

IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

CASE NO: 15797/22

In the matter between:

THE NATIONAL LOTTERIES COMMISSION

Applicant

and

THE MINISTER OF TRADE, INDUSTRY  
AND COMPETITION

First Respondent

THE BOARD OF THE NATIONAL LOTTERIES  
COMMISSION

Second Respondent

---

FIRST RESPONDENT'S EXPLANATORY AFFIDAVIT

---

I, the undersigned

MOOSA EBRAHIM

do hereby state under oath as follows:

- 1 I currently serve as Chief Director in the office the Minister of Trade, Industry and Competition ("**the Minister**").
- 2 The Minister is responsible for the administration of the Lotteries Act 57 of 1997 ("**the Lotteries Act**" or "**the Act**") and for the oversight of the

AM RP

National Lotteries Commission (**“the NLC”** or **“the Commission”**), the applicant in these proceedings.

- 3 By virtue of my position, I am duly authorised to depose to this affidavit and to oppose the application before this court.
- 4 The facts in this affidavit are, unless otherwise stated or the contrary appears from the context, within my personal knowledge, and are both true and correct. Where I make legal submissions, I do so on the strength of legal advice obtained from my legal representatives, whose advice I accept to be correct.
- 5 I have read the applicant’s notice of motion and the founding affidavit deposed to by Ms Thabang Mampane (**“the Commissioner”**). The application and relief sought stand opposed for the reasons set out below.
- 6 The purpose of this affidavit is to provide a factual account of what has transpired both prior to the institution of this application, and thereafter. These factual events have a bearing on the order sought by the Commissioner, in that the matter has effectively become moot.

#### **PRELIMINARY FACTS AND DEVELOPMENTS IN THE CASE**

- 7 The Commissioner seeks an order directing the Minister to:
  - 7.1 take “all reasonable steps to ensure that the [NLC] has a quorate board after 31 March 2022”;

Handwritten signature and initials, possibly 'J' and 'RP', in the bottom right corner.

- 7.2 report to the Court by 31 March 2022 that “necessary” steps have been taken to give effect to the order set out in paragraph 7.1 above; and
- 7.3 in the alternative, extend the terms of the current members of the board, pending the finalisation of the appointment of a new board.
- 8 The basis for the institution of these proceedings, as pleaded by the Commissioner, is firstly that the process for the appointment of the new board “has not even commenced”. In addition, the Commissioner asserts that the Minister has “[failed] to initiate the process of selecting new Board members” and that the “failure of action on [my] part to secure a valid Board by 1 April exposes the [NLC] and the Board to the risk of harm.”
- 9 The Commissioner’s contentions are factually incorrect, and she knows this to be so. At the time of the institution of this application, there were measures already in place to ensure that a new board is appointed by 31 March 2022. The Department of Trade, Industry and Competition (“**the Department**”) issued an invitation for nominations of, and applications by, suitable members of the public to serve on the NLC Board on 13 February 2022, with a closing date of 7 March 2022. This information is in the public domain, as the invitation was widely disseminated. The Commissioner knew of this, and the fact that applications had closed, when she launched this application. A copy of the advertisement is attached, marked “**ME1**”.
- 10 In response to the invitation, the Department received over 100 (one hundred) nominations and applications, which have been scrutinized and evaluated since 7 March 2022. The Minister also applied his mind to

identify persons with the necessary skills, experience and integrity to serve as members of the Board.

- 11 The Commissioner did not, barring a letter sent on 18 January 2022, engage the office of the Minister before launching this application. Had she done so, she would have been provided with an update on progress in the appointment of the new Board. Instead, she elected to launch the application, and in the process, misled the Court on the facts of the matter.
- 12 Despite this, the office of the Minister addressed a letter to the Commissioner on 15 March 2022, in terms of which she was advised of the steps already taken in the process of appointing a new Board and invited her to withdraw the application. She did not accede to this request.
- 13 Accordingly, there was no factual basis for the Commissioner's assertion of an apprehension that a new Board will not have been appointed on 1 April 2022. It follows that such alleged apprehension could not, as a result, be said to be reasonably held. The Commissioner ought to have engaged the office of the Minister before approaching the Court, in order to ascertain what the progress is in relation to the appointment of a new Board. She did not do so.
- 14 Moreover, the Commissioner cites the decision of the Minister to instruct the Department's legal representatives to initiate the process of terminating the services of the current members of the NLC board, as communicated to the National Assembly during the Minister's address at its sitting on 8 March 2022, as a basis for the relief sought.

A handwritten signature in black ink, appearing to be 'A. R.' or similar, located in the bottom right corner of the page.

- 15 The Minister communicated this decision to the National Assembly after the Special Investigating Unit ("**the SIU**") presented the findings of its investigation into the affairs of the NLC to the Portfolio Committee on Trade and Industry ("**the Portfolio Committee**"). The presentation to the Portfolio Committee revealed widespread corruption in the awarding of grants by the NLC, which involved a senior official in the NLC, and former members of the board.
- 16 These facts are omitted from the Commissioner's affidavit. Instead, she seeks in the alternative, an order that the terms of the current members of the Board be extended.
- 17 The decision to institute the process to terminate the terms of the current Board members is a legitimate response to the evidence of corruption and maladministration revealed in the SIU's presentation to the Portfolio Committee. This presentation revealed, amongst others, that millions of rands were disbursed by the NLC for worthy causes, but that the funds disbursed were not used for their intended purpose.
- 18 The process for the termination of the services of the current members of the Board is currently being carried out in accordance with section 3(5) of the Lotteries Act, and the members of the Board have been afforded an opportunity to make representations to the Minister on why their membership of the Board should not be terminated. It would thus be irregular to extend the terms of appointment of the board at least until that process is finalized.

A  
Lef

- 19 The decision by the Minister to commence the process set out in section 3(5) of the Lotteries Act was communicated after the closing date for nominations and applications and did not detract from the efforts and measures which were then in place to ensure that a Board is appointed when the current Board's tenure expires.
- 20 There was furthermore no basis for a supervisory order in this case. I am advised that in issuing such an order, the Court is required to consider the particular circumstances of the case, the role of the other arms of the State in a functioning democracy, and that the crafting of such orders should not preclude the executive from making legitimate policy choices.
- 21 In terms of section 3 of the Lotteries Act, the responsibility for the appointment of members to the Board is assigned to the Minister, and the Minister determines the period for which a member shall hold office on the Board. Although a member of the Board may be eligible for re-appointment on the expiry of her or his first terms of office in terms of section 3(4), the decision to re-appoint falls within the discretion of the Minister.
- 22 On 7 March 2022, the SIU briefed the Portfolio Committee on its investigation into the affairs of the NLC. The SIU briefing revealed that the SIU had evidence of corruption and maladministration, particularly in the awarding of grants to non-profit organisations by the NLC. In order to avoid unnecessary prolix, and so as not to burden the Court, the presentation is not attached. A copy can be made available to the Court if required.

