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DIE PROVINSIE MPUMALANGA

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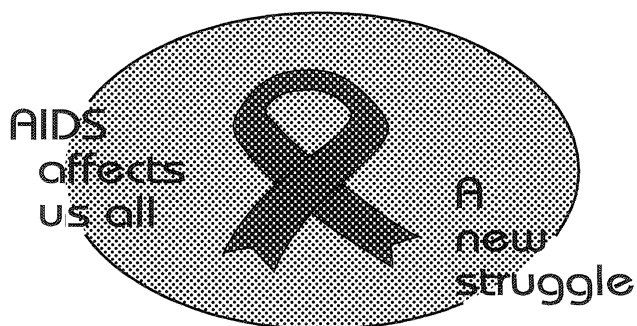
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DEPARTMENT OF HEALTH

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CONTENTS · INHOUD*No.**Page
No. Gazette
 No.***GENERAL NOTICE**

185 Mpumalanga Gambling Act (5/1995): Amendment of the Mpumalanga Gambling Rules 3 2177

GENERAL NOTICE

NOTICE 185 OF 2013

MPUMALANGA GAMBLING BOARD

MPUMALANGA GAMBLING ACT, 1995 (ACT NO. 5 OF 1995)

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, 2013

To amend the Mpumalanga Gambling Rules to be in line with operational requirements of the Board, to define or further define certain expressions, to amend the Rules so as to further regulate EPROM controls, to amend the Rules so as to further regulate submission of organisational structures for Route Operators, to amend the Rules so as to further regulate minimum requirements for Site Licensee's ICP's and to further regulate racing and betting rules.

Amendment of Rule 4.010

1. Rule 4.010 of the Mpumalanga Gambling Rules (hereinafter referred to as the Rules) is hereby amended, by the insertion before the definition of "modification" of the following definition:

"machine move' means the transfer of an approved gambling machine from an allocated gambling position to another gambling position or replacement thereof with another approved gambling machine."

Amendment of Rule 4.050

2. Rule 4.050 of the Rules is hereby amended -

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

"4.050 Conversions and Machine Moves: Notification and Procedure";

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

"(1) A conversion or machine move shall only be performed following a written application by a licensee and the subsequent notification of the conversion or machine move to the Board. [by] The [casino] licensee on whose licensed premises the gambling machine is offered for play [or in the case of a gambling machine on the licensed premises of a site licensee, the route operator to whom the site is linked, which notification] shall lodge a written application to the Board [be done] no less than 7 days prior to the conversion or machine move being performed."; and

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

“(2) The notification referred to in sub-rule (2) shall include a complete, comprehensive, and technically accurate description and explanation of the conversion or machine move in both technical and lay language signed by the person doing the conversion or machine move.”

Amendment of Rule 7.090

3. Rule 7.090 of the Rules is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) Facilities and equipment, including office space. **[to enable staff members to evaluate the compliance of the CMS to approved minimum operational standards and perform such other functions as may be required from time to time.]**”

Amendment of Rule 9.110

4. Rule 9.110 of the Rules is hereby amended by the substitution for subrule (1) of the following subrule:

“(1) On receipt of a master EPROM from the manufacturer the following shall be adhered to –

(a) The master program number, par percentage and pay table be verified to the manufacturer’s specification sheet and certification number by a senior member of the slots technical department and a member of gambling floor security **[and a staff member of the Board]**; and

(b) On completion of the verification required by paragraph (a), the master EPROM register will be signed by all parties present and shall be available for inspection.”

Amendment of Rule 10.060

5. Rule 10.060 of the Rules is hereby amended by the substitution for paragraph (a) of subrule (3) of the following paragraph:

“(a) The following shall be reviewed at least once **[during each quarter]** bi-annually –.”

Amendment of Rule 21.010

6. Rule 21.010 of the Rules is hereby amended by the substitution for subrule (4) of the following subrule:

“(4) A Route Operator shall submit to the Board, on **[a quarterly]** an annual basis and/or as and when any changes to the organisational structure occur, an updated list of all employees, their functions and line of command.”

Amendment of Rule 21.020

7. Rule 21.020 of the Rules is hereby amended by the substitution for subrule (5) of the following subrule:

“(5) Jobs compendiums shall include, but not limited to the following -

(a) clearly reflect the segregation of incompatible operational functions –

(i) into different departments; and

(ii) between the Route Operator and the Site Licensee, specifying the duties of each such department and function.

