



# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 149 OF 2004

**THE COMMISSIONS OF ENQUIRY ACT, 1963**  
(Act no 35 of 1963)

**THE COMMISSION OF ENQUIRY INTO THE REGIONAL DEVELOPMENT  
FUND AND THE TINKHUNDLA EMPOWERMENT FUND**  
(under section 3)

In exercise of the powers conferred by section 3 of the Commission of Enquiry Act, 1963, the Deputy Prime Minister hereby issues the following Notice:

***Citation***

1. This Notice may be cited as the Commission of Enquiry into the Regional Development Fund and the Tinkhundla Empowerment Fund Notice, 2004.

***Establishment***

2. (1) There is hereby established a Commission of Enquiry to be known as the Commission of Enquiry into the Regional Development Fund and the Tinkhundla Empowerment Fund (hereinafter referred to in this Notice as the "Commission").

(2) The Commission shall consist of the following members:

- |                              |             |
|------------------------------|-------------|
| (a) Mr. David D. Dlamini     | - Chairman  |
| (b) Mr. Fitzgerald A. Graham | - Member    |
| (c) Ms. Mamsie Dlamini       | - Member    |
| (d) Mr. Josia Jobo Mavuso    | - Member    |
| (e) Mr. Ernest D. M. Hlophe  | - Member    |
| (f) Mr. Cornelius Dlamini    | - Member    |
| (g) Ms. Zandile Mkhwanazi    | - Secretary |

(3) The quorum of the Commission shall be four members including the Chairman.

***Functions of the Commission***

3. The Commission shall:

- (a) investigate generally into the operations of the Regional Development Fund and the Tinkhundla Empowerment Fund (hereinafter referred to in this Notice as the "Funds") and in particular:

- (i) whether projects financed under these Funds have met the objectives of rural development, poverty alleviation and resettlement;
- (ii) whether the said projects are making a positive and sustainable socio-economic impact on the rural population of Swaziland;
- (iii) the eligibility of all beneficiaries of the Funds, and in particular, the formation of organized groups, associations or community entities and their legal status for the purpose of qualifying for assistance under the Funds;
- (iv) the capacity of administrators of projects sponsored under the Funds to manage these projects;
- (v) whether there have been any anomalies in the process of supplying goods and services to the projects under the Funds, and in particular, the level of conformity with the Regional Development Fund Regulations, and the Tinkhundla Empowerment Fund Regulations, respectively, (hereinafter referred to in this Notice as the "Regulations");
- (vi) the use of monies disbursed under the Funds and the use of assets purchased under the auspices of the Funds; and
- (vii) the suitability and comprehensiveness of the respective Regulations to the process of:
  - (A) scrutinizing and approving applications under the Funds;
  - (B) ascertaining the viability of proposed projects in light of the objectives of the Funds;
  - (C) facilitating the disbursement of resources under the Funds; and
  - (D) monitoring the implementation of the projects under the Funds;
- (b) investigate such other issues related to the operation of the Funds as they see fit;
- (c) make recommendations on the future running and management of the Funds and projects financed under the Funds; and
- (d) present a written report on the findings to the Minister, where possible, the report should recommend possible punitive actions.

***Duration***

- 4. (1) The Commission shall operate for a period of nine weeks commencing on the 1<sup>st</sup> November, 2004.
- (2) The Commission shall present its report not later than the 31<sup>st</sup> December, 2004.
- (3) Notwithstanding subsections (1) and (2), the Minister may, by Notice published in the Gazette, extend the period of operation of the Commission, or the date by which it shall present its report.

***Place where Commission shall hold its enquiry***

5. The Enquiry shall be held at such place as the Chairman may determine.

***Enquiry in camera***

6. The Enquiry shall be held in camera.

***Payment of allowances and other reimbursements***

7. Members of the Commission shall be paid such allowances as the Minister may determine.

ANDRIAS M. MATHABELA  
Principal Secretary

Mbabane  
26<sup>th</sup> October, 2004