

**KWAZULU-NATAL
COMMISSIONS AMENDMENT BILL, 2014**

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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments
_____ Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the KwaZulu-Natal Commissions Act, 1999, so as to effect textual amendments; to insert new definitions and new provisions; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Amendment of long title of Act 3 of 1999

1. The long title of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999), hereinafter referred to as the principal Act, is hereby amended by the substitution for the long title of the following long title –

“To [make provision] provide for the [functions] appointment of commissions of enquiry [appointed by the Premier]; and to provide for matters incidental thereto.”.

Amendment of enacting provision of Act 3 of 1999

2. The principal Act is hereby amended by the substitution for the enacting provision of the following enacting provision –

“BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:- ”.

Amendment of section 1 of Act 3 of 1999

3. Section 1 of the principal Act is hereby amended –

(a) by the substitution for the definition of “Constitution” of the following definition:

“**Constitution**” means the Constitution of the Republic of South Africa, 1996 [(Act 108 of 1996)];”;

- (b) by the insertion after the definition of "Constitution" of the following definition:
"Gazette" means the official Provincial Gazette of the Province of KwaZulu-Natal;
- (c) by the insertion after the definition of "High Court" of the following definition:
"organ of state" bears the meaning assigned to it in section 239 of the Constitution; and
- (d) by the insertion after the definition of "Province" of the following definition:
"Provincial Legislature" means the Legislature of the Province of KwaZulu-Natal.

Amendment of section 2 of Act 3 of 1999

4. Section 2 of the principal Act is hereby amended –

- (a) by the substitution for the phrase preceding paragraph (a) of subsection (1) of the following phrase:
"(1) The Premier may by Proclamation in the [*Provincial*] Gazette [*of the Province of KwaZulu-Natal*] –";
- (b) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
"(a) appoint a commission after the organ of state to be responsible for the commission has presented the Premier with the estimated financial implications for such appointment;"
- (c) by the deletion of paragraph (c);
- (d) by the deletion of subsection (2); and
- (e) by the deletion of subsection (3).

Amendment of section 8 of Act 3 of 1999

5. The following section is hereby substituted for section 8 of the principal Act –

"Report of commission

8.(1)(a) A commission shall report in writing to the Premier in accordance with its terms of reference, but not later than 12 months after its appointment [or such further period as may be granted by Premier on the written request of the commission]; Provided that the Premier may –

(i) if he or she deems it appropriate; or

(ii) based on a reasonable written request by the commission,

extend the term of the commission after the chairperson has presented the Premier with the estimated financial implications for such extension.

(b) In the event of a commission not being unanimous in its finding, such fact must be stated in the report contemplated in section 8(1)(a), and all divergent views and reasons thereof must be incorporated into the commission's report.

(2) Any person who, without the consent of the Premier or the commission, furnishes a copy of the report of a commission or any part thereof to any other person before the release of the report of the commission to the public by the Premier as contemplated in subsection (4) [expiration of a period of 21 days after it has been submitted to the Premier], shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(3)(a) The Premier shall, not later than 21 days after the report has been presented to him or her, submit the report to the Provincial Legislature, through the Speaker, who shall table such report and refer it to the relevant [standing] portfolio committee for consideration.

(b) The relevant portfolio committee –

(i) may refer the report to another committee for comment; and

(ii) must, within 21 working days from the referral of the report to it in terms of paragraph (a), decide whether to provide formal comment or input in writing to the Premier on the report.

(c) If the relevant portfolio committee needs more time to make its decision in terms of paragraph (b)(ii), the chairperson of the relevant portfolio committee, after consultation with the Speaker, must inform the Premier of –

(i) the reasons why more time is needed; and

(ii) the date by which the relevant portfolio committee expects to finalise the matter which date may not be later than 14 working days after the date on which the period prescribed in paragraph (b) expires.

(d) The relevant portfolio committee must make its decision and provide formal comment or input in writing to the Premier on or before the date contemplated in paragraph (b)(ii) or (c)(ii).

(e) If the relevant portfolio committee fails to take a decision and to provide formal comment or input in writing to the Premier within the period contemplated in paragraphs (b) or (c), the Premier must proceed as contemplated in subsection (4).

