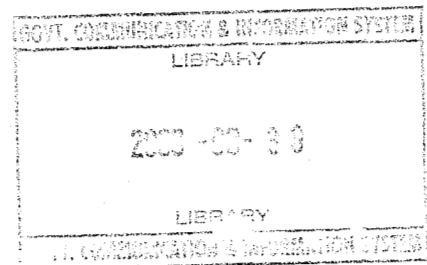


REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
NATIONAL GAMBLING BILL**

[B 48—2003]

*(As agreed to by the Portfolio Committee on Trade and Industry
(National Assembly))*



[B 48A—2003]

ISBN 0 621 33955 5

No. of copies printed 800

AMENDMENTS AGREED TO

NATIONAL GAMBLING BILL [B 48—2003]

PREAMBLE

1. On page 2, in the sixth line, after standards, to insert, “which will safeguard people participating in gambling and their communities against the adverse effect of gambling.”

TABLE OF CONTENTS

1. On page 3, in line 17, to omit “or discounts”.
2. On page 3, in line 19, after “advertising” to insert “and promotion of”.
3. On page 3, in line 19, after “activities” to insert “and granting of discounts”.
4. On page 6, after line 11, to insert the following definition:

“associate means—

- (a) an employer;
- (b) a co-shareholder of a private company contemplated in section 20 of the Companies Act, 1973 (Act No. 61 of 1973);
- (c) a co-member of a Close Corporation contemplated in section 2 of the Close Corporations Act, 1984 (Act No. 69 of 1984); and
- (d) a person to whom one has granted or from whom one has received a general power of attorney”

5. On page 6, in line 42, after “license” to insert “or provincial law”.
6. On page 7, in line 28, to omit “other than a totalisator bet, taken by a bookmaker”.
7. On page 7, in line 38, to omit “(a) a totalisator machine; or”.
8. On page 7, in line 39, to omit “(b)” and “other”.
9. On page 7, from line 46, to omit the definition of “horse racing authority”.
10. On page 8, from line 19, to omit the definition of “open bet” and to substitute:

“open bet” means—

- (a) a bet, other than a totalisator bet, taken by a bookmaker on one or more contingencies, in which no fixed-odds are agreed at the time the bet is placed; or
- (b) a bet in respect of which the payout is determined after the outcome of the contingency on which such a bet is struck became known, with reference to dividends generated by a totalisator.”

11. On page 8, after line 22, to insert the following:

“partner” means a person with whom one has entered into a partnership agreement with the intention of making a profit”

CLAUSE 4

1. On page 9, in line 33, to omit “(a) being a player”.
2. On page 9, from line 41, to omit paragraph (b).

CLAUSE 9

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

“Unlicensed dealing in machines and devices unlawful

9. Despite any other law, a person must not—
 - (a) import, manufacture, supply, sell, lease, make available, possess, store, transport, maintain or alter a gambling device unless that person is authorized in terms of this Act or applicable provincial law to do so;
 - (b) possess or make available for play a gambling machine or gambling device for use in a gambling activity unless registered ownership or possession of the machine or device has been transferred to that person in terms of section 23(6).”

CLAUSE 12

1. On page 11, in line 47, to omit “restricted”.
2. On page 11, from line 47, to omit “or an activity licensed as social gambling”.
3. On page 11, in line 49, to omit “restricted”.
4. On page 12, in line 3, to omit “restricted”.
5. On page 12, from line 3, to omit “or an activity licensed as social gambling”.
6. On page 12, in line 9, to omit “restricted”.
7. On page 12, from line 9, to omit “or an activity licensed as social gambling”.
8. On page 12, in line 15, to omit “restricted”.
9. On page 12, from line 15, to omit “or an activity licensed as social gambling”.
10. On page 12, in line 17, to omit “restricted”.

CLAUSE 13

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Restrictions on granting credit to gamblers

13. A person licensed to make any gambling activity available to the public must not extend credit, in the name of the licensee or a third party, to any person for the purposes of gambling contrary to the Act.

CLAUSE 14

1. On page 12, in line 39, to omit "at any time" and to substitute "within a prescribed time".
2. On page 13, from line 11, to omit subsection (7), and to substitute:

"(7) The Minister may, by regulation made in accordance with section 87 prescribe—

 - (a) fees for services in connection with the maintenance and access to the register of excluded persons, other than the registration of excluded persons; and
 - (b) standards to be employed by licensees in giving effect to subsections (8) and (9)".
3. On page 13, from line 23, to omit subsection (9) and to substitute:

"A person referred to in subsection (8)—

 - (a) must take the prescribed measures to determine accurately whether or not a person is an excluded person, before permitting that person to do anything contemplated in subsection (8)(a) to (d); and
 - (b) is not liable for admitting an excluded person provided the licensee has taken the required action".

