

COMMISSIONS

Commissions Act 8 of 1947, as amended in South Africa prior to Namibian independence 


Summary: This Act ([SA GG 3800](#)) empowers the Governor-General (and now the State President) to appoint commissions to investigate matters of public concern.

Applicability to SWA: The Act was made applicable to South West Africa by *RSA Proc. R.149/1980* ([RSA GG 7199](#)), as of 29 August 1980. Section 6A(1), as inserted by this Proclamation, states “This Act shall apply also in the Territory of South West Africa, including the Eastern Caprivi Zipfel.” As the Act applied to South West Africa, the Administrator-General was empowered to appoint commissions in addition to the Governor-General (section 6A(2)).

Transfer of administration to SWA: The Administrator-General acquired authority to administer this Act in South West Africa by virtue of *RSA Proc. R.149/1980* ([RSA GG 7199](#)). This did not qualify as a “transfer proclamation” in terms of the General Proclamation, which defines “transfer proclamation in section 1 as “a proclamation by the Administrator-General by which the administration of the affairs of the territory in relation to any matter is transferred from a Minister of the Republic to the Administrator-General” (emphasis added). Therefore, the General Proclamation was not applicable to this Act. In any event, there were no amendments to the Act in South Africa after the date of *RSA Proc. R.149/1980* and prior to Namibian independence.

Amendments: The following pre-independence South African amendments were applicable to SWA:

- *General Law Amendment Act 80 of 1964* ([RSA GG 829](#))
- *General Law Amendment Act 102 of 1967* ([RSA GG 1771](#))
- *Commissions Amendment Proclamation, RSA Proc. R.149 of 1980* ([RSA GG 7199](#)).

Regulations: Section 1(1)(b) of the Act authorises regulations only with respect to specific commissions. Thus, regulations issued under the Act would have no general applicability or ongoing relevance.

Commissions: The following Commissions were established in terms of the Act by the SWA administration:

- Commission of Inquiry into Health Services (AG Proc.19/1981) ([OG 4509](#)); Commission appointed in AG GN 113/1981)
- Commission of Inquiry into Public Holidays (AG Proc. 32/1981) ([OG 4562](#))
- Commission of Inquiry into Alleged Irregularities and Misapplication of Property in Representative Authorities in, and the Central Authority of, South West Africa (AG Proc. 29/1982) ([OG 4705](#)).
- Commission of Inquiry into Security Legislation in South West Africa (AG Proc. 18/1983) ([OG 4836](#)).
- Commission of Inquiry into the Meat Industry in South West Africa (AG Proc. 1/1984) ([OG 4857](#)).
- Commission of Inquiry into Labour Matters in South West Africa (AG Proc. 32/1987) ([OG 5432](#)).

During the election campaign which was part of the implementation of UN Resolution 435, AG Proc. 11/1989 (OG 5718) established a Commission for the Prevention and Combating of Intimidation and Election Malpractices, but this Commission did not operate in terms of the Commissions Act.

The following commissions have been established in terms of the Act since Namibian independence:
Commission on Higher Education (Proc. 1/1991, [GG 144](#)).

See also GN 5/1991 ([GG 144](#)).

Commission of Inquiry into Matters relating to Chiefs, Headmen and other Traditional and Tribal Leaders and Authorities (Proc. 3/1991, [GG 176](#)).

See also GN 32/1991 ([GG 175](#)).

Commission of Inquiry into Alleged Instances of Irregularities in Respect of Property of the Central Government of Namibia (Proc. 12/1991, [GG 200](#)).

See also GN 57/1991 ([GG 200](#)).

Commission of Inquiry into the Procedures and Practices Applied in the Allocation and Utilisation of Existing Fishing Rights (Proc. 18/1991, [GG 258](#)).

See also GN 103/1991 ([GG 258](#)).

Commission of Inquiry into the Cause of Resistance by Certain Members of the Caprivi Community to the Appointment of Certain Senior Public Servants (Education) (Proc. 26/1991, [GG 286](#)).

See also GN 114/1991 ([GG 286](#)).

Commission of Inquiry into Labour Related Matters Affecting Agricultural Employees and Domestic Employees (Proc. 1/1995, [GG 1020](#)).

See also GN 14/1995 ([GG 1020](#)), as amended by GN 55/1995 ([GG 1044](#)).

Commission of Inquiry into Legislation for the More Effective Combating of Crime in Namibia (Proc. 2/1996, [GG 1285](#)).

See also GN 75/1996 ([GG 1285](#)).

Commission of Inquiry into the Aviation Regulatory Practices of the Directorate: Civil Aviation in the Ministry of Works, Transport and Communication (Proc. 9/1997, [GG 1611](#)).

See also GN 153/1997 ([GG 1611](#)).

Commission on Education, Culture and Training (Proc. 13/1999, [GG 2059](#)).

See also GN 39/1999 ([GG 2059](#)).

Commission of Enquiry into the Activities, Management and Operations of Transnamib Holdings Limited (Proc 3/2001, [GG 2499](#)).

See also GN 51/2001 ([GG 2499](#)).

Commission of Enquiry into the Activities, Management and Operations of Air Namibia (Pty) Ltd (Proc. 18/2001, [GG 2616](#)).

See also GN 194/2001 ([GG 2616](#)) and GN 230/2001 ([GG 2647](#)).

Commission of Inquiry into the Activities, Affairs, Management and Operation of the Social Security Commission (Proc. 7/2002, [GG 2857](#)).

See also GN 200/2002 ([GG 2857](#)), GN 81/2003 ([GG 2956](#)).

Commission of Inquiry into the Activities, Affairs, Management and Operation of the Roads Authority (Proc. 21/2003, [GG 3031](#)).

See also GN 172/2003 ([GG 3031](#)).

Commission of Inquiry into the Activities, Affairs, Management and Operation of the former Amalgamated Commercial Holding (Pty) Ltd (AMCOM) Registration No. 93/261 and the former Development Brigade Corporation (DBC) Established Under Section 2 of the Development Brigade Corporation Act (Proc. 38/2004, [GG 3221](#)).

See also GN 132/2004 ([GG 3221](#)).

Commission of Inquiry into Activities, Affairs, Management and Operations of Ministry of Health and Social Service (Proc. 20/2012, [GG 5013](#)).

Commission of Inquiry into Claims of Ancestral Land Rights and Restitution (Proc 5/2019, [GG 6858](#)).

See also GN 59/2019 ([GG 6858](#)).

Application of law: Persons who give statements or evidence to commissions may be eligible for protection under the Witness Protection Act 11 of 2017 ([GG 6451](#)), which is not yet in force.