- 23 Following these revelations, the Minister addressed the National Assembly on 8 March 2022. In that address, he communicated the decision to instruct the Department's legal representatives to initiate the process of terminating the terms of the remaining member of the Board. This is so because the acts of corruption as detailed in the SIU's presentation occurred during their term of office.
- 24 This application was launched shortly after the announcement by the Minister to the National Assembly on 11 March 2022.
- 25 The office of the Minister then addressed a letter to the Commissioner on 16 March 2022, in terms of which she was advised of the steps already taken in the process of appointing a new Board and invited her to withdraw the application. In the correspondence addressed to the Commissioner, it was pointed out that:
- 25.1 the allegation that the process for the appointment of new members of the board has not even commenced was unsubstantiated;
- 25.2 it was regrettable that the Commissioner decided to institute litigious proceedings without having engaged the office of the Minister to obtain an update on progress in the appointment process, her last communication to the Minister in this regard having been sent on 18 January 2022, and launched the application without considering which was in the public domain;
- 25.3 the NLC sought an order in terms of which the terms of the current members of the Board are extended, notwithstanding the revelations

A handwritten signature in black ink, appearing to be 'M. R.' or similar, located in the bottom right corner of the page.

of corruption and maladministration in the awarding of grants by the NLC during the current Board's term, as detailed in the report presented by the SIU to the Portfolio Committee;

25.4 the NLC's decision to institute these proceedings without prior notification to the Minister and to seek the extension of the terms of the current members of the Board, did not assist in fostering public confidence in the governance of the NLC;

25.5 the Minister was extensively engaged in taking the steps necessary to appoint a new Board and, in addition, to implement appropriate actions in response to the interim report of the SIU revealing widespread corruption in the NLC, including by former members of the Board and an official of the NLC;

25.6 the application has been instituted prematurely, and on a flawed understanding of the facts, which would have been avoided had the NLC engaged the office of the Minister before approaching the Court;

25.7 the Minister was fully aware that the terms of the current members of the Board expire on 31 March 2022, and that the Department had taken steps to ensure that there is no interregnum after the expiry of the current members' terms of office on 31 March 2022;

25.8 the allegation in the founding affidavit that the process to be followed in the appointment of a new board has not commenced, which

A handwritten signature in black ink, appearing to be 'A. El' or similar, located in the bottom right corner of the page.

appears to form the basis of her apprehension, was not factually correct;

25.9 the invitation for nominations of, and applications by, suitable members of the public to serve on the NLC Board was published and circulated on 13 February 2022, and the closing date for nominations and applications was 7 March 2022. It was further indicated that the Department received a large number of applications and nominations, which had been scrutinized and evaluated since 7 March, before the institution of this application;

25.10 The appointment process was well under way, and the Minister was taking such steps to enable the timeous appointment of a new Board;

25.11 the institution of litigation in this manner was consistent with a trend for the NLC to devote resources to expensive and counter-productive litigation. It was further indicated that rather than working with the office of the Minister to investigate and prevent corruption at the NLC and prevent the abuse of beneficiary funds, the NLC had chosen not to cooperate with a forensic investigation that he had authorised, and instead went to Court to argue that the Minister did not have the power to order forensic investigations into the misappropriation of NLC funds. Further, that the NLC has persisted with this uncooperative attitude despite the findings of the SIU as to extensive corruption and misappropriation of funds, including by former of members of the Board and an official of the NLC;

- 26 The letter addressed to the Commissioner, dated 16 March 2022, is attached, marked "ME2".
- 27 The Commissioner had omitted, deliberately as will be shown below, crucial facts pertaining to the process embarked on by the Minister to ensure that a Board is appointed by 31 March 2022.
- 28 On 17 March 2022, the Commissioner reverted to the Minister. The response from the Commissioner is telling:
- 28.1 in the correspondence, the Commissioner refers to various matters that are irrelevant to this application, in support of the contention that she approached this Court because of the Minister's repeated failure to respond to correspondence from the NLC on this issue;
- 28.2 the Commissioner, in paragraph 3 of her letter, refers to various letters addressed to the Minister, which she states were not responded to. One of these letters relates to the appointment of members of a distributing agency. The other is a letter in terms of which the Minister was simply notified, without more, that Dr Madzivhandila had passed away. These matters are irrelevant to the issue before Court;
- 28.3 she mentions that she became aware of the advertisement calling for applications and nominations for members of the NLC Board by reading the newspaper;

28.4 further, she refers to the non-appointment of a Chairperson of the Board, when it is a matter of public record that this process is currently being considered by the National Assembly; and

28.5 resultantly, and after having realised that processes were in place to ensure the appointment of the Board, she suggested that the Minister consent to a proposed draft order compelling him to appoint a Board by 31 March 2022.

- 29 The Commissioner asserted, for the first time in the letter, that she noticed the advertisement inviting applications and nominations in a newspaper. The Commissioner did not mention this fact in her founding affidavit. Instead, she made the bold and contradictory assertion that the process for the appointment of a new Board had not even commenced, knowing full well that this statement was untrue, to bolster the NLC's case. She deliberately misled the Court and made the averment under oath that the process had not commenced.
- 30 The letter from the Commissioner is attached, marked "**ME3**".
- 31 On 18 March 2022, the Department's attorneys of record addressed a letter to the Commissioner's attorneys, in terms of which they were advised that the Minister would soon be making appointments to the Board and requesting that they agree to a deferral of the hearing of the application to afford him the time to make appointments to the Board. This suggestion was rejected by the Commissioner's attorneys. The letter from the Department's attorneys is attached, marked "**ME4**", and the letter from the Commissioner's attorneys is attached as "**ME5**".

A handwritten signature in black ink, appearing to be 'Z. M. L.' or similar, located in the bottom right corner of the page.

- 32 In response to the Commissioner's correspondence dated 17 March 2022, the Minister indicated the following on 19 March 2022:
- 32.1 The reasons why the Minister had not been able to appoint a Chairperson – which were that Parliament is yet to make a recommendation to the Minister - were a matter of public record, and was in any event not referred to in the Commissioner's founding affidavit;
- 32.2 the non-appointment of the NLC Chairperson was evidently included in the letter as a disingenuous attempt to justify the insistence that the Minister agree to a court order;
- 32.3 as Executive Authority, the Minister is not constrained in respect of the appointment of normal Board members, as he is in relation to the appointment of the Chairperson;
- 32.4 the letter makes it clear that she had been aware of the advertisement and that the closing date had already passed, when she proceeded to launch this application, without referring to this material fact in her founding affidavit for the attention of the Court;
- 32.5 she was aware that the Minister had taken certain actions and chose to ignore them, and that it was clear from her letter that there was no factual or legal basis for approaching the Court on an urgent basis on 11 March 2022.
- 33 The letter to the Commissioner, dated 19 March 2022, is attached and marked "ME6".

