethuweng ho ka rekota ditsamaiso tsa Khomishene ka ho ngola kapa bo mekheniki kapa elektroniki kapa ho ngola se buang ditsamaisong mme se amohetswe ka tlasa kano ka mokgwa o latelang:

nna, A... B..., ke ikana hore—

(a) ke tla rekota ditsamaiso tsa Khomishene ya dipatlisiso phuputsong ya dintlha tsa setjhaba, naha kapa tsa matjhabatjhaba tse hlahellang koduweng e etsahetseng sebakeng kapa pela sebaka se tsebahalang ka morafu wa Marikana o Rustenburg Provenseng ya Leboya Bophirima Aforika Borwa ka la kapa ka bo Moqebelo wa 11 Phato ho ya ho 16 Phato 2012 ka letsoho, bomekheniki kapa se elektroniki ho latela taelo ya modulasetulo ka bokgoni bohle ba ka;

(b) ke tla ngola ka ho phethahala sohle se buang ka bokgoni bohle ba ka le ho rekota ditsamaiso tsa Khomishene e boletsweng ka bo nna kapa ka motho e mong ka bo makhaniki le se elektroniki .

(2) Ha hona ho ngolwa, ka bo mekheniki kapa ho rekotwa ka elektroniki ditsamaiso tsa Khomishene ntle le taelo ya Modulasetulo.

4. (1) Letona le ka kgetha motho ya nepahetseng ho ka ba mongodi wa Khomishene.

(2) Mongodi o tla nehelwa mesebetsi ke Letona kapa Molaodi Kakaretso e bang ho hlokahala ho ka mokgontsha ho nehelana ka tshehetso ya tshebetso Khomishineng.

(3) mongodi o tla thuswa ke diofisiri tsa lefapha le leng le le leng la mmuso kapa batho ba tshebetsong ya setjhaba kapa mokgatlo oo ho hlophisitsweng ho ka thusa ka tshebeletso ya Khomishene.

5. Modulasetulo a ka kgetha motho kapa batho ba nang le tsebo kapa bokgoni ho thusa Khomishene ho ka phetha mesebetsi ya yona ka boemo boo e seng ba botho.

6. setho se seng le se seng kapa motho e mong le e mong ya kgethuweng ka tlasa molao 4(1) kapa 5 eo e seng mosebeletsi wa setjhaba a ka lefellwa kapa a nehelwa ya ho tsamaiswa ha a ntse a sebetsana le dintlha tsa Khomishene jwalo ka ha Letona le ka hlwaya ka tumellano le Letona la ditjhelete.

7. Ofisiri e nngwe le e nngwe kapa motho ya kgethuweng ke modulasetulo a ka ba teng boemong bo bong le bo bong ba dipatlisiso kapa kgobokanyong ya lesedi kapa ho mamelweng ha bopaki dipatlisising.

8. motho e mong le e mong ya hlahellang ka pela Khomishene a ka thuswa ke leqwetha kapa mmuelli.

9. (1) ha ho motho ya ka hlahella ka pele ho Khomishene a hane ho araba potso efe kapa efe jwalo ka ha ho hlahositswe karolong 3(4) ya *Commissions Act, 1947 (Act No. 8 of 1947)*.

(2) bopaki mabapi le dipotso le dikarabo tse hlahositsweng molawaneng (1) le ho se be le bopaki mabapi le ntlha kapa lesedi le hlahellang ka

lebaka la dipotso kapa dikarabo ho tla nkuwa tsamaisong ya bosinyi, ntle le nyeweng ya bosinyi moo motho eo ho buang ka yena a qoswang ka bosinyi ho latela karolo 6 ya *Commissions Act, 1947 (Act No. 8 of 1947)* kapa molao 17.

(3) paki e nngwe le e nngwe e hlahellang ka pele ho Khomishene e ka botswa dipotso e bang modulasetulo a dumela mme le teng, ho le bohlokwa bakeng la tshebetso ya Khomishene.

(4) paki e nngwe le e nngwe e ka botswa dipotso ke kemedi ya hae ya molao bakeng la ho ka hlalosa bopaki bo nehetsweng ke paki ka nako ya ho botsisiswa ha hae.

10. moo ditho tsa setjhaba diqheletsweng ka thoko ho ka ba teng ditsamaisong tsa Khomishene, modulasetulo a ka laela hore motho a se nehelane ka lebitso kapa aterese ya motho kapa lesedi le tla nehelana ka ho tsejwa ha motho, ka tumello ya motho ya jwalo ya nehelanang ka lesedi ka pela Khomishene.

11. Ha Khomishene e kgotsofaditswe ke bopaki kapa lesedi hore e ka ama tsamaiso e teng ya molao kapa dipatlisiso tse teng tse entsweng ho latela molao o mong le o mong, bopaki bo amang tsamaiso e jwalo ya semolao kapa dipatlisiso ditla sebetswa ke Khomishene ka tsela e senang ho ama ditsamaiso tse jwalo tsa semolao kapa dipatlisiso.

12. (1) modulasetulo, setho se seng le se seng kapa ofisiri e nngwe le e nngwe e ka kena le ho lekola meaho mmoho le ho hloka kapa ho nka tokomane e nngwe le e nngwe e moahong oo ka tumello le lebakeng la dipatlisiso ka dinako tsohle ka ho tsebisa e bang ho hlokahala kapa ntle le tsebiso.

