

**MINUTES OF THE THIRD ANNUAL GAMING REGULATORS AFRICA FORUM (GRAF) – CHIEF EXECUTIVE OFFICERS (CEO) MEETING – HELD AT GABORONE INTERNATIONAL CONVENTION CENTRE ON 29<sup>TH</sup> NOVEMBER 2005 AT 16:30 HRS**

<b><u>Present:</u></b>	M Goma	-	Zambia - Chairing
	B Machya	-	Kenya
	Andre Otto	-	South Africa
	Rossouw Lupembe	-	South Africa
	S Namugongo	-	Namibia
	John Matsheng	-	Botswana
	Adv Thibedi Majake	-	South Africa
	Edwina Lupembe	-	Tanzania
	Serobi Maja	-	South Africa
	Herman Motsa-		Swaziland
	Daniel Ole Sumayan	-	Tanzania
	Master Maliro	-	Malawi

The meeting was scheduled to start at 16:00 hrs but only commenced at 16:25 hrs.

1. The meeting stated with welcoming remarks by the Chairperson.
2. The Heads of the forum (CEO) were then asked to introduce themselves.
3. **Review of items from Tanzania Meeting**

3.1 Permanent Secretariat

- 3.1.1 It was noted that GRAF was moving slowly because it lacked Permanent Secretariat. The Chairperson gave a brief overview of the purposes and functions of the Permanent Secretariat. It was confirmed that the Permanent Secretariat would ensure the efficient functioning of GRAF.
- 3.1.2 The chairperson asked the members to also take into consideration the cost implications of a Permanent Secretariat. She also enquired how soon a document laying down how best the secretariat could be established will be produced. There was a suggestion to set up a task force to brainstorm on how the secretariat could be coordinated and to report on the last day of the conference. South Africa to form part of the Task Force as the host for the secretariat
- 3.1.3 After some lengthy discussion, members agreed that only few CEO should form the Task Force. It was suggested that the Task Force should come up with Terms of Reference for the Secretariat.

However the idea of establishing a Task Force was latter abandoned.

3.1.4 Members were reminded of the importance to understanding the role of the Permanent Secretariat. SA was asked to confirm if it was fully aware of what they were getting involved into when they offered to run the Permanent Secretariat, a thing they confirmed. The Secretariat was urged to facilitate that Member countries have a way of feeling to be part of the Secretariat. Members were urged to contribute towards the running of the Secretariat once it is established even if SA had volunteered to run it. All powers of the secretariat were delegated to SA until the following meeting The chairmanship was to remain rotational.

3.1.5 It was also suggested that certain regulations be drawn in order that the secretariat have guidelines on how to operate. Since South would be running the GRAF secretariat, they were to draw the budget and present it to member countries.

3.1.6 A question was raised as to how long members would have to wait before receiving feedback from the Secretariat. South Africa suggested that they would draw and circulate Terms of Reference to members as soon as possible.

#### **4. MEMORANDUM OF UNDERSTANDING**

4.1 The MOU is a document, which is meant to guide the members – but since the Permanent Secretariat has already been dealt with, there was nothing much to discuss. The MOU was looked at by the legal experts of this body as they have the responsibility to work on the MOU. It was suggested that the Secretariat should also critically look at the MOU and come up with recommendations that might accommodate member countries.

4.2 The chairperson informed members that small committees have different tasks to perform and so it is felt that legal experts can best look after the formulation of the MOU. Members can always debate issues including the MOU. Namibia wanted to know whether this is the time to sign on for the MOU. Member countries were reminded to seek mandate in their relevant governments/authorities. There is provision of signing of the MOU in the proceedings of the conference. Namibia proposed that they host the next meeting. Members were informed that there is an item in the agenda dealing with that – but on the overall it was felt there was generally no problem. Swaziland has been given mandate to sign for membership. This was welcome by the members.

#### **5. REPORT ON THE COUNTRIES ATTENDING**

The host country was requested to report on how many countries were attending the conference. It was reported that ten countries represented by 65 delegates had confirmed attendance including Botswana (list of names of the countries participants enclosed).

## **6. ANY OTHER BUSINESS**

There being no further business the meeting ended 17:31 hrs.

### **OPENING REMARKS BY MR LEKWALO MOLETA MOSIENAYANE, CHAIRPERSON OF THE CASINO CONTROL BOARD OF BOTSWANA**

Thank you Program Director  
Acting Permanent Secretary, Ministry of Trade and Industry  
Madam Chairperson of GRAF, Mrs Edwina Lupembe  
Chairpersons and Chief Executives from all Gaming Boards from various jurisdictions  
Distinguished Guests,  
Ladies and Gentlemen from South Africa, Malawi, Tanzania, Namibia, Mozambique,  
Swaziland, Kenya, Zambia and Botswana  
Salibonani  
Tilibwino  
Hamujambo  
Khotsong Basotho le ha le se teng  
Ke a le dumedisa

You are welcome to our youngest, yet fastest growing city in the world, our wonderful Gaborone, the most beautiful venue, thanks to gambling.

We have now become a large family with common interests and concerns, and I must say to see so many faces, this is me and cannot help but take me back to when we attempted to get together in all Africa Gaming Regulators Forum when we went to Kasane, in the north of Botswana. That was early in the 90's. Later on when South Africa and Malawi came on stream, we met in Malawi where GRAF was born.

I welcome you, especially those who have flown from far away. I cannot give excuse to the people who came from North West, apparently they flew to Gaborone. I cannot understand how, but you are welcome, *bagaetsho*.

I welcome you all and urge you to continue from where we left in Dar es Salaam, to take GRAF to the next level and surely become one family. You are welcome to Botswana.

Thank You.

### **OPENING SPEECH BY THE DEPUTY PERMANENT SECRETARY IN THE MINISTRY OF TRADE AND INDUSTRY MR GAYLARD KOMBANI ON THE OCCASION OF THE 3<sup>RD</sup> GAMING REGULATORS AFRICA FORUM (GRAF)**

**AT THE GABORONE INTERNATIONAL CONVENTION CENTRE – 30<sup>TH</sup>  
NOVEMBER 2005**

Director of Ceremonies,  
Madam Chairperson of the Gaming Regulators Africa Forum, Mrs Edwina Lupembe  
The Vice Chairman of GRAF, Mr Mike Goma  
Distinguished Heads of Delegations and your respective delegates,  
or members of your delegates  
Ladies and Gentlemen.