A handwritten signature in black ink, appearing to be 'Z. P.' or similar, located in the bottom right corner of the page.

- 34 On 23 March 2022, The Department's attorneys addressed a letter to the Commissioner's attorneys, in terms of which they were informed that the Minister would make appointments to the Board that evening, and that the terms of the new appointees would commence on 24 March 2022. The Commissioner's attorneys were also invited to withdraw the application. A copy of this letter is attached, marked "**ME7**"
- 35 In line with this, and the indication recorded in the letter from the Minister dated 16 March 2022, the Minister addressed a letter to the Commissioner, in terms of which he advised the Commissioner that:
- 35.1 he had appointed three persons to the Board, in terms of section 3(1)(c) of the Act; and
- 35.2 he had appointed one person to the Board, in terms of section 3(1)(b) of the Lotteries Act.
- 36 This letter from the Minister to the Commissioner, dated 23 March 2022, is attached, marked "**ME8**".
- 37 I am advised that there issues before this court have become moot and that in seeking the alternative order that the terms of the current members of the Board be extended, the Commissioner effectively invites the Court to limit the Minister's powers to exercise discretion in appointing members of the Board. This is an extreme step that should be exercised with extreme caution by courts.
- 38 In addition, it is impermissible for the Commissioner to seek to determine members of the Board to which she is accountable in accordance with

A handwritten signature in black ink, appearing to be 'A. R.', is located at the bottom right of the page.

section 2B(1)(a). That decision falls entirely within the remit of the Minister, for good reason – the Board is required to advise, and make recommendations to, the Minister on the various matters set out in section 10 of the Lotteries Act. It is also for the Minister to terminate the membership of any member of the Board on good cause shown, in accordance with section 33 of the Constitution. It is not for the Commissioner to seek to determine who should be appointed to the Board.

- 39 I am advised that the Courts have made it clear that structural interdicts should not be granted unless it is necessary for the Court to do so. The Commissioner has not pointed to any factual basis for the assertion that the Minister have failed to ensure that the process for the appointment of a new Board is initiated. In fact, the opposite is true – that process was well under way when these proceedings were instituted and has since been concluded. The Commissioner knows this. Accordingly, the relief of a structural interdict is completely unnecessary in this case.

#### **CONTEXTUAL BACKGROUND**

- 40 This is the third in a series of applications launched by the NLC against the Minister in his official capacity as the Executive Authority responsible for the operation of the Lotteries Act and the NLC.
- 41 In the first application, launched by the former Chairperson of the Board under case number: 3115/20, the NLC sought an order declaring unlawful the Minister's decision to authorise the institution of an investigation into allegations of corruption in the NLC. This Court, per Neukircher J, held



that the Minister has the power to authorise such an investigation, and dismissed the NLC's application for leave to appeal that judgment. The NLC has now applied for leave to appeal to the Supreme Court of Appeal.

42 The second application, launched by the Commissioner under case number: 11706/21, related to the Minister's decision to appoint an acting Chairperson for the Board, following the expiry of the term of Prof. Alfred Nevhutanda.

43 Now, in these proceedings, the Commissioner seeks an order that encompasses a directive that the Minister extend the tenure of the current NLC Board. This is the body that she functionally reports to.

44 At the time of the Minister's appointment to the Trade, Industry and Competition portfolio in May 2019, the NLC Board was comprised of the following persons:

44.1 Prof Alfred Nevhutanda as the Chairperson of the Board;

44.2 Adv William Huma as the legal practitioner contemplated in section 3(1)(c) of the Lotteries Act;

44.3 Ms Doris Dondur as a chartered accountant as contemplated in section 3(1)(c);

44.4 Prof YN Gordhan, a chartered accountant;

44.5 Ms Zandile Brown, the ministerial appointee contemplated in section 3(1)(b); and

A handwritten signature in black ink, appearing to be 'M. P.' or similar, located in the bottom right corner of the page.

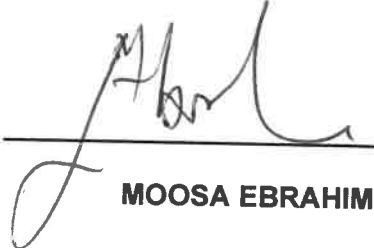
- 44.6 Dr MA Madzivhandila, an ordinary member with proven business acumen or applicable knowledge or experience in relation to the functions of the board, as contemplated in section 3(1)(c).
- 45 These members of the Board were appointed by the former Minister, Dr Rob Davies.
- 46 In November 2020, Prof Nevhutanda's term of office expired, and was not extended.
- 47 Adv William Huma resigned from the Board on 4 October 2021, after the Minister addressed a letter to him, in terms of which he informed Adv Huma of his intention to terminate his membership of the board and requested that he make representations on why he should not be removed as a member of the Board. This decision was based on findings made by the SIU that Adv Huma unlawfully benefitted an amount of approximately R15 554 600 from grants paid by the NLC to various NPOs, both before and during his tenure as a member of the Board.
- 48 Dr Madzivhandila passed away in January 2022 and left a vacancy on the Board.

## CONCLUSION

- 49 In light of the Minister's decision to appoint additional 4 ("four") members to the Board, it is submitted that the relief sought by the Commissioner has been rendered academic.

Handwritten signature and initials, possibly 'AM' and 'EP', in the bottom right corner.


- 50 However, notwithstanding the academic nature of the dispute, the Commissioner was aware at the time that this application was launched, that a process was in place to appoint members of the Board. The Commissioner did not disclose this fact to the Court, and instead misled the Court by asserting that no steps had been taken to ensure that a Board is appointed by 1 April 2022, knowing this to be untrue.
- 51 The Commissioner has further been provided with several opportunities to withdraw this application and has refused. In the circumstances, it is submitted that the application be struck off the roll, with costs.

  
**MOOSA EBRAHIM**

THUS SIGNED AND SWORN TO before me at CAPE TOWN on the 24TH of MARCH 2022, the deponent having acknowledged that he knows and understands the contents of this affidavit, has no objection to taking the prescribed oath and considers the oath binding on his conscience.



