

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**NOTICE 1268 OF 2022****MR DEAN MACPHERSON, MP****NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT ON THE DRAFT BILL, NAMELY THE REMOTE GAMBLING BILL, 2022**

Mr Dean Macpherson, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Remote Gambling Bill, 2022 ("the draft Bill"), in the National Assembly of Parliament. An explanatory summary of the draft Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly.

The National Gambling Act, 2004 (Act No. 7 of 2004) ("the Gambling Act"), was assented to on 6 August 2004 and came into operation on 1 November 2004. Item 5(5) of the Schedule to the Gambling Act, which sets out all the transitional provisions, provides that the Minister responsible for the administration of the Gambling Act must, within two years after the Gambling Act comes into operation, introduce legislation in Parliament to regulate interactive gambling within the Republic of South Africa.

On 10 July 2008, the National Gambling Amendment Act, 2008 (Act No. 10 of 2008) ("the Gambling Amendment Act"), was assented to. The purpose of the Gambling Amendment Act is to, *inter alia*, provide for the regulation of interactive gambling; provide for the registration of players and opening of player accounts; provide for the conditions applicable to interactive gambling licences; provide for the further protection of minors and other persons vulnerable to the negative effects of gambling; and to ensure that the gambling industry complies with the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) ("FICA").

During 2009, the Department of Trade and Industry also published the Interactive Gambling Regulations for public comment.¹ These regulations were also tabled in Parliament and deliberated upon by the Portfolio Committee on Trade and Industry, during which various concerns were raised. However, to date, the Gambling Amendment Act regulating interactive gambling has not been brought into operation and nor have the regulations. Hence interactive gambling is currently not regulated in South Africa.

However, over the past 10 years the South African public has been exposed to and has participated in online and remote gambling. By not regulating this gambling activity, the erosion of the rule of law and criminal activity is being encouraged, while the public is not effectively protected. At the same time, a lack of regulation is resulting in revenue and jobs being lost to other gambling jurisdictions.

¹ See Government Gazette 31956 dated 27 February 2009.

The purpose of the draft Bill is to, *inter alia*, provide a legal basis for the regulation, licensing and control of all remote gambling activities; to preserve the integrity of the Republic of South Africa as a responsible global citizen by ensuring an efficient and effective remote gambling regulatory regime; to provide for the relevant provincial gambling boards to control remote gambling activities in their respective provinces and for the National Gambling Board to provide oversight and monitoring functions; to promote the development of a responsible remote gambling industry in the Republic by providing uniform norms and standards; to provide for the application, renewal, suspension, cancellation and transfer processes for different categories of remote gambling licences; to provide for objection procedures relating to the issuing of licenses; to provide for the respective powers, responsibilities and functions of the provincial licensing authorities and the National Gambling Board in respect of remote gambling; to ensure that all remote gambling activities are conducted responsibly, fairly and honestly; to provide for licensing of key persons employed in the remote gambling industry; to provide for standards that remote gambling websites and equipment must comply with; to ensure that all players are treated fairly and that the privacy of a player is respected; to prevent minors and other vulnerable persons from being exposed to the negative effects of gambling; to ensure compliance with FICA and to prevent remote gambling from being a source of, or associated, with crime or disorder, or being used to support crime, disorder or money laundering.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker at PO Box 15, Cape Town 8000; or e-mailed to speaker@parliament.gov.za and copied to legislation@da.org.za.

Copies of the Remote Gambling Bill may, after introduction, be obtained from the Democratic Alliance's website at www.da.org.za/newsroom