



# SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

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PUBLISHED BY AUTHORITY

# PART C

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## LEGAL NOTICE NO. 140 OF 2005

THE COMMISSIONS OF ENQUIRY ACT, 1963  
(ACT NO. 35 OF 1963)

THE COMMISSION OF ENQUIRY TO INVESTIGATE THE AWARDING OF  
TEN MILLION EMALANGENI TENDER FOR THE PURCHASE OF A  
DRILLING RIG FOR THE DEPARTMENT OF GEOLOGICAL SURVEY  
AND MINES NOTICE, 2005  
(Under Section 3)

In exercise of the powers conferred by Section 3 of the Commission of Enquiry Act, 1963, the Prime Minister issues the following Notice.

### *Citation and Commencement*

1. This Notice may be cited as the Commission of Enquiry to Investigate the Awarding of Ten Million Emalangen Tender for the Purchase of a Drilling Rig for the Department of Geological Survey and Mines Notice, 2005.

### *Establishment of the Commission*

2. (1) There is established a commission of enquiry to be known as the Commission of Enquiry to Investigate the Awarding of Ten Million Emalangen Tender for the Purchase of a Drilling Rig for the Department of Geological Survey and Mines.

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

- (i) Mr. Dumsani Reginald Magagula - Commissioner; and
- (ii) Mr. Daniel B. Dlamini - Secretary

### *Functions of the Commission*

3. (1) The Commission shall investigate and enquire into-

- (a) who authorised the order for the purchase of the drilling rig and supporting accessories;
- (b) who authorised the payment for the rig and supporting accessories, before delivery;
- (c) was there any irregularity in the payment of the tender;
- (d) whether the procedures and all relevant conditions for the tender and procurement were followed, and if they were, were they adequately followed by all parties concerned;
- (e) whether the previous practice of procurement or process for acquiring such or similar equipment was followed and, if not, why who authorised the departure and was it lawful and beneficial to Government.
- (f) whether Government suffered any loss in the purchase of the drilling rig, and if so, did any person benefit from such loss and who benefited;
- (g) any irregularities, shortcomings or criminality in awarding the tender;

(h) the existence or non-existence of any wrong-doing in the whole transaction or procurement of the drilling rig.

(2) The Commission shall determine and make recommendations as to whether there are persons who should be disciplined, surcharged or charged with an offence, any wrong doing or breach of any regulations, rules or practice.

(3) The Commission shall make recommendations to the Prime Minister based on its findings.

***Venue***

4. The enquiry shall be held at such time and place as the Commissioner may determine.

***Enquiry in Camera***

5. (1) The Commission shall be held in Camera due regard being had of the relationship Government has with its suppliers and clients.

(2) The Commission shall have all the powers conferred on it by the Commissions Enquiry Act, 1963.

***Duration of Enquiry***

6. (1) The duration of the enquiry shall be three (3) weeks from the date of publication of this Notice.

(2) Notwithstanding subsection (1), the Prime Minister may terminate the appointment of the Commission before the period stated in subsection (1) or extend the date in which the Commission is supposed to submit its findings.

***Payment of the Commission***

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

A. T. DLAMINI  
*PRIME MINISTER*