CLAUSE 15

1. On page 13, in line 36, after "advertising" to insert "and promotion of".
2. On page 13, in line 36, after activities to insert "and granting of discounts".
3. On page 13, in line 37, after "advertise" to insert "or promote".
4. On page 13, in line 43, to omit "promote or".
5. On page 13, in line 45, to omit the first "gambling" and to substitute "licensed".
6. On page 13, in line 45, before the first "a" to insert "at which gambling activities are available".
7. On page 13, after line 44, to insert:

"(d) any gambling activity by offering gambling or related activity as being available to the public free of charge or at a discounted rate as an inducement for gambling contrary to this Act".

8. On page 13, after line 47, to insert:

“(3) The Minister may by regulation in accordance with section 87 exempt any specific type of advertising or advertising media from the application of this section if the Minister is satisfied that the advertising is not targeted to the general public”.

CLAUSE 17

1. On page 14, from line 27, to omit subsection (1).
2. On page 14, in line 29, to omit “within any licensed premises” and to substitute “at any location at which gambling activities are available to be played, contrary to this Act”.
3. On page 14, from line 31, to omit subsection (3).
4. On page 14, in line 39, after “premises”, to insert “in which gambling activities may take place”.

CLAUSE 19

Clause rejected.

1. That the following be a new Clause:

Gambling machines or gambling devices

19. (1) Every gambling machine or gambling device must be registered in accordance with this Act.

(2) Every gambling machine or gambling device made available for play by the public in the Republic of South Africa must be certified in accordance with the requirements of this Act as complying with the relevant standards for such a device, as determined in terms of the Standards Act, 1993 (Act No. 29 of 1993).

CLAUSE 20

1. On page 15, in line 16, to omit “manner and form required by or in terms of a provincial law” and to substitute “prescribed manner and form”.

CLAUSE 26

1. On page 17, in line 40, after “(1)” to insert “Cognisant of the potentially detrimental socio-economic impact of a proliferation of limited payout machines”.
2. On page 17, in line 40, to omit “may” and to substitute “must”.
3. On page 17, in line 42, to omit “used” and to substitute “introduced in clearly defined phases”.
4. On page 17, after line 54, to insert:

“(i) the criteria, based on appropriate ongoing socio-economic impact assessment, and the time frames for a programme of phased introduction of licensed limited payout machines”.

5. On page 18, in line 1, after "authorities" to insert "including an assessment of the potential socio-economic impact of the proposed location of the licensed premises".
6. On page 18, in line 3, after "authorities", to insert "and the provision for community participation".
7. On page 18, after line 16, to insert:
 - "(ix) measures to limit the potentially negative socio-economic consequences of access to gambling opportunities, including public notices at licensed premises".

CLAUSE 30

1. On page 19, in line 36, after "province", to insert "to the extent provided in provincial law".
2. On page 20, in line 3, after "province" to insert "to the extent provided in provincial law".

CLAUSE 38

1. On page 22, from line 46, to omit all the words after the first "license" up to and including "authority" in line 49, and to substitute "as a testing agent, to test and calibrate gambling machines or gambling devices".

CLAUSE 53

1. On page 28, in line 13, to omit "and social and economic consequences".
2. On page 28, after line 16, to insert:
 - "(c) must consider the potential socio-economic impact on the community of the proposed licence".
3. On page 28, in line 17, to omit "every anniversary of" and to substitute "least once every year after".
4. On page 28, in line 17, after "licence" to insert "other than an employment licence".

CLAUSE 65

1. On page 32, from line 7, to omit paragraph (d) and to substitute:
 - "monitoring socio-economic patterns of gambling activity within the Republic and in particular must research and identify factors relating to, and patterns, causes, and consequences of—
 - (a) the socio-economic impact of gambling; and
 - (b) habitual and obsessive gambling".
2. On page 32, after line 31, to insert:
 - "(g) provide a broad-based public education programme about the risks and socio-economic impact of gambling".

CLAUSE 66

1. On page 32, in line 49, to omit "applicable provincial legislature".

CLAUSE 77

1. On page 37, in line 37, to omit "officer" and to substitute "official".

CLAUSE 82

1. On page 38, in line 26, to omit "any provision" and to substitute "sections 7 to 20, 22(1) and (4), 23(1), (2) and (3), 25(1), 26(2) and (3) and 28.

TRANSITIONAL PROVISIONS

1. On page 41, from line 25, to omit item 3.