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GENERAL NOTICE

NOTICE 1838 OF 2006

DEPARTMENT OF TRADE AND INDUSTRY

NATIONAL GAMBLING AMENDMENT BILL, 2007

I, Mandisi Mpahlwa, Minister of Trade and Industry, hereby publish the National Gambling Amendment Bill, 2007 for public comment.

Interested persons may submit comments on the Bill, on or before 12 February 2007, to:

Physical Address:	The Department of Trade and Industry Consumer and Corporate Regulation Division 3rd Floor, Block A 77 Meintjies Street Sunnyside Pretoria
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REPUBLIC OF SOUTH AFRICA

NATIONAL GAMBLING AMENDMENT BILL

(As introduced in the National Assembly as a section ... Bill)
(The English text is the official text of the Bill)

(Minister of Trade and Industry)

[B - 2007]

IG Bill Draft 21 September 2006

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GENERAL EXPLANATORY NOTE

[ ] Words in bold type in square brackets indicate omissions from existing enactments
Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the National Gambling Act, 2004 so as to amend certain definitions and insert new definitions; to provide for the regulation of interactive gambling; to provide for the registration of players and player accounts; to provide for the conditions to interactive gambling licenses; to provide for further protection of minors and other vulnerable persons from gambling; to provide for the remittance of winnings to foreign nationals and external companies and to provide for matters related thereto.

Be it enacted by the Parliament of the Republic of South Africa, as follows:

Amendment of section 1 of Act 7 of 2004

1. Section 1 of the National Gambling Act, 2004 (Act No. 7 of 2004), hereinafter referred to as the principal Act, is hereby amended–

(a) by the insertion, after the definition of **"Council"**, of the following definition:

" **"data"** has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);"

(b) by the insertion, after the definition of **"electronic agent"**, of the following definitions:

" **"electronic betting or wagering"** means betting or wagering as contemplated in section 4(3);

"electronic communication" has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);"

(c) by the insertion, after the definition of **"excluded person"**, of the following definition:

" **"external company"** has the meaning set out in section 1 of the Companies Act, 1973 (Act No. 61 of 1973);"

(d) by the insertion, after the definition of **"fixed-odds bet"**, of the following definition:

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" **"foreign national"** means an individual who is neither a citizen nor a resident of the Republic"

(e) by the insertion, after the definition of **"gambling machine"**, of the following definition:

" **"home page"** has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)."

(f) by the insertion, after the definition of "**informal bet**", of the following definitions:

" **"interactive gambling equipment"** means electronic or other equipment used by or on behalf of a person providing facilities for interactive gambling-

(a) to store information relating to a person's participation in the gambling;
(b) to present, to persons who are participating or may participate in the gambling, a virtual game, virtual race or other virtual event or process by reference to which the gambling is conducted;
(c) to determine all or part of a result or of the effect of a result; or
(d) to store information relating to a result;

but does not include equipment which-

(i) is used by a person to take advantage of interactive gambling facilities provided by another person, and
(ii) is not provided by that other person.

"interactive gambling licence" includes a personal licence and operating licence or both, as contemplated in section 37 of the Act;"

"interactive gambling software" means computer software designed for use in connection with interactive gambling games but does not include anything designed for use solely in connection with a gambling machine"

(g) by the insertion, after the definition of **"national licence"**, of the following definition:

" **"nominated account"** means an account nominated by a player held in the player's name at a licensed financial institution;"

(h) by the insertion, after the definition of **"person"**, of the following definition:

" **"player account"** means an account held in the name of the player with an interactive provider at a licensed financial institution or at a body approved by the board;"

(i) by the insertion, after the definition of **"register of excluded persons"**, of the following definition:

" **"registered player"** means a person who is registered or provisionally registered for participating in interactive gambling activities in terms of this Act"

(j) by the addition of the following definitions:

" **"wager"** includes a bet, and means the stake or cost of participation in each specific game or the backing of a chance for a specific event;

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"**web site**" has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)."