1. Allow me to offer apologies on behalf of my Acting Minister, because the substantive Minister is out of the country on other official duties. He was in Tanzania recently attending the African Trade Ministers meeting in preparation for the World Trade Organisation meeting to take place in Hong Kong later in December 2005 and now they are in Brussels as the ACP group. As a result he is not here to address you himself. The Acting Minister couldn't be available because one he is in Cabinet and I am also going to be dashing off because we were notified yesterday evening that we also have to be in Parliament this afternoon to present the Chapter for Trade and Industry for the Mid-Term Review of our National Development Plan. So we have a very tight schedule this week, unfortunately. And apparently the legislators decided yesterday after a day's caucus that they were going to compact the program so that they can finish by the 16<sup>th</sup> December 2005 and take an early Christmas break. They did not want to be sitting in Parliament until around the 23<sup>rd</sup> December 2005. That is the reason for the crowding of the program this week.
2. Having said that Madam Chair, allow me to take this opportunity to warmly welcome you to Botswana, and to Gaborone in particular. All of you, our guests that have traveled long distance from your respective countries to come and participate in this forum.
3. I am informed that the overarching objective of GRAF is to provide a forum in which gambling regulators in Africa can meet, exchange views and information and discuss policy issues that have relevance to the orderly growth and development of gaming and gambling. This is pertinent because in today's fast changing world, no country can single handily tackle the complex challenges of the gaming and gambling sector ushered in by globalization and information technology.
4. Director of Ceremonies, there is no doubt that, as regulators gathered here, you know that on one hand, the gaming and gambling industry generates socio-economic benefits in the form of employment creation, revenue in the form of taxes and levies, whilst on the other hand, it negatively impacts on the fabric and fibre of society through social ills such as addictive gambling and money laundering. That, you do not have to be educated yourselves. I think you are experts or you know better than most of us.

5. It is for this reason that I find the work of your organization as a forum through which its members share ideas and exchange views, experiences and information on the effective management and orderly growth and development of the gaming and gambling sector, including the pre-emption and combating of cross border crime indeed commendable.
6. In your facilitative roles, as regulators, you therefore, have a duty and responsibility to strike and maintain a durable balance between the pursuit of the profit motive by investors in our respective gaming and gambling sectors and the protection of society from the negative effects of gaming and gambling.
7. Here in Botswana, we recently adopted a new gaming policy on the basis of which we are now reviewing all our laws that govern casino operators as well as lotteries and betting activities with a view to replacing them with a single comprehensive piece of legislation.
8. I therefore hope that the Botswana delegation will use the opportunity presented by this forum to learn from some of you who have already transversed the path on which we are in order to enrich the formulation of our own legislation.
9. Madam Chairperson, Ladies and Gentlemen, I am informed that GRAF is in the process of finalizing the establishment of a Permanent Secretariat which will, among other things, be responsible for strategic planning and management of the organisation's programme of work. This is the step in the right direction because a Permanent Secretariat is critical to the pursuit and achievement of your organisation's vision, objectives and common goals, especially in the area of harmonization of policies and legislation.
10. Director of Ceremonies, Ladies and Gentlemen, since gaming and gambling is closely related to tourism; allow me to invite you to use your spare time to enjoy our casinos as well as other tourist attractions.
11. On that note, Director of Ceremonies, Ladies and Gentlemen, it is now my singular honour and pleasure to declare the 3<sup>rd</sup> Annual Conference of the Gaming Regulators Africa Forum officially opened. I wish you fruitful deliberations during your stay here.
12. Thank you for your attention.

**KEYNOTE ADDRESS BY MRS EDWINA A LUPEMBE, GRAF CHAIRPERSON AND CHAIRPERSON OF THE GAMING BOARD OF TANZANIA**

Mr Kombani, Deputy Permanent Secretary, Ministry of Trade and Industry of the Republic of Botswana

Mr Leta , our host

Distinguished Guests

Delegates of GRAF Conference  
Ladies and Gentlemen

It is my great pleasure and indeed I feel very much honoured to stand before you today to address this very important GRAF assembly. It is very valuable moment not only to me but also to all those who have endeavoured and have put in their efforts towards making this year's GRAF Conference a success.

At this juncture, I say, Dumelang!

I once again wish to thank you very much, Mr Kombani, for accepting the call by the organizers to officiate at this very important conference. We recognize the tight schedule that your office could be facing, especially at this time, as you have just stated. However you have managed to give this conference the honour and attention it deserves by making yourself available to officiate this conference.

Mr Kombani, I thank you very much, on behalf of the entire GRAF members who are assembled here.

Dear GRAF Delegates,

Today marks the third anniversary of the establishment of GRAF. It is a great day to us all and we deserve whatever success we have recorded thus far.

Allow me to just briefly remind you on the broad objectives of establishing GRAF.

The first and foremost is to promote a forum in which members can meet, exchange views and information and discuss policy and gaming matters.

Second, is to liaise with any foreign and internal body having any objectives similar to the forum.

Third, is to serve as a focal point for inquires by authorities and international organizations with similar or related objectives.

Fourth, is to keep gaming industry free from criminal activities – a challenge which has just been put forward by Mr Kombani.

Fifth, is to promote responsible gaming.

Sixth, is to eliminate possible negative perceptions on gaming.

Seventh, is to cooperate on probity and sharing of information, and last but not least, to promote harmonization and mutual recognition of stands.

The success of GRAF will definitely be evaluated against its achievements on the various objectives I have just mentioned and of course, as outline in the GRAF Memorandum of Understanding.

Honourable Mr Kombani,

Dear delegates,

Although a big list of GRAF objectives can be given, the main objective of GRAF remains to be the promotion of grounds for sharing of practical experiences by members on matters pertaining to regulation of the gaming industry across Africa. GRAF provides for an opportunity where various matters of common interest in the gaming industry are presented and discussed by the members.