- [(b) illustrate by position title, the direct and indirect lines of authority within the operation, clearly reflecting a chain of command in terms of which management and supervisory personnel are held accountable for actions or omissions within their arrears of responsibility;**
- (c) Reflect primary and secondary supervisory positions, where applicable within organisational structures and operational functions contemplated in paragraph (a), so as to ensure the continuous authorisation or supervision of all gambling and gambling related transactions at all relevant times; and**
- (d) Reflect the division of responsibility and accountability so as to ensure that no area of responsibility or accountability is so extensive that it becomes impractical for one employee to monitor or control.]”**

Amendment of Rule 21.040

8. Rule 21.040 of the Rules is hereby amended –

(a) 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”;

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

“(e) Instances of possible non-compliance with the provisions of the Route Operator’s ICP’s and all applicable gambling legislation, revealed by an audit. **[within 14 days of the compilation of such reports.]”;**

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

“(5) In addition to the observations and examinations required under sub-rule ~~[(5)]~~ (4), 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 the 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.”; and

(d) By the deletion of subrule (8) as follows:

“[(8) The internal audit function shall be performed in accordance with the applicable internal auditing standards.]”

Amendment of Rule 23.010

9. Rule 23.010 of the Rules is hereby amended by the substitution for subrule (10) of the following subrule:

“(10) At a minimum a Site Licensee’s ICP shall contain provisions and procedures applicable to Site Licensees, relating to –

- [(a) its organisational structure, if the Site Licensee has more employees than the key employee;**
- (b) its jobs compendiums, if the Site Licensee has more employees than the key employee;**
- (c) (a) measures for the maintenance of designated areas to ensure compliance with the provisions of the applicable gambling legislation;**

- [(d)] (b) control measures to preclude persons under the age of 18 years from having access to designated areas;
- [(e)] **the maintenance of site and employee records;**
- (f) **access to all LPM arrears and the SDLs, including LPM logic area and SDL access;**
- (g) (c) the resolution of patron disputes;
- [(h)] **manual payments, including the records thereof;**
- (i) **the maintenance of LPMs and attendance to LPM error codes;**
- (j) **the detection and reporting of LPM, SDL, SKP and CEMS malfunctions;**
- (k) **the recording of RAM clears;**
- (l) **the recording of exceptions and unusual events, including –**
- (i) **significant events; and**
- (ii) **the integrity of LPM and CEMS meters;**
- (m) (d) the clearance and count of LPM drop;
- [(n)] **the detection of variances between estimated and actual LPM drop and the reporting thereof;**
- (o) **the reporting of LPM RTP percentages which are below 75%;**
- (q) (e) monitored key controls; and
- [(r)] **controls relating to user access levels and rights assigned to persons authorised to access the CEMS;**
- (s) **the issue, activation and retrieval of employee cards, including password reset; and**
- (t) (f) the reporting of all breaches of procedure and illegal activities.”

Amendment of Rule 25.030

10. Rule 25.030 of the Rules is hereby amended by the substitution for subrule (6) of the following subrule:

“(6) The return of the revenues paid to the Board shall be signed by **[the Finance Manager]** an authorised signatory.”

Amendment of Rule 30.050

11. Rule 30.050 of the Rules is hereby amended –

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

“(1) A **[licensed key employee]** holder of a certificate of approval or a national employment licence shall be present at all times during which bets are accepted or processed on totalisator premises, and bookmaker premises: Provided that –

- (a) where the holder of a totalisator or bookmaker licence offers betting on more than one licensed premises, and
- (b) all the betting transactions conducted by the holder of a licence trading in the manner contemplated in paragraph (a) are centrally monitored and controlled on one licensed premises (“the central premises”)

[a licensed key employee] The holder of a certificate of approval or a national employment licence shall be required to be present and to exercise control and authority over the activities performed in terms of the licence on the central premises only: Provided further that no betting shall be offered on premises other than the central premises when such central premises are closed for business or on any such premises when no **[key]** such licensed employee is present on the central premises.”; and

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

“(2) Notwithstanding the requirements of subrule (1), where bets are accepted or processed on a 24-hour basis on licensed premises by means of computer software which the Board has determined to operate independently and requires no supervision and minimal

maintenance, the presence of [a] such licensed [key] employee on such licensed premises shall be required only during the normal hours of business of the licence holder offering such betting."

