



Western Cape
Government

Provincial Treasury

BETTER TOGETHER.

WESTERN CAPE GAMBLING AND RACING BOARD APPLICATION PROCESS

Presentation to Standing Committee on Finance

Mr H Mallia

13 February 2019

Composition of the Board - Requirements in terms of the WCGR Act and Regulations [1]

The process for the appointment of Board members to the WCGRB is governed by the Western Cape Gambling and Racing Act of 1996 as amended and its accompanying regulations

● Section 3 – of the WCGRA – Composition of Board

- (1) The Board consist of 7 members appointed on a part-time basis by the Executive Council in accordance with the prescribed procedure, which shall provide for public participation in the nomination of candidates for appointment; provided that the standing committee of the Provincial Legislature responsible for this Act shall evaluate all candidates as to their suitability for appointment
- (2) The members of the Board shall be eligible persons who have appropriate knowledge or experience; provided that appointments to the Board shall be made with gender sensitivity

● Section 4 – Eligibility for appointment as member or employee of Board

In order to be eligible for appointment as member or an employee of the Board a person shall –

- a) Be a natural person
- b) Have attained the age of twenty-five years or, in the case of an employee of the Board, the age of eighteen years
- c) Be a citizen of the Republic and **ordinarily resident in the Province**
- d) Be a fit and proper person as contemplated in section 28(a)(i)
- e) Be of good financial standing
- f) Not be disqualified under section 5

Composition of the Board - Requirements in terms of the WCGR Act and Regulations [2]

● Section 5 – Disqualification from appointment

The following persons shall be disqualified -

- a) Convicted of an offence in terms of this Act or any similar law
- b) Convicted of theft, fraud, forgery, the uttering of a forged document, perjury or any offence under the Corruption Act, 1992
- c) Unrehabilitated insolvent
- d) Removed from any office of trust on account of misconduct or dishonesty
- e) Any political office bearer
- f) Anyone whether personally or through spouse, family member, partner or associate –
 - i. Direct or indirect financial interest in gambling business or establishment; or
 - ii. Has interest in business or enterprise that may conflict or interfere with the performance of duties as member of the Board

Procedure for Appointment - Requirements in terms of the Regulations [1]

● Section 3 – of the Regulations – Nomination of Candidates

- (1) Designated AO shall by notice publish in each of the official languages of the Province in the Provincial Gazette and in such other printed media as he or she may consider appropriate, invite nominations for candidates for appointment as member of the Board
- (2) A nomination containing the names, address, telephone number and curriculum vitae of a nominee shall be submitted in writing to the designated accounting officer within 14 days of the date of publication of the notice
- (3) AO shall place at the disposal of each nominee for completion an application form, which shall be returned to the designated accounting officer within 21 days from the date on which it was thus placed at the disposal
- (4) Application form needs to be accompanied by, signed declaration stating willingness to disclose full details of personal and financial affairs; statement signed by applicant that they comply with the provisions of section 4 of the Act in order to be eligible for appointment
- (5) Failure to submit completed application renders an application invalid
- (6) After expiry of application period, the accounting officer shall in each of the official languages of the Province publish in the Provincial Gazette and such other printed media a notice –
 - a. Specifying the name and address of each nominee who has submitted a valid application
 - b. Providing for a 14 day period calling for comment as to the suitability for appointment of such nominees

Procedure for Appointment - Requirements in terms of the Regulations [2]

● Section 4 – of the Regulations – Procedure for appointment

- (1) The designated AO shall evaluate each application referred to in regulation 3(3) and compile a short list of not less than 15 names or, in respect of any vacancy occurring on the Board, of not less than 3 names, of the **most suitable candidates for appointment**; provided that the designated accounting officer may request such additional information or documentation regarding an applicant's personal and financial affairs as he may deem necessary to evaluate an application
- (2) The short list referred to in sub-regulation (1), as well as a comprehensive list of all applicant together with all available information and documentation regarding their personal and financial affairs and any public comment received in terms of regulation 3(6), shall be submitted for consideration to the Standing Committee of the Provincial Legislature responsible for the Law
- (3) The relevant Standing Committee shall, within 7 days from receiving the documentation referred to in sub-regulation (2), submit a final short list of not less than 15 names or, in respect of any vacancy occurring on the Board, of not less than 3 names, together with the comprehensive list of all applicants to the responsible Member for submission for consideration to the Executive Council
- (4) The designated AO shall, upon receipt of a resolution of the Executive Council concerning the successful candidates, inform all the applicants of the outcome

Current Process

- The call for nominations was placed in accordance with Regulation 3(1) in the Provincial Gazette; Vukani, the Mail and Guardian; Die Burger and Weekend Argus on 26, 27 and 28 July. In addition the call for nominations was placed on the Provincial Government Jobs Portal.
- A total of 272 eligible nominations were received.
- In accordance with Regulation 3(3) applications forms were sent to all eligible nominees.
- 48 application forms were returned.
- Regulation 3(6) requires the publication of the name and address of each nominee who has submitted a valid application form. The closure date for comment regarding suitability for appointment was 31 January 2019.
- No comment was received.