During the one-year when Tanzania was chairing, deliberate efforts were initiated towards fulfilling GRAF objectives. One very important event was in respect of short-term training organized by Tanzania and hosted by the Gauteng Gaming Board. This was a two-tier program, which involved senior executives and policy makers in one session, and gaming inspectors in the other. Some of the topics addressed during the executive program included risk approach to compliance, sustainability in gambling, regulatory approach to illegal gambling, overview of regulation of bookmakers, overview of gaming management systems in casino operations and the training also included visits to selected gaming operations in South Africa. It is unfortunate not many people attended in the executive program despite its effort to have other GRAF members participate.

Another training session was organized for gaming inspectors, which was also hosted by the Gauteng Gaming Board. Unlike the executive program, this one was attended by Tanzania, Zambia and Botswana. The topics delivered included investigation approach and program, audit approach and program, inspection approach and program, illegal gambling investigations approach and tour to selected gaming operators in South Africa.

Dear Delegates,

I must say here that the trainings conducted for both our executives and inspectors was useful and provided an opportunity for the participants to once again sharpen their understanding on gaming regulations and techniques. It is through continuous training that the gaming industry can be effectively and efficiently regulated in light of the rapid market and economic changes.

I therefore urge all GRAF members to put extra emphasis on training as an important and necessary element that will enable their respective regulators to effectively and efficiently regulate the gaming industry.

Dear GRAF members,

Inter-facing among ourselves and the rest of the globe is a necessity if we are to move alongside the rapid and ever-changing market that we regulate.

As gaming regulators, we strive to share technical experiences on various matters as they emerge and we should strive to move alongside the market changes.

I am little bit disappointed to say that GRAF members have not demonstrated active interfacing amongst themselves and the rest of the globe. Participation in events organized internationally which relate to gaming have not been good. Events like Gaming Expo and International Gaming Regulators Conferences were only attended by South Africans and Tanzania. I urge that we should strive to participate in such international organizations as we very much stand to benefit.

As the gaming industry grows, we cannot afford to be left out of the global gaming as there is potentials for further enriching our gaming industry.

Dear members,

Our commitment should be to achieve the various objectives we have set and outlined in our GRAF Memorandum of Understanding. It is through achieving the set objectives that the name of GRAF becomes legible. Let us all demonstrate our willingness in teaming-up together as GRAF as it through our success that the rest of Africa will join our winning team.

During the ending year, Tanzania has endeavoured to bring on board countries like Ghana, Nigeria, Uganda and Mauritius. We have initiated talks to these countries and most probably they will be on board by next conference. Although success has not been registered by the efforts, we urge next GRAF office-bearers for the coming term to pursue such efforts and for this time, record success. Of course, the rest of us should also take responsibility and play our roles wherever possible to invite fellow-African countries into GRAF.

Dear GRAF members,

As we enter into our fourth year, we need to further define and guide our road map. Our gathering in Gaborone should make an impact on this year's conference. Matters like Permanent Secretariat and the various topics to be delivered in the course of the conference should all be perceived as items necessary for bringing about positive changes in our Forum and individual regulatory regimes.

Dear Mr Kombani

Dear GRAF delegates,

Ladies and Gentlemen,

I did not intend to make a lengthy speech. As I understand, we have some very interesting items during the day. We have challenges from our Guest of Honour that we have discuss and give them direction

May I take this opportunity now to wish all of you a healthy participation and enjoyable stay here at Gaborone.

Thank you very much for listening.

## **ADOPTION OF MINUTES OF THE 2<sup>ND</sup> GRAF CONFERENCE HELD IN TANZANIA ON 27<sup>TH</sup>-29<sup>TH</sup> NOVEMBER 2004.**

### **1. Matters Arising**

#### Permanent Secretariat

During the last meeting in Tanzania the Chief Executive Officers of all the Gaming Boards convened a meeting to try and look into the possibility of having a permanent secretariat so that it could act as a pivotal point for communication and all the secretarial issues of GRAF as a coordinator. The Chairperson asked for a report from Mr M Goma, who chaired the CEO meeting.

#### **Mr Goma's report:**

We were mandated to look at the task force that was actually given when we last met in Tanzania on coming up with a permanent secretariat. First and foremost we had a deliberation on this matter yesterday with the chief executives that were present. I wish therefore to report to the country members of GRAF this morning that from our deliberations we discussed and it was overwhelmingly accepted that the permanent structure of secretariat be formulated and the structure has got to be housed in South Africa. That is one of the things we concluded. This will be faced on the piloting basis. We proposed South Africa to host it because we want to come up with a clear vision as to what exactly the composition of the structure will obtain.

And secondly, at the moment you cannot arrive at a conclusion in terms of what would be the budget implication of the permanent secretariat. If South Africa can run it for a period of one year, they will be able to establish what would be the cost implication of running such kind of a permanent secretariat.

We also looked at why exactly it is necessary – we looked at issues like coordination. Whenever we are trying to host the GRAF Conference, there is no link in between the member countries because we tend to be all over at times you find that at times the secretariat is in a different country, the chairperson is in a different country and then the vice is in a different country. So we thought that if this is housed in one place, it will be easier for communication and easier liaison with the member countries.

The other part we concluded is that if we have implemented a permanent secretariat, the membership of chairmanship will still rotate – it will be on rotating basis. We are going to rotate in different countries. But as long as we have got something permanent which can coordinate.

The other part we looked at is there have been a lot of discussions in terms of setting up a website. This has taken a while simply because we are all over and attempts have been made but we have not really succeeded. So this also has been looked into that when we

have a permanent secretariat, it is easier to come up with a website and how we can coordinate ourselves.

There were also other issues that executives looked at in terms of capacity building. So this is why we said it will be ideal – to start with – let it be housed in South Africa while we are trying to brainstorm on how best we can have the capacity-building and what sort of capacity do we need in this secretariat.

The other point, which was looked at, is that there should be clear terms of reference drawn and how we are going to perform. So this task has actually been well supported and everybody is actually agreeable that we should have a permanent secretariat. So South Africa is going to host the secretariat for GRAF. I don't know whether I should say with immediate or after this meeting or South Africa will have this in their country. So this is an issue we looked at and it is an issue that all of us in here have to look at closely and how best we are going to drive. So we need to have proper support to give to the secretariat so that they are able to come up with clear achievable objectives that we need for GRAF to succeed and if we are to succeed, this is the only way we are looking at it.

