

MPUMALANGA GAMING BOARD



ACCESS TO INFORMATION MANUAL





MPUMALANGA GAMING BOARD MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000, AS AMENDED

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1. FOREWORD

The sole purpose of the Promotion of Access to Information Act (“AIA”), 2000 (Act 2 of 2000), as amended, is to give “*effect to the public’s right of access to information from public and private bodies, as contemplated in s 32 of the Constitution*”.*

The Mpumalanga Gaming Board (“the MGB”), as a provincial public entity in terms of Schedule 3, Part C of the Public Finance Management Act (“PFMA”), 1999 (Act 1 of 1999), as amended, and in terms of the above Act, has an obligation to draft this manual which will be a public document in terms of which the public can access our records.

2. INTRODUCTION

The Mpumalanga Gaming Board is a juristic person serving as a provincial public entity, established in terms of section 2 of the Mpumalanga Gaming Act (“MGB Act”), 1995 (Act 5 of 1995), as amended.

The **vision** of the MGB is “**to be at the forefront of effective regulation of the gaming industry**” and its **mission** is “**to ensure the integrity of gaming through efficient regulation of licensed gaming establishments within the Mpumalanga Province of South Africa**”.

The MGB was established to provide for the control over gaming in the Province and to provide for any other matter connected therewith.

The gaming regulatory functions of the MGB are underpinned by the following three **cardinal principles**, namely, it is declared policy of the MGB:

- ▲ That all establishments where gambling games are conducted or operated, are **licensed and controlled** so as to better the public engagement in gambling, safety, morals and good order to preserve the policies of the Government of Mpumalanga;
- ▲ To render effective regulatory control which displays a high standard of professionalism and operates in clear recognition of the dictates of **fairness, honesty and integrity** in the best interest of the public, licensees and the Provincial Government; and
- ▲ To protect the public against any unfair, unjustified, dishonest and/or unscrupulous practices in the gambling industry, therefore ensuring a sound, sustainable and equitable regulatory regime and processes that **enhance public confidence in licensed gambling establishments** within the Mpumalanga Province.

3. THE FUNCTIONS AND THE STRUCTURE OF THE MGB [Section 14(1)(a)]

3.1 Functions of the MGB

The Members of the Board, who are non-executive Board Members, appointed in terms of section 4 of the MGB Act consist of nine (9) members who are appointed by the responsible Member and are made up as follows:

- (a) a Chairperson, who has applicable knowledge and experience with regard to matters connected with the functions of the MGB;
- (b) one member who is qualified to be admitted as a legal practitioner;

** *The Promotion of Access to Information Act Commentary* (2002), by Iain Currie & Jonathan Klaaren.



- (c) one member who is qualified to be admitted as a chartered accountant;
- (d) one member who has proven business acumen in the tourism industry;
- (e) one member representing the Department entrusted with the responsibility for gambling in the Province;
- (f) one member representing the Department responsible for financial affairs in the Province;
- (g) three additional members who are not in the full employ of the State, the Province, or a local authority and have proven business acumen and experience in the field of community and socio-economic development and who represent the community at large; and
- (h) The Chief Executive Officer who is an *ex officio* member of the Board.

The functions of the Board in terms of section 3 of the MGB Act are to:

- “(a) perform such functions assigned to it in terms of the Act;*
- (b) perform such functions assigned to it in terms of any other law;*
- (c) advise the responsible Member or furnish a report or recommendations to the responsible Member on any matter referred to the Board by the responsible Member for consideration and arising from the application of this Act or relating to the control over gaming in the Province.”*

The Board meets regularly and is responsible for the proper management, control, compliance and ethical behaviour of the business under its direction. The Board determines and monitors matters relating to the implementation and/or modification of policies, strategic plans, organisation disposals, major capital expenditure, and operating and financial budgets. The Board subscribes fully to the principles embodied in appropriate international corporate governance codes.

The Committees of the Board, appointed by the Board in terms of section 16 of the MGB Act, include:

▲ **Corporate Services Committee**

The Corporate Services Committee consists of three (3) non-executive Board members and provides the Board with the assurance regarding the quality and reliability of the financial information used by the Board. The purpose of the Committee is to satisfy the Board that a proper budgeting process is followed and that the expenses of the MGB are monitored against an approved budget.

