



# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PUBLISHED BY AUTHORITY

# PART C

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## LEGAL NOTICE NO. 80 OF 2005

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

#### THE COMMISSION OF ENQUIRY TO INVESTIGATE THE ALLEGED MAL-ADMINISTRATION AND OPERATIONS AT THE SWAZILAND POSTS AND TELECOMMUNICATIONS CORPORATION (SPTC) NOTICE, 2005 (Under Section 3)

In exercise of the powers conferred by section 3 of the Commissions of Enquiry Act, 1963, The Minister for Tourism, Environment and Communications hereby issues the following Notice -

#### ***Citation and commencement***

1. This Notice may be cited as the Commission of Enquiry to Investigate the Alleged Mal-Administration and Operations at the Swaziland Posts and Telecommunications Corporation (SPTC) Notice, 2005 and shall come into force on the date of publication.

#### ***Establishment of the Commission***

2. (1) There is established a Commission of Enquiry to be known as the Commission of Enquiry to Investigate the Alleged Mal-Administration and Operations at the Swaziland Posts and Telecommunications Corporation (SPTC) Notice (hereinafter referred to as the "Commission").

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

- (a) Mr. P. M. Forsyth-Thompson - Chairman
- (b) Mr. S. M. Muturi - Member & Secretary

#### ***Functions of the Commission***

3. The Commission shall -

- (a) Evaluate relationships between Management, Executive Committee and the Board and assess the effects thereof on the performance of the Corporation;
- (b) Review the current transformation programme (restructuring of divisions, new organizational structure and conversion of Managers from permanent employment to contract terms) on the financial position of the Corporation and related issues.
- (c) Consider the level of skills and performance and profitability of managers recruited within the last five (5) years to date and the impact thereof on the Corporation's performance.
- (d) Assess the level of participation of the Board in fulfilling its mandate of overseeing the affairs of the Corporation;
- (e) Analyse the financial performance of the Corporation for the last five (5) financial years;
- (f) Evaluate tendering process of goods and services and the provision thereof;

- (g) Assess the impact of outsourcing services, in relation to the performance and productivity of the Corporation;
- (h) Evaluate budgeting processes for both operations and capital;
- (i) Identify areas that seem not to be cost effective for the Corporation and recommend strategies of tackling them;
- (j) Assess the performance of the Corporation in servicing its loans; and
- (k) Without derogating from the above, enquire and advise on any relevant matter, including the desirability or otherwise of a forensic audit;
- (l) And make such recommendations as they deem fit or appropriate.

***Venue***

4. The enquiry shall be held at such time and place as the Chairman may determine. The Ministry of Tourism, Environment and Communications shall provide suitable office space and secretarial services for the Commission.

***Enquiry in camera***

5. (1) The Commission shall be held in camera due regard being had to the credit status and financial relations and reputation of SPTC.

(2) The Commission shall have powers to summon any individual to give oral or written evidence as well as examine any document, file or any data in the possession of any member of staff or member of the Board which will assist in achieving its mandate. The Commission may also consult other professional and receive expert testimony in the pursuit of its mandate and terms of reference.

***Duration of enquiry***

6. (1) The duration of the enquiry shall be four (4) calendar weeks from the date of publication of the Gazette.

(2) The Commission shall present its Report to the Minister no later than the 2<sup>nd</sup> July, 2005.

(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.

***Payment of allowances***

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

THANDI SHONGWE  
MINISTER FOR TOURISM, ENVIRONMENT  
AND COMMUNICATIONS