From my side, I gave an example of one group I belong to. It is quite a big group. We have a secretariat that is housed in Tanzania but you find we are more than twenty five (25) countries and a group of well over three hundred (300) people, twenty five (25) council ministers and then we have a task force. We are talking about GRAF permanent secretariat and South Africa agreed that they are ready to do that. Why they agreed was that we have to look at how effective can this secretariat operate.

it does not mean – actually I should use the proper term of 'housing' it. By housing it - it does not mean to say that it will be a South African secretariat. Because at the moment if we just through it to say let us formulate as secretariat, it will be dragging because at times we are so scared of taking responsibility and therefore the people who have got experience have at the moment got capacity – they have actually willing offered to house it and from that point the cost that we are actually looking at for the first one year running, member countries are not going to have anything about the cost the cost is going to be born by the South Africans as they have accepted and thereafter they will come up with an estimate budget as to what it can cost to run a secretariat of this nature and thereafter we are going to look at what are the possible mechanisms we can develop if we are to involve all the member countries. By the way when you are forming a secretariat, you do not necessarily need to drive one. You can have the overall as a competitive and then the supporting staff can be from one side and then it works out easier that way. I will give a practical example on a group I belong to. The Secretariat is housed in Tanzania, but you find the chief executive of the secretariat was a competitive position whereby member countries had to apply, they actually had to participate and then a selection was done. Currently the chief executive of Samlak in this case is a Zambian, whose term of three years is ending in February. So the same thing will apply, if South Africa houses this, they will actually know how it is going to perform. It is not a South African secretariat, it is a GRAF secretariat because this is where we thought they could house it as they have actually accepted. So they are very willing to assist us as member countries

of GRAF and that is the only way we can start driving and see what sort of a budget we are talking about here. Because at the moment from a vacuum we cannot come up with costings because we do not know what would be the running costs. So we want the secretariat to have an interim office where this can be done and then we will actually know as time goes on we will actually come up with the cost. So this is what we are trying to drive at. It is actually a GRAF secretariat.

**Q:** Chair, if you may just allow me one or two remarks that I think can bring greater clarity about this matter. I think we should distinguish between three things insofar as our organization is concerned. The one is, the country that holds the chair of GRAF. Secondly is the country that is hosting the conference, and thirdly the country that is hosting the secretariat. And in my view these should be three different countries at any particular time and we should not be confused. The organization will be led by the chairperson whom the organization elect for that particular year. The conference will be organized by the country who has agreed and accepted to host the conference. The secretariat will mainly deal with membership administration and communication. It will not lead the organization, it will not host a conference and those tasks will be allocated by the conference on an annual basis on the elected officers on those particular positions. So, I think the need that has been identified is that from one year to another, what we lack is proper membership administration and communication amongst members and that is the lacuna that I think we would like to be filled and that is what South Africa is offering. The hosting of the conference and who leads the conference would remain a decision that would be made annually at the conference and that would rotate amongst the member countries.

**A:** Thank you, that is what we are driving at because we should not get mixed up as to who is going to host. We have to take lead to the already existing organizations in Africa. We have SADC, we have COMESA, we have NEPAD, we have SAMLAK. They have secretariats but you find that the hosting of these conferences are always on a rotating basis to different countries. What we are saying is that South Africa is going to be secretariat housing it and then coordinate whichever country is actually hosting in that particular year then the secretariat will be able to disseminate the information easily to the member countries and how best we can participate than what is happening now, because you find that some people get the mail and others do not. Even the bookings are not being done systematically at the moment.

The Chairperson explained that the topic was understood and in principle South Africa is hosting the permanent secretariat and in principle the permanent secretariat is different from the chairmanship. What is continuing now will continue. This is just an office to coordinate events and communication of GRAF members.

#### Signing of the Memorandum of Understanding

For purposes of the minutes, the Chairperson asked if members can know which countries were ready to sign and then they would sign later the following day:

Namibia is ready to sign the Memorandum of Understanding by the end of the meetings.  
Swaziland is also ready to sign the Memorandum of Understanding

These two new members were welcomed by the Chairperson.

It was confirmed that Mozambique signed the MOU last year as indicated in the minutes.

**Q:** Madam Chair, my questions which concerns the signing of the Memorandum of Understanding; I have noticed that we are signing this MOU on different documents. The gathering in Malawi had five countries that signed. And in addition to that in Tanzania last year, I do not know where the new members signed. Is there one document or we have several pieces of paper, and if so, is that healthy?

**A:** Madam Chair, the thought is very wise. At the moment we do not know how many members have signed and this is why we are saying if we had a permanent secretariat these records would always be available. And in this case as the suggestion is on the floor, we need just those adding to our Memorandum of Understanding, instead of keeping on producing new sheets to sign because eventually we will have a bulk document and the minutes will be reflecting differently. I concur with his question that there is need for us have a list where all members sign rather than each year having a new piece of paper. If there is no harm we can re-sign here to indicate that this is our permanent record. (Mr Goma)

The chief executives of the boards would give their board's full contact details. And permanent addresses for record keeping.

It was suggested the contact details for the participants should be given of each of the GRAF conferences. That will not of course, do away with the need to have the contact of the different gaming bodies.

A group picture would be taken of all the participants for the sake of this particular conference.

The minutes were adopted as a correct record.

## **GAMBLING LEGAL FRAMEWORK AND STATUS OF REGULATION – REPORT BACK BY MEMBER STATES**

The countries that were ready to make their presentations were asked to do so.

Though it is accepted that it should only be those countries who are ready, it would be good not to over-estimate the reports that will be given by particular countries. It should not be a presentation of a comprehensive annual report of what happened in that particular country but it would be of benefit to all delegates to know what one or two aspects of relevance of interest that may have happened in a particular country that they are applying their minds to at a particular time. Through that everyone will be better

informed as to what is currently happening and the current big issues are in a specific country. In one it may be the changing of legislation. In another it may be an important court dispute or legal dispute that they are involved with. Another country may focus on something specific at the moment from which we can all learn. So may be in this part of the agenda countries can just present something of relevance.

A delegate from Kenya asked if they could repeat their presentation that was made in Dar es Salaam last year because they had not prepared a presentation for this conference.

The Chairperson did not think it was necessary to do that.

