



# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PUBLISHED BY AUTHORITY

# PART C

S1

## LEGAL NOTICE NO. 15 OF 2007

### 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, 2007 (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, 2007 and shall come into force on the 12<sup>th</sup> February, 2007.

#### ***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 -

Mzwandile Fakudze	-	Chairman
Winnie Magagula (Sen)	-	Member
David Dlamini	-	Member
Musa Hlophe	-	Member
Refiloe Mamogobo	-	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 councilor 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) Determine the extent to which the recommendations of the Commission of Enquiry into the Affairs of the Municipal Council of Mbabane as Constituted by Legal Notice No. 28 of 2002 have been implemented;
  - (b) investigate allegations of victimization at council vis-à-vis the adequacy or otherwise of grievance handling procedures;
  - (c) investigate allegations and grievances emanating from the Municipal Council Workers' petition to the Minister for Housing & Urban Development;
  - (d) investigate allegations of impropriety, mal-administration or acts of misconduct leveled against the Municipal Council or any official thereof;
  - (e) examine if rates payment by central government strictly goes towards settlement of bills for properties owned by government;
  - (f) investigate the Municipal Council's compliance with the laws and codes of conduct governing its operations;
  - (g) examine the evaluation processes and procedures for awarding tenders as well as the transparency and accountability thereof;
  - (h) examine the extent to which delegated authority can be exercised at council, including its appropriateness or otherwise;
  - (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) subpoena any person in whatever capacity to appear before the Commission;
  - (c) call for written submission or oral representations; and
  - (d) 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 three 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 the 30<sup>th</sup> day of April 2007.
- (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 such allowances and, where applicable, reimbursement for travelling expenses in accordance with Finance Regulations and Circulars that may from time to time be implemented or as the Minister may sometimes determine.

***Extension of time***

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

**MABILI D. DLAMINI**  
***MINISTER FOR HOUSING AND URBAN DEVELOPMENT***