

SCHEDULE A

COMMISSION OF INQUIRY INTO ALLEGATIONS OF POLICE INEFFICIENCY IN KHAYELITSHA AND OF A BREAKDOWN IN RELATIONS BETWEEN THE COMMUNITY AND THE POLICE IN KHAYELITSHA

SINCE section 206(3) of the Constitution of the Republic of South Africa, 1996, (“the Constitution”), provides that each province is entitled to monitor police conduct, oversee the effectiveness and efficiency of the police, promote good relations between the community and the police and assess the effectiveness of visible policing;

AND SINCE section 206(5) of the Constitution provides that a province may, in order to perform the functions in section 206(3), appoint a commission of inquiry into complaints of police inefficiency or a breakdown in relations between the police and any community;

AND SINCE the Premier has received complaints alleging police inefficiency in Khayelitsha and a breakdown in relations between the community of Khayelitsha and the South African Police Service; and regarding acts of vigilantism that may be attributable, in whole or in part, to such alleged inefficiency or breakdown in relations between the community of Khayelitsha and the South African Police Service;

NOW THEREFORE a commission of inquiry (“the Commission”) is hereby appointed as follows:

1. The Commission comprises the following persons:
 - (a) Justice Catherine O’Regan, as Chairperson; and
 - (b) Advocate Vusumzi Patrick Pikoli.

2. Ms Amanda Dissel is appointed as the Secretary to the Commission, who will receive such additional support as he or she may reasonably require from the Western Cape Provincial Government’s Department of Community Safety.

3. Advocate Nazreen Bawa and Advocate Thembalihle Sidaki are appointed to assist the Commission in the gathering of evidence and, should the Commission consider it necessary, the leading of any evidence before the Commission.
4. The terms of reference of the Commission are:
 - (1) To investigate complaints received by the Premier relating to allegations of—
 - (a) inefficiency of the South African Police Service stationed at Site B, Bonga Drive, Khayelitsha; Steve Biko Road, Harare, Khayelitsha, and Makabeni Street, Lingelethu West, Khayelitsha and any other units of the South African Police Service operating in Khayelitsha, Cape Town, (“Khayelitsha”); and
 - (b) a breakdown in relations between the Khayelitsha community and members of the South Africa Police Service stationed at the aforesaid police stations in Khayelitsha, or operating in Khayelitsha.
 - (2) The investigation must include:
 - (a) an investigation into the allegations; and
 - (b) an investigation into the reasons for, and causes of, the inefficiency and breakdown in relations, if found to exist.
 - (3) The Commission must compile a written report containing—
 - (a) the findings of the Commission pertaining to the investigation; and
 - (b) recommendations as to how any inefficiency in the delivery of police services, or a breakdown in relations between the community of Khayelitsha and the South African Police Service, as may be found by the Commission to exist, may be alleviated or remedied.
 - (4) The recommendations contemplated in subitem (3), must include appropriate recommendations for the Province to consider when it makes recommendations to the Minister of Police, as contemplated in section 206(5)(b) of the Constitution.

- (5) The Chairperson of the Commission must submit the report contemplated in subitem (4), to the Premier no later than six months after the date of the appointment of the Commission, which date may be extended by the Premier, at the written request of the Commission.
5. The Western Cape Provincial Commissions Act, 1998 (Act 10 of 1998) applies to the Commission.
6. The Commission must perform the inquiry within its terms of reference and may exercise the powers and perform the functions of a commission as referred to in the Western Cape Provincial Commissions Act, 1998, and in accordance with the regulations in Schedule B.