**Mr M L Mosienyane, Botswana:** Through you Madam Chair, surely this is meant to give each country an opportunity rather than to make it mandatory and to afford others the opportunity to learn from each other. For instance I do not think that Botswana is ready but I know that we have had a battle with a certain operator in the country who just dropped from nowhere and I know that our Act is about to be published. Even just those two words, other will learn from them and may be even research further what it is that Botswana is doing but not necessary mandatory. Thank you.

The countries were given an opportunity to present what they have.

**South Africa:** Through you Madam Chair, I am taking the podium but I do not have much to say. In South Africa gambling is constitutionally regulated provincially and nationally, except for lotteries and sports pool. These have a separate body, being the National Lottery Body but all other forms of gambling are regulated by provinces and at national level. Hence this big contingent of South Africans at this conference.

Presentation attached – Annex II

**Namibia:** Thank you Madam Chair. We just want to go straight to the point and put on record our presence here. First and foremost, Namibia would like to congratulate South Africa for the voluntary gesture to host the permanent secretariat of this important organ or body.

Secondly, I must put it on record that the whole issue of gambling, casinos and lotteries, is a very very in our society. Namibia being a very newly established country, we are only fifteen years in comparison with most of you who have been in this industry for many years. Fortunately enough we live in some of your countries. I can see here our senior brothers from Kenya, Tanzania. While we were in your countries, we learnt a lot and so it is not taking us so much to establish this industry in our country. I must say that we have made headway. Our parliament has been very flexible in passing the Gambling Act and the Lotteries Act. We have gazetted these important documents. They have been finalized and are being implemented now. We have established the boards both for gambling control and for lotteries and we are now at the most crucial stage, which is the stage of implementation. Namibia being one of the tourism destinations, we have decided to form a synergy between tourism and the gambling industry. We are hopeful that

through this we can enhance sustainable economic growth and contribution to the GDP.

We also feel that due to the fact that our country and our people especially have been, for a long time, under the subjugation of colonialism. They still have that conservative mentality of thinking that gambling casinos and all these are taboo. So we have to do a lot of awareness campaigning amongst our people to make them know and understand that gambling and casinos are not as evil as we were taught through Christianity. This is one of the challenges we have now in Namibia. It is how to bring our people to the casinos, how to enhance and strengthen participation of the local people into this industry. I must that we are lucky to have what we call Economic Processing Zones (EPZ's) like at our deep water seaport at Walvis Bay where we have so many ships coming in from various countries throughout the world and these are some of our prime customers when it comes to gambling and casinos and so on.

Otherwise we are extremely happy people and we thank Namibia and look forward to going to Namibia come next year.

**Q:** I heard our colleague from Malawi talking about the problems relating to anti-money laundering measures. I think Mr Goma has been talking about the Samlak Group. I think you are in that group – is Malawi a signatory of that financial task force?

**Malawi:** As a Board I wouldn't say we are a member or not of the Samlak Group but I am sure Malawi the Samlak Conference in Arusha. I do not know if they are signatory yet. But the problem that was there initially is that we do not have anti-money laundering legislation and as a country, we were like last year, we were reluctant to be a signatory to that before we actually have the registration on the ground. But I would not comment on Arusha Conference because I was not there.

**Q:** My questions are simple. I was listening to the previous speakers. My experience in the Gambling Board is that you get people coming to invest in our countries, which is good. But what about this empowerment of our people, African people being empowered by means of shareholding because it is my experience, as a board member, it's an uphill battle to get a decent deal for our people out of thing and I want to stress my point because it is no secret, because of our past, that African people can so easily be exploited by the big guns (sorry for using that word) and let me put it softly. So my request is a simple one that we must see to it that we have a mutual understanding GRAF, that we must make sure that our people will get our decent share out of anything. This new thing we call pro-based black economic empowerment. So that is only a comment and I would like to put it – maybe it will be easier in Kenya or Malawi but I can tell you in the Northern Cape it was not easy.

**Madam Chair:** Thank you so much. I think South Africa will be best placed on this. Anybody volunteering from South Africa? Empowerment to the gaming industry – Tibbs?

**Mr Majake:** Thank you Chair. I think the problems that Rev. Willemse might have had

in his province were that when those casinos he is possibly talking about – at that time we did not have the Act. Especially the most recent Act – the broad-based black economic empowerment Act which tends to address all those things that he is raising here before the meeting. Most of those operators will invariably we already have our empowerment commitment but these are contained in the licences and at that time when those conditions were laid, we did not these things which are contained – the Code of Good Practice that I mentioned. But I must say that an agreement is an agreement and at the end of the day I do not think it cast in concrete or stone because that Act must take precedence at the end of the day. These things need to be re-visited in the light of what is happening in the country. Thank you.

**Malawi:** Madam Chair, I just wanted to contribute that in Malawi the lottery side of things, we have made it a requirement that the lottery operator should ensure that up to 30% of the shareholding of his company must be in the hands of local Malawians. So we have given him one year in which to fulfill that requirement and if that is not done then the license can easily be withdrawn. Thank you.

**Madam Chair:** I think this is very encouraging. Any experience from other countries? Because most countries just go to the historical perspective and think black people cannot go into this very heavy investment industry.

**Malawi:** Madam Chair, I think the black empowerment and the investment climate goes beyond the investment capital. It goes even into manpower development. In our scenario in Malawi, most of the investors would want to bring their men who think they know the game quite a lot and they would not trust a Malawian to be on the tables, they would not employ somebody to be in the finances. They would not want to employ someone to look at other aspects, the call business, which think is going to drive their business and they would not trust any local. Three years down line you find they still bring in some people. I think it is time we put up legislations to say you are going to operate for one year and in that one year you must have trained a local person to take over from that somebody. So that at the end of the day you see that the empowerment does not just go into the investment but it has to go into the training of the individuals to take over the business because sometimes you cannot take over the business because you lack the expertise. And the other aspect of the investment in our case is, you find that most of the banks apart from National Bank of Malawi, have got a majority shareholding of foreign companies and they bring in policies into the country, which the government actually accepts just for the sake of foreign investment. At the end of the day you will find that it is very difficult for a local Malawian to go and get capital requirement or to access a loan or to team up with local Malawians and to get a 30% share. You find that sometimes that climate of investment policy and structures would bring in a lot of foreign investors while depriving the locals. May be if we put up a structure like the ones on the lotteries and say, 30% should be Malawian, then we need to actually say after five years of operations, make sure that the employees of that, through a trust or something, they should own more than 50% of that. Then at the end of ten years, definitely most of our locals will be entrepreneurs.

