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SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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LEGAL NOTICE NO. 47 OF 1997

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

THE COMMISSION OF ENQUIRY INTO SWAZILAND POSTS AND
TELECOMMUNICATIONS CORPORATION, SWAZILAND TELEVISION AUTHORITY
AND AFRICAN SATELLITE ENTERTAINMENT CORPORATION NOTICE, 1997
(Under Section 3)

In exercise of the powers conferred by section 3 of the Commission of Enquiry Act, 1963, I hereby issue the following Notice -

Citation.

1. This Notice may be cited as the Commission of Enquiry into Swaziland Posts and Telecommunications Corporation, Swaziland Television Authority and African Satellite Entertainment Corporation Notice, 1997.

Appointment of Commission.

2. (1) The Commission of Enquiry into Swaziland Posts and Telecommunications Corporation, Swaziland Television Authority and African Satellite Entertainment Corporation is hereby appointed.

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

- | | | |
|---------------------------------|---|---------------|
| (a) Justice Josiah M. Matsebula | - | Chairman |
| (b) Mr David Matse | - | Lead Evidence |
| (c) Ms Winile Madonsela | - | Member |
| (d) Mr Harvey Bird | - | Member |
| (e) Mr Dorrington Matiwane | - | Secretary |

Functions of the Commission.

3. (1) The Commission shall examine and inquire into the circumstances leading up to the involvement of the Swaziland Posts and Telecommunications Corporation (SPTC), the Swaziland Television Authority (STVA) with a company known as the African Satellite Entertainment Corporation (Pty) Ltd (ASEC) and, without derogating from the generality of the foregoing, the Commission shall inquire, in particular, into the following -

- (a) the nature of the relationship between SPTC and STVA on the one hand and ASEC on the other and the role played by the relevant parastatal organizations and government officials in forging such relationship;
- (b) the contract and Addendum entered into by SPTC with the International Telecommunications Satellite Organisation (INTELSAT) for the provision of satellite facilities on behalf of ASEC;

- (c) Whether the Board of Directors and Management of SPTC and of STVA exercised normal business prudence in their dealings with ASEC and INTELSAT;
 - (d) whether or not the requirements of the Public Enterprises (Control & Monitoring) Act, 1989 were followed and if not, why;
 - (e) whether or not the Management of SPTC was properly authorised to sign the contract between SPTC and ASEC dated 19 May, 1995 and the Addendum dated 3 November, 1995;
 - (f) the effect of the Addendum;
 - (g) whether or not the Government and parastatals organisations' representatives on the Board of ASEC acted in the best interests of Government, parastatals and the people of Swaziland;
 - (h) the extent of the debt and liability that SPTC is exposed to; and
 - (i) to establish the roles of SA Telkom, ASEC and INTELSAT and their inter-relationships in the subsequent leasing of the satellite facilities to SA Telkom.
- (2) The Commission shall further -
- (a) call for any documents it may deem necessary and relevant to this enquiry;
 - (b) examine and enquire into any other matter relating to the activities which are the subject matter of this enquiry as it may consider relevant; and
 - (c) make any recommendations it deems appropriate based on its findings.

Enquiry venue.

4. The enquiry shall be held at the Mbabane City Council Chambers or such other place and at such times as the Chairman may determine.

Enquiry in public.

5. Unless the Prime Minister otherwise directs, the enquiry shall be held in public.

Quorum.

6. Three members including the Chairman shall constitute a quorum for purposes of the enquiry.

Duration.

7. The Commission shall commence its functions on the day of, 1997 and submit its report to the Prime Minister on or before 15th June, 1997.

Allowances.

8. The Commission shall be paid such statutory allowances as are payable to commissions of enquiry according to the Government scale.

A handwritten signature in black ink, appearing to read 'B.S. Dlamini', written in a cursive style.

DR. B.S. DLAMINI
Prime Minister

8 April 1997