Current Process

- Applicants who indicated an address outside of the Western Cape were requested to respond to a number of questions. [PT having received on a previous occasion a legal opinion from Legal Services, applied the criteria below with which to determine “ordinarily resident”].
- The Standing Committee of Finance is requested to consider the responses provided by the applicants in determining their “ordinarily resident” status to the following questions:
 - The nature and cause of the applicants physical presence within an area (business or employment);
 - The average length of stay within an area outside of the Western Cape;
 - Whether the applicants family reside and/or children attend school in the Western Cape;
 - Whether the applicant intends to return to the Western Cape after a short absence; and
 - Where the applicant considers their dwelling or residence (home and belongings) to be.

Current Board Members

Name	Appointment End Date	Demographic Profile	Profession and Experience
Mr D Lakay (Chairperson)	10/12/2020	Coloured, Male	B. Com; Associate General Accountant; Registered Tax Practitioner with SARS
Ms J Gantana	09/03/2019	Coloured, Female	MBL, B.A. Honours, Higher Diploma Education; Public Sector Finance
Mr C Bassuday	31/03/2019	Indian, Male	B.Proc, LLB, Graduate Diploma in Criminal Justice and Forensic Auditing; Director: Legal Services at UCT and Legal Advisor at UKZN
Mr S Faku	31/03/2019	African, Male	B.A., Master of Science, Board Member – JHB Chamber of Commerce and Gauteng Liquor Board
Ms C Fani	16/05/2020	African, Female	Board Member of Western Cape Cultural Commission, Bachelor of Administration, Honours: Public Administration
Ms N Magazi	10/06/2019	African, Female	B.Com Accounting; Post Graduate Diploma Development Finance; Public Sector Finance, UCT Graduate School of Business Project Coordinator



Qualifications of current Board Members:

- Three members with financial and accounting qualifications
- One member with a legal qualification and experience; and
- Two members with public, entity, board experience and general administration
- The expiry of the term of office of 3 Board members will reduce the number of persons with financial, governance, legal and board experience.

Shortlisting Criteria Applied

- WCGRA has no shortlisting criteria.
- Section 3(2) of the WCGRA provides that “the members of the Board shall be eligible persons who have appropriate knowledge or experience; provided that appointment to the Board shall be made with gender sensitivity”.
- Considered candidates having:
 - Having appropriate knowledge and experience
 - Gender representation, including disability
- SCOF to note:
 - Declaration by Mr Burger on a “potential indirect connection” to a Limited Payout Machine Operator.
 - Mr Faku, Mr Harper and Mr Son have all indicated addresses outside the WC, but responded to questions on ordinarily resident. The SCOF should evaluate their status as “ordinarily resident”.
- Four Options Considered

Outcome of Option 1 (cut-off score of 4; read in conjunction with long list)

- Option 1: Consider qualification, job experience, board and governance experience whilst advancing female gender, black people and people with disabilities (13) candidates.

- Disability: Yes = 1, No = 0
- Gender: Female = 1, Male = 0
- Population Group: African, Coloured, Indian = 1, White = 0
- Qualification: 3-year qualification = 1, Less than 3-year qualification = 0
- Job Experience: Relevant (e.g. IT, Finance, Legal, Social) = 1, Not relevant = 0
- Board Experience: Yes = 2, No = 0

Information		Shortlisting Criteria and Score										
Surname	First Name	Disability	Gender	Population Group	Qualification	Job Experience	Board Experience / Other	Total				
Arendse	Terrence	0	0	1	1	1	1	2	5			
Bassuday	Claude	0	0	1	1	1	1	2	5			
Burger	Hermanus	0	0	0	1	1	1	2	4			
Croy	Kyriene	0	1	1	1	1	1	0	4			
Daniels	Levona	0	1	1	1	1	1	0	4			
Faku	Sindile	0	0	1	1	1	1	2	5			
Harper	Joseph	0	0	1	1	1	1	2	5			
Hashe	Robert	1 (limp on right leg)	0	1	1	1	1	0	4			
Nicholls	Rowan	0	0	0	1	1	1	2	4			
Ntshinka	Sinazo	0	1	1	1	1	1	0	4			
Nyati	Linda	0	1	1	1	1	1	0	4			
Son	Grant	0	0	1	1	1	1	2	5			
Williams	June	0	1	0	1	1	1	2	5			