**Madam Chair:** I think we are getting somewhere. This was a provocative subject

but I think we are getting somewhere.

**Comment:** I am a bit worried, not exactly about what the brother said, but when we chime on when he said they have legal requirement of up to 30%. It should have been at least of up to 30%. It should even be up to 100%. Because we have had a presentation where another brother was actually saying by the interpretations of their conditions has landed them in court. So how we put our wording in the conditioning of the licensing is very important. Because these remain interpretational and once they are interpretational, they may even work against us. So yes, may be from zero it's okay but to have it up to 30% as a minimum requirement is a non-starter. If for us 30% is the minimum and the maximum should be a hundred.

**Madam Chair:** I think you are right. Let us hear from two or three people and then some have requested for a five minutes break.

**Kenya:** May be to give an experience from Kenya. In Kenya we have 33 casinos spread across the country and you will find that most these investments are foreign-based. The owners of these casinos come from outside Kenya. And there has been some challenge of how we can enforce some corporate social responsibility from these organizations in terms of how they can plough some of the profits they make back to the locals. And for example, we have been looking at the issue of employment and it has been the mandate of the Board to vet employees especially in the senior management level to make sure that these companies do not bring all the senior managers from their countries. We are enforcing that we should have at least a number from the locals. This has been going on and we hope that it is going to address this issue. Thank you.

**Comment:** Thank you Madam Chair. I think one slight problem we are having with the current debate on empowerment is that the words 'black' and 'local' are being used interchangeably right now in a manner which is very misleading. In South Africa it is very easy to expressly say that you want black empowerment because historically the very same legislation from that country expressly excluded black people. Now that is just a South African situation. For the majority of the rest of us here, there is nothing with your legislation putting in local. There is nothing controversial about that at all. And I do not see why it should an issue that anybody should be shy on. Thank you.

**Madam Chair:** I think such meetings of GRAF are so important when we go back home. We report the issues of concern and slowly it becomes a national policy. As everybody has touched here, it is not a single-handed issue to pursue. It should start from the top and we are the ones to initiate it. Thank you so much.

**Swaziland:** Thank you, Chairperson. Maybe firstly to congratulate South Africa on the taking up of the permanent secretariat. We feel that they have got the capacity and the expertise to handle this assignment. Chair, Swaziland has got no much to report on except to say that the status is still the same as last year. Our draft of the new legislation is now almost to the advanced stage although I must admit that there has been very slow progress due to financial constraints. We are engaging the office of the Attorney General

to draft the legislation for us, which takes time. However we are hopeful that by the beginning of the next financial year, which ends in April, we will have made strides. After that we have to re-engage our stakeholders on the final product, thereafter the Minister, through the office of the Attorney General, has to take it to cabinet for adoption before finally moving to parliament. We hope that this new Board will be able to control its own funding because currently the revenue from gaming is directly deposited to the Government account and amongst other things, this new board will have the power to grant the licences. Because currently the legislation we are using which is the Casino Act of 1963 and the Lotteries Act of 1963, the powers are with the Minister through the Board. We hope that this new Board will have all powers to successfully carry out this new mandate.

Chair, there isn't much to say except that we are overhauling the whole gaming industry. Thank you, Chair.

**Q:** Thank you, Chairperson. I wanted to ask from the legal framework from any country if there is anything they are doing on sms gambling or internet gambling. Is there any country that is advanced in that so that I may get some information on that?

**A:** The only thing available in South Africa at the moment is a document posted on the website. The website address is [HYPERLINK "http://www.ngb.org.za"](http://www.ngb.org.za) [www.ngb.org.za](http://www.ngb.org.za) or otherwise you could use my address, [HYPERLINK "mailto:jmajake@ngb.org.za"](mailto:jmajake@ngb.org.za) [jmajake@ngb.org.za](mailto:jmajake@ngb.org.za) .

### **MECHANISM TO ENFORCE COMPLIANCE WITH LEGISLATION AND BID COMMITMENTS BY THE LICENCE HOLDERS: MR M B MALIRO, CEO MALAWI GAMING BOARD.**

#### **Presentation attached – Annex III**

**Q:** On your RFP – Request for Proposals, which you issue to the applicants, have you made a made study on how many licences you want to issue in the country as a whole and if you have got that number, how do you come up with it?

**A:** The procedure is basically that we as regulators should be able to determine how many licences we want to issue and that depends on the demand for the product. If you see that there is demand then you issue the licences accordingly. In our case we did this. First of all we have two casinos, one in each of the two major cities, Blantyre and Lilongwe. The casinos have been in operation for three years now. In 2003 we tried to issue another licence but we did not succeed because when the operators came to assess our market they said we could not accommodate another casino. So we did not have satisfactory responses.

**Q:** My question is as regards the Central Monitoring System as a way of regulating gaming vis-à-vis the manual system. In Kenya we place government gaming inspectors in the various gaming houses. My questions is what is the impact of this Central Monitoring

System adopted vis-à-vis the manual inspection system? Don't you think our employment would be impacted negatively if the Central Monitoring System is really adopted?

**A:** Thank you very much for your question. For us to adopt the manual system, we have in our legislation the Central Monitoring System but the operators pleaded with us, at that time, that is about three years ago, that considering the level of the demand in the country they would not be able to implement the Central Monitoring System because of its cost. So at that time we accepted but we have been studying our Central Monitoring Systems and we are now sure that cheaper versions have come on the market. I have some colleagues with whom we are going to talk at the end of this session on Central Monitoring Systems so that we can implement them. It is in our legislation but we have to make decisions as a board.

**Q:** In Namibia we are facing some lawsuits. The problem is with the gambling machines. We don't produce these machines. They have to come from somewhere, mostly our neighbour South Africa. Now just before the legislation was finalized by parliament, a lot of gambling machines were brought into Namibia and gambling started so government put a moratorium on the whole system to stop it until the legal framework is completed. So now we have just lifted the moratorium, but in between there has been a lot of law enforcement. We had to confiscate some of these machines and right now we are sitting with lawsuits. Now I am just trying, from your presentation, find out how you handle such cases, I mean those who have gone through similar experiences? Thank you.