  
0532575-7  
R PIETERSEN W/O  
**COMMISSIONER OF OATHS**



Department  
Trade, Industry and Competition  
REPUBLIC OF SOUTH AFRICA

"ME1"

**THE DEPARTMENT OF TRADE, INDUSTRY  
AND COMPETITION (the dtic)**

**INVITATION FOR THE NOMINATION OF, OR  
APPLICATION BY, SUITABLE CANDIDATES FOR  
APPOINTMENT TO THE BOARD OF THE NATIONAL  
LOTTERIES COMMISSION**

The Minister of Trade, Industry and Competition, Ebrahim Patel hereby invites nominations by individuals, organisations, institutions and civil society structures for suitable candidates, or applications by individuals, for appointment to the Board of the National Lotteries Commission (NLC).

The Lotteries Act, 1997 (Act No. 57 of 1997) (the Act), as amended, established the NLC to monitor the operation of the national lottery and to oversee the distribution of a percentage of lottery proceeds for the benefit of society, in accordance with the provisions of the Act. A Board governs the operation of the NLC.

In terms of section 3(1) (b) of the Act, the Minister seeks to appoint five persons who have proven business acumen or applicable knowledge or experience regarding matters connected with the functions of the board as members to serve for a period of five years. At least one member so appointed must be a legal practitioner admitted to practice in the Republic and at least one must be a chartered accountant in the Republic.

**Nominations/applications must contain:**

- In the case of nominations, the full name, address and contact numbers of the person and/or organisation making the nomination and a signed acceptance of the nomination by the nominee
- A Curriculum Vitae of the nominee/applicant providing the following information: Full name; ID number and gender; latest postal address, contact and email; previous experience quoting dates and organisations, or institutions concerned; academic qualifications and other directorships
- Certified copy of RSA Identity Document and certified copies of relevant qualifications.
- Any other information that may be of assistance to the Minister in considering whether the person has the requisite business acumen or applicable knowledge or experience.
- A declaration made under oath or by affirmation to the Minister in terms of section 3B of the Act in which the nominee/applicant declares that he or she is not disqualified from appointment as contemplated in section 3A of the Act.

**Further Considerations:** Background verification, including criminal record and citizenship checks, will form part of the selection process • It is the nominee's responsibility to have foreign qualifications verified by the South African Qualifications Authority (SAQA) • Nominees/applicants will be contacted only if they have been short-listed

Nominations of and applications by people with disabilities are encouraged • Appointments to the Board will take account of gender, age, geographical spread, and demographic representation • The Department reserves the right to source additional candidates for consideration.

Applicants and nominees who are in any way conflicted or who refuse to comply with the confidentiality and restraint requirements in the relevant provisions of the Act will be disqualified from appointment.

**The following forms, which are obtainable from the dtic website at (<http://www.thedti.gov.za>), must be completed and submitted:**

- A signed and completed nomination and acceptance form (Form 1 A);
- A signed and completed form relating to the particulars of the nominee/applicant (Form B);
- A written disclosure of business interests and membership of other boards/committees/bodies; and
- A written consent to probity testing.


**Nominations/Applications must be emailed to [NLCNED@tianaconsulting.co.za](mailto:NLCNED@tianaconsulting.co.za) OR posted to The Director, Tiana Business Consulting Services (Pty) Ltd, PO Box 31821, Braamfontein, 2017. (NB: The words "Nomination/Application: National Lotteries Commission Board" must appear in the subject line of the e-mail or on the envelope). Please note that only short-listed candidates will be contacted, and if you have not heard from us within three (3) months of submitting your nomination, please consider it unsuccessful.**

**Enquiries re the position:** Paul Mokhonoana - Tel: 012 394 1217 or [PMokhonoana@thedti.gov.za](mailto:PMokhonoana@thedti.gov.za)

**Enquiries re the application process:** Mkhuseleli Mhlalanga - Tel: 011 431 1354 or [mkhuseleli@tianaconsulting.co.za](mailto:mkhuseleli@tianaconsulting.co.za)

**CLOSING DATE: 07 MARCH 2022**

**No late applications will be considered.**



**We welcome applications from  
all persons with disabilities.**

www.ursonline.co.za

*Handwritten signature/initials*



MINISTER  
TRADE, INDUSTRY AND COMPETITION  
REPUBLIC OF SOUTH AFRICA

Private Bag X84, PRETORIA, 0001, the dtic Campus, 77 Meintjies Street, Sunnyside, 0002, Tel: (012) 394 1480, Fax: +27 12 394 0337  
www.thedtic.gov.za

**Ms Thabang Mampane**  
**Commissioner**  
**National Lotteries Commission**

Dear Ms Mampane

**RE: URGENT APPLICATION ON BOARD APPOINTMENT**

- 1 I refer to the urgent application launched in the High Court by the National Lotteries Commission ("NLC"), on your instruction as the Commissioner, in terms of which you seek an order directing me to take steps to ensure that the NLC has a quorate board after 31 March 2022, and further directing me to report to the Court before that date, that I have taken the necessary steps to give effect to the order.
- 2 I note that in the alternative, you seek an order directing me to extend the terms of the current members of the board, pending the finalisation of the appointment of new members of the board.
- 3 In substantiation of the order you seek in the High Court, you make the unsubstantiated allegation that the process of appointing new members of the board has not even commenced.
- 4 I have previously indicated in correspondence to the Board that it is crucial that public confidence is maintained in the operations of the NLC. The manner in which this matter is sought to be addressed, in Court, is regrettable. This is so because the NLC, on your instructions, decided to institute litigious proceedings without having engaged my office to obtain an update on progress in the appointment process and without having taken into account information which is in the public domain. To the best of my knowledge, you had last communicated with me on 18 January 2022.
- 5 In addition, the NLC seeks an order in terms of which the terms of office of the current members of the Board are extended, notwithstanding the revelations of corruption, maladministration and possible criminality in the awarding of grants by the NLC during the current Board's term, as detailed in the report presented by the Special Investigating Unit ("SIU") to the Portfolio Committee on Trade and Industry on 2 March 2022. As I set out below, I am currently in the process of providing these members with an opportunity to make representations to me.