(4) The Premier must, within 21 working days of –

(a) the date of receipt of the written comment or input of the relevant portfolio committee; or

(b) the expiration of the period contemplated in subsection (3)(b) or (c),
release the report of the commission to the public, together with an indication by the Premier whether, and to what extent, the findings or recommendations of the commission will be implemented, and the reasons therefor.

(5) For the purposes of this section, "working days" means Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, excluding public holidays."

Amendment of section 11 of Act 3 of 1999

6. Section 11 of the principal Act is hereby amended –

(a) by the deletion of subsection (1); and

(b) by the substitution for subsection (2) of the following subsection:

"(2) All expenses related to the commission shall be paid from monies appropriated by the Provincial Legislature for that purpose: Provided that the Premier, before appointing any commission, may require that the [person, local authority or other body] organ of state requesting such a commission shall undertake to pay the whole or such portion of the costs thereof as the Premier may determine."

Insertion of sections 11A, 11B and 11C in Act 3 of 1999

7. The following sections are hereby inserted after section 11 of the principal Act:

Procurement for commission

11A. All procurement for the commission including, but not limited, to any form of legal assistance to the commission which has financial implications, must be done –

(a) by the organ of state responsible for the commission; and

(b) through a system of procurement applicable to that organ of state, after consultation with the commission.

Regulations

11B. The Premier may, by notice in the Gazette, make regulations regarding –

(a) any matter that may or must be prescribed in terms of this Act; or

(b) any administrative or procedural matter necessary to give effect to the provisions of this Act including, but not limited to, the procedure to be followed at the investigation and for the preservation of confidentiality.

Applicability of Act to certain investigations in terms of Local Government: Municipal Systems Act, 2000, by Members of Executive Council

11C.(1) Only sections 3, 4, 5, 6 and 7 of this Act are applicable to any investigation by –

(a) a Member of the Executive Council in terms of section 106 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(b) the Member of the Executive Council responsible for local government in terms of item 14(4) of Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

(2) In respect of an investigation contemplated in subsection (1)(a) and (b), any reference in sections 3, 4, 5, 6 and 7 of this Act to –

(a) the chairperson of the commission, is regarded as a reference to the person or entity appointed by the relevant Member of the Executive Council to perform the investigation; and

(b) the secretary of the commission, is regarded as a reference to the Sheriff of the High Court.”.

Short title

8. This Act is called the KwaZulu-Natal Commissions Amendment Act, 2014.

**UMTHETHOSIVIVINYO WOKUCHIBIYELA
UMTHETHO WAMAKHOMISHANA
WAKWAZULU-NATALI, 2014**

IZINCAZELO EZIJWAYELEKILE:

- [] Amagama abhalwe ngokugqamile kubakaki abayizikwele akhombisa okususiwe emthethweni okhona
 _____ Amagama adwetshelwe ngomugqa ohlangene akhombisa okufakiwe emthethweni okhona

UMTHETHOSIVIVINYO

Wokuchibiyela uMthetho wamaKhomishana waKwaZulu-Natali, 1999, ukuze kuchitshiyelwe okubhaliwe; kufakwe izincazelo nezinhlinzeko ezintsha; nokuhlinzekela okunye okuphathelene nalokho.

MAWUMISWE isiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-

Ukuchitshiyelwa kwesihloko eside soMthetho 3 ka 1999

1. Isihloko eside soMthetho wamaKhomishana waKwaZulu-Natali, 1999 (uMthetho No. 3 ka 1999), ngemuva kwalokhu ozobizwa ngoMthetho omkhulu, ngalokhu siyachitshiyelwa ngokuthi kufakwe esikhundleni sesihloko eside lesi sihloko eside esilandelayo –

"[Wokwenza izinhlinzeko] Wokuhlinzekela [zemisebenzi] ukuqokwa kwamakhomishana ophenyo [aqokwe uNdunankulu]; nokuhlinzekela okunye okuphathelene nalokho."

Ukuchitshiyelwa kwenhlinzeko yokumiswa komthetho yoMthetho 3 ka 1999

2. UMthetho omkhulu ngalokhu uyachitshiyelwa ngokuthi kufakwe ngemuva kwenhlinzeko yokumiswa komthetho le nhlinzeko yokumiswa komthetho elandelayo –

"MAWUMISWE isiShayamthetho sesiFundazwe saKwaZulu-Natali, kanje:-".