The Committee also fulfils the function of the Remuneration Committee that meets once a year and is charged with the assessment of a remuneration strategy for the organisation in accordance with trends in local and international markets. The main objective being to provide the responsible Member and the Board with an assurance that the Chief Executive Officer, Management and employees of the organisation are fairly rewarded for their individual contributions to the Board's performance.

▲ **Audit Committee**

The Audit Committee consists of five (5) members of whom two (2) members are non-executive Board members and all of whom are independent of Management. The Committee must satisfy the Board that adequate and appropriate financial and operating controls are in place, that significant business risks have been identified and are being managed, and that appropriate standards of governance, reporting and compliance are in operation. In performing its duties, the Committee maintains an effective working relationship with the Board, Management and the Internal and External Auditors of the Board.



^ **Investigations and Licensing Committee**

The Investigations and Licensing Committee consists of three (3) non-executive Board members. The MGB Act makes provision for specific responsibilities relating to the licensing competencies of the Board and the Investigations and Licensing Committee was established to ensure that these functions are fulfilled and to assure the Board that proper investigative processes are followed.

^ **Gaming Control Committee**

The Gaming Control Committee consists of three (3) non-executive Board members. The Gaming Control Committee was established to ensure compliance with the statutory obligations and to assist the Board in fulfilling these objectives. The Gaming Control Committee monitors and ensures the integrity of gaming operations.

The implementation of the operational policies is discharged through a dedicated staff, which is organised as follows:

- **Office of the Chief Executive officer**

Managing the operations of the MGB.

Corporate Relations

Informing all stakeholders, namely Provincial Government, licensees and members of the public who have an interest in the organisation, of the activities of the MGB.

- **Corporate Services**

Legal Services Unit:

Rendering legal and secretariat services to the MGB and the Board, including the combat of illegal gambling activities.

Financial Services Unit:

Providing financial support services to the MGB, co-ordinating internal and external audit processes as well as transfers to and from the Provincial Government.

Administration & Personnel Unit:

Rendering office administration, human resources and information technology services to the MGB.

- **Investigations and Licensing**

Ensuring the continued suitability of all persons (juristic and natural) who wish to enter or participate in the gaming industry within the Mpumalanga Province.