Outcome of Option 2 (cut-off score of 4; read in conjunction with long list)

- Option 2: Consider qualification, job experience, board and governance experience, disability and consolidating advantage given to population group and female gender. [4 females less than option 1] (9 candidates)

- Disability: Yes = 1, No = 0
- Representativity: Female, African, Coloured, Indian = 1, Male White = 0
- Qualifications: 3-year qualification = 1, Less than 3-year qualification = 0
- Job Experience: Relevant (IT, Finance, Legal, Social) = 1, Not relevant = 0
- Board Experience: Yes = 2, No = 0

Information		Shortlisting Criteria and Score						
Surname	First Name	Disability	Female, Coloured, African & Indian	Qualification	Job Experience	Board Experience/ Other	Total	
Arendse	Terrence	0	1	1	1	2	5	
Bassuday	Claude	0	1	1	1	2	5	
Burger	Hermanus	0	0	1	1	2	4	
Faku	Sindile	0	1	1	1	2	5	
Harper	Joseph	0	1	1	1	2	5	
Hashe	Robert	1	1	1	1	0	4	
Nicholls	Rowan	0	0	1	1	2	4	
Son	Grant	0	1	1	1	2	5	
Williams		0	1	1	1	2	5	
June		0	1	1	1	2	5	

Outcome of Option 3 (cut-off score of 3; read in conjunction with long list)

- Option 3: Consider qualification, job experience and board and governance experience [4 less females than option 1 and no person with disability]

- Qualifications: 3-year qualification = 1, Less than 3-year qualification = 0
- Job Experience: Relevant (IT, Finance, Legal, Social) = 1, Not relevant = 0
- Board Experience: Yes = 2, No = 0

Information		Shortlisting Criteria and Score						
		Option 3						
Surname	First Name	Disability	female, coloured, african & indian	Qualification	Job Experience	Board Experience/ Governance	Total	
Arendse	Terrence	0	0	1	1	2	4	
Bassuday	Claude	0	0	1	1	2	4	
Burger	Hermanus	0	0	1	1	2	4	
Faku	Sindile	0	0	1	1	2	4	
Harper	Joseph	0	0	1	1	2	4	
Nicholls	Rowan	0	0	1	1	2	4	
Son	Grant	0	0	1	1	2	4	
Williams	June	0	1	1	1	2	5	

Outcome of Option 4 (cut-off score of 3; read in conjunction with long list)

- Option 4: Consider qualification, job experience, board and governance experience, female gender and persons with disabilities. [addition female compared with option 1]
 - Disability: Yes = 1, No = 0
 - Gender: Female = 1, Male = 0
 - Qualifications: 3-year qualification = 1, Less than 3-year qualification = 0
 - Job Experience: Relevant (IT, Finance, Legal, Social) = 1, Not relevant = 0
 - Board Experience: Yes = 2, No = 0

Information		Shortlisting Criteria and Score						
Surname	First Name	Disability	Gender	Population Group	Qualification	Job Experience	Board Experience / Governance	Total
Arendse	Terrence	0	0	0	0	1	1	2
Bassuday	Claude	0	0	0	0	1	1	2
Burger	Hermanus	0	0	0	0	1	1	2
Faku	Sindile	0	0	0	0	1	1	2
Harper	Joseph	0	0	0	0	1	1	2
Nicholls	Rowan	0	0	0	0	1	1	2
Son	Grant	0	0	0	0	1	1	2
Croy	Kyrlene	0	1	0	0	1	1	0
Daniels	Levona	0	1	0	0	1	1	0
Ntshinka	Sinazo	0	1	0	0	1	1	0
Nyati	Linda	0	1	0	0	1	1	0
Williams	June	0	1	0	0	1	1	0
Hashe	Robert	1	0	0	0	1	1	0

Process Ahead

- Provincial Treasury Accounting Officer recommended Option 4
- Standing Committee of Finance to agree to the shortlist (Option ?) and invite suitable candidates for an interview
- Standing Committee to make a recommendation to the Responsible Member for consideration by the Executive Council
- Appointment of members to the Board will be made subject to the positive outcome of the probity investigations

Thank you