



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

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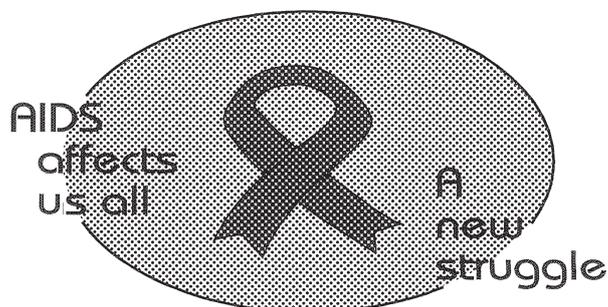
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Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

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You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

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 PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 47 OF 2015

MPUMALANGA GAMBLING BOARD

AMENDMENT OF THE MPUMALANGA GAMBLING RULES

In terms of section 84 of the Mpumalanga Gambling Act, 1995 (Act No. 5 of 1995) as amended, the Mpumalanga Gambling Board hereby amends and makes the following Rules:

General Explanatory Note:

[**BOLD**] words typed in bold type in square brackets indicate omissions from the existing Rules.

_____ words underlined with a solid line indicate insertions in existing Rules.

MPUMALANGA GAMBLING AMENDMENT RULES, 2015

To amend the Mpumalanga Gambling Rules to be in line with operational requirements of the Board; to amend the Rules so as to further regulate the applicability of the rules; to further regulate technical standards for gambling machines; to make provision for mystery jackpots; to further regulate jobs compendium submissions; to further regulate theoretical/actual hold; to further regulate bingo, route operator and totalisator operator internal audit; to make provision for retention of unclaimed money for bingo; to further regulate site licensee employees; to further regulate route and site ICPs; and to further regulate route operator compliance departments.

Amendment of Rule 4.030

1. Rule 4.030 of the Mpumalanga Gambling Rules (hereinafter referred to as the Rules) is hereby amended –

(a) by the substitution for paragraph (b) of subrule (2) of the following paragraph:

“(b) For gambling machines containing EPROM’s with more than one game or return to player percentage (RTP) or bet size combination, all game/RTP/bet size combinations on the installed EPROM shall be subject to approval by the Board and the set of games to be made available to the player may be varied by changing the EPROM’s or the soft settings of the gambling machine. **[and the following shall be recorded-**

- (i) **the name of the person affecting the change; and**
- (ii) **the closing soft meters of the game(s) being replaced.]”;**

(b) by the deletion of paragraph (c) of subrule (2) as follows:

“**[(c) Any change referred to in paragraph (a) and (b) may only take place during a time when the gambling machine is switched off.]”;**

(c) by the renumbering of paragraph (d) of subrule (2) as follows:

“**(c) [(d)]** For purposes of this sub-rule, the addition of an attendant-paid bonus, a progressive jackpot, or a change in rate of progression of an existing progressive jackpot is not considered to be a change in theoretical payback of the gambling machine.”;

(d) by the substitution for paragraph (c) of subrule (3) of the following paragraph:

- (c) Gambling machine “in” meters shall accumulate all **[coin and]** credit transactions that result in wagers.”;
- (e) by the substitution for paragraph (d) of subrule (3) of the following paragraph:
- “(d) The “out” meters shall accumulate all **[coin and]** credit transactions paid by the gambling machine for winning combinations.”;
- (f) by the substitution for paragraph (e) of subrule (3) of the following paragraph:
- “(e) The “drop” meters shall accumulate the number of **[coins]** credits or Rand value thereof that has been diverted into a drop box or downloaded to the gambling machine.” and
- (g) by the substitution for paragraph (f) of subrule (3) of the following paragraph:
- “(f) The jackpot meter shall accumulate the number of **[coins,]** credits or their equivalent, forming part of a player’s winnings, but not paid out by the gambling machine.”.

Amendment of Rule 5.010

2. The following definition is inserted in Rule 5.010 of the Rules after the definition of “jackpot”:

“**mystery jackpot**” means an additional win which does not form part of the certified and approved game software of a gambling machine which is triggered by an external device connected to the machine, the result of which is not displayed to the player on the prize table of the gambling machine.”

Amendment of Rule 5.040

3. Rule 5.040 of the Rules is hereby amended by the deletion of Rule 5.040 and the substitution for Rule 5.040 of the following Rule:

“5.040 Mystery Jackpots

- (1) All mystery jackpots and subsequent changes thereto, must be submitted to the Board for approval in the manner and form determined by the Board prior to implementation.
- (2) Subrule (1) excludes mystery jackpots that are part of the certified and approved game software.”

