

PROCLAMATION

by the Acting President of the Republic of South Africa

No. R. 68, 2001

COMMISSION OF INQUIRY INTO THE FIRE AT THE PRETORIUSKOP AREA IN THE KRUGER NATIONAL PARK THAT BROKE OUT ON 4 SEPTEMBER 2001

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act No. 8 of 1947), I hereby declare that the provisions of that Act shall be applicable to the Commission of Inquiry into the Fire at the Pretoriuskop Area in the Kruger National Park that broke out on 4 September 2001 and I hereby 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 on this Eleventh day of December, Two Thousand and One.

J. ZUMA

(Acting) President

By Order of the President-in-Cabinet:

M. V. MOOSA

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 the Commission of Inquiry into the fire at the Pretoriuskop area in the Kruger National Park that broke out on 4 September 2001;

“**document**” includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

“**Inquiry**” means the inquiry conducted by the Commission;

“**member**” means a member of the Commission;

“**officer**” means a person in the full-time service of the State or an employee of South African National Parks 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 or aircraft.

2. The proceedings of the Commission shall be recorded in the manner determined by the chairperson.

3. (a) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make an affirmation in the following form:

“I AB, declare under oath/affirm and declare—

(i) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into the fire at the Pretoriuskop area in the Kruger National Park that broke out on 4 September 2001, in shorthand/by mechanical means as ordered by the Chairperson of the Commission;

(ii) 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”.

(b) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed, except by order of the chairperson.

4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3(a), shall aid in preserving secrecy in 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 shall be necessary for the purposes of the report of the Commission, and every such person, except the chairperson, a member or any officer, shall, before performing any duty 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 in so far as it shall be necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into the fire at the Pretoriuskop area in the Kruger National Park that broke out on 4 September 2001, or by order of a competent court, shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer.”

5. No person who is in terms of regulation 4 required to take and subscribe an oath of fidelity or secrecy shall communicate to any other person any matter or information which 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 shall be 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 some 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 shall administer an oath to or accept an affirmation from any witness appearing before the Commission.

8. All the evidence and addresses heard by the Commission shall be heard in public: Provided that the chairperson may, in his discretion, exclude from the place where such evidence is to be given or such address is to be delivered any class of persons whose presence at the hearing of such evidence or address is, in his opinion not necessary or desirable.

9. Where, at the time of any person giving evidence before the Commission, members of the general public are or have been excluded in terms of regulation 8 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.

10. Any witness appearing before the Commission may only be cross-examined by a person 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.

11. Any witness appearing before the Commission may, in the discretion of the chairperson and in such manner as may be determined by him, be assisted by an advocate or an attorney.

12. 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.

13. Whenever the Commission is satisfied upon evidence or information presented to it that the Commission's inquiry may adversely affect any existing, instituted or pending legal proceedings or any investigation instituted in terms of any law, evidence which is relevant to such legal proceedings or investigation shall be dealt with by the Commission in such a manner as not to affect adversely such legal proceedings or investigation.

14. (a) No person shall, without the written permission of the chairperson, 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.

(b) No person may without the written permission of the chairperson peruse any document, including any statement which is destined to be submitted to the chairperson, or intercept it whilst it is being taken or forwarded to the chairperson.

15. No person shall, except in so far as it may be necessary in the execution of the terms of reference of the Commission, publish or furnish to any other person the report of the Commission or any copy or any part thereof or information regarding the consideration of evidence by the Commission before the expiration of a period of 14 days after the report has been submitted to the President: Provided that the President may authorise such publication or furnishing before the expiration of that period.

16. No person shall insult, disparage or belittle the chairperson or any member of the Commission or disrupt or prejudice the proceedings or anticipate the findings, of the Commission.

17. Any person who—

(a) contravenes a provision of regulations 5, 9, 14, or 15; or

(b) contravenes a provision of regulation 16, shall be guilty of an offence and liable on conviction—

(i) in the case of an offence referred to in paragraph (a), 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 (b), to a fine, or to imprisonment for a period not exceeding twelve months.