Ukuchitshiyelwa kwesigaba 1 soMthetho 3 ka 1999

3. Isigaba 1 soMthetho omkhulu ngalokhu siyachitshiyelwa –

(a) ngokuthi kufakwe esikhundleni sencazelo yegama "uMthethosisekelo" le ncazelo elandelayo:

“uMthethosisekelo” kushiwo uMthethosisekelo weRiphabhulikhi yaseNingizimu Afrika, 1996 [(uMthetho 108 ka 1996)];”;

(b) ngokuthi kufakwe ngemuva kwencazelo yegama “uMthethosisekelo” le ncazelo elandelayo:

““iGazethi” kushiwo iGazethi esemthethweni yesiFundazwe saKwaZulu-Natali.”;

(c) ngokuthi kufakwe ngemuva kwencazelo yamagama “iNkantolo ePhakeme” le ncazelo elandelayo:

““uhlaka lombuso” linaleyo ncazelo elinikezwe yona esigabeni 239 soMthethosisekelo.”;

(d) nangokuthi kufakwe ngemuva kwencazelo yegama “isiFundazwe” le ncazelo elandelayo:

““isiShayamthetho sesiFundazwe” kushiwo isiShayamthetho sesiFundazwe saKwaZulu-Natali.”.

Ukuchitshiyelwa kwesigaba 2 soMthetho 3 ka 1999

4. Isigaba 2 soMthetho omkhulu ngalokhu siyachitshiyelwa –

(a) ngokuthi kufakwe esikhundleni somusho ongaphambi kwendima (a) yesigatshana (1) lo musho olandelayo:

“(1) UNdunankulu ngeSimemezelo kwiGazethi [yesiFundazwe saKwaZulu-Natali] –”;

(b) ngokuthi kufakwe esikhundleni sendima (a) yesigatshana (1) le ndima elandelayo:

“(a) aqoke ikhomishana ngemuva kokuba uhlaka lombuso oluzosebenzisa ikhomishana selimazisile uNdunankulu mayelana nezimali ezingase zidingeke ekuqokweni kwaleyo khomishana;”;

(c) ngokuthi kususwe indima (c);

(d) ngokuthi kususwe isigatshana (2);

(e) nangokuthi kususwe isigatshana (3).

Ukuchitshiyelwa kwesigaba 8 soMthetho 3 ka 1999

5. Isigaba 8 soMthetho omkhulu ngalokhu siyachitshiyelwa –

“Umbiko wekhomishana

8.(1)(a) Ikhomishana iyobika ngokubhalwe phansi kuNdunankulu ngokuhambisana namaphuzu ezosebenzela phezu kwawo, zingakadluli izinyanga eziyi-12 iqokiwe [noma esinye isikhathi esengeziwe njengoba kungagunyaza uNdunankulu uma ikhomishana ifaka isicelo ngencwadi]: Kuncike ekutheni uNdunankulu –

(i) uma ebona kufanele; noma

(ii) kuncike kokubekwe encwadini yesicelo ebhalwe ikhomishana, angelula isikhathi sokusebenza kwekhomishana uma usihlalo ethulela uNdunankulu isilinganiso sezimali ezizodingeka ngenxa yalokho kwelulwa kwesikhathi.

(b) Uma ikhomishana ingavumelani ngemiphumela yophenyo, kumele lokho kubhalwe embikweni ohlongozwe kwisigaba 8(1)(a), futhi yonke imibono eshayisanayo kanye nezizathu zayo kumele kubandakanywe embikweni wekhomishana.

(2) Noma imuphi umuntu, ngaphandle kwemvume kaNdunankulu noma yekhomishana, onikeza omunye umuntu ikhophi noma ingxenye yekhophi yombiko wekhomishana ngaphambi kokuba uNdunankulu adalule umbiko wekhomishana emphakathini njengoba kuhlongozwe kwisigatshana soMthetho (4) [kokuba kuphele izinsuku ezingama-21 idluliselwe kuNdunankulu], uyothweswa icala futhi uyogwetsywa inhlawulo noma abhadle ejele isikhathi esingeqile ezinyangeni eziyisithupha, noma akhokhiswe inhlawulo futhi aphinde abhadle ejele.