- **Gaming Audit & Systems**

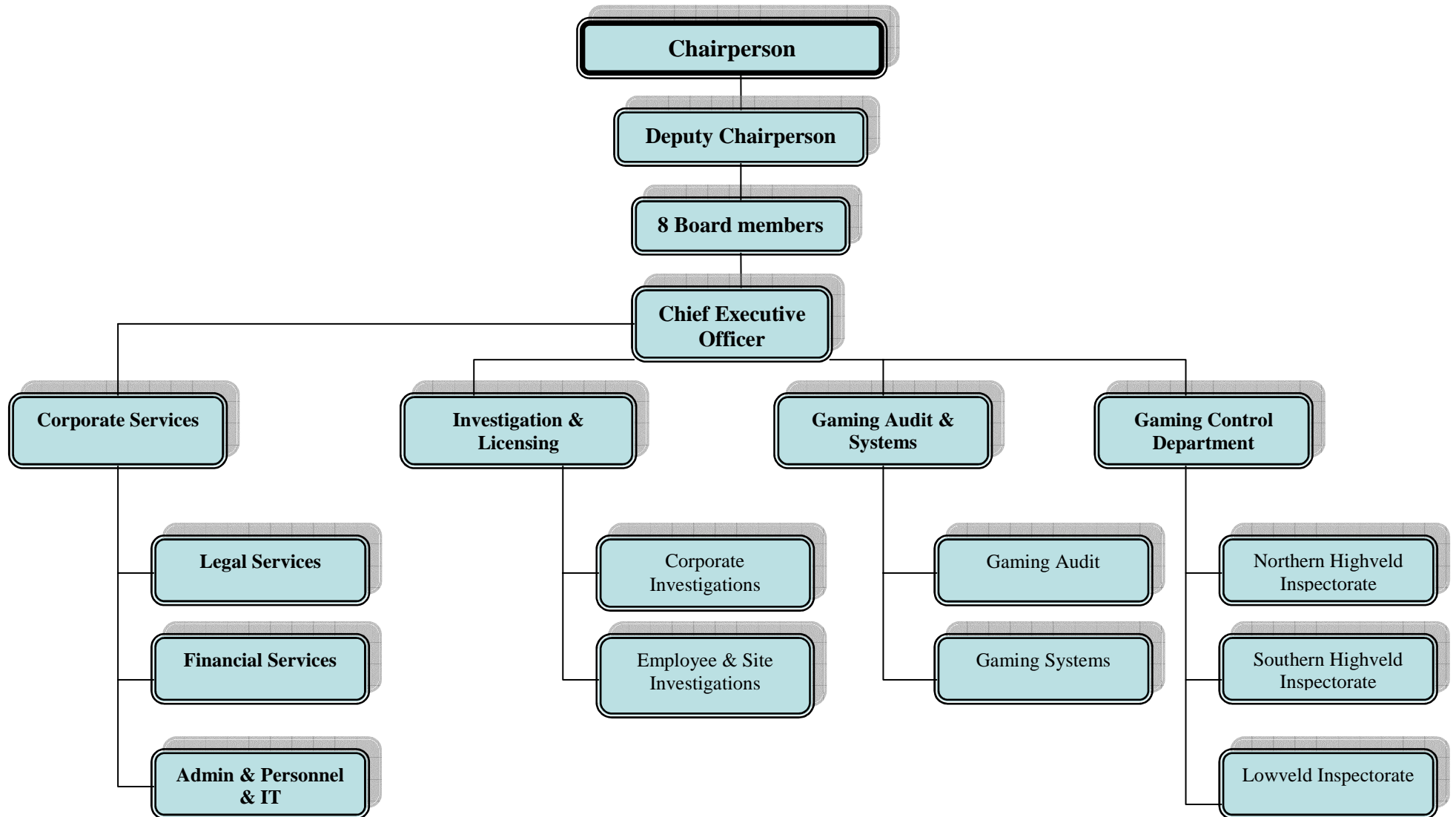
Providing the MGB and Provincial Government with the assurance that gaming revenue and levies are accurately calculated and timeously paid to the MGB, that the computer monitoring systems and peripheral gaming systems used by licensees are functioning properly and that licensees maintain a level of continued financial suitability.

- **Gaming Control**

Ensuring that gaming is conducted in compliance with the Mpumalanga gaming legislation and in a fair and honest manner, free from criminal influence, and enhancing the public confidence in legalised gaming establishments in the Province.



3.2 The schematic diagram of the structure of the Mpumalanga Gaming Board





4. CONTACT DETAILS [Section 14(1)(b)]

Chief Executive Officer [Information Officer]

Mr M. Barry Mashigo

ceo@mgb.org.za

Corporate Relations Officer:

Ms Vanessa Berlein

vanessaberlein@mgb.org.za

GENERAL INFORMATION

Head Office Address:

First Avenue, White River, Mpumalanga Province, South Africa, 1240

Postal Address:

Private Bag X9908, White River, Mpumalanga Province, South Africa 1240

Telephone:

+27 (0) 13 750-8000

Facsimile:

+27 (0) 13 750-8099

Gaming Control Branch – Office Address:

1st Floor, Auxilium Building, 6 Eksteen Street, Middleburg, Mpumalanga Province

Gaming Control Branch - Telephone:

+27 (0) 13 282-6750

Business Hours:

08h00 to 16h30 Monday to Friday

Website:

<http://www.mgb.org.za>

5. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE [Section 14(1)(c)]

In terms of section 10 of the Promotion of Access to Information Act “*The Human Rights Commission must, within 18 months after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.*”

The guide will be available from the South African Human Rights Commission by not later than **August 2003** and queries are to be directed to:

The South African Human Rights Commission: AIA Unit: The Research and Documentation Department