Lefapha la Dikgwebisano, Diintaseteri le Tlholisano • Lefapha la Kgwebo Indasteri le Phadišhano • uMnyango wezoHwebo neZimboni kanye noMncintiswano • Muhasho wa zwa Mbambadzo, Makwevho na Mułajisano • Die departement van handel, nywerheid en mededinging • Kgoro ya Kgwebo Indasteri le Kgaisano • Ndzwulo ya V uxavisi, Mabindzu na Mphikizano • Litiko leT ekuhweba tiMboni neKuncintiswano • ISebe lezoRhwebo noShishino kunye noKhuphiswano • UmNyango wezokuRhwebelana, amaBubulo nama Phaliswano

Handwritten signature and initials

- 6 The NLC's decision to institute these proceedings without prior notification to either me or my office and to seek the extension of the terms of the current members of the Board, does not assist in fostering public confidence in the governance of the NLC.
- 7 I note, in this regard, that the NLC elected to serve its notice of motion and founding affidavit after close of business on a Friday afternoon with a requirement that I should file a notice of opposition by Monday 14 March 2022 and that I should serve an answering affidavit by Wednesday 16 March 2022. I am advised that it is not for the applicant to unilaterally determine dates for filing. In the event that the NLC elects to proceed with this entirely unnecessary application, I will oppose it and will serve an answering affidavit detailing the matters referred to in this letter.
- 8 It will not be possible for me to meet the deadline unreasonably and unilaterally imposed by the NLC in its notice of motion, and if necessary, I will bring an application for the condonation.
- 9 As this letter makes clear, I am extensively engaged in taking the steps necessary to appoint a new Board and, in addition, to implement appropriate actions in response to the interim report of the SIU revealing widespread corruption in the NLC, including by former members of the Board and an official of the NLC. I am further mindful of the need to ensure a channel of communication with the NLC and will make proposals in this regard, later in this letter.
- 10 What exacerbates the situation is that the application has been instituted prematurely, and on a flawed understanding of the facts. This would have been avoided had the NLC engaged my office before approaching the Court.
- 11 I am fully aware that the terms of the current members of the Board expire 31 March 2022. In this regard, the Department has taken steps to ensure that there is no interregnum after the expiry of the current members' terms of office on 31 March 2022.
- 12 The allegation in the founding affidavit that the process to be followed in the appointment of a new board has not commenced, which appears to form the basis of your apprehension, is not factually correct and I briefly describe the steps that have been, and are being, taken by the Department on my instructions, below.
- 13 The invitation for nominations of, and applications by, suitable members of the public to serve on the NLC Board was published and circulated on 13 February 2022, and the closing date for nominations and applications was 7 March 2022. The Department received a large number of applications and nominations, which have been scrutinized and evaluated since 7 March. In addition, I have applied my mind to identify persons with the necessary skills, experience and integrity to serve as members of the Board and, in particular, to ensure that the future governance of the NLC is not compromised by widespread corruption and misappropriation of funds, as has been identified most recently in the report of the SIU tabled to the Parliamentary Portfolio Committee on 2 March 2022 and widely reported in the media.

Lefapha la Dikgwebisano, Diintaseteri le Tiholisano • Lefapha la Kgwebo Indasteri le Phadišano • uMnyango wezoRhwebo neZimboni kanye noMncintiswano • Muhasho wa zwa Mbambadzo, Makweho na Mujašano • Die departement van handel, nywerheid en mededinging • Kgoro ya Kgwebo Indasteri le Kgaisano • Ndzawulo ya Vuxavisi, Mabinzuzi na Mphikizano • Litiko leTsekuhweba tiMboni neKuncintiswano • ISebe lezoRhwebo noShishino kunye noKhuphiswano • UmNyango wezokuRhwebelana, amaBubulo nama Phaliswano



- 14 Accordingly, there is no basis for an order directing me to comply with my statutory obligations. The appointment process is well under way, and I am taking such steps to enable the timeous appointment of a new board.
- 15 In choosing a new Board, I am mindful of the fact that the SIU report has found evidence that several former members of the Board used their position as board members to enrich themselves unlawfully at the expense of the good causes for which NLC funds are intended. I am further mindful of the fact that the NLC and its board refused to cooperate with, and sought to block, investigations initiated by myself and my predecessor aimed at preventing this widespread misappropriation of funds and, indeed, embarked on policies aimed at concealing this misappropriation. The NLC and its Board is continuing to this day with this trend to conceal by refusing, since August 2021 and without any legal basis, to provide me with a copy of a forensic investigation that it commissioned at considerable public expense.
- 16 The institution of litigation in this manner is consistent with a trend for the NLC to devote resources to expensive and counter-productive litigation. In particular, rather than working with me to investigate and prevent corruption at the NLC and prevent the abuse of beneficiary funds, the NLC chose not to cooperate with a forensic audit that I authorised and went to Court to argue that I, as Minister, did not have the power to order forensic investigations into the misappropriation of NLC funds. The NLC has persisted with this uncooperative attitude despite the findings of the SIU as to extensive corruption and misappropriation of funds, including by former members of the Board and an official of the NLC.
- 17 I note that on 10 March 2022, Senior Counsel briefed by the NLC argued that the judgment by the Gauteng High Court upholding the Minister's power to institute investigations into NLC-linked corruption should be taken on appeal to either a full bench of the High Court or the Supreme Court of Appeal. Fortunately, this argument was again rejected by the High Court.
- 18 I now deal with the position of the current members of the Board. In the light of the conclusion of the SIU report, I have provided the current board members appointed in terms of section 3(1)(c) with an opportunity to make written and/ or oral representations as to why I should not:
- 18.1 under section 3A(2), conclude that they are not suitable persons to continue acting as a non-executive member of the board of the NLC; and
- 18.2 terminate their membership of the board of the NLC in accordance with the provisions of sections 3(5)(a) of the Act.
- 19 In doing so, I am following the process set out in the Act and according these members the full rights of *audi alteram partem* before I make a decision on their continued membership of the Board. I provided these members with an opportunity until close of business on Thursday, 17 March 2022 to make written representations and have arranged for one of my legal representatives to receive oral representations on my



behalf on Wednesday, 16 March 2022 should the members avail themselves of this opportunity. I am currently in correspondence with these members.

- 20 I am fully aware of the responsibilities that I have under the Lotteries Act to ensure the appointment of a Board that satisfies the statutory requirements and that has members with the integrity and experience to perform the board's fiduciary duties in a manner that restores public confidence in the NLC and are able to ensure that the patterns of corruption and misappropriation of funds that have dogged the NLC for many years are stopped and appropriate action is taken against all persons who have improperly benefitted from NLC funds, which have been unscrupulously diverted from good causes.
- 21 In order to ensure that there is a sufficient communication between the Ministry and the NLC, I invite the Commissioner to contact Mr Moosa Ebrahim to establish an ongoing line of communication concerning the appointment of a new Board for the NLC and other matters of mutual interest.
- 22 In the light of the above, kindly advise me as a matter of urgency whether you intend to persist with your legal action.