(2) ho kena kapa ho phenyokolla moaho kapa motho e mong le e mong ho latela molao ona, e tla etswa ka hlomphe le taolo, ho kenyeditswe—

- (i) tokelo ya motho, hlomphe le tshireletso ya botho ba hae;
- (ii) tokelo ya motho ya tokoloho le tshireletso le;
- (iii) tokelo ya motho ya poraevete.

(3) meaho e hlalotwang molawaneng wa (1) ho ka kenwa ho ona ha tumello e ntshitswe ke mmasetarata, mmasetara wa kgaolo kapa moahlodi wa sebaka seo meaho e leng ho sona.

(4) tumello eo ho buang ka yona molawaneng (1) e ka ntshwa ke moahlodi moo meaho e leng sebakeng se seng ka tlasa taolo ya hae e bang ho hlokahala.

(5) tumello eo ho buang ka yona molawaneng (1) e ka nehelwa feela e bang ho hlahella ho mmasetarata, mmasetarata wa kgaolo kapa moahlodi ka tlasa boikano hore ho a hlokahala hore tumello ya ho phenyokolla le ho nka ditokomane e ka ntshwa le hore ho na le mabaka a netefatsang ha tokomane e nngwe le e nngwe e hlalotwang molawaneng (1) e le teng kapa ho belaelwa hore e teng moahong oo.

13. (1) ha ho motho ya tla buisana le motho e mong taba e nngwe le e nngwe e ka fihlang ho yena e manang le dipatlisiso kapa ho dumella motho e mong ho ka fumana direkoto tsa Khomishene ntle le ha e ba ho hlokahala phethong ya mosebetsi wa hae le kamanong le tshebetso ya Khomishene ka taelo ya lekgotla la dinyewe.

(2) motho e mong le e mong ya tshebetsong ya Khomishene, ntle le modulasetulo, setho se seng le se seng kapa ofisiri, pele a phetha mosebetsi ofe

kapa ofe o amanang le Khomishene o tshwanetse ho etsa kano ka pela modulasetulo ka tsela e latelang:

nna, A... B..., ke ikana hore nka se buisane le mang kapa mang ntlha e nngwe le e nngwe kapa lesedi le tlang ho nna mabapi le dipatlisiso, ho dumella motho e mong le e mong ho fumana direkoto tsa Khomishene tse ho nna kapa tse Khomisheneng kapa ofisiring e nngwe le e nngwe, ntle le ha feela ha ho hlokahala tshebetsong ya ka ya Khomishene ya dipatlisiso phuputsong ya dintlha tsa setjhaba, naha le tsa matjhabatjhaba tse hlahellang diketsahalong tse etsahetseng sebakeng kapa pela sebaka se tsebahalang ka morafa wa Marikana o Rustenburg Provinseng ya Leboya Bophirima, Aforika Borwa ka la kapa ka bo Moqebelo wa la 11 ho ya ho Labone 16 Phato 2012 kapa ka taelo ya lekgotla la dinyewe.

14. ntle le tumello e ngotsweng ya modulasetulo ha ho motho ya tla—

- (a) phatlalatsa tokomane e nngwe le e nngwe e nehetsweng Khomishene ke motho e mong le e mong mabapi le dipatlisiso kapa ho phatlalatsa dikahare kapa karolo enngwe le e nngwe e itseng ya tokomane e jwalo kapa;
- (b) ho bala tokomane e nngwe le e nngwe ho kenyeleditswe tokodiso e tshwanetse e nehelwe modulasetulo kapa ho kgahlanyetsa tokomane e jwalo nakong eo e lebiswang ho modulasetulo.

15. ha ho motho ya tla phatlalatsa kapa tsebisa motho e mong le e mong ka tlaleho kapa ka tlaleho ya sethatho ya Khomishene kapa khopi kapa lesedi mabapi le ho nahanwa ha bopaki ke Khomishene pele matsatsi a 14 a feta ka mora hore e nehelwe mopresidente, ntle le ha ho hlokahala phethahalang ya mokgwa wa

tshebetso ya Khomishene: le ha mopresidente a ka nehelana ka tumello ya phatlalatso ya tlaleho pele nako ya teng e feta.

16. ha ho motho ya tla hlapaola, ho hlokisa boleng kapa ho nyenyefatsa modulasetulo kapa setho se fe kapa se fe sa Khomishene kapa ho nyatsa dipatlisiso kapa tsamaiso kapa sephetho sa Khomishene.

17. (1) motho o molato wa ho tlola molao e bang a—

- (a) hana kapa a setisa modulasetulo, setho se seng le se seng kapa ofisiri tshebetsong ya hae jwalo ka ha ho hlalositse molaong 10 kapa;
- (b) tlola molao 9, 13, 14 kapa 16 kapa;
- (c) tlola molao 15.

(2) motho ya fumanweng a le molato ho latela karolwana (1)

otla—

- (i) lefiswa kapa a kwallwa nako e sa feteng dikgwedi tse tshelela nyeweng ya tlolo ya molao e hlalotswang serapeng (a) kapa (b) le;
- (ii) lefiswa kapa kwallwa nako e sa feteng dikgwedi tse 12 nyeweng ya tlolo ya molao e hlalotswang serapeng (c).

18. melao ena e ka eketswa kapa ya lokiswa nako le nako.

19. Khomishene e ka hlwaya metjha ya yona.

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