Amendment of Rule 10.030

4. Rule 10.030 of the Rules is hereby amended –

- (a) by the substitution for subrule (3) of the following subrule:

“(3) No casino licensee shall commence gambling operations unless and until its jobs compendium is submitted to [approved by] the Board.”; and

- (b) by the substitution for subrule (4) of the following subrule:

“(4) Any proposed amendment to a previously **[approved]** submitted jobs compendium shall be re-submitted to [subject to approval by] the Board before such amendment is implemented by the casino licensee.”.

Amendment of Rule 10.060

5. Rule 10.060 of the Rules is hereby amended by the substitution for subrule (2) of the following subrule:

“(2) The results of internal audit work shall be reported to those persons referred to in rule 10.020(1)(c) and copies of these reports shall be forwarded to the Board within 60 days after the period end.”

Amendment of Rule 10.110

6. Rule 10.110 of the Rules is hereby amended –

(a) by the deletion of subrules (1) and (2);

(b) by the renumbering and substitution for subrule (3) of the following subrule:

“(1) **[3] Monthly reconciliation of gambling machine hold percentages shall be done by the [casino management] licensee.**”;

(c) by the renumbering and substitution for subrule (4) of the following subrule:

“(2) **[4] [Large variances] Variances** between the theoretical **[hold]** and actual hold percentage on gambling machines shall be investigated by the licensee [management] and resolved with the findings documented for Board inspection.”; and

(d) by the insertion of the following subrule after subrule (2):

“(3) The minimum variance percentage to be investigated in terms of subrule (2) shall be specified in the licensee’s internal control procedures.”

Amendment of Rule 18.020

7. Rule 18.020 of the Rules is hereby amended –

(a) by the substitution for subrule (3) of the following subrule:

“(3) No bingo operator shall commence with operations unless and until its jobs compendium is **[approved by]** submitted to the Board.”; and

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

“(4) Any proposed amendment to a previously **[approved]** submitted jobs compendium shall be **[subject to approval by]** re-submitted to the Board before such amendment is implemented by the bingo operator.”

Amendment of Rule 18.040

8. Rule 18.040 of the Rules is hereby amended –

(a) by the substitution for subrule (1) of the following subrule:

“(1) The internal audit department shall conduct a full audit of the bingo operations of every bingo centre, at least once every **[three]** six months.”;

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

“(2) The results of every audit shall be reported to the persons referred to in rule 18.010(2)(a) and copies of these reports shall be submitted to the Board within 60 days of the period end.”;

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

“(3) In addition to the provisions of subrule (1), the internal audit department shall be responsible for **[ensuring the adequacy of the operator’s internal controls and compliance therewith.]** the review and evaluation of the –

- (a) fulfilment of its bid commitments;
 - (b) an assessment of compliance with its internal control procedures and determine its effectiveness and adequacy thereof;
 - (c) an assessment of compliance with all applicable gambling legislation;
 - (d) an assessment of the effectiveness and adequacy of the day-to-day gambling-related operations in respect of the Technical, Finance and Compliance Departments;
 - (e) the compilation and review of the operational risk profile in respect of the mandatory departments;
 - (f) a determination of whether the gambling and gambling-related financial and operating information is accurate, current, timeously generated, complete, valid and reliable, including the reconciliation of such information with levy returns submitted to the Board;
 - (g) determination of whether all gambling-related levies are complete and accurate;
 - (h) an assessment of the integrity, adequacy, accuracy and reliability of all gambling-related information; and
 - (i) a review of all gambling-related balance sheet accounts.”;
- (d) by the insertion of subrule (4) after subrule (3) as follows:
- “(4) The internal audit reports contemplated in subrule (2) shall address –
- (a) any contravention of the bingo operator’s internal control procedures and all applicable gambling legislation revealed by the audit;
 - (b) all the areas of responsibilities referred to in subrule (3)(a);
 - (c) any weaknesses in the bingo operator’s internal control procedures or the Act, Regulations or these Rules revealed by the audit;
 - (d) gambling and gambling-related operations and activities;
 - (e) instances of possible non-compliance with the provisions of the bingo operator’s internal control procedures and all applicable gambling legislation, revealed by the audit; and
 - (f) assurance on the completeness and accuracy of gambling-related levies and fees.”;
- (e) by the insertion of subrule (5) after subrule (4) as follows:
- “(5) The Board may approve different reporting lines to those prescribed in subrule (2) upon demonstration by the bingo operator that there are no incompatible functions.”; and
- (f) by the insertion of subrule (6) after subrule (5) as follows:
- “(6) In addition to the observations and examinations required under subrule (3), follow-up observations and examinations shall be performed to verify that corrective action has been taken regarding all instances of non-compliance cited by internal audit, the Board and/or an independent accountant which verification shall be performed within six months following the date of notification.”.