(3)(a) UNdunankulu, zingakapheli izinsuku ezingama-21 ethulelwe umbiko, uyodlulisela umbiko kwisiShayamthetho sesiFundazwe, ngesandla sikaSomlomo, oyobe esethula lowo mbiko futhi awudlulisele ekomidini [elibhekele izindaba ezithinta lowo mbiko] lemisebenzi elifanele ukuze liwucubungule.

(b) Ikomidi lemisebenzi elifanele –

(i) lingawudlulisela umbiko kweinye ikomidi ukuze liphawule noma libeke izimvo zalo; futhi

(ii) kumele, zingakapheli izinsuku zokusebenza ezingama-21 kusukela osukwini umbiko owadluliselwa ngalo kulo ngokwendima (a), lingume ukuthi ngabe lizombhalela yini uNdunankulu liphawule noma libeke izimvo zalo mayelana nombiko.

(c) Uma ikomidi lemisebenzi elifanele lidinga isikhathi esengeziwe ukuze lithathe isinqumo ngokwendima (b)(ii), usihlalo wekomidi lemisebenzi elifanele, uma esebonisene noSomlomo, kumele azise uNdunankulu –

- (i) ngezizathu eziphoga ukuthi kwengezwe isikhathi; kanye
- (ii) nosuku ikomidi lemisebenzi elifanele elizimisele ukuphothula udaba ngalo, okungamele kwege ezinsukwini zokusebenza eziyi-14 emuva kosuku okuphela ngalo isikhathi esihlongozwe kwindima (b).

(d) Ikomidi lemisebenzi elifanele kumele lithathe isinqumo futhi libhalele uNdunankulu liphawule noma libeke izimvo zalo ngosuku noma ngaphambi kosuku oluhlongozwe kwindima (b)(ii) noma (c)(ii).

(e) Uma ikomidi lemisebenzi elifanele lihluleka ukuthatha isinqumo nokubhalela uNdunankulu liphawule noma libeke izimvo zalo ngesikhathi esihlongozwe kwindima (b) noma (c), uNdunankulu kumele aqhubeke njengoba kuhlongoziwe kwisigatshana soMthetho (4).

(4) UNdunankulu kumele, zingakapheli izinsuku zokusebenza ezingama-21 kusukela osukwini –

- (a) athole ngalo izimvo eziphaliwe zekomidi lemisebenzi elifanele; noma
- (b) okuphele ngalo isikhathi esihlongozwe kwisigatshana soMthetho (3)(b) noma (c).

adalule umbiko wekhomishana emphakathini, ochaza nokuthi ngabe uNdunankulu uzoyisebenzisa, futhi kangakanani, imiphumela noma izincomo zekhomishana, kanye nezizathu zalokho.

(5) Ngokwezinhloso zalesi sigaba amagama athi, "izinsuku zokusebenza" kushiwo uMsombuluko, uLwesibili, uLwesithathu, uLwesine noLwesihlanu, ngaphandle kwezinsuku ezingamaholide."

Ukuchitshiyelwa kwesigaba 11 soMthetho 3 ka 1999

6. Isigaba 11 soMthetho omkhulu ngalokhu siyachitshiyelwa –

- (a) ngokususa isigatshana (1);**
- (b) nangokuthi kufakwe esikhundleni sesigatshana (2) lesi sigatshana esilandelayo:**
 - "(2) Zonke izindleko eziphathelene nekhomishana ziyokhokhwa ezimalini ezabelwe lokho isiShayamthetho sesiFundazwe: Kuncike ekutheni uNdunankulu, ngaphambi kokuba aqoke noma iyiphi ikhomishana, angayalela ukuthi [umuntu, amaziphathe wendawo noma omunye umgwamanda] uhlaka lombuso**

oludinga leyo khomishana luzibophezele ukukhokha zonke noma ingxenye yezindleko ezinganqunywa uNdunankulu.”.

Ukufakwa kwezigaba 11A, 11B no 11C eMthethweni 3 ka 1999

7. Lezi zigaba ezilandelayo zifakwa ngemuva kwesigaba 11 soMthetho omkhulu:

“Ukuhlinzekwa kwekhomishana ngemisebenzi

11A. Yonke imisebenzi eyohlinzekwa ikhomishana, kubandakanya phakathi kokunye, noma iluphi usizo lwezomthetho oluyonikezwa ikhomishana, edinga ukuba ikhokhelwe izimali, iyokhokhelwa –

(a) uhlaka lombuso olusebenzisa leyo khomishana;

(b) ngohlelo lokukhishwa kwemisebenzi olusetshenziswa yilolo hlaka lombuso, ngemuva kokubonisana nekhomishana.

