



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

MINUTES OF PROCEEDINGS

STANDING COMMITTEE ON FINANCE, ECONOMIC OPPORTUNITIES AND TOURISM

Wednesday, 12 August 2020 (09:00), Virtual Meeting via MS Teams

ATTENDANCE

Members:

Democratic Alliance

Baartman, D (Chairperson)
Mitchell, D
Van der Westhuizen, A

African National Congress

Nkondlo, N

Economic Freedom Fighters

Makamba-Botya, N

Officials and Members of the Public

Provincial Treasury

Mr A Phillips, Deputy Director-General
Dr N Nleyi, Director: Fiscal Policy
Ms C Horton, Economist: Fiscal Policy
Ms R Slinger, Chief Director: Public Policy Services
Dr R Havemann, Deputy Director-General

Gloucester Accounting Services

Mr S Vorster, Auditor

Western Cape Provincial Parliament

Ms Z Adams, Procedural Officer

Ms L Cloete, Senior Procedural Officer

1. Welcome

The Chairperson welcomed the Members and officials to the Committee.

The Chairperson informed Members and the public that the Probity Report contained the names of the candidates to be considered for the Western Cape Gambling and Racing Board (WCGRB), and other personal information regarding their place of residence and finances. The Chairperson indicated that the Committee should resolve as to whether this portion of the briefing should be considered in-camera (closed to the public), given the personal nature of the information to be considered.

The following Standing Rules were applied during this consideration:

- Standing Rule 72(1): “Meetings of committees are open to the public ... except where the relevant committee resolves otherwise and the exclusion of the public in the particular case is reasonable and justifiable within the meaning of section 28(2) of the provincial Constitution”. Section 28(2) of the provincial Constitution states that “the public, including the media, may not be excluded from a sitting of a committee of the Provincial Parliament unless it is reasonable and justifiable to do so in an open and democratic society”.
- Standing Rule 72(2): “The Chairperson of a committee may at any time close the meeting for a decision by the Committee whether a matter should be considered in camera”.

After a brief discussion, the Committee agreed and RESOLVED that the meeting should be held in-camera during the period of the Provincial Treasury’s briefing when the probity reports were considered.

2. Briefing by the Provincial Treasury on the process leading to the shortlisting of candidates to fill the vacancies on the Western Cape Gambling and Racing Board

Ms Horton briefed the Committee on the subject at hand.

The Committee deliberated on the presentation and discussed the logistics around the interviews that the Committee would hold.

3. Deliberations on the public hearing for the Western Cape Nineteenth Gambling and Racing Amendment Bill [B 1 - 2020]

The Chairperson informed the Committee that the deadline for the submission of comments for the Western Cape Nineteenth Gambling and Racing Amendment Bill [B 1 - 2020] has passed (31 July 2020) and the Committee had received eight submissions on the Bill. Two of the submissions were received during the Gazetting period. Four submissions were received during the advertised period, and two submissions were received on 1 August 2020, a day after the deadline.

The Committee agreed that it would consider the late submissions. The Chairperson also proposed that since the Bill was Gazetted already and the Committee had advertised for written comments and asked interested stakeholders to indicate whether they would like to make oral submissions to the Committee, that the Committee would not advertise for a

third time, but use a social media platform to communicate the public hearing date. The Committee agreed with this proposal.

The Chairperson informed Members that 9 September 2020 had been set aside for a virtual public hearing. The Committee agreed to this date. The Committee was also informed that it would deliberate on the submissions on 11 September 2020, which Provincial Treasury would also be invited to.

4. Briefing by the Gloucester Accounting Services on the outcomes of the Probity Assessments for the candidates for possible appointment to the Western Cape Gambling and Racing Board

The Committee had agreed at the beginning of the meeting to close this portion of the discussion.

Mr Vorster gave the Members a brief breakdown of the outcome of the probity assessments and highlighted any information about candidates that seemed to be irregular.

The Committee deliberated on the information presented and the shortlist of candidates to be interviewed for possible appointment to the Board. A question was raised about the Provincial Treasury's role in providing the Committee with adequately qualified candidates on the shortlist, in respect of the prescripts of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996). Member N Nkondlo (ANC) and Member N Makamba-Botya (EFF) stated that they did not feel comfortable engaging in a further shortlisting of candidates given the role Provincial Treasury should have played in the shortlisting process, and therefore they abstained from the process.

In accordance with Standing Rule 74 of the Standing Rules of the Western Cape Provincial Parliament, which speaks to "Publication of Proceedings", "The proceedings of or the evidence taken by or the report of a committee, while its proceedings were conducted *in camera*, or a summary of such proceedings, evidence or report, may not be published or divulged before the report has been printed on the authority of the Speaker or by order of the House, provided that evidence which such a committee has resolved may not be made public, may not be published or divulged."

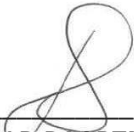
5. Resolutions/Actions

The Committee RESOLVED that:

- 4.1 The Committee would hold interviews on 21 August 2020, and the interviews would be 20 minutes each, with breaks after each set of interviews (three interviews in one set), and a 30 minute lunch break;
- 4.2 Provincial Treasury should provide the Committee with the files on the candidates on Friday, 14 August 2020, which would be delivered to Members' place of residence;
- 4.3 Provincial Treasury would provide Members with a question and answer guide for the Interviews, which the Committee will discuss in the first hour of the interviews on 21 August 2020;
- 4.4 The Committee would close the interviews (hold the interviews in-camera) given the nature of personal information that may be disclosed during the interviews, and because the Committee did not want the interview questions to be divulged to candidates ahead of their interviews; and

4.5 The Committee would write to the Minister of Finance and Economic Opportunities to relay its unhappiness that the Committee had to further shortlist candidates because of prescripts in the Western Cape Gambling and Racing Act that did not actually qualify those candidates to appear on the list, which the Provincial Treasury was supposed to do. Furthermore, this caused the Committee to debate about matters that should not have been discussed had the Provincial Treasury given the Committee a proper shortlist.

The meeting adjourned at 12:38.



ADV D BAARTMAN, MPP

CHAIRPERSON: STANDING COMMITTEE ON FINANCE, ECONOMIC OPPORTUNITIES AND TOURISM