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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 99 OF 2020



**RULES FOR THE NON-PHYSICAL ATTENDANCE
OF MEETINGS AND HEARINGS MADE IN TERMS
OF SECTION 81 OF THE ACT**

1. INTRODUCTION

The purpose of these rules is to provide for the convening and conduct of meetings and hearings other than by physical attendance, the technology that may be used to attend such meetings and hearings, the manner in which decisions shall be recorded and stored and matters relating thereto.

2. DEFINITIONS

In these rules, unless inconsistent with the context, the words and expressions used shall have the meanings assigned to them in the Act. The following terms are defined:

- 2.1 “the Act” - the Eastern Cape Gambling Act, 1997;
- 2.2 “the Board” - the Eastern Cape Gambling Board;
- 2.3 “the CEO” - the chief executive officer appointed in terms of section 12(1) of the Act;
- 2.4 “committee” - a committee of the Board constituted in terms of section 14 of the Act;
- 2.5 “hearing” - a hearing or enquiry contemplated in sections 11(7), 28, 29, 30, 39 and 78 of the Act and in Regulations 14 to 19, 27, 100, 103, 104 and 124 to 126;
- 2.6 “meeting” - a meeting of the Board or a committee;
- 2.7 “member” - a member of the Board appointed in terms of section 5(1) of the Act, a member of a committee and the CEO;
- 2.8 “the public” - any person and includes persons contemplated in the Act and the Regulations who are required to appear before the Board; and
- 2.9 “the Regulations” - the Eastern Cape Gambling and Betting Regulations, 1998.

3. NON-PHYSICAL MEETINGS

- 3.1 The chairperson of the Board or of a committee is entitled to convene a meeting other than by the physical attendance of the members of that meeting, including the staff of the Board, or to allow the attendance of one or more members to a physical meeting other than by their physical attendance.
- 3.2 The chairperson of the Board or of a committee shall determine the technology which any one or all of the members, including the staff of the Board, may utilise to attend a meeting other than by their physical presence. Such technology may include, but

not be limited to, telephone, voice, video, closed circuit television, webinar or any online meeting platform.

3.3 The provisions of section 11 of the Act will apply to meetings convened in terms of paragraph 3.1 above and decisions taken, recorded and stored at those meetings.

3.4 For the avoidance of doubt, notwithstanding that one or all of the members of a meeting are not physically present in one place at the time of the meeting, a resolution passed by members constituting a quorum at such a meeting shall be deemed to have been passed on the day and time at which the meeting was held.

4. NON-PHYSICAL HEARINGS

4.1 The chairperson of the Board is entitled to convene a hearing other than by the physical attendance of the members, including the staff of the Board, and the public or to allow the attendance of one or more members to a physical hearing other than by their physical attendance.

4.2 The chairperson of the Board shall determine the technology which any one or all of the members, including the staff of the Board, and the public may utilise to attend a meeting other than by their physical presence. Such technology may include, but not be limited to, telephone, voice, video, closed circuit television, webinar or any online meeting platform.

4.3 The provisions of sections 11(7), 28, 29, 30, 39 and 78 of the Act and in Regulations 14 to 19, 27, 100, 103, 104 and 124 to 126 will apply to hearings convened in terms of paragraph 4.1 above and decisions taken, recorded and stored at those hearings.

4.4 The notice of the hearing must specify the details of the technology, including any username and password, that will enable the public to have access to the hearing. Provision must be made for the attendance of a hearing by persons who do not have access to the required technology and such details must be included in the notice of the hearing.

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