IMithethongqubo

11B. UNdunankulu, ngesaziso kwiGazethi, angasungula imithethongqubo ephathelene –

(a) nanoma iluphi udaba olunganqunywa noma olunqunywe ngokwalo Mthetho;

(b) nanoma iluphi udaba oluphathelene nezokuphatha noma nengqubo edingekayo ukuze kusebenze izinhlinzeko zalo Mthetho kubandakanya, phakathi kokunye, ingqubo okumele ilandelwe uma kwenziwa uphenyo noma kugcinwa izinto eziyimfihlo.

Ukusebenza koMthetho ophenyweni oluthile ngokoMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 2000, kumaLungu oMkhandlu oPhethe

11.C.(1) Izigaba 3, 4, 5, 6 no 7 zalo Mthetho kuphela ezisebenza kunoma iluphi uphenyo olwenziwe –

(a) iLungu loMkhandlu oPhethe ngokwesigaba 106 soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 2000 (uMthetho 32 ka 2000); noma

(b) iLungu loMkhandlu oPhethe elibhekele ezohulumeni basekhaya ngokwephuzu 14(4) kuHlelo 1 loMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 2000 (uMthetho No. 32 ka 2000).

(2) Mayelana nophenyo oluhlongozwe kwisigatshana soMthetho (1)(a) no (b), noma ikuphi okuchaziwe okusezigabeni 3, 4, 5, 6 no 7 zalo Mthetho okuphatha –

(a) usihlalo wekhomishana, kuchaza umuntu noma isikhungo esiqokwe iLungu loMkhandlu oPhethe elifanele ukuze lenze uphenyo; futhi

(b) unobhala wekhomishana, kuchaza isiKhonzi seNkantolo ePhakeme.”

Isihloko esifingqiwe

8. Lo Mthetho ubizwa ngoMthetho wokuChibiyela uMthetho wamaKhomishana waKwaZulu-Natali, 2014.

**KWAZULU-NATAL
WYSIGINGSWETSONTWERP OP KOMMISSIES, 2014**

ALGEMEEN VERDUIDELIKENDE NOTAS

[] Woorde wat in vetdruk en vierkantige hakies is, dui weglatings van bestaande wetsbepalings aan
 _____ Woorde onderstreep deur 'n soliede lyn, dui byvoegings tot bestaande wetsbepalings aan

WETSONTWERP

Om die KwaZulu-Natal Wet op Kommissies, 1999, te wysig om sodoende tekstuele wysigings te bewerkstellig; om nuwe omskrywings en nuwe bepalinge in te voeg; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD soos volg deur die Provinsiale Wetgewer van die Provinsie van KwaZulu-Natal bepaal:-

Wysiging van die lang titel van Wet 3 van 1999

1. Die lang titel van die KwaZulu-Natal Wet op Kommissies, 1999 (Wet No. 3 van 1999), hierna verwys na as die Hoofwet, word hiermee gewysig deur die vervanging van die lang titel deur die volgende lang titel:

“Om [voorsiening te maak] te voorsien vir die [funksies] aanstelling van kommissies van ondersoek [wat deur die Premier aangestel word]; en om vir aangeleenthede bykomstig daartoe voorsiening te maak.”.

Wysiging van verordeningsbepaling van Wet 3 van 1999

2. Die Hoofwet word hiermee gewysig deur die vervanging van die verordeningsbepaling deur die volgende verordeningsbepaling:

“DAAR WORD soos volg deur die Provinsiale Wetgewer van die Provinsie van KwaZulu-Natal bepaal:-”.

