

GUIDELINES FOR ATTENDANCE AT QUARTERLY OPEN MEETINGS OF THE BOARD

1. PURPOSE

1.1 The purpose of these Guidelines are to:

- 1.1.1 Promote and enhance access to the Board by the public and interested parties in relation to matters of public interest under the Board's regulatory regime;
- 1.1.2 Outline the procedure for the convening of, registration for and attendance at an Open Meeting of the Board by the public and interested parties;
- 1.1.3 Outline the procedure for making submissions to the Board;
- 1.1.4 Provide for matters to be deliberated at Open Meetings of the Board;
- 1.1.5 Prescribe the proceedings of the Board; and
- 1.1.6 Provide the procedure for communicating the decision of the Board.

1.2 The Board considered it prudent to adopt these Guidelines to educate the public on the procedural elements for making written and oral submissions to the Board in terms of Open Meetings convened by the Board.

2. INTRODUCTION

2.1 Meetings of the Board are, per Section 18(7) of the Western Cape Gambling and Racing Act, 1996 ("the Act"), open to members of the public.

2.2 In order to ensure that the Board maintain matters concerning the industry affairs and business operations of licence holders, the Board allotted quarterly dates for Open Meetings, which will be conducted at the Office of the Board and virtually via the Zoom Online Platform. The remainder of the Board Meetings are conducted as Closed Meetings pursuant to Section 18(8) of the Act.

3. RATIONALE FOR CONVENING OPEN MEETINGS

3.1 Open Meetings of the Board are convened for the following reasons:

- 3.1.1 To comply with the legal requirements that all meetings of the Board must be open to the public as espoused in Section 18(7) of the Act;
 - 3.1.2 To deliberate matters that are in the public interest; and
 - 3.1.3 To compile a separate set of minutes for Open Meetings held by the Board, as required per Section 19(2) of the Act.
- 3.2 The dates of the scheduled Open Meetings of the Board will be published on the WCGRB website for members of the public to take note of such meeting dates, should the wish to attend an Open Meeting to address the Board.
- 3.3 The Board and its employees are not at liberty to disclose any information which relates to the business or affairs of the Board, an Applicant for a licence or a licence holder, except for the following information:
- (a) disclosures to a judge in relation to pending legal proceedings;*
 - (b) disclosures in accordance with an order of a competent court;*
 - (c) disclosures regarding gambling in general which do not refer to the business or affairs of any particular applicant for a licence or licence holder;*
 - (d) disclosure of information to the Commissioners for Inland Revenue or Customs and Excise;*
 - (e) disclosure to the responsible Member, and*
 - (f) disclosure to any person who requires it for the performance of his or her functions under this Act.*

4. EMPOWERING PROVISIONS

- 4.1 The applicable legislative provisions have been reproduced below:

Western Cape Gambling and Racing Act, 1996

Confidentiality

17. (1) No member or employee of the Board, including any co-opted person or consultant employed by the Board, shall disclose any information that has come to that person's knowledge by reason of his or her appointment to or employment by the Board and that relates to the business or affairs of the Board, an applicant for a licence or a licence holder, save as set out in this section and section 34(2)(b) and (c).

(2) The foregoing prohibition against disclosure shall not apply in respect of-

- (a) disclosures to a judge in relation to pending legal proceedings;*
- (b) disclosures in accordance with an order of a competent court;*
- (c) disclosures regarding gambling in general which do not refer to the business or affairs of any particular applicant for a licence or licence holder;*
- (d) disclosure of information to the Commissioners for Inland Revenue or Customs and Excise;*
- (e) disclosure to the responsible Member, and*
- (f) disclosure to any person who requires it for the performance of his or her functions under this Act.*

Meetings of Board

18. (1)(a) *The Board shall meet at least four times in every year in the manner and on such dates and at such times and places as the chairperson may determine.*

(b) *The chairperson of the Board may at any time convene a special meeting of the Board to be held at a time and place determined by him or her and shall, upon a written request signed by not fewer than three members of the Board, convene a special meeting of the Board to be held within two weeks after the date of receipt of such request, at a time and place determined by him or her.*

(2) The procedure at a meeting of the Board shall, in so far as it has not been prescribed, be determined by the chairperson.