Insertion of section 1A in Act 7 of 2004

2. The following section is hereby inserted in the principal Act after section 1:

"**Interpretation**

1A. In applying this Act, consideration may be given to:
(a) foreign and international law; and
(b) international conventions, declarations or protocols relating to gambling."

Substitution of section 2 of Act 7 of 2004

3. The following section is hereby substituted for section 2 of the principal Act:

"**Application of Act**

2. This Act applies to all licensed gambling activities within the Republic, but does not apply to an activity that is regulated in terms of the Lotteries Act, 1997 (Act No. 57 of 1997)."

Insertion of section 2A in Act 7 of 2004

4. The following section is hereby inserted in the principal Act after section 2:

"**Purpose of Act**

2A. The purpose of this Act is to–

(a) provide a lawful basis for the regulation and control of all gambling activities;

(b) preserve the integrity of the Republic as a responsible global citizen by ensuring an efficient and effective gambling regulatory regime;

(c) promote the development of a responsible gambling industry in the Republic;

(d) ensure that all gambling activities are conducted responsibly, fairly and honestly;

(e) ensure that all players, including registered players, are treated fairly, and the information of all players, including registered players' accounts, is kept in strict confidence;

(f) protect minors and other vulnerable persons from being harmed and exploited by gambling;

(g) protect and advance the interests of historically disadvantaged persons;

(h) protect society against the over-stimulation of gambling;

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(i) prevent gambling from being a source of or associated with crime or disorder or used to support crime or money laundering."

Amendment of section 3 of Act 7 of 2004

5. Section 3 of the principal Act is hereby amended

(a) by the deletion in paragraph (c) of the word "or" at the end of subparagraph (i) and the addition of the word "or" at the end of subparagraph (ii)

(b) by the addition of the following subparagraph:

"(iii) an interactive game."

Amendment of section 4 of Act 7 of 2004

6. Section 4 of the principal Act is hereby amended by the addition of the following subsection:

"(3) A person may participates in the activities contemplated in subsections (1) and (2) by way of electronic communication."

Amendment of section 5 of Act 7 of 2004

7. Section 5 of the principal Act is hereby amended

(a) by the insertion, after subsection (1), of the following subsection:

"(1A) An activity is an interactive gambling game if it meets the following criteria:
(a) a prize consisting of money or anything of value is offered or can be won under the rules of the game;
(b) a registered player –
(i) participates in the game by means of electronic communication; and
(ii) gives or undertakes to give, a monetary payment or any other valuable consideration to enter, or in the course of, or for, the game; and
(c) the winner of the prize is decided –
(i) wholly or partly by chance; or
(ii) by a competition or other activity in which the outcome is wholly or partly dependent on the skill of the registered player or another person.

(b) by the addition of the following subsection:

(3) The Minister may, by regulation made in accordance with section 87, prescribe -
(a) whether a form of electronic communication will or will not be treated as a form of electronic communication for the purposes of this Act; and
(b) specified gambling games, systems or methods as interactive gambling games.

Insertion of section 5A in Act 7 of 2004

8. The following section is hereby inserted in the principal Act after section 5:

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"Interactive gambling transaction

5A. An interactive gambling transaction commences when a registered player begins participation in the game by means of electronic communication; and concludes either when the player's account is:

(a) debited in the amount of the wager; or

(b) credited in the amount of winnings, if applicable; and

(c) the interactive game did not miscarry, at any time after commencement because of human error or a failure in the operating or telecommunication system.

Insertion of sections 6A, 6B and 6C in Act 7 of 2004

9. The following sections are hereby inserted in the principal Act after section 6:

"Payment of prizes and remittance of profits and winnings

6A.(1) If a player in an interactive game conducted by an interactive provider wins a monetary prize, the interactive provider must immediately credit the amount to the player account.

(2) If a player in an interactive game conducted by the interactive provider wins a non-monetary prize the provider must -

(a) have the prize delivered personally, by courier or by post to the player; or

(b) give the player written notice of an address within the Republic where the prize may be collected.