Wysiging van artikel 1 van Wet 3 van 1999

3. Artikel 1 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die omskrywing van “Grondwet” deur die volgende omskrywing:

““Grondwet” beteken die Grondwet van die Republiek van Suid-Afrika, 1996 [(Wet

108 van 1996)];”;

(b) deur die invoeging na die omskrywing van “Grondwet” van die volgende omskrywing:

“**Koerant**” beteken die amptelike Provinsiale Koerant van die Provinsie van KwaZulu-Natal;”;

(c) deur die invoeging na die omskrywing van “Hooggeregshof” van die volgende omskrywing:

“**staatsorgaan**” dra die betekenis wat daaraan toegeken is in artikel 239 van die Grondwet;; en

(d) deur die invoeging na die omskrywing van “Provinsie” van die volgende omskrywing:

“**Provinsiale Wetgewer**” beteken die Wetgewer van die Provinsie van KwaZulu-Natal.”.

Wysiging van artikel 2 van Wet 3 van 1999

4. Artikel 2 van die Hoofwet word hiermee gewysig –

(a) deur die vervanging van die frase wat paragraaf (a) van subartikel (1) voorafgaan deur die volgende frase:

“(1) Die Premier kan, by proklamasie in die [Provinsiale] Koerant, [van die Provinsie van KwaZulu-Natal] –”;

(b) deur die vervanging van paragraaf (a) van subartikel (1) deur die volgende paragraaf:

“(a) ’n kommissie aanstel nadat die staatsorgaan, wat verantwoordelik sal wees vir die kommissie, die geraamde finansiële implikasies vir sodanige aanstelling aan die Premier voorgelê het;”;

(c) deur paragraaf (c) te skrap;

(d) deur subartikel (2) te skrap; en

(e) deur subartikel (3) te skrap.

Wysiging van artikel 8 van Wet 3 van 1999

5. Die volgende artikel vervang hiermee artikel 8 van die Hoofwet –

“Verslag van kommissie

8.(1)(a) ’n Kommissie moet skriftelik aan die Premier verslag doen ooreenkomstig sy opdrag, maar nie later nie as 12 maande na die aanstelling daarvan [of sodanige verdere tydperk wat die Premier op skriftelike versoek van die kommissie toestaan]: Met dien

verstande dat die Premier –

(i) indien hy of sy dit toepaslik ag; of

(ii) gebaseer op 'n redelike skriftelike versoek deur die kommissie,

die termyn van die kommissie kan verleng nadat die voorsitter die geraamde finansiële implikasie vir sodanige verlenging aan die Premier voorgelê het.

(b) Indien die kommissie nie eenparig met sy bevindinge is nie, moet sodanige feit vermeld word in die verslag bedoel in artikel 8(1)(a), en alle uiteenlopende sienings en die redes daarvoor moet ingelyf word by die kommissie se verslag.

(2) Enige persoon wat sonder die toestemming van die Premier of die kommissie 'n afskrif van die verslag van 'n kommissie of 'n deel daarvan aan enige ander persoon verskaf voordat die Premier die verslag van die kommissie aan die publiek bekendmaak soos bedoel in subartikel (4)[voor die verstryking van 'n tydperk van 21 dae nadat dit aan die Premier voorgelê is], is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande; of met sowel sodanige boete as sodanige gevangenisstraf.

(3)(a) Die Premier moet nie later nie as 21 dae nadat die verslag aan hom of haar voorgelê is, die verslag deur die Speaker by die Provinsiale Wetgewer indien, wat sodanige verslag ter tafel moet lê en na die betrokke [vaste] portefeuljekomitee vir oorweging moet verwys.

(b) Die betrokke portefeuljekomitee –

(i) kan die verslag na 'n ander komitee verwys vir kommentaar; en

(ii) moet, binne 21 werksdae vanaf die verwysing van die verslag na die portefeuljekomitee, ingevolge paragraaf (a), besluit hetsy hy formele kommentaar op, of insette in, die verslag wil lewer wat skriftelik aan die Premier voorgelê word.

(c) Indien die betrokke portefeuljekomitee meer tyd nodig het om sy besluit te neem ingevolge paragraaf (b)(ii), moet die voorsitter van die betrokke portefeuljekomitee, na oorlegpleging met die Speaker, die Premier in kennis stel van –

(i) die redes waarom meer tyd benodig word; en

(ii) die sperdatum waarop die betrokke portefeuljekomitee verwag om die aangeleentheid te finaliseer, welke datum nie later nie as 14 werksdae na die datum waarop die tydperk, beskryf in paragraaf (b), verval het.