Postal address: Private Bag X2700, Houghton, 2041

Telephone: +27 (0) 11 484-8300

Facsimile: +27 (0) 11 484-1360

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za



6. ACCESS TO THE RECORDS HELD BY THE MGB (INCLUDING CONFIDENTIAL RECORDS) [Section 14(1)(d) & (e)]

6.1 Records that may be requested

- Public Inspection copies of applications for Licences and Registrations
- MGB/Board Investigation Reports
- Minutes and Resolutions of the Board, including those of the Committees of the Board
- Statutory Reports and information supplied by licensees
- The Act, Regulations and Rules
- Licensees' Internal Control Procedures
- Applications and Approvals in terms of the MGB legislation or Licence Conditions
- Other information of a kind held by the MGB/Board or contemplated in the Act, Regulations or Rules
- Other information of general administrative nature
- Records owned by Third Parties will only be released subject to the provisions of sections 34, 36, 37 and 43 read with sections 47, 48 and 49 of the AIA.

6.2 Automatic Disclosures

6.2.1 For Inspection [Section 15(1)(a)(i)]

- Gaming Licences and Conditions
- The MGB Act, Regulations and Rules
- Rules of Casino Table Games
- Public Notices
- Patron Dispute Decisions and Reasons thereof
- Inspection Certificates
- Employee Certificates
- List of Gaming Equipment approved by the Board
- List of Excluded Persons

6.2.2 For purchase or copying [Section 15(1)(a)(ii)]

- The MGB Act, Regulations and Rules

6.2.3 Free of Charge (Section 15(1)(a)(iii))

- MGB Annual Report
- MGB InfoSite
- Rules of Casino Table Games
- Request for Application – Bingo Operator Licence
- Request for Application – Gaming Machine Operator License
- Request for Application – Gaming Machine Site Licence
- Application Form – Gaming Machine Operator License
- Application Form – Gaming Machine Site Licence
- Application Form – Bingo Operator Licence
- Application Form – Manufacturer, Maintenance & Supplier Licence
- Application Form – Procurement of Interest



- Application Form – Certificate of Suitability
- Personal History Disclosure Forms
- Financial Industry Performance
- Casinos' Gaming Levies Remittance Form
- Public Notices
- Press Releases

NOTE: ALL DOCUMENTS LISTED UNDER 6.2.2 AND 6.2.3 CAN BE VIEWED AND PRINTED FROM THE MGB'S WEBSITE = www.mgb.org.za HOWEVER, A FEE WILL BE PAYABLE IF COPIES ARE REQUIRED IN HARD COPIES FROM THE MGB.

7. PROCEDURE FOR REQUESTING A RECORD

- 7.1 A requester must use the form that is published in *Government Gazette* (Notice R187 of 15 February 2002), annexed to this manual as “*Annexure A*”.
- 7.2 The requester must also state whether he or she requires a copy of the record or only wants to view the record at the offices of the MGB [Section 29(2)].
- 7.3 A requester will receive the information in the manner he or she has asked for. However, making available the information will depend on whether the request will not unreasonably interfere with the daily running of business of the MGB, or damage the record, or infringe a copyright not owned by the State [Section 29(3)]. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee will be calculated according to the way that the requester has opted for [Section 29(4)].
- 7.4 If, in addition to a written reply to his/her request for the record, the requester wants to be told about the decision in any other way, e.g. by telephone, this must be specified [Section 18(2)(e)].
- 7.5 If a requester is asking for the information on behalf of someone else, he or she must show in what capacity the request is being made [Section 18(2)(f)].
- 7.6 If requesters are unable to read or write, or if they have a disability, then they can make the request for the record orally. The information officer must then fill in the form on their behalf and give them a copy of the completed form [Section 18(3)].
- 7.7 The information officer will deal with the requests for information within 30 days after receipt of the request or as soon as is reasonable [Section 25]. In certain instances the period of 30 days may be extended once for a further 30 days [Section 26].
- 7.8 The requester will be notified of the prescribed fee payable prior to the request for information is further processed [Section 22].
- 7.9 The requester may lodge an internal appeal against payment of the prescribed appeal fee [Sections 74 and 75] or bring an application to Court for the appropriate relief, after the aforesaid procedure has been exhausted [Section 78].
- 7.10 The requester will be notified whether or not he or she will be granted access to the information requested [Section 25].



