



SWAZILAND GOVERNMENT GAZETTE EXTRAORDINARY

VOL. XXXVIII]

MBABANE, Monday, AUGUST 14th., 2000

[No. 593

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PART C - LEGAL NOTICES

86. The Commission of Enquiry Into the Compensation of Ex-Mine Workers S1

PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 86 OF 2000

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

THE COMMISSION OF ENQUIRY INTO THE COMPENSATION OF
EX-MINE WORKERS
(Under Section 3)

In exercise of the powers conferred by Section 3 of the Commission of Enquiring Act, 1963 I hereby issue the following Notice:-

Citation and Commencement

1. This Notice may be cited as the Commission of Enquiry into the Compensation of Ex-Miners Notice, 2000 and shall come into force on the date of publication in the Gazette.

Establishment of Commission

2. (1) There is hereby established a commission of enquiry to be known as The Commission of Enquiry into the Compensation of Ex-miners.

(2) The Commission shall commence its functions on the 14 August 2000.

(3) The Commission shall consist of the following persons:-

- (a) Senator T. Mlangeni - Chairperson
- (b) Bathobile Mvubu - Member
- (c) Sibusiso Motsa - Member
- (d) O. K. Dlamini - Member
- (e) Khabo Dlamini - Secretary

(2) The quorum of the Commission shall be three members including the Chairperson.

Functions of the Commission

3. (1) The Commission shall examine and enquire into the alleged irregularities surrounding the compensation of mine workers who are injured or die while on duty in the Republic of South Africa or the compensation of their dependants.

(2) The Commission shall, without prejudice to the generality of the subsection (1), examine and enquire into -

- (a) whether all terminal benefits were or are paid to all ex-miners when they were or are retired, retrenched or dismissed from the mines;
- (b) whether there are any monies outstanding from South African mines in respect of the ex-miners and, if there are, establish how they can be made available to the beneficiaries;

- (c) the nature of the involvement of South African consultants in the processing of claims of ex-miners with or without the involvement of The Employment Bureau of Africa (TEBA);
 - (d) the role played by any association concerned with ex-miners' interests in the recovery of the ex-miners' terminal benefits;
 - (e) whether ex-miners or their dependants are entitled to claim from the Voluntary Deferred Pay Fund and, if so, the procedure to be followed; and
 - (f) any other matter incidental to the functions of the Commission or which the Commission deems necessary to the enquiry.
- (3) The Commission shall further -
- (a) call upon any person to make oral or written submissions and call for any documents it may deem necessary or relevant to the enquiry, including documents in the possession of TEBA; and
 - (b) after making appropriate findings, submit a report containing appropriate recommendations on any matter which is the subject of the enquiry including -
 - (i) Recommendations regarding the taking of any criminal or civil or disciplinary action against any person who may have been involved in any irregularities or unlawful act.
 - (ii) Proposals on how the ex-miners and their dependants can be assisted to receive or benefit from monies due to them.

Enquiry Venue

4. The enquiry shall be held at such place and at such times as the Chairperson may determine.

Enquiry in public

5. Unless the circumstances otherwise require, the enquiry shall be in public.

Submission of Report

6. The Commission shall present its report not later than the 8th September, 2000 or such later date as the Minister may, in writing permit.

LUTFO E. DLAMINI
Minister for Enterprise and Employment

The Government Printer, Mbabane