(d) Die betrokke portefeuljekomitee moet sy besluit neem en formele kommentaar of insette skriftelik aan die Premier lewer voor of op die datum bedoel in paragraaf (b)(ii) of

(c)(ii).

(e) Indien die betrokke portefeuljekomitee versuim om 'n besluit te neem en om formele kommentaar of insette, skriftelik, aan die Premier voor te lê binne die tydperk bedoel in paragrawe (b) of (c), moet die Premier voortgaan soos bedoel in subartikel (4).

(4) Die Premier moet, binne 21 werksdae vanaf –

(a) die datum van ontvangs van die skriftelike kommentaar of insette deur die betrokke portefeuljekomitee; of

(b) die vervaldatum van die tydperk bedoel in subartikel (3)(b) of (c),

die verslag van die kommissie aan die publiek bekendmaak, tesame met 'n aanduiding deur die Premier hetsy, en in watter mate, die bevindinge of aanbevelings van die kommissie geïmplementeer sal word, sowel as die redes daarvoor.

(5) Vir die doeleindes van hierdie artikel beteken "werksdae" Maandae, Dinsdae, Woensdae, Donderdae en Vrydae, uitgesluit openbare vakansiedae."

Wysiging van artikel 11 van Wet 3 van 1999

6. Artikel 11 van die Hoofwet word hiermee gewysig –

(a) deur die skraping van subartikel (1); en

(b) deur die vervanging van subartikel (2) deur die volgende subartikel:

"(2) Alle uitgawes met betrekking tot die kommissie moet betaal word uit gelde wat deur die Provinsiale Wetgewer vir daardie doel bewillig word: Met dien verstande dat die Premier, voordat enige kommissie aangestel word, kan vereis dat die[persoon, plaaslike owerheid of ander liggaam] staatsorgaan wat sodanige kommissie versoek, moet onderneem om al die koste of sodanige deel daarvan wat die Premier bepaal, moet betaal."

Invoeging van artikels 11A, 11B en 11C in Wet 3 van 1999

7. Die volgende artikels word hiermee ingevoeg na artikel 11 van die Hoofwet:

"Verkryging vir kommissie

11A. Alle verkryging vir die kommissie insluitend, maar nie beperk nie tot, enige vorm van regsbystand aan die kommissie wat finansiële implikasies het, moet gedoen word

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(a) deur die staatsorgaan verantwoordelik vir die kommissie; en

(b) deur 'n verkrygingstelsel van toepassing op daardie staatsorgaan,

na oorlegpleging met die kommissie.

Regulasies

11B. Die Premier kan, deur kennisgewing in die Koerant, regulasies maak betreffende

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(a) enige aangeleentheid wat voorgeskryf kan of moet word ingevolge hierdie Wet;

of

(b) enige administratiewe of prosedurele aangeleentheid nodig om uitwerking te

gee aan die bepalings van hierdie Wet ingesluit, maar nie beperk nie tot, die

prosedure wat gevolg moet word by die ondersoek en vir die handhawing van

vertroulikheid.

Toepaslikheid van Wet op sekere ondersoeke ingevolge die Wet op Plaaslike Regering: Munisipale Stelsels, 2000, deur Lede van die Uitvoerende Raad

11C.(1) Sleks artikels 3, 4, 5, 6, en 7 van hierdie Wet is van toepassing op enige ondersoek deur –

(a) 'n Lid van die Uitvoerende Raad ingevolge artikel 106 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000); of

(b) die Lid van die Uitvoerende Raad verantwoordelik vir plaaslike regering ingevolge item 14(4) van Bylae 1 tot die Wet op Plaaslike Regering: Munisipale Stelsels, 2000.

(2) Ten opsigte van 'n ondersoek soos bedoel in subartikel (1)(a) en (b) word enige verwysing in artikels 3, 4, 5, 6 en 7 van hierdie Wet na –

(a) die voorsitter van die kommissie, beskou as 'n verwysing na die persoon of entiteit wat deur die betrokke Lid van die Uitvoerende Raad aangestel word om die ondersoek uit te voer; en

(b) die sekretaris van die kommissie, beskou as 'n verwysing na die balju van die Hoërhof."

Kort titel

8. Hierdie Wet word die KwaZulu-Natal Wysigingswet op Kommissies, 2014, genoem.