8. SERVICES AVAILABLE [Section 14(1)(f)]

The MGB offers services particularly to the Mpumalanga Provincial Government, licensees of the MGB and the gaming industry at large as well as the public, by fulfilling the following functions:

- 8.1 Ensures the **continued suitability of all persons** (juristic and natural) who wish to enter or participate in the gaming industry within the Mpumalanga Province
- 8.2 Ensures that **gaming is conducted in compliance with the Mpumalanga gaming legislation** and in an honest and fair manner.
- 8.3 Receives, investigates and adjudicates **complaints received from the public arising from gambling disputes** and/or other gambling related activities.
- 8.4 Regulates **gaming equipment standards**.
- 8.5 Grants **approval for use of gaming equipment** in the Province.
- 8.6 Provides the Board and Mpumalanga Provincial Government with the assurance that **gaming revenue and levies are accurately calculated and timeously paid**; as well as **assures that the computer monitoring systems and peripheral gaming systems used by the licensees are reliable and functioning according to the gaming legislative framework and specifications**. Furthermore, ensures that **licensees maintain a level of continual financial suitability and compliance with the Mpumalanga gaming legislation**.
- 8.7 **Combats illegal gambling activities** within the Province to protect the public from unfair business practices, as illegal operators are not subject to regulatory control to ensure fair business practices.
- 8.8 **Corporate Relations** ensures that the needs of the various role players are met, by providing effective communication mechanisms for with those who have an interest in the activities of the MGB.
- 8.9 Ensures that measures to **promote responsible gambling** and **minimisation of incidences of problem gambling** are in place:

Problem gamblers are generally defined as persons who no longer have rational control of their gambling behaviour to the detriment of their personal well-being and that of their families and dependants. It is not possible to identify problem gamblers easily, as they will usually go out of their way to disguise or hide their problem.

The MGB recognises that opportunities in the gambling industry may also entail certain risks for the public. Therefore, the MGB, together with the National Responsible Gaming Programme, are working on ways to help people who fall prey to problem gambling and gambling addiction.

The following assistance is available to any person who has a gambling problem, or family members who are affected by people with a gambling problem:

- **Self-Exclusion**

Licensed gambling operators in the Province operate a system of self-exclusion in terms whereof a punter can voluntarily request to be excluded from a licensed gambling outlet.

- **Professional Assistance**

A general practitioner can assist by referring problem gamblers to clinics specialising in the treatment of addictions. There are various voluntary organisations, which may be approached for free counselling.



The **National Responsible Gaming Programme** has a **help-line** for treatment and counselling of problem gamblers. The Programme can be contacted on **0800 006 008 toll free**.

How to gain access to these services

Access to the aforementioned services can be obtained by contacting the Chief Executive Officer of the MGB, who is the Information Officer. For contact details please refer to paragraph 4 above.

9. ARRANGEMENTS ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY, EXERCISE OF POWERS OR PERFORMANCE OF DUTIES [Section 14(1)(g)]

The Board involves the public in the process of considering and awarding licences as follows:

- 9.1 Applications for licences are published both in the *Provincial Gazette* and in newspapers circulating in the relevant district.
- 9.2 Interested parties are invited to lodge written objections to licence applications, indicating whether or not they wish to make oral representations at the public hearings in respect of licence applications.

In addition to the above, members of the public can, at any time make representations to the Board regarding matters on which they consider gambling legislation can be improved. These will be considered by the Board, who will then advise the responsible Member for purposes of legislative amendments.

Furthermore, in the process of amendments of Provincial gambling legislation, the Provincial Department of Finance and Economic Affairs and/or Provincial Legislature invites comments from the general public on the proposed amendments to the MGB Act and Regulations. The Board invites comments from the general public on proposed amendments to the MGB Rules.

10. THE REMEDIES AVAILABLE IN THE EVENT OF NON-COMPLIANCE WITH THE AIA [Section 14(1)(h)]

The remedies available to the requester in the event that provisions of the AIA Act are not complied with are:

- 10.1 Lodge an appeal to the Board against the decision of the Information Officer.
- 10.2 If the requester is still aggrieved by the decision of the Board, he or she can apply to Court for the appropriate relief.