Yours sincerely



**Ebrahim Patel**  
**Minister of Trade, Industry and Competition**  
15 March 2022

Lefapha la Dikgwebisano, Diintaseteri le Tlholisano • Lefapha la Kgwebo Indasteri le Phadišano • uMnyango wezoHwebo neZimboni kanye noMncintiswano • Muhasho wa zwa Mbambadzo, Makweho na Mujašisano • Die departement van handel, nywerheid en mededinging • Kgoro ya Kgwebo Indasteri le Kgaisano • Ndzawulo ya Vuxavisi, Mabindzu na Mphikizano • Litiko leTsekuhweba tiMboni neKuncintiswano • ISebe lezoRhwebo noShishino kunye noKhuphiswano • UmNyango wezokuRhwebelana, amaBubulo nama Phaliswano





"ME3"

Tel: +27(12)432 1300  
Info Centre: 086 00 65383  
web: www.nlcsa.org.za  
National Lotteries Commission (NLC)  
P.O Box 1556  
Brooklyn Square 0083, Pretoria

**MINISTER EBRAHIM PATEL**  
**DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION**  
DTI CAMPUS  
BLOCK A, FLOOR 3  
77 MEINTJIES STREET  
SUNNYSIDE  
PRETORIA

17 March 2022

**BY EMAIL:**

Dear Minister,

**URGENT APPLICATION ON BOARD APPOINTMENT**

1. I refer to your letters dated 16 March 2022 and even date.
2. I do not intend addressing each aspect raised in your letters under reply to *ad seriatim* and my failure to do so should not be construed as admission of the correctness thereof but in fact the opposite. I reserve the right to do so at a later stage in the correct forum
3. As you are aware, I have the statutory obligation to ensure that there is a functioning Board. The application before court is inspired by lack of communication from the Ministry. It is accordingly my contention that there has never been an open line of communication when one looks at the history of previous correspondence from the NLC to the Minister. To this effect I outline below some of the previous correspondence addressed to the Minister which responses were never received:

**CHANGING LIVES**

Board Members: Ms A Brown (Minister's Representative), Ms D Dondur, Prof YN Gordhan  
Adv Nompumelelo Nene (Company Secretary)

Established in terms of the Lotteries Act 57  
of 1997, as amended

- 3.1 7 February 2022 – Notice of Bereavement: Dr MA Madzivhandila
  - 3.2 18 Jan 2022 – Letter to the Minister regarding the term of office of the Board
  - 3.3 11 November 2021 – Letter to the President seeking intervention on the non-responsiveness and critical matters submitted to the Minister which have been ignored.
  - 3.4 12 March 2021 - Letter from the NLC Chairperson to the Minister listing all the outstanding matters that are critical to the sustainability of the NLC that require the Minister's urgent attention and requesting that the Minister initiate the process of recruiting new members for the office of Arts, Culture and National Heritage Sector Distributing Agency.
  - 3.5 26 Jan 2021 - Letter from the NLC Board to the Minister referring to the contents of the letter dated 26 November 2020, requesting the Minister's inputs to the RFP document and authorisation for the Board to commence the Fourth Licence Application. Furthermore, emphasising the importance of meeting the Licence Application process milestones for a smooth and timeous transition from the Third Lottery Licence to the Fourth Lottery Licence.
4. The above letters outlined in paragraph 3.1 to 3.5 supra is not an exhaustive list of all correspondence that was sent to the Minister and remain unanswered. The absence of a response to these letters left me with no choice but to approach the Court on an urgent basis given the limited time frames within which the Minister must appoint a Board. I pause to mention that recruitment of a Board Member and Chairperson of the Board on or about September 2020. Whilst the publishing of recruitment of the respective vacant positions was made in September 2020 the same was not communicated by the Minister beforehand, during the process and to date. No update regarding the vacancies were given by the Minister. The recruitment process thereof was not communicated to the NLC.



5. It is common cause that the Minister did not even inform the NLC that he is advertising the positions of the Board to which the advertisement closed 7 March 2021. This information only came to my attention after reading the newspaper advertisement. The NLC was not advised that you are publishing an invitation to the public.
6. During 2020, the Minister stated in Court papers that he is in the process of appointing a Chairperson of the Board and until now, there has never been any communication in relation thereto. We recently informed the Minister about the passing of Mr Madzivhandila, and the notification was met with silence.
7. I have resorted to Court as a last measure because previous attempts to communicate have been met with silence. The NLC had no alternative but to reached out to the President in an attempt to get the Minister to respond to our letters.
8. Whilst I take note that the Board recruitment process that has been initiated however, it is noteworthy to mention that appointment and vetting processes of office bearers in the NLC is highly contested, protracted and potentially litigious. A case in point is the position of the Chairperson of the Board, which remains vacant, notwithstanding the Minister's undertaking to the court on or about May 2021 to appoint a Chairperson upon conclusion of a Parliamentary process, therefore I require assurance that there will be a functioning Board on the 1<sup>st</sup> of April 2022. Your letters were received after Court papers were issued due to your inaction on the issues raised in the Notice of Motion.
9. In the absence of a duly constituted Board, the NLC is hamstrung in fulfilling its statutory mandate and service delivery obligations to National Lottery participants and grant beneficiaries. Further, the sustainability of the Lotteries industry, National lottery and NLC operations is threatened.





10. It is against this background that I need the Court to be the custodian of the process of ensuring that a functioning Board is installed by the 1<sup>st</sup> of April 2022.
11. I note the contents of your letter of even date, and I implore you as the Minister to give a written undertaking by close of business tomorrow, Friday 18<sup>th</sup> March 2022 that there will be a functioning Board on the 1<sup>st</sup> of April 2022 so that the hearing on Tuesday can simply be used to advise the Court that the issues raised in the Court papers are being resolved. To this effect, I attach a draft court order that can be handed up at Court on Tuesday, subject to your consent.

Yours Faithfully,

**Ms Thabang Mampane**

**Commissioner: National Lotteries Commission**

Your ref : ET Mogane / M00224  
Our ref : STA11003 / P Benjamin



18 March 2022

Mr Eddison Mogane  
Maluks Attorneys

Email: [eddison@maluks.com](mailto:eddison@maluks.com)  
[joseph@maluks.com](mailto:joseph@maluks.com)  
[lufuno@maluks.com](mailto:lufuno@maluks.com)

Dear Mr Mogane

**National Lotteries Commission / Minister of Trade, Industry and Competition & Another [HC Case No:15791/22]**

- 1 We act for the Minister of Trade, Industry and Competition in this matter.
- 2 We refer to your client's letter dated 17 March 2022 received after close of business. Our client will be responding separately to your client.
- 3 We are instructed that our client will soon appoint a new Board, which will satisfy the requirements of the Lotteries Act.
- 4 In the circumstances, we propose that the matter be removed from the roll for Tuesday 22 March and be enrolled for another date prior to 31 March 2022.
- 5 If despite this, you insist on proceeding to apply for an order of court, we hereby give notice that we are instructed to file an extensive answering affidavit on behalf of the Minister. Further, the senior counsel who has advised the Minister extensively on this matter is not available on Tuesday at 10h00 and we will request that the matter be heard subsequently.
- 6 We await your urgent response by close of business today, and hold ourselves open to discuss this matter. In this regard, kindly contact Amogelang Makuwa on 064 684 5552.