**A:** As my colleague has said earlier on we have cases of illegal gambling. We do confiscate machines as well. I think so far we have confiscated about ten machines in total that were operating illegally. It is easier to do that in our situations because we have stakeholders, licences operators themselves coming up with information because these illegal operators are not paying tax whereas the licence owners are paying tax. So they also act as informants to the Board, about what is happening within the area that they are operating.

**Q:** Madam Chairperson I would like to congratulate Mr Maliro very much because his presentation has covered a cross-section which really is what is required within enforcing regulations in any given country. I am just interested in knowing if we are going to get a handout of that presentation? Because we need it for comparison reasons, and also may I know if the subsequent presenters will be give handouts.

**A:** Madam Chair, may I respond to the question from the speaker from Namibia on how you deal with a situation where you have new legislation that outlaws many things. Here within Botswana and probably most of your jurisdiction where you have an old piece of legislation, you would have what is known as transitional provisions. These transitional provisions allow you to have a smooth transition from whatever was legal or illegal under your old statute to now conform to the new statute. You can have expressed in various ways. You may say that there is a period of time during which machines which were legal under your old statute may continue being used for a period of time and after

that period of time they must now conform to the new statute. That is just an example but there are various ways within your statute in which you would have to cater for that. But the fact your statute is possibly outlawing many things, which at the time when they were done, were perfectly legal. You cannot bring in your statute today and automatically all the casinos operators' machines become illegal just like that. Within your statute you are going to have to cater for that transition. Thank you.

**Q:** Thank you, Madam Chair. Mine is a general question across not necessarily applicable to only Malawi. I have heard about the illegal gambling and focusing very much on the machines. But my question comes in the form of how do we deal with the new technology, the computer gambling which is actually housed in personal homes where we have no proper legal monitoring systems on these illegal gamblers in homes. How do we deal with that as GRAF?

**A:** That is a very difficult question. I said earlier on that we, as GRAF need to come together to find out these solutions. This is a worldwide problem and I don't know if we have a country that is fully regulating internet gambling at the moment. As I said earlier on, it is not even in our legislation. We need to think and move forward so that we get to where these operators and we find out how we can deal with internet gambling. That is why we are thinking we will get some information and solutions from GRAF. For instance we can get some knowledge from what South Africa is doing. We have read on the internet and some magazines about advancements that South Africa has made in this area. We need that information, we need to share that sort of information so that we can see how can forge ahead as Malawi.

After lunch the Chairperson asked all participants to stand in memory of Jack Senne, who was a Board Member of Freestate Gambling Board South Africa,. He died about four weeks ago and he was in the last meeting in Dar es Salaam. May God bless his soul.

### **REPORT ON INSPECTORS INDUCTION SEMINAR HOSTED BY THE GAUTENG GAMING BOARD OF SOUTH AFRICA FOR GRAF MEMBERS: MR EDWARD LALUMBE – GAUTENG GAMING BOARD**

Goof afternoon, Ladies and Gentlemen. By way of background, Tanzania, following the footsteps of Malawi, requested training on the regulation control of gambling. Upon acceptance of this request, Tanzania invited the rest of the members of GRAF to this training. The training took place during April of this year in Gauteng. The GRAF members who took advantage of this opportunity and participated in this training were Kenya, Botswana, Zimbabwe, Namibia, Mpumalanga and obviously, Tanzania.

The training was divided into two levels. The first level looked at strategic and high-level overview of the regulation of gambling. It was attended by senior executives and non-executive directors or those who are commonly known in the industry as Board Members. It covered issues such as the structure and functions of a regulatory agency. The various departments and delineation of roles and functions within an agency. We looked at the significance in content of a comprehensive legislative framework to support

effective and efficient regulation of gambling.

We looked at issues of capacity and the sources of revenue to fund the regulation of gambling. We looked at issues such as the importance of the concept of suitability in gambling with emphasis on what is regulated, how regulation takes place and why should regulation take place. We looked at risk-based approach to the regulation of gambling as opposed to the compliance approach. We looked at the regulatory approach to illegal gambling. We looked at the overview of the regulation of the totalizator and a bookmaker. We looked at the various tax structures within the gambling industry, the percentage of gross gambling revenue and the two types of punter-based taxes, the director punter-based tax in the form of punter's winnings and the indirect tax on the punter in the form of percentage or takeout or a percentage of the stakes waged.

We looked at the various technological tools to aid and support the regulation of gambling. We looked at the role of test laboratory standards. We looked at the various practical aspects of the regulation of gambling and this training was concluded by a visit to the various forms of licensees.

The second level of training was a technical and operational overview of the regulation of gambling. It was attended by the inspectors, or what you would call the foot soldiers in the regulation of gambling. It covered issues such as the investigation approach and programs, the inspection approaches and checklists, the disciplinary approach to the licensee misconduct, the various forms of exclusions within the industry, the self-exclusions and third-party exclusions. We looked at the technical aspects such as monitoring controls, the surveillance and the various components of the machines. The inspectors were also taken to a gaming laboratory where all these components were shown to them and the inter-relationship between the various components explained and illustrated to them. Similarly this training was also concluded by a visit to the various forms of licensees.

In conclusion, the overwhelming feedback we obtained from the participants and also the testimony that you had during the course of this morning was that this sort of training was necessary, insightful and fruitful. Thank you.

**PRESENTATION PAPER ON INTERNATIONAL 2005 ASSOCIATION OF GAMBLING REGULATORS: PROF LINDA DE VRIES – WESTERN CAPE GAMBLIN AND RACING BOARD**

Presentation attached – Annex IV

No questions.

**NATIONAL CENTRAL ELECTRONIC MONITORING SYSTEMS OF LIMITED PAYOUT MACHINES: MR MALOPE – ZONKE MANUFACTURING SYSTEMS**

Presentation attached

# **SOCIAL-ECONOMIC IMPACT OF GAMBLING: BY MR LEKWALO MOLETA MOSIENYANE – CHAIRPERSON CASINO CONTROL BOARD OF BOTSWANA**

## **Background**

Botswana was among the first countries to regulate and legalize gambling in Southern Africa. For a very long time Botswana has had two pieces of legislation enacted to govern gambling. The Lotteries and Betting Act was enacted in 1962, to regulate lotteries, bingo and horse racing by profit or Non-Governmental Organisations.