Amendment of Rule 30.070

12. Rule 30.070 of the Rules is hereby amended -

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

"(1) The holder of a bookmaker or totalisator licence shall close all betting on an event or a component of an event on which the bet is sought to be placed within **[fifteen] thirty** seconds after **[a horserace] the event or component of the event** has officially started, **[so that no further bets can be accepted and processed by the computerised system and no further tickets can be issued in respect of such race]**: Provided that [-

(a) **in respect of the take back or non-cash related bets entered into between licensed bookmakers, the time period of fifteen seconds shall not apply; and**

[(b) in respect of non-cash related bets laid by bookmakers to players, a time period of twenty-five seconds shall apply;

and: Provided further that no bets contemplated in this sub-rule shall be laid or placed after the official results of the relevant race have been made known.] where the event or component of the event is expected to last less than thirty seconds, betting shall be closed at the commencement of the event or component of the event.;" and

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

"(3) **[Subject to] Bets placed contrary to** subrule (1), **[no ticket with respect to horseracing events shall be issued after the official starting time and any ticket so issued]** shall be **[deemed] null and void [for the purposes of these Rules.]**, subject to the provisions of subrule (1)."

Amendment of Rule 30.090

13. Rule 30.090 of the Rules is hereby amended by the substitution for the rule of the following rule:

"30.090 Payment of bets

A winning bet in respect of any contingency, whether payable in cash or otherwise shall be payable only after the official result thereof has been made known, in the manner required or approved by the Board. **[and shall be paid immediately upon presentation thereof for payment.]"**

Amendment of Rule 30.110

14. Rule 30.110 of the Rules is hereby amended by the substitution for the rule of the following rule:

"30.110 Limits and other conditions

(1) In respect of open bets, the holder of a bookmaker licence shall clearly display in a manner approved by the Board all limits and conditions pertaining to betting units, the payout centre and the manner of payment on a notice board in or on the licensed premises where its licensed premises provides physical access to the public for betting purposes, as well as the bookmaker's commitments per ticket, as defined in the bookmaker's terms and conditions. **[: Provided that any limit set in respect of payment of a winning bet -**

(a) shall specify the maximum amount payable in relation to a single unit, being a R1,00 unit, of any winning combination or bet type;

(b) shall not stipulate that any such maximum amount payable will be payable per ticket issued; and

(a) shall be deemed to specify the maximum amount payable in relation to a single (R1,00) unit of the applicable winning combination or bet type in all cases where the information appearing on the notice board contemplated in this rule is unclear.]

(2) In respect of fixed odds bets, the holder of a bookmaker licence shall clearly display in a manner approved by the Board all limits and conditions on a notice board in or on the licensed premises where its licensed premises provides physical access to the public for betting purposes, as well as the bookmaker's commitments per ticket, as defined in the bookmaker's terms and conditions. [: **Provided that any limit set in respect of payment of a winning bet –**

(a) shall specify the maximum amount payable in relation to an accumulation of bets per day relating to any winning combination or bet type; and

(b) shall not stipulate that any such maximum amount payable will be payable per ticket issued.]”

(3) The holder of a bookmaker licence shall submit proposed limits and conditions pertaining to subrules (1) and (2) above to the Board **[prior to the implementation or any amendment thereof]** in a manner approved by the Board.”

(4) The holder of a bookmaker licence shall prior to conducting any betting transactions via telephone, cellular phone or any other electronic media with a player, [–

(a)] furnish such player with a copy of the bookmaker's terms and conditions in a manner approved by the Board. **[applicable limits; and**

(c) **ensure that the signature of the player is appended to such copy and to retain such copy on its licensed premises until the account is permanently closed or for such extended period as the Board may specify].”**

Amendment of Rule 30.120

15. Rule 30.120 of the Rules is hereby amended by the substitution for subrule (1) of the following subrule:

“(1) The holder of a bookmaker or totalisator operator license shall display in a prominent and visible place on the licensed premises where its licensed premises is open to the public for betting purposes a notice in large legible writing and in permanent ink where bets are offered on **[horseracing]** an event[s] or component of the event, stating that [–

(a) **no bets shall be accepted in respect of a horserace once such horserace has officially started; and**

(b) **all bets placed on a horserace after the official starting time thereof will]** selections placed contrary to Rule 30.070, shall be null and void, subject to the provisions of Rule 30.070: Provided that the cut off time shall be added to the licensee's terms and conditions and be made available as per Rule 30.010.”

Amendment of Rule 31.020

16. Rule 31.020 of the Rules is hereby amended by the substitution for subrule (3) of the following subrule:

“(3) One copy of the backups contemplated in this Rule shall be retained in a secure place of storage on the licensed premises or on such other premises as may be approved by the Board, storing data for a period of five (5) years **[from the date of creation thereof]** or such further period, pending any investigation, as the Board may require.”

Commencement

17. 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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