Yours faithfully

Paul Benjamin  
Cheadle Thompson & Haysom Inc  
(sent electronically without signature)

1<sup>st</sup> Floor, 61 Katherine Str, Sandton, 2196 Johannesburg  
Thabakgolo Build, 58 - 60 Landros Mare Str. Polokwane  
507 Chancery House, Lislet Geoffroy Str, PL, Mauritius  
Postnet Suite #236, Private Bag 9976, Sandton, 2196

Johannesburg Nr: +27 (0) 10 300 6128  
Polokwane +27 (0) 15 101 0545  
Mauritius +230 210 0507  
Fax Nr: +27 (0) 86 666 5249  
Email: [hello@maluks.com](mailto:hello@maluks.com)  
Web: [www.maluks.com](http://www.maluks.com)



"ME5"

**CHEADLE THOMPSON AND HAYSOM INC**  
**5<sup>TH</sup> FLOOR,**  
**LIBRIDGE**  
**25 AMESHOFF STREET**  
**BRAAMFONTEIN**  
**JOHANNESBURG**

By e-mail: [Amogelang@cth.co.za](mailto:Amogelang@cth.co.za)  
[Paul@cth.co.za](mailto:Paul@cth.co.za)  
[Palesa@cth.co.za](mailto:Palesa@cth.co.za)

**Your Ref**  
STA11003/P Benjamin

**Our Ref**  
ET Mogane/M00209  
[joseph@maluks.com](mailto:joseph@maluks.com)  
[eddison@maluks.com](mailto:eddison@maluks.com)  
[lufuno@maluks.com](mailto:lufuno@maluks.com)

**Date**  
18 March 2022

Dear Mr, A Makuwa,

**RE: NATIONAL LOTTERIES COMMISSION / MINISTER OF TRADE, INDUSTRY AND  
COMPETITION & ANOTHER CASE NO:15791/22**

- 
1. The above matter as well as the telephone discussion between yourself and the writer hereof on even date refers. We do not intend addressing every aspect raised in your letters under reply *ad seriatim* and our failure to do so should not be construed as admission of the correctness thereof but in fact the opposite.

Maluleke Incorporated  
Registration Number:  
VAT Registration Number:  
Directors:

Senior Associates:

Associates:

Attorneys | Notaries | Conveyancers | Forensic | Trademarks & Patents | Tax  
2019/304925/21  
4760289076  
Executive Chairman: MJ Maluleke LLB (UP), HDip Tax (UJ)  
Chief Executive: PC Malemone CA (SA)  
VC Williams BSC ENG (Mech) (HC), BProc (UNISA); JF Luterek B.Eng (Chemical)  
(UP) BProc (UNISA), H Shivamba LLB (UWC), ET Mogane LLB (UL) LLM (UP)  
TG Matji LLB (UNISA)  
List of Directors available at the registered office or national website



RP

2. As per the said telephone discussion, we attach herewith a proposed draft Court order for your client's consideration and written consent for it to be made an order of Court.
3. We see no reason why the matter should be postponed for argument on another date if a functioning would have been appointed on the 31<sup>st</sup> of March 2022. Against this background, the matter will remain on the roll for 22 March 2022 for confirmation of the proposed draft Court order or hearing of our client's application.
4. Our client's rights remain strictly reserved.

**MALULEKE INC.**



Per: E Mogane L Mathivha





MINISTER  
TRADE, INDUSTRY AND COMPETITION  
REPUBLIC OF SOUTH AFRICA

"ME6"

Private Bag X84, PRETORIA, 0001, the dtic Campus, 77 Meintjies Street, Sunnyside, 0002, Tel: (012) 394 1480, Fax: +27 12 394 0337  
www.thedtic.gov.za

**Ms Thabang Mampane**  
**Commissioner**  
**National Lotteries Commission**

per email

Dear Ms Mampane

**URGENT APPLICATION ON BOARD APPOINTMENTS**

I am responding to your letter received after close of business on Thursday 17 March. As a result of pressing official engagements since early yesterday morning, it is not possible to respond fully to the specific issues raised in your letter and I reserve the right to do so in future. I wish therefore to respond only to a few specific issues.

First, the matter of the Board Chairperson and conflating the vacancy in the Chairperson post with appointments of ordinary members to the Board.

On several occasions in your letter (paragraphs 4, 6 and 8), you refer to the position of the Chairperson of the Board, stating that that position remains vacant. In paragraph 8, you state that it is because I made an undertaking to the Court that I would appoint a Chairperson and have not done so, that you require an undertaking to the effect that I will appoint a Board by 1 April 2022.

The implication of this is that the non-appointment of the Chairperson provides a justification for your insistence on obtaining an order of court on the appointment of the Board itself, following the expiry of the period of office of incumbents.

For the record, it is therefore important for me to clarify the difference between the appointment of the Chairperson in terms of section 3(1)(a) of the Lotteries Act and the appointment of other board members in terms of section 3(1)(c).

As you are well aware, the effect of section 3(3) of the Lotteries Act is that the Chairperson can only be appointed under section 3(1)(a) after the vacancy has been advertised in the Government Gazette and two newspapers, and after *the relevant National Assembly Committee has made a recommendation to the Minister, after a transparent and open process for the consideration of nominations.*

Lefapha la Dikgwebisano, Diintaseteri le Tiholisano • Lefapha la Kgwebo Indasteri le Phadišhano • uMnyango wezoRhwebo neZimboni kanye noMncintiswano • Muhasho wa zwa Mbambadzo, Makwevho na Mutajisano • Die departement van handel, nywerheid en mededinging • Kgoro ya Kgwebo Indasteri le Kgaisano • Ndzwulo ya Vuxavisi, Mabindzu na Mphikizano • Litiko leTsekele tsa Kgwebo leZimboni neKuncintiswano • ISebe lezoRhwebo noShishino kunye noKhuphiswano • UmNyango wezokuRhwebelana, amaBubulo nama Phalishwano



It is a matter of public record that the Parliamentary Portfolio Committee for Trade and Industry submitted the names of three candidates for my consideration to the National Assembly for its approval. During the litigation in May 2021 that you refer to it was assumed by all parties including the judge that the Parliamentary process, which had already been initiated at that time, would be finalised later that month. In terms of Parliamentary protocol and procedures, a recommendation by a portfolio committee such as that contemplated by section 3(3) of the Lotteries Act must be approved by the National Assembly. The names proposed by the Portfolio Committee on Trade and Industry have not yet been approved by the National Assembly and I am therefore not legally able to exercise my power under section 3(1)(a) to appoint a Chairperson. This is the consequence of a Parliamentary process, which I am advised the NLC monitors, and has no bearing on the process of appointing members under section 3(1)(c).