(3) If a non-monetary prize in an interactive game conducted by a interactive provider has not been collected within one year after notification to the winner, at the place where it may be collected, the interactive provider –

(a) may dispose of the prize by public auction or tender or in some other way approved by the board; and

(i) pay for the disposal thereof from the proceeds of the sale; and

(ii) must pay the remainder of the proceeds into the player account; or

(b) if there is no current player account and the interactive provider is unaware of the whereabouts of the player, the interactive provider must pay the funds over to the State after a successful application to the High Court for the forfeiture of such funds"

(4) If a claim for a prize in an interactive game is made to an interactive provider within one year, the interactive provider must –

(a) immediately try and resolve the claim; and

(b) by notice in the prescribed manner and form, promptly inform the claimant

(i) of the interactive provider's inability to resolve the claim; and

(ii) that the claimant may, within 10 days of receiving the prescribed notice, request the board, in the prescribed form, to resolve the complaint.

Dispute resolution and complaint procedures

6B.(1) In the event of any dispute arising out of an interactive game or any matter in relation thereto, either party may refer the dispute to the board for resolution.

(2) The board must resolve the dispute in accordance with the prescribed complaints resolution system.

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Remittance to foreign nationals and external companies

6C. Subject to exchange control regulations and taxation laws –
(a) a foreign national player may remit prize money to a foreign destination; and
(b) dividends or profits of an external company that is a interactive provider in terms of this Act, may be remitted to a foreign destination; provided that it is able to meet its financial commitments, which include prize money and other liabilities, in the Republic."

Insertion of section 11A in Act 7 of 2004

10. The following section is hereby inserted after section 11 of the principal Act:

"Unauthorised provision of interactive gambling facilities

11A (1) Despite any other law, an interactive provider must not –
(a) permit a person to participate in an interactive game unless that person –
(i) is registered as a player; and
(ii) the player has nominated an account held with a licensed financial institution for the movement of funds into and out of the player account;
(b) permit a registered player to participate in an interactive game unless a player account has been opened with the interactive provider in the name of that player;
(c) make interactive gambling facilities available to a player unless the following information has been recorded, in the prescribed manner and form, in respect of that player –
(i) the player's name and address;
(ii) the player account information;
(iii) a statement that the player is at least 18 years old; and
(iv) a statement that the law of the jurisdiction within which the player primarily engage in interactive game, does not prevent or disqualify the player from playing authorised games with the interactive provider;
(d) fail to transfer funds in excess of the prescribed maximum amount held to the credit in the player account to the player's nominated account; and
(e) conduct a further game if an interactive game conducted by an interactive provider is started but miscarries because of human error, or a failure in the operating or telecommunications system and it is likely to be affected by the same error or fault

(2) The Minister must, by regulation made in accordance with section 87, prescribe procedures -
(a) for player registration;
(b) for registration and control of player accounts; and
(c) to be followed if an interactive game that was started but miscarried because of human error or a failure in the operating or telecommunication system."

Amendment of section 12 of Act 7 of 2004

11. Section 12 of the principal Act is hereby amended–

(a) by the addition to subsection (3) of the following paragraph:

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"(e) register as a player for an interactive game."

Substitution of section 13 of Act 7 of 2004

12. The following section is hereby substituted for section 13 of the principal Act:

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

Amendment of section 14 of Act 7 of 2004

13. Section 14 of the principal Act is hereby amended by the substitution for subsection (12) of the following subsection:

"(12) Every licensee authorised to make a gambling activity available to the public must–
(a) make available at all of its licensed premises or web site–
(i) the prescribed form to be used by a person wishing to register as an excluded person in terms of subsection (1); and
(ii) a directory of local recognised counselling, treatment or education services addressing the problem of compulsive and addictive gambling; and
(b) prominently post a notice advertising the availability of those materials, in the prescribed manner and form, at every entry to those premises or at its web site."

Amendment of section 15 of Act 7 of 2004

14. Section 15 of the principal Act is hereby amended–

(a) by the substitution, in subsection (2), for the words preceding paragraph (a), of the following words:

"(2) Any advertisement of a gambling machine or device, a gambling activity, **[or]** licensed premises or web site at which gambling activities are available–"

(b) by the substitution for subsection (4) of the following subsection:

"(4) The Minister may, by regulation, in accordance with section 87 -
(a) prescribe the manner and form for interactive gambling advertising; and
(b) 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."

