**1. Report of the Portfolio Committee on Trade and Industry on the request by the Minister of Trade, Industry and Competition to make recommendations around the suitability of candidates for the position of the Chairperson of the Board of the National Lotteries Commission, dated 12 March 2021**

1. On 16 November 2020, the Speaker referred a letter dated 12 November 2020 from the Minister of Trade, Industry and Competition to the Portfolio Committee on Trade and Industry for consideration and report *(see ATC dated 16 November 2020)*. In his letter the Minister requested that the relevant Committee of the National Assembly makes recommendations regarding the suitability of any or all of the three names of nominees that he shortlisted for appointment as Chairperson of the board of the National Lotteries Commission (NLC) in terms of section 3(3) of the Lotteries Act (Act No 57 of 1997). The Minister also requested that the Committee provides feedback by no later than 30 November 2020.
2. In a letter dated 17 November 2020, the Economic Freedom Fighters (EFF) wrote to the Chairperson of the Committee indicating that in terms of section 3(3) of the Lotteries Act, they were of the view that the Committee should shortlist persons so nominated by the interested parties and make recommendations to the Minister in relation thereto, and not the Minister submitting three names of shortlisted candidates for the Committee’s consideration.
3. On seeking legal guidance from the Legal Services Division of Parliament on whether the assertion by the EFF had any merit, the Committee received an opinion dated 18 November 2020, which was tabled in the Committee on 19 November 2020. The Chairperson also informed the Committee about Prof T Madonsela’s withdrawal of her nomination for consideration for the position of Chairperson of the board of the NLC.
4. The legal opinion stated that “it appears that the shortlisting process, is the mandate of the Portfolio Committee on Trade and Industry”. The Committee was further advised that it “should consider requesting the CVs of all nominated candidates so that the committee may proceed in terms of its own process as required by the Act”.
5. The Chairperson further indicated that he had requested that the Minister submit the redacted CVs of all 41 nominated candidates in a letter dated 18 November 2020.
6. In a letter dated 22 November 2020, the Minister, “in deference to the opinion”, acceded to the Committee’s request to submit the CVs of all nominated candidates for its consideration with CVs tabled in the Committee on 24 November 2020. The Minister once again requested that the Committee adhere to the 30 November 2020 deadline.
7. During its deliberations held on 24 and 25 November 2020, the Committee concurred with the opinion that it was the Committee that should shortlist persons so nominated by the interested parties and make recommendations to the Minister in relation thereto.
8. Informed by the legal opinion, the Committee concluded that it was not in a position to accommodate the request from the Minister to complete the process of nominating a candidate for position of Chairperson of the board of the NLC by 30 November 2020 and undertook to conclude the process in the first term of 2021.
9. Due to changes in the Parliamentary Programme, the Committee met on 24 February 2021 and shortlisted the following candidates to be interviewed: Rev F Chikane; Mr T Dlamini; Ms B Fergusan; Dr M Madzivhandila; Dr N Pityana; Mr A Trikamjee; Mr T Tselane; Mr G Xaba.
10. On 9 March 2021, the eight shortlisted candidates were interviewed.
11. On 10 March 2021, the Committee deliberated and resolved that the names of the following four candidates be submitted to their respective party causes for discussion: Mr T Dlamini; Dr M Madzivhandila; Dr N Pityana; Mr T Tselane.
12. In terms of section 3(3) of the Lotteries Act, “The member contemplated in section 3(1) (a) of the Act, shall be appointed only after the Minister has by notice in the *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 regard to the functions of the board”.
13. In light of the above, the Committee recommends that the House requests the Minister of Trade, Industry and Competition to consider the following candidates for the position of Chairperson of the board of the National Lotteries Commission: Mr T Tselane; Dr N Pityana; and Dr M Madzivhandila.

Report to be considered.