The reasons why I have not been able to appoint a Chairperson are a matter of public record and I am extremely surprised to hear your claim that you are not aware of this. In any event, the issue of the appointment of the Chairperson is not referred to in your founding affidavit in this matter, and is evidently included in your letter in what appears to be a disingenuous attempt to justify your insistence that I should agree to a court order. More pertinently, as Executive Authority, I am not similarly constrained in respect of the appointment of normal Board members.

Second, your letter raises a number of matters relating to correspondence and the issue of failure to advise the NLC of the issuing of an advert for appointment of Board members. I will not address the issues in this letter other than to note that the issuing of an advert is not a statutory requirement and is not a issue in respect of which the Commission has any executive function. In any event, your letter makes it clear you have been aware of the adverts and thus that the closing date had already passed and nevertheless you proceeded to a court application on the same matter without referring to this material fact in your founding affidavit to the attention of the Court.

It is therefore incorrect to state that there had been "inaction" on my part prior to the launch of your application. You were aware that I had taken certain actions and chose to ignore them.

It is clear from your letter that there was no factual or legal basis for approaching the Court on an urgent basis on 11 March in the manner that you did and seeking the relief that you did. In the light of the steps that have been taken and are being taken, there is no legal basis for the court to be approached to be the guardian of the process of establishing a board as you state in paragraph 10.

Accordingly, I do not consider it appropriate to consent to the draft order proposed.

In the event that you persist with the stance that the proposed draft order should be made an order of Court, I reiterate that I will oppose the granting of such relief. It will be therefore necessary for me to file an answering affidavit.

In that regard, as you have been advised the senior counsel who has been briefed, and who has advised me on these matters since their inception, is not available at 10h00 on Tuesday, 22 March 2022. In this regard, I requested that it stand down on

Tuesday and be re-enrolled at a date suitable to the parties prior to 1 April 2022. I can see no reason why you should not have agreed to such a proposal.

In this regard, I repeat my request that our respective legal representatives liaise to resolve this.

Yours sincerely



**Ebrahim Patel**  
**Minister of Trade, Industry and Competition**  
19 March 2022

Lefapha la Dikgwebisano, Diintaseteri le Tiholisano • Lefapha la Kgwebo Indasteri le Phadišhano • uMnyango wezoHwebo neZimboni kanye noMncintiswano • Muhasho wa zwa Mbambadzo, Makwevho na Mujašisano • Die departement van handel, nywerheid en mededinging • Kgoro ya Kgwebo Indasteri le Kgaisano • Ndzawulo ya Vuxavisi, Mabindzu na Mphikizano • Litiko leTsekehuweba tiMboni neKuncintiswano • ISebe lezoRhwebo noShishino kunye noKhuphiswano • UmNyango wezokuRhwebelana, amaBubulo nama Phaliswano



Your ref : ET Mogane / M00224  
Our ref : STA11003 / P Benjamin



23 March 2022

Mr Eddison Mogane  
**Maluks Attorneys**

Email: [eddison@maluks.com](mailto:eddison@maluks.com)

Dear Mr Mogane

**National Lotteries Commission / The Minister of Trade, Industry and Competition & Another  
[HC Case No.:15791/22]**

- 1 We refer to your letter dated 18 March 2022 and your telephonic discussion with Amogelang Makuwa of our offices earlier today.
- 2 Please be advised that our client will today be appointing three persons to the Board of the National Lotteries Commission, in terms of section 3(1)(b) and one person in terms of section 3(1) (c) of the Lotteries Act, 1997. These appointments will be effective from 24 March 2022.
- 3 Our client will be addressing an appropriate letter to your client this evening, advising her of the names of the persons appointed to the Board.
- 4 In the circumstances, the need for your client's application falls away and we propose that it be withdrawn.
- 5 We await your urgent response.

Yours faithfully

Paul Benjamin  
**Cheadle Thompson & Haysom Inc.**  
(sent electronically without signature)

A handwritten signature in black ink, appearing to be 'A. M.' or similar, located in the bottom right corner of the page.



"ME8"

MINISTER  
TRADE, INDUSTRY AND COMPETITION  
REPUBLIC OF SOUTH AFRICA

Private Bag X84, PRETORIA, 0001, the dtic Campus, 77 Meintjies Street, Sunnyside, 0002, Tel: (012) 394 1480, Fax: +27 12 394 0337  
www.thedtic.gov.za

**Ms Thabang Mampane**  
**Commissioner**  
**National Lotteries Commission**

**cc Ms Mpumi Nene**

Dear Ms Mampane

**Appointment of Board Members**

Kindly be advised that I have appointed three persons to the Board of the National Lotteries Commission, in terms with sections 3(1)(c) read with section 3(4), and to the extent necessary section 3(6), of the Lotteries Act, 1997, as amended:

1. Ms Precious Mvulane, who meets the requirement to be a Chartered Accountant
2. Mr Willie Hofmeyer, who has been admitted as a legal practitioner; and
3. Ms Beryl Ferguson.

In addition, I have appointed one person to the Board of the National Lotteries Commission, in terms with sections 3(1)(b), read with section 3(4), and to the extent it may be necessary section 3(6) of the Lotteries Act, 1997, as amended:

1. Dr Cassius Lubisi.

The terms of appointment of the four abovementioned persons are for the period from 24 March 2022 until 31 March 2023.

Prior to appointment, the abovementioned persons submitted to me signed declarations in terms of section 3B of the Lotteries Act, 1997, as amended.

I will arrange for my office to provide contact details of the new Board members.

Yours sincerely

**Ebrahim Patel**  
**Minister of Trade, Industry and Competition**  
23 March 2022

Lefapha la Dikgwebisano, Diintseteri le Tiholisano • Lefapha la Kgwebo Indasteri le Phadišano • uMnyango wezoRhwebo neZimboni kanye noMncintiswano • Muhasho wa zwa Mbambadzo, Makwevho na Mutajisano • Die departement van handel, nywerheid en mededinging • Kgoro ya Kgwebo Indasteri le Kgaisano • Ndzawulo ya Vuxavisi, Mabindzu na Mphikizano • Litiko leT ekuhweba tiMboni neKuncintiswano • ISebe lezoRhwebo noShishino kunye noKhuphiswano • UmiNyango wezokuRhwebelana, amaBubulo nama Phaliswano