(3) *The quorum for a meeting of the Board shall be five members.*

(4) *Any meeting may be adjourned for such time to such venue and for such reasons as the chairperson may deem necessary.*

[Subsection (4) substituted in the Afrikaans text by s 16(a) of Act 4 of 1997 w e f 29 August 1997.]

(5) *A decision of the Board shall be taken by a majority of the votes of the members present at a meeting of the Board, and in the event of an equality of votes on any matter, the chairperson shall have a casting vote in addition to a deliberative vote.*

(6) *No decision of the Board shall be invalid merely by reason of a vacancy on the Board or the fact that any person who is not entitled to sit as a member of the Board sat as such a member when the decision was taken; provided that the decision was taken by the required majority of the members of the Board then present and entitled to sit as members of the Board.*

(7) *Save as provided in subsection (8), all meetings of the Board shall be open to the public; provided that the chairperson may direct that any person whose presence in his or her opinion is not desirable at the meeting concerned may be excluded therefrom.*

(8) *The Board may hold meetings which are not open to the public in connection with any of the following matters:*

(a) *investigations into or matters concerning private information in respect of any applicant for a licence;*

(b) *possible or alleged criminal violations, regardless of whether such meetings are held with gambling officials of other provinces, states or countries, the Attorney-General or members of the South African Police Service, other police organisations or services or any law enforcement agency;*

(c) *when considering any application or deliberating on any hearing, investigation or enquiry, and*

(d) *when deliberating on any matter the publication of which may, in the opinion of the Board, enable any applicant for a licence to procure an unfair advantage over any other applicant.*

Minutes

19. (1) *The proceedings of the Board shall be recorded in such manner as the chairperson may determine and shall, in the event of a vote, reflect each member's vote.*

[Subsection (1) substituted by s 17 of Act 4 of 1997 w e f 29 August 1997.]

(2) *Minutes shall be kept of meetings of the Board held in public and shall be retained at the offices of the Board.*

(3) *Any person may obtain copies of the minutes contemplated in subsection (2) against such payment as the Board may from time to time determine.*

(4) *Separate minutes of meetings which are not open to the public shall be kept and retained in like manner.*

(5) *The minutes of any meeting which was not open to the public and any document in which any advice, report, comment or recommendation by or to the Board in connection with anything done at such a meeting is contained shall not be disclosed save to the persons and in the circumstances provided for in section 17(2).*

5. DOCUMENTATION PROCESSING/FLOW

5.1 Filing of written representations and documents

- 5.1.1 The Board may accept written representations and documents delivered by hand to the Office of the Board or email at openmeetings@wcgrb.co.za.
- 5.1.2 The Board may refuse to accept any document submitted if, in the Board's opinion, it does not comply with these Guidelines: Provided that if compliant submissions are re-submitted to replace the rejected documents within five (5) working days of rejection, such submission shall not be deemed untimely.
- 5.1.3 The Board shall not accept documents submitted less than 30 days prior to the scheduled meeting or shall hold such matters over to serve at the next quarterly scheduled Open Meeting.

5.2 Inspection and copying

- 5.2.1 The Board's legal department may not allow inspections of any documents submitted to the Board which, on a request for access, may or must be refused in terms of the grounds of refusal as contained in Promotion of Access to Information Act, 2000 ("PAIA").
- 5.2.2 The legal department may, subject to paragraph 5.2.1 above, make copies of any document which form part of the Board's records in relation to Open Meetings, upon payment of a fee determined in terms of PAIA.
- 5.2.3 The Secretariat shall, at the request of a party, make a copy of the minutes of an Open Meeting against such payment as the Board may from time to time determine.

6. PROCEEDINGS OF THE BOARD

6.1. Attendance at Open Meetings:

6.1.1 Open Meetings are attended by the following persons:

- (i) All Board members;
- (ii) Executive Committee of the Board;
- (iii) Other invitees from the Office of the Board;
- (iv) Members of the public;
- (v) Interested parties; and
- (vi) Such invitees as determined by the Board.

6.2. Registration to attend an Open Meeting:

6.2.1 Members of the public who wish to attend an Open Meeting of the Board, must -

- (i) Register by downloading the [Open Meeting Registration Form](#) from the WCGRB website and email the completed form to openmeetings@wcgrb.co.za; or
- (ii) Hand deliver the completed registration form to the Office of the Board at 100 Fairway Close, Parow, 7500.

