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PUBLISHED BY AUTHORITY

PART C

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LEGAL NOTICE NO. 144 OF 2006

URBAN GOVERNMENT ACT, 1969 (Act No. 8 of 1969)

THE APPOINTMENT OF A COMMISSION OF ENQUIRY INTO THE AFFAIRS OF MATSAPHA TOWN BOARD NOTICE, 2006 (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 issues the following Notice 2006.

Citation and Commencement

1. This Notice may be cited as the Commission of Enquiry into the Affairs of Matsapha Town Board Notice, 2006 and shall come into force on the 21st August 2006.

Establishment and Composition of the Commission

2. (1) There is hereby established a Commission to be known as the Commission of Enquiry into the Affairs of Matsapha Town Board (hereinafter referred to as the Commission), in replacement of the Commission under Legal Notice Number 142 of 2006.

(2) The Commission shall be composed of the following members -

- | | |
|---------------------------------|-------------|
| (a) Thuli Nkwanyane | - Chairman |
| (b) Mabandla Manzini | - Member |
| (c) Bhekakuphiwa Jethro Dlamini | - Member |
| (d) Treasure Maphanga | - Member |
| (e) Khethiwe Jonga | - Secretary |

Functions and Terms of Reference of the Commission

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

- (a) acts, issues and allegations regarding the operation and administration of Matsapha Town Board.
- (b) whether the board, 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 Matsapha Town Board.
- (c) whether any present or former board official or board member or any person in any way connected with the Matsapha Town Board has abused his position; and
- (d) whether the board, board member or official of the board neglected to perform his duties.

(2) Without prejudice to the generality of the foregoing, the Commission shall -

- (a) take into consideration the "report of the local authority inspectors for Matsapha Town Board on the inspection into the affairs of Matsapha Town Board" (as ordered by Legal Notice No. 54 of 2006) and the 'reaction of the board on the report' with a view to bridging any information gaps that may be identified and make recommendations thereon;
 - (b) determine the level of participation of Matsapha citizens in the election process and the resultant probable impact such participation has on the administration of the Town Board;
 - (c) investigate the Town Board's compliance with the laws and codes of conduct governing its operations;
 - (d) examine the evaluation processes and procedures for awarding tenders as well as the transparency and accountability thereof;
 - (e) examine the extent to which delegated authority can be exercised at the Town Board;
 - (f) investigate the roles played by the finance committee and the treasurer in meeting board financial obligations in accordance with board's resolutions;
 - (g) look into the methods used by the board 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 two 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 11th September, 2006.

(2) The report shall comprise -

(a) a detailed report on the inquiry and findings; and

(b) a recommendation on 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