The Casino Act was established in 1971, and following its enactment, an exclusive casino licence was granted by the Botswana Parliament to the Holiday Inn Hotel for premises situated in Gaborone.

The Casino Control Board, a government body, is in terms of the Casino Act, responsible for the regulation and development of casinos in Botswana.

## **Policy On Casinos**

The exclusivity of the licence issued to the Holiday Inn Casino ended after a period of twenty (20) years in 1992 necessitating a new position by government of allowing for competition.

Government took a position that as a matter of Policy, any hotel of international caliber being established in Botswana could, regardless of location, be eligible to apply for a casino licence.

Seven (7) additional casino licences were issued by the Casino Control Board between 1995 and 1998 in major towns in Botswana. Currently, no casino operates in a rural location. Casino licences are valid for a period of ten (10) years and are renewable on such terms and conditions as the Board may seem fit.

<b>LIC. NO</b>	<b>CASINO</b>	<b>EXPIRY DATE</b>	<b>DETAILS</b>
1	Gaborone Sun Hotel, Gaborone	01/07/2008	5 <sup>th</sup> Renewal, started operations in 1972
2	Grand Palm, Gaborone	29/04/2006	Started operations on 30 <sup>th</sup> April 1996
3	Menateng, Bosele Hotel, Selebi-Phikwe	16/08/2006	Started operations on 3 <sup>rd</sup> 17 <sup>th</sup> August 1996
4	Marang Hotel, Francistown	02/07/2008	Started operations on 3 <sup>rd</sup> July 1998
5	Admiral, Thapama Hotel, Francistown	30/04/2005	Started operations in April 1995
6	Kings, Cumberland Hotel, Lobatse	07/07/2008	Started operations on 6 <sup>th</sup> July 1998
7	Admiral Syringa Lodge, Selebi Phikwe	02/05/2008	Started operations on 3 <sup>rd</sup> May 1998
8	Teemane, Mokala Lodge, Jwaneng	11/09/2011	Started operations on 6 <sup>th</sup> February 2003

### **Impact of Casinos on Other Gambling Activities**

The legislation and introduction of a Casino in 1972 brought about the decline and ultimate demise of popular games such as “Bingo” which were operated by charitable organizations for raising funds good causes.

The promulgation and establishment of a formal casino premises resulted in closure of informal gambling houses that did not have licences.

### **Impact On Infra-structural Development**

The requirement that casino licences must be issued to hotels of international caliber helped to establish facilities of high standing. However, this has not been easy to implement owing to the fact that the country did not have any grading system.

### **Impact On Tourism**

Casino gambling was not allowed in southern Africa during the apartheid era. The ban contributed to increasing the number of whom a visit to a casino was the sole or dominant purpose for visiting Botswana. The only casino in Botswana organized groups of people (junkets) from South Africa to come and play at the casino.

This changed when South Africa introduced Bantustands (semi-independent Black provinces), which were free to open up casinos. This led to the local demand now constituting the core of the patronage of casinos, even to date.

### **Impact on Crime**

The gambling industry, particularly casinos, has always been associated, in the public minds, with crime. True of any forum with concentrations of people carrying money and valuables, pockets of petty crime and street crime have been reported in respected of operating casinos.

While casinos are a potential vehicle for money laundering, no serious case such has been reported.

### **Impact On Problem Gambling**

The Casino Act does not have restrictions on casino advertisement nor does it have restriction on the time casinos may remain open, leading to some operating for 24 hours and seven (7) days a week.

These and other factors, have contributed to an increase in problem gambling in the country. The incidence or prevalence of problem gambling in Botswana has not yet been quantified – but is however estimated at 1% of the gambling patronage. Typically, impacts common in the patronage with problem gambling are:

- i) work-related – job loss, absenteeism, poor performance;
- ii) personal – stress and poor health
- iii) financial – debts, bankruptcy, theft, asset losses;
- iv) interpersonal – violence, relationship breakdown and neglect of family.

Available ameliorative measures include self-exclusions, imposing an entrance fee and , to a limited extent, some casinos display messages in their gaming areas about the dangers of gambling. These alone have proved to be not effective given that the country does not have treatment centers or counseling facilities on problem gambling.

### **Impact On Government Revenue**

Prior to the introduction of VAT in 2002, casinos paid a levy of 15% of their revenue to the government of Botswana. The levy was revised to 10% when VAT was introduced.

It is a legal requirement that each visitor to a casino be made to pay an entrance fee, which is shared on a 50/50 basis between the casino and Government.

Total Government Revenue	9 426 943			
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Less Total Expenditure	305 739			
Net surplus for the period	9 121 739			
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004/2005</b>
	12 Months	12 Months	12 Months	12 Months
1 Gross Revenue (2+b)	78 530 072	82 929 638	81 107 798	92 374 964
(a) Gaming Revenues	77 886 978	82 364 688	81 107 798	91 901 022
(b) Entrance Fees	643 094	564 950	650 930	473 672
<b>2 Government Share (i+ii)</b>	<b>12 004 593</b>	<b>10 579 590</b>	<b>8 436 261</b>	<b>9 426 943</b>
(i) Licence Levy	11 683 046	10 579 590	8 110 796	9 190 107
(ii) Government Share On Entrance Fees (50%)	321 547	282 547	325 465	236 836

### Government Responses

In 2000, Government conducted a study, which concluded that the pieces of legislation regulating gambling outdated and needed to be updated. A Gaming and Gambling Policy was passed by parliament in 2002 calling up for the establishment of National Lottery and stoppage of issuance of additional casinos for areas where casinos were already in existence.

The Casino control Board has since placed a moratorium on issuance of casino licences pending the production of a National Gaming and Gambling Plan.

A comprehensive Gaming and Gambling Bill is being drafted to cover several issues including:

- Establishment of an autonomous gambling authority to regulate all gaming and gambling and gambling activities to ensure effective control of the industry;
- Establishment of a National Lottery operated by a private company;
- Provision for the training of frontline staff of operating casinos in the recognition of symptoms associated with problem gambling;
- To require gambling facilities, especially casinos