



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PUBLISHED BY AUTHORITY

PART C

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LEGAL NOTICE NO. 157 OF 2005

THE COMMISSION OF ENQUIRY ACT, 1963 (Act No. 35 OF 1963)

THE COMMISSION OF ENQUIRY TO INVESTIGATE INTO THE OPERATIONS OF THE MBABANE CITY COUNCIL NOTICE, 2005 (Under Section 3)

In exercise of the powers conferred by Section 3 of the Commissions of Enquiry Act, 1963, the Minister for Housing and Urban Development issues the following Notice -

Citation and Commencement

1. This notice may be cited as the Commission of Enquiry to Investigate into the Operations of the Mbabane City Council Notice, 2005 and shall come into force on the 17th October, 2005.

Establishment of Commission

2. (1) There is established a commission to be known as the Commission of Enquiry to Investigate into the Operations of the Mbabane City Council.

(2) The Commission shall consist of the following persons -

- | | | |
|------------------------|---|--------------|
| (a) Johan van der Walt | - | Commissioner |
| (b) Yvonne Gittins | - | Secretary |
| (c) Caroline Sullivan | - | Member |
| (d) Duncan Hendry | - | Member |
| (e) Stephanus Louw | - | Member |

Functions and powers

3. (1) The Commission shall -

- (a) investigate whether the tendering and procurement procedures for the Urban Development Projects of the Mbabane City Council for the period commencing on the 1st April, 1995 to the 31st October, 2005 of -
 - (i) package fourteen (14) Nkwalini-site; and
 - (ii) package twenty eight (28) and twenty nine (29) Mbabane landfill site, were followed according to the law;
- (b) whether there were anomalies in the recruitment and appointment procedures of senior employees of the Mbabane City Council in the period between the 1st September, 2002 to 30th August, 2005;
- (c) whether the awarding of tenders by the Mbabane City Council from the 1st September, 2002 to 30th August, 2005 complied with the law relating to conflict of interests;

- (d) the circumstances surrounding the granting and use of the loan from Standard Bank Limited amounting to four (4) million Emalangeni, in particular whether the loan was utilized for construction of a bridge, installation of street lights and the renovation of the market place;
- (e) whether the procedures adopted and the actual sale of scrapped Mbabane City Council property between the 1st September, 2002 to 30th August, 2005 was carried out in terms of the law; and
- (f) whether the tendering and procurement procedures adopted by the Mbabane City Council for the establishment of the Mbabane abattoir were legal.

Submission of Report

4. (1) The Commission shall, after making appropriate finding with supporting evidence, submit a report containing appropriate recommendations on any matter which is the subject of the enquiry including recommendations regarding the taking of any criminal or civil action against any person to the Minister.

(2) The Commission shall present its final report to the Minister not later than three weeks from the start of its work or on such other later date as the Minister may determine.

Venue

5. The enquiry shall be held at such places and times, as the chairman shall determine.

Enquiry In Camera

6. The enquiry shall be held in camera.

Allowances

7. The members of the Commission shall be paid such allowances as the Minister may, in consultation with the Minister responsible for Finance, determine.

D. T. SUKATI
MINISTER FOR HOUSING AND URBAN DEVELOPMENT

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