Insertion of Rule 18.050

9. Rule 18.050 of the Rules is hereby inserted after Rule 18.040 as follows:

“18.050 Retention of unclaimed money

(1) Every bingo operator shall maintain a register of all gambling winnings which have not been claimed after a period of 24 hours which shall be retained in the bingo operator's books for a minimum period of 3 years.

(2) Should players not claim their winnings at the end of the 3-year period, the licensee will receive the unclaimed winnings as revenue and shall pay the Board the levy portion of the unclaimed winnings.”.

Amendment of Rule 21.020

10. Rule 21.020 of the Rules is hereby amended –

(a) by the substitution for subrule (2) of the following subrule:

“(2) Unless otherwise directed by the Board, the jobs compendiums referred to in subrule (1) shall be submitted to the Board **[for approval]** at least 60 days prior to the projected date of commencing operations.”; and

(b) by the substitution for subrule (3) of the following subrule:

“(3) Any proposed amendment to a previously **[approved]** submitted jobs compendiums shall be **[subject to approval by]** re-submitted to the Board before such amendment is implemented by the Route Operator or Site Licensee.”.

Amendment of Rule 21.040

11. Rule 21.040 of the Rules is hereby amended –

(a) by the substitution for sub-paragraph (iv) of paragraph (b) of subrule (1) of the following sub-paragraph:

“(iv) a determination of whether the gambling and gambling-related financial and operating information is accurate, current, timeously generated, complete, valid and reliable, including the reconciliation of such information with **[tax]** levy returns submitted to the Board;”;

(b) by the substitution for sub-paragraph (v) of paragraph (b) of subrule (1) of the following sub-paragraph:

“(v) a determination of whether all gambling **[-related taxes]** levies are **[current]** complete and accurate;”;

(c) by the substitution for subrule (2) of the following subrule:

“(2) The results of the audit work shall be reported to the Compliance Committee of the Route Operator and copies of these reports shall be forwarded to the Board within 60 days after the bi-annual **[audit]** period end.”;

(d) by the deletion of subrule (3);

(e) by the renumbering of subrule (4) and the insertion of paragraph (f) after paragraph (e) as follows:

“(3) **[(4)]** The internal audit reports contemplated in subrule (1) shall address –

(f) assurance on the completeness and accuracy of gambling levies and fees.”;

(f) by the renumbering of subrule (5) as follows:

“(4) [(5)] In addition to the observations and examinations required under subrule [(5)] (3), follow-up observations and examinations shall be performed to verify that corrective action has been taken regarding all instances of non-compliance cited by internal audit, the Board and/or an independent accountant, which verification shall be performed within six months following the date of notification: Provided where material quantitative and/or qualitative findings arise, these should be reported to the Board as and when identified, along with the action plan to rectify such.”;

(g) by the renumbering of subrule (6) as follows:

“(5) [(6)] The Board may approve different reporting lines to those prescribed in subrule [(3)] (2) above, upon demonstration by the Route Operator that there are no incompatible functions.”; and

(h) by the deletion of subrule (7).

Amendment of Rule 22.060

12. Rule 22.060 of the Rules is hereby amended –

(a) by the substitution for subrule (2) of the following subrule:

“(2) The following persons shall be licensed as key employees of Site Licensees, unless the site is licensed as a sole proprietor and the owner is responsible for –

- (a) senior management of Site Licensees;
- (b) every director, officer or equivalent position, if the Site Licensee is a body corporate;
- (c) any individual who has the authority to hire or terminate the employment of personnel;
- (d) any executive, employee or agent of the Site Licensee that has the power to exercise a significant influence over decisions concerning the operations of such Licensee;
- (e) any individual who has been specifically represented to the Board by the Site Licensee, an officer or director of such Licensee as being necessary for the operations of such Licensee; and
- (f) all persons who individually or as part of a group formulate management policy of the Site Licensee.”; and

(b) by the deletion of subrule (3).