6.2.2 An Agenda will be sent to members of the public who registered to attend a scheduled meeting, confirming the Items that will be discussed at the Open Meeting, and the allocated time-slots for each designated presenter that will address the Board.

6.2.3 Participants who registered to attend an Open Meeting at the Office of the Board, will be required to sign a register confirming their attendance.

6.3. Types matters that may be addressed in formal submissions to the Board, which is not an exhaustive list:

6.3.1 Matters of public interest;

6.3.2 Gambling-related legislative amendments published;

6.3.3 Responsible gambling-related matters;

6.3.4 Gambling regulatory matters that are open for public comment; and

6.3.5 Board awareness and Board-driven Advertising campaigns.

6.4. The manner and form in which submissions shall be referred to the Board:

6.4.1 Members of the public who wish to address the Board in an Open Meeting of the Board shall make submissions to the Board in one of the following manners:

6.4.1.1 Lodging written Submissions to the Board –

- (i) Substantive written submissions shall be lodged with a dedicated official of the Board, at least 30 days prior to the scheduled meeting; and
- (ii) This will allow Board members sufficient time to apply their minds to the matter(s) raised and the written submissions received.

6.4.1.2 To supplement the written submissions referred to in paragraph 6.4.1.1 above, a party that made written submissions may make oral submissions at a Quarterly meeting of the Board.

6.4.2 Parties must indicate in their written submissions whether they wish to address the Board orally at an Open Meeting.

6.4.3 All written submissions lodged timely within the timeline prescribed in paragraph 6.4.1.1 above, shall be allocated on the Open Agenda, and written confirmation of such enrolment on the Open Meeting Agenda shall be sent to the parties concerned.

6.5. Matters to be raised at Open Meetings:

6.5.1 As a general Rule, all parties that made written representations shall be permitted to make oral submission.

6.5.2 The Board shall inform parties, in writing, that their matter was included on the Open Meeting Agenda and the time-slot allocated for oral submissions to be made to the Board.

7. PROCEEDINGS AT OPEN MEETINGS

7.1 Sections 18 and 19 of the Act outlines the procedure for meetings of the Board. In relation to any matter arising that has not been prescribed, the Chairperson shall determine such matters in his or her discretion.

7.2 The meeting of the Board will commence with the Open Meeting of the Board to address the matters raised by the members of the public, as indicated on the Agenda for such Open Meeting.

7.3 Where members of the public address the Board through oral submissions, members of the Board and its officials will have the opportunity to pose questions to the Presenter, on the submissions made.

7.4 After conclusion of the Agenda Items of the Open Meeting, the members of the public in attendance at the meeting, will be excused from the meeting.

7.5 The Board will thereafter deliberate the issues raised at the Open Meeting and make such decision as it deems necessary.

8. RECORDING OF PROCEEDINGS OF THE BOARD

- 8.1 The proceedings of the Board shall be recorded in such manner as the Chairperson may determine and shall, in the event of a vote, reflect each member's vote.
- 8.2 Minutes shall be kept of meetings of the Board held in public and shall be retained at the offices of the Board.
- 8.3 Any person may obtain copies of the minutes of Open meetings of the Board, against such payment as the Board may from time to time determine.
- 8.4 The Board is per Section 19 of the Act enjoined to keep separate Minutes of meetings which are not open to the public.
- 8.5 The minutes of any meeting which was not open to the public and any document in which any advice, report, comment or recommendation by or to the Board in connection with anything done at such a meeting is contained shall not be disclosed save to the persons and in the circumstances provided for in Section 17(2) of the Act.

9. OUTCOME OF THE BOARD'S DECISION

- 9.1 The Office of the Board will convey the outcome of the Board's decision to all parties who made written submissions to the Board, provided that clear contact details were provided when the relevant party registered to attend the Open Meeting.
- 9.2 The Board is an administrative body and its decisions are final. Interested parties can therefore not engage the Board with a view to changing its decision as it has exercised its Office. This is also referred to as the *functus officio* doctrine.

10. CONTACT PARTICULARS OF THE BOARD

- 10.1 For any enquiries relating to Open meetings or these Guidelines in general, the Board can be contacted at the following contact details:

Senior Legal Advisor: Mrs Liezel Hartman
Email: openmeetings@wcgrb.co.za
Telephone Number: (021) 480 7400
Physical Address: 100 Fairway Close, Parow, 7500
Postal Address: P O Box 8175, Roggebaai, 8012