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PART C - LEGAL NOTICES

28. The Appointment of a Commission of Enquiry Into the Affairs of the Municipal Council
of Mbabane Notice, 2002 S1

PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 28 OF 2002**URBAN GOVERNMENT ACT, 1969
(Act No. 8 of 1969)****THE APPOINTMENT OF A COMMISSION OF ENQUIRY INTO THE AFFAIRS OF
THE MUNICIPAL COUNCIL OF MBABANE NOTICE, 2002
(Under Section 107)**

In exercise of the powers conferred by section 107 of the Urban Government Act, 1969 the Minister for Housing and Urban Development hereby issues the following Notice -

Citation and Commencement

1. This Notice may be cited as the Commission of Enquiry into the Affairs of the Municipal Council of Mbabane Notice, 2002 and shall come into force on the 19th March 2002.

Establishment and Composition of the Commission

2. (1) There is established a Commission to be known as the Commission of Enquiry into the Affairs of the Municipal Council of Mbabane (hereinafter referred to as the Commission).

(2) The Commission shall be composed of the following members-

Sabelo Matsebula	- Chairman
Isaac Shabangu	- Member
Esau Dube	- Member
Vincent Ncongwane	- Secretary

Functions and Terms of Reference of the Commission

3. (1) The Commission shall examine and inquire into -

- (a) acts, issues and allegations regarding the operation and administration of the Municipal Council of Mbabane;
- (b) whether a council, official or any other person has done or performed any act, matter or thing without due authority in relation to the operation or administration of the Municipal Council of Mbabane;
- (c) whether any present or former council official or councillor of the Municipal Council of Mbabane or any person in any way connected with the Municipal Council of Mbabane has abused his position; and
- (d) whether a council, councillor or official of council neglected to perform his duties.

(2) Without prejudice to the generality of the foregoing, the Commission shall:-

- (a) take into consideration the "REPORT OF THE LOCAL AUTHORITIES INSPECTORS FOR MBABANE CITY COUNCIL ON THE INSPECTION INTO THE AFFAIRS OF THE MBABANE CITY COUNCIL" (as ordered by Legal Notice No. 43 of 1999) with a view to bridging any information gaps that may be identified and make recommendations thereon;
 - (b) investigate allegations of victimization at council vis-a-vis the adequacy or otherwise of grievance handling procedures;
 - (c) investigate the Municipal Council's compliance with the laws and codes of conduct governing its operations;
 - (d) examine the degree to which the Council's information systems are vulnerable to abuse by any person;
 - (e) examine the evaluation processes and procedures for awarding tenders as well as the transparency and accountability thereof;
 - (f) determine whether the current methods of collecting revenues are adequate, further, to look into possible ways to broaden the revenue base;
 - (g) investigate the roles played by the finance committee and the treasurer in meeting council financial obligations in accordance with council's resolutions;
 - (h) examine the extent to which delegated authority can be exercised at council;
 - (i) look into the methods used by council to engage management staff;
- (3) In the performance of its functions and in the exercise of its powers, the Commission may-
- (a) invite the public to submit its opinions in a manner the commission deems appropriate;
 - (b) call for written submission or oral representations; and
 - (c) make recommendations it deems relevant, following any findings of fact resulting from the enquiry.

(4) The Commission shall conduct the enquiry to establish factual information to serve as a basis for advice to the Minister for Housing and Urban Development on courses of action to be taken on the issues involved.

Quorum

4. The quorum of the Commission shall be two members.

Venue and Address of the Commission

5. (a) The address of the Commission shall be Box 1832, Mbabane.

(b) The Chairman shall determine the Venue for the enquiry and the public shall be informed thereon.

Duration of Commission and Submission of Report

6. (1) The Commission shall submit a final report on or before 29th April 2002;
- (2) The report shall comprise -
 - (a) a detailed report on the inquiry process and findings; and
 - (b) a recommendation of a proposed course of action on all issues raised.

Allowances

7. The Commissioners shall be entitled to sitting allowances payable at the rates as determined by the Minister for Finance.

Extension of time

8. The Minister may, in consultation with the Commissioners, extend the duration of the commission and submission of the report.

ALBERT H. N. SHABANGU
Minister for Housing and Urban Development