Amendment of Rule 23.010

13. Rule 23.010 of the Rules is hereby amended –

(a) by the substitution for subrule (5) of the following subrule:

“(5) A Route Operator shall immediately inform all its Site Licensees of the amendment to the ICP **[that the Board has approved,]** that will have an impact on the operations of the Site Licensees.”; and

(b) by the substitution for paragraph (u) of subrule (6) of the following paragraph:

- “(u) the calculation, compilation and verification of the **[Weekly] Monthly** Gambling Revenue Tax Return, including the verification and reconciliation of computerised reports used to calculate LPM gambling revenue so as to ensure the integrity and accuracy and the collection thereof.”;

Amendment of Rule 26.010

14. Rule 26.010 of the Rules is hereby amended –

(a) by the substitution for the heading of the following heading:

“26.010 [Investigations] Responsibilities”; and

(b) by the insertion of subrule (7) after subrule (6) as follows:

“(7) The Compliance Department shall on a continuous basis ensure that the Route Operator complies with all requirements contained in its compliance plan and report to the Compliance Committee of the Route Operator, as required in terms of the compliance plan, including any non-compliance matters.”.

Amendment of Rule 26.020

15. Rule 26.020 of the Rules is hereby amended –

(a) by the deletion of the heading as follows:

“[26.020 Audits]”

(b) by joining Rule 26.020 to Rule 26.010;

(c) by renumbering and the substitution for subrule (1) of the following subrule:

“(8) [(1)] The Compliance Department shall ensure the following at least on an bi-annual basis [be responsible for the performance of bi-annual audits] –

- (a) **[to ensure]** that access to the CEMS has been allocated to authorised personnel only;
- (b) **[assess]** procedural compliance by the Route Operator and Site Licensee with any applicable gambling legislation and Route Operator and Site Licensee ICP;
- (c) **[to verify]** verification that all employees performing gambling-related functions are correctly licensed;
- (d) **[on]** that the LPM RTP percentages which are below 75% over a continuous 12-month period are investigated;
- (e) **[to ensure]** that journal entries have been performed correctly and with the necessary authorisation;
- (f) **[on]** that **[monitored]** key control registers are monitored for accuracy;
- (g) that patron dispute registers, used to document all patron disputes, including resolved disputes are maintained.”;

(d) by renumbering and the substitution for subrule (2) of the following subrule:

“(9) [(2)] Any discrepancies found during the **[audits] reviews referred to in subrule (8) [(1)] shall be investigated and the results and actions taken to prevent a recurrence thereof shall be documented.”;** and

(e) by the deletion of subrule (3).

Amendment of Rule 26.030

16. Rule 26.030 of the Rules is hereby amended by the renumbering in the heading as follows:

“**[26.030] 26.020 Reporting requirements**”.

Amendment of Rule 28.220

17. Rule 28.220 of the Rules is hereby amended by the substitution for the heading of the following heading:

“**28.220 Compliance [investigations] responsibilities**”.

Deletion of Rule 28.230

18. Rule 28.230 of the Rules is hereby deleted.

Insertion of Rule 32.070

19. Rule 32.070 of the Rules is hereby inserted in the Rules after Rule 32.060:

“**32.070 Internal audit**

(1) The internal audit department shall conduct a full audit of the totalisator operations, at least once every six months.

(2) The results of every audit shall be reported to the audit committee of the board of directors of the totalisator operator and copies of these reports shall be submitted to the Board within 60 days of the period end.

(3) In addition to the provisions of subrule (1), the internal audit department shall be responsible for the review and evaluation of the –

- (a) fulfilment of its bid commitments;
- (b) an assessment of compliance with its internal control procedures and determine its effectiveness and adequacy thereof;
- (c) an assessment of compliance with all applicable gambling legislation;
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(4) The internal audit reports contemplated in subrule (2) shall address –

- (a) any contravention of the totalisator operator’s internal control procedures and all applicable gambling legislation revealed by the audit;
- (b) all the areas of responsibilities referred to in subrule (3)(a);

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(5) The Board may approve different reporting lines to those prescribed in subrule (2) above, upon demonstration by the totalisator operator that there are no incompatible functions.

(6) In addition to the observations and examinations required under subrule (3), follow-up observations and examinations shall be performed to verify that corrective action has been taken regarding all instances of non-compliance cited by internal audit, the Board and/or an independent accountant which verification shall be performed within six months following the date of notification.”

Commencement

20. The amendments to the Rules shall come into operation thirty (30) days after the date of publication in the *Provincial Gazette*.

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