Amendment of Part C of Act 7 of 2004

15. Part C of the principal Act is herby amended by the substitution for the heading to Part C of the following heading:

"Gambling premises and web sites"

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Amendment of section 17 of Act 7 of 2004

16. Section 17 of the principal Act is hereby amended--

(a) by the substitution for the heading to section 17 of the following heading:

"Standards for gambling premises and web sites"

(b) by the substitution for subsection (2) of the following subsection:

"(2) Every licensee operating licensed premises at which a gambling activity is conducted or gambling games are accessed must post a notice, in the prescribed manner and form, warning of the dangers of compulsive and addictive gambling."

(c) by the substitution for subsection (3) of the following subsection:

"(3) A person licensed to engage in, conduct, or make available licensed activities in, on or from particular licensed premises and web site must comply with prescribed standards for the design, use and maintenance of such licensed premises and web site in or at which gambling activities take place."

(d) by the addition of the following subsection:

"(4) The Minister may prescribe the standards for the disclosure of information, security, access and maintenance of an interactive provider's web site."

Insertion of section 18A in Act 7 of 2004

17. The following section is hereby inserted after section 18 of the principal Act:

"Web sites

18A (1) The board may register a web site at which an interactive game is conducted.

(2) The interactive provider must -

(a) prominently display the license issued to the interactive provider at the home page of the web site; and

(b) maintain adequate control and supervision of the web site during its hours of operation."

Amendment of section 31 of Act 7 of 2004

18. Section 31 of the principal Act is hereby amended by the substitution for subparagraph (vi) of subsection (1)(a) of the following subparagraph:

"(vi) complete and timely levying, collection and remittance of taxes, levies and fees."

Substitution of section 32 of Act 7 of 2004

19. The following section is hereby substituted for section 32 of the principal Act:

"Jurisdiction of board

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32. (1) The board has exclusive jurisdiction to –

(a) investigate and consider applications for, and issue, subject to Part B of this Chapter, national licences for interactive gambling;

(b) conduct inspections to ensure compliance with -

(i) this Act; and

(ii) the conditions of national licenses for interactive gambling;

(c) impose on interactive gambling licensees administrative sanctions in accordance with this Act;

(d) issue offence notices in respect of interactive gambling offences in terms of this Act; and

(e) ensure compliance with, conduct investigations and issue offence notices under the Financial Intelligence Centre Act to the extent required by that legislation, in so far as it applies to the interactive gambling industry.

(2) In accordance with this Act and subject to the direction of the Council provided for in Chapter 4, the board may exercise the powers and perform the duties assigned to it in terms of this Act."

Substitution of section 33 of Act 7 of 2004

20. The following section is hereby substituted for section 33 of the principal Act:

"Responsibilities of board

33. The board is responsible to-

(a) ensure-

(i) that unlawful activities related to interactive gambling activities and unlicensed interactive gambling activities are prevented or detected and prosecuted;

(ii) that undertakings made by licensees holding a licence to make interactive games available, are carried out to the extent required by the licenses;

(iii) that employees within the interactive gambling industry are licensed to the extent required by this Act;

(iv) that each item of interactive gambling equipment or interactive gambling software being used, or made available for use, by a licensee is registered and certified in terms of this Act;

(v) complete and timely levying, collection and remittance of taxes, levies and fees;

(b) approve internal control systems for licensees which must include;

(i) accounting systems; and

(ii) administrative systems."

(c) inspect web sites at which interactive gambling is conducted and premises where interactive gambling equipment and software are located;

(d) inspect interactive gambling equipment and interactive gambling software used for any activity that is permitted in terms of a national licence

(e) enforce this Act in respect of-

(i) premises, activities or prescribed devices licensed by the board; and

(ii) offences in terms of this Act

(f) supervise and enforce compliance by licensees with the obligations of accountable institutions in terms of the Financial Intelligence Centre Act, to the extent required by that Act, in so far as it applies to the gambling industry;

(g) review licences and the activities of licensees in accordance with this Act; and

(h) suspend or revoke any national licence issued by the board in acco0rdance with section 43A.

