



**WRITTEN SUBMISSIONS IN RESPONSE TO INVITATION TO COMMENT ON THE NATIONAL GAMBLING AMENDMENT BILL, 2018, PUBLISHED BY THE NATIONAL COUNCIL OF PROVINCES SELECT COMMITTEE ON TRADE AND INTERNATIONAL RELATIONS**

**INTRODUCTION**

We thank the National Council of Provinces Select Committee on Trade and International Relations for affording Gold Circle (Pty) Ltd the opportunity to participate actively in the process of updating the national gambling legislation.

Our representations are made on behalf of Gold Circle (Pty) Ltd in its capacity as a totalisator licensee (authorised to operate a totalisator on horseracing, sporting events and other lawful events and contingencies) and racecourse operator (authorised to conduct horserace meetings) in KwaZulu-Natal and on behalf of our subsidiary company, Track and Ball (Proprietary) Limited, in its capacity as a bookmaker in KwaZulu-Natal.

We have previously made submissions to the National Legislature in connection with the National Gambling Amendment Bill, 2018 ("the Bill").

Our only concern pertains to the proposed extension of the National Central Electronic Monitoring System to apply to the monitoring of betting activities. It is hoped that the Select Committee on Trade and International Relations will find our comments constructive and helpful.

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**Proposed Amendment**

**SECTION 27: NATIONAL CENTRAL ELECTRONIC MONITORING SYSTEM**

- (1) The [board] National Gambling Regulator must establish and maintain a national central electronic monitoring system capable of –
  - (a) detecting and monitoring significant events associated with any limited pay-out machine, casino, bingo or betting activity that is made available for play in the Republic;
  - (b) analysing and reporting that data in accordance with the prescribed requirements; and
  - (c) collecting and retaining the monitoring fees.
- (2) The [board] National Gambling Regulator may contract with any person who must acquire a national licence to supply any or all of the products of services required to fulfil its obligations in terms of subsection (1), but any such contractor may not be a person who, or firm that, is disqualified as a licensee in terms of section 50.
- (3) The Minister may, in consultation with the Council and by regulation made in accordance with section 87, prescribe –
  - (a) standards for (i) the operation of the national electronic monitoring system; and

**SECTION 27: NATIONAL CENTRAL ELECTRONIC MONITORING SYSTEM (continued)**

- (ii) the collection and analysis of data through that system;
- (b) the frequency and nature of reports to be produced by the [board] National Gambling Regulator in respect of the operation of the system
- (c) other matters related to the functioning of the national electronic monitoring system; and
- (d) the implementation date for the national central electronic monitoring system for casino, bingo and betting activities.
- (4)
- (a) Every limited pay-out machine that is made available for play must be electronically linked to the national central electronic monitoring system, and the licensee of that machine must pay the prescribed monitoring fees in relation to that machine.
- (b) The Minister may for purposes of subsection (1) and, after consultation with the Council, determine any extent of the operation of the national central electronic monitoring system.

**Our Comments**

1. Until now the national central electronic monitoring system has monitored limited pay-out machines only. The amendments to Section 27 seek to extend the national central electronic monitoring system so that it also monitors “*significant events*” associated with other forms of gambling, including bingo, casinos and betting.
2. The proposed definition of the term “*significant events*” is broad and vague (“*a condition which . . . affects the outcome of a gambling activity . . .*”) and accordingly it is not clear from the definition precisely what evil the section seeks to address.
3. No explanation has been provided regarding the rationale for the monitoring system, the consequence for a betting operator if a significant event is detected or indeed the technical feasibility of establishing the monitoring system.
4. While there are similarities between limited pay-out machines, electronic bingo terminals and casino slot machines, betting systems operate very differently and so it is not understood how a national central electronic monitoring system could be developed to monitor all of these forms of gambling in a single system.
5. In any event, betting activities are already strictly monitored by the provincial licensing authorities. E.g., in KwaZulu-Natal, Gold Circle’s totalisator betting system and Track and Ball’s computerised record-keeping systems are approved and monitored by the KwaZulu-Natal Gaming and Betting Board, as required in terms of the provincial Act and Regulations.
6. For these reasons, we submit that the references to “betting activity” in subsections (1)(a) and (3)(d) ought to be deleted.