



OFFICE OF THE CHIEF WHIP

EFF Parliamentary Caucus

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Hon. D M Nkosi

CHAIRPERSON: PORTFOLIO COMMITTEE ON TRADE AND INDUSTRY

BY EMAIL

RE: APPOINTMENT OF THE CHAIRPERSON OF THE BOARD OF THE NATIONAL LOTTERIES COMMISSION (NLC)

Dear Hon. Nkosi,

We write to you in connection with the process to appoint the Chairperson of the National Lotteries Commission. The process underway initiated by the Minister of Trade, Industry and Competition is fraudulent and illegal. The Minister has used his self-appointed 'independent shortlisting panel' to shortlist three persons out of 43 nominated persons.

In terms of Section 3(1)(a) the Lotteries Act, 1997 ("the Act") the Minister must appoint a Chairperson with applicable knowledge or experience with regard to matters connected with the function of the board. Section 3.3 of the Act further states that 'the member contemplated in paragraph (a) of subsection (1) shall be appointed only after the Minister has by notice in Gazette and in not less than two newspapers circulating in every province invited interested parties to nominate persons suitable for appointment as chairperson and **the relevant committee of the National Assembly has made recommendations to the Minister in relation thereto after a transparent and open process of considering persons so nominated, having due regards to the functions of the board**'.

Section 3.3 makes no mention of any 'independent shortlisting panel' nor does it give the Minister discretion to appoint one. Any process by the Portfolio Committee on Trade and Industry ("the Committee") based on the shortlisted names by the Minister's panel will amount to fraud, corruption and irregular appointment process. In the past, the shortlisting and interviews for board chairpersons were done by the relevant parliamentary committee.

For the Committee to undertake a legitimate process that is transparent and open, a list of all nominated persons for the position of the Chairperson of the NLC should be made available to the Committee. The Committee must shortlist its candidates to interview and should conduct interviews through an open and transparent process.

The Committee must prepare a report for consideration by the National Assembly and the report must be adopted through normal processes of National Assembly. The Minister's list of shortlisted persons should be discarded, and the Committee should conduct its own process as per the legislation.

We hope you find the above in order.

Regards,

A handwritten signature in black ink, appearing to read 'N F Shivambu', with a stylized flourish at the end.

N F Shivambu
EFF Deputy President and Chief Whip