[a](i) evaluate-

(i) the issuing of national licences by provincial licensing authorities; and

(ii) the compliance monitoring of licensees by provincial licensing authorities.

[b] (j) conduct oversight evaluations of the performance of provincial licensing authorities in the manner envisaged in section 34, so as to ensure that the national norms and

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standards established by this Act are applied uniformly and consistently throughout the Republic; and

[c] (k) assist provincial licensing authorities to ensure that unlicensed gambling activities are detected in the manner envisaged in section 66(2) and (3) as provided for in Part B of this Chapter."

Amendment of section 35 of Act 7 of 2004

21. Section 35 of the principal Act is hereby amended by the substitution of the following section:

"**35.** (1) The board and a provincial licensing authority must keep a register of each person to whom it grants a national licence, or a provincial licence, including-
(a) the activities permitted under each such licence;
(b) the address of any premises or web site in, on or from which licensed activities may be engaged in, conducted or made available under licences issued by it; and
(c) the name and identifying information of each person who is known to hold 5 % or more of the total financial interest in a licensee.
(2) Each provincial licensing authority must report to the board, at the prescribed intervals, on the prescribed information kept by that licensing authority in terms of subsection (1).
(3) The board must submit upon request to a provincial licensing authority any prescribed information reported to it in terms of subsection (2).
(4) A regulatory authority must, on request from another regulatory authority provide a copy of all prescribed information in its possession concerning a licencee, registrant or applicant for a licence."

Amendment of section 37 of Act 7 of 2004

22. Section 37 of the principal Act is hereby amended

(a) by the insertion, after subsection (1), of the following subsection:

"(1A) (a) A licenses to make interactive games available to be played must be issued as national license and include –
(i) operating licenses; and
(ii) personal licenses for –
(aa) employees; and
(bb) management staff
of interactive providers,

(b) The board must issue an operating license for an interactive provider, and the provincial licensing authorities may, in accordance with section 28, issue personal licenses for employees and management staff of an interactive provider

(b) by the addition of the following subsections:

"(3) An interactive provider must, in the prescribed manner and form–
(a) establish and verify the identity of players;
(b) record the identity of players;
(c) obtain a statement confirming that a player is 18 years or older;
(d) obtain a statement confirming that a player is not resident in a jurisdiction that prohibits interactive gambling;
(e) restrict interactive gambling facilities to registered players; and
(f) report to the board any information which the interactive provider suspects may relate to the commission of an offence.

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(4) The Minister may prescribe conditions to be attached to licenses to make interactive games available to be played, which may include–

(a) technical specifications and standards for interactive gambling equipment and software used by the interactive provider in connection with the licensed activities

(b) standards in respect of –

(i) a system used for the generation of results in a virtual game, virtual race or other virtual event or process used in the course of interactive gambling;

(ii) any other aspect of the process of interactive gambling; and

(c) the provision of assistance to persons who are or may be affected by problems related to gambling."

(5) It is a condition of every license to make interactive games available to be played that the interactive gambling equipment used by the interactive provider must be situated within the Republic.

Insertion of section 37A in Act 7 of 2004

23. The following section is hereby inserted after section 37 in the principal Act-

"Maximum number of interactive gambling licenses

"37A. (1) The Minister may, by regulations made in accordance with section 87 and after considering the criteria set out in this section, prescribe the maximum number of licenses to make interactive games available to be played that may be granted in the Republic,.

(2) Before making the regulations contemplated in subsection (1), the Minister must consult the Competition Commission, and must consider, amongst other things, the following criteria:

(a) the number and geographic location of –

(i) existing licensed casinos and interactive providers operating within the Republic and the duration of the licenses under which they operate;

(ii) additional interactive provider licenses available in terms of the maximum numbers in force; and

(b) whether it is desirable to prescribe a maximum number of licenses to make interactive games available to be played, after considering –

(i) the incidence and social consequences of compulsive and addictive gambling;

(ii) black economic empowerment;

(iii) new entrants in the gambling industry;

(iv) job creation within the gambling industry;

(v) diversity of ownership within the gambling industry;

(vi) efficiency of operation of the gambling industry; and

(vii) competition within the gambling industry.

(3) If the Minister prescribes a maximum number of interactive gambling licenses in the Republic that is less than the number of existing licensed interactive providers, the existing interactive providers may continue to operate, subject to the conditions of their respective licenses, but no additional licenses may be granted in the Republic, until the number of existing interactive providers is less than the prescribed maximum number of interactive gambling licenses."

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Amendment of section 38 of Act 7 of 2004

24. Section 38 of the principal Act is hereby amended by the insertion, after subsections (2) and (3) respectively, of the following subsections:

"(2A) An applicant must apply to the board for a national license if the applicant seeks a license as an interactive provider".

"(3A) An applicant who applies for a national license as an interactive provider must apply to the board in the prescribed manner and form, and pay the prescribed fee."

Amendment of section 39 of Act 7 of 2004

25. The following section is hereby substituted for Section 39:

"Authority to issue national license

39. (1) A provincial licensing authority may issue a national license, except an interactive provider license, to an applicant who meets the requirements of the Act.

(2) The board may issue an interactive provider license, in the prescribed manner and form, to an applicant who meets the requirements of this Act."

Substitution of section 40 of Act 7 of 2004

26. The following section is hereby substituted for section 40 of the principal Act:

"National licence procedures

40. (1) Upon receiving an application for a national licence, a provincial licensing authority or the board must-

(a) notify each other regulatory authority of the application;

(b) conduct the investigations prescribed by this Act with respect to probity, technical competence, industry competitiveness or any other prescribed matters; and

(c) conduct any prescribed hearings or other proceedings in respect of the application.

(2) After completing the prescribed investigations, hearings or other proceedings required in terms of subsection (1), a provincial licensing authority or the board or may-

(a) notify the applicant in writing that it refuses to grant the licence applied for; or

(b) notify the applicant and each other regulatory authority in the prescribed manner that it proposes to issue the licence as applied for, and may specify any conditions of the proposed licence.

(3) A provincial licensing authority that has received a notice in terms of subsection (2)(b) may request the Chief Executive Officer, except in respect of an interactive provider license, to conduct an oversight evaluation contemplated in section 42."

Amendment of section 43 of Act 7 of 2004

27. Section 43 of the principal Act is hereby amended by the addition of the following subsection:

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(3) The board may, suspend or revoke a licence to provide interactive gambling facilities if the circumstances contemplated in subsection (1) exist.

Amendment of section 46 of Act 7 of 2004

28. Section 46 of the principal Act is hereby amended by the deletion in subsection (1) of the word "or" at the end of paragraph (e) and the insertion, after paragraph (e), of the following paragraph:

"(eA) as an interactive provider; or;"

Amendment of section 48 of Act 7 of 2004

29. Section 48 of the principal Act is hereby amended

(a) by the insertion after subsection (2) of the following subsection:

"(2A) The board issuing a national licence may issue it only as-
(a) a permanent licence:
(b) a temporary licence, subject to the fulfilment of certain conditions within a specified period, with the intention that upon fulfilment of those conditions, a permanent licence will be issued in substitution of the temporary licence."

(b) by the substitution for subsection (4) of the following subsection:

"(4) A provincial licensing authority or the board issuing a national license must issue a license certificate in the prescribed form to the licensee."

(c) by the addition of the following subsection:

"(6) The board issuing a national license -
(a) may issue it with or without conditions; and
(b) must set out in the licence certificate-
(i) the duration of the licence;
(ii) the specific activities permitted in terms of the licence or a reference to the applicable law that describes such activities; and
(iii) the name or description of the specific premises in, on or from which the licensed activity may take place, unless it is an employment licence."

Amendment of section 49 of Act 7 of 2004

30. Section 49 of the principal Act is hereby amended:

(a) by the deletion in subsection (1) of the word "or" at the end of paragraph (e) and the insertion of the word "or" at the end of paragraph (f);

(b) by the addition to subsection (1) of the following paragraph:

"(g) has been convicted of any computer or computer software related crime within the past 10 years."

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Amendment of section 50 of Act 7 of 2004

31. Section 50 of the principal Act is hereby amended:

(a) by the deletion in subsection (2) of the word "or" at the end of paragraph (h) and the addition of the word "or" at the end of paragraph (i);

(b) by the addition to subsection (2) of the following paragraph:

"(j) has been convicted of any computer or computer software related crime within the past 10 years."

(c) by the insertion, after the expression "provincial licensing authority", of the expression "or the board", wherever it appears.

Amendment of sections 53, 54, 57, 58, 59 and 60 of Act 7 of 2004

32. The following sections are hereby amended by the insertion, after the expression "provincial licensing authority", of the expression "or the board", wherever it appears.

Amendment of section 56 of Act 7 of 2004

33. Section 56 of the principal Act is hereby amended:

(a) by the deletion in paragraph (a) of the word "and" at the end of subparagraph (ii) and the addition of the word "and" at the end of paragraph (b)(ii);

(b) by the addition of the following paragraph:

"(c) may refuse to issue a license if the board considers that the proposed web site or site for the location of the interactive gambling equipment is unsuitable for the proposed licensed activities having regard to this Act or any other applicable legislation."

Amendment of section 57 of Act 7 of 2004

34. Section 57 of the principal Act is hereby amended by the addition of the following subsection:

"(4) The board must record every probity report it prepares in terms of this Act and compile such reports as contemplated in subsection (3)."

Amendment of section 65 of Act 7 of 2004

35. Section 65 of the principal Act is hereby amended–

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

"(a) Monitoring and investigating, when necessary, the issuing of national licences by provincial licensing authorities for compliance with this Act **[in accordance with sections 40 to 43]**

(b) by the deletion in subsection (1) of the word "and" at the end of paragraph (e) and the insertion after paragraph (e) of the following paragraph:

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"(eA) monitoring and evaluating the gambling industry's international competitiveness with global gambling jurisdictions and advise the Minister; and

(c) by the substitution in subsection (2) for paragraph (c) of the following paragraph:

"(c) recommend to the Council guidelines for an effective, uniform and consistent implementation of this Act throughout the Republic and changes to bring about uniformity in the laws of the various provinces in relation to casinos, racing, gambling and wagering;"

(d) by the deletion in subsection (2) of the word "and" at the end of paragraph (e) and the addition of the word "and" at the end of paragraph (f);

(e) by the addition to subsection (2) of the following paragraph:

"(g) collate and make available statistical data, information and reports necessary for the effective monitoring and operation of the interactive gambling sector."

(f) by the substitution for subsection (3) of the following subsection:

"(3) The board may liaise with any foreign or international authorities having any objects similar to the objects of the board in respect of any relevant matters, after consultation with the provincial licensing authorities"

Amendment of section 66 of Act 7 of 2004

36. Section 66 of the principal Act is hereby amended by the addition of the following subsection:

"(6) Where–
(a) this Act requires oversight and evaluation as contemplated in section 33; and
(b) the board concludes, on reasonable grounds, that the provincial licensing authority is unable to perform any one function effectively,
the Minister must consult with the responsible Member of the Executive Council of that province to determine the steps to be taken to ensure the fulfilment of that statutory obligation."

Insertion of section 86A in Act 7 of 2004

37. The following section is hereby inserted into the principal Act after section 86:

"Delegation

86A. Subject to any requirements set out in this Act, the board may delegate any powers or duties that are to be exercised or performed by it in terms of section 33 to any provincial authority, in consultation with the relevant provincial licensing authority."

Amendment of section 87 of Act 7 of 2004

38. Section 87 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (g) of the following paragraph:

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(g) matters contemplated in section 5, 6A, 11A,13, 14, 15, [or] 17 or 48, any other matters to be prescribed in terms of this Act, and in general, any incidental matter that may be considered necessary or expedient to prescribe in order to achieve the objects of the Act."

39. **Short title and commencement**

This Act is called the National Gambling Amendment Act, 2007 and comes into operation on the date fixed by the President by proclamation in the Gazette.

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