



trade, industry
& competition

Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

THE NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

PARLIAMENTARY QUESTION 62

Mr D W Macpherson (DA) to ask the Minister of Trade and Industry:

Whether he has extended the contract of a certain person (name and details furnished); if so, (a) for what period and (b) what provisions did he rely on to do so?

NW66E

RESPONSE

During 2017, the then Chairperson of the National Lotteries Commission was re-appointed as Chairperson in accordance with section 3(3) of the Lotteries Act, 1997 (Act No. 57 of 1997) (the "Act") for a further period of 2 years and 4 months. The Act provides that a member of the National Lotteries Commission's board may be appointed for a period not exceeding five years.

The term of the Chairperson was due to end on 30 November 2019. Before the end this term, the Chairperson raised a number of concerns relating to the lawfulness of the determination of the period of his appointment and specifically the reasons provided therefore; and provided the Ministry with a legal opinion in support of his concern, to the effect that the period of appointment ought to have been for a five-year period.

After considering the merit of the verbal and written representations made to me, and taking into account the advice of the Director General of the Department of Trade and Industry, I concluded that it would be in the best interest of the National Lotteries Commission to secure a settlement and extended the period of appointment of the Chairperson for a one-year period to 30 November 2020, with an explicit agreement that this was in full and final settlement of any claims that he may have or believe he may have.

As the Minister determines the period of appointment and it falls within the prescribed maximum period of 5 years, I am advised this complies with the provisions of the Act as set out above.

The process for the appointment of a new Chairperson will follow the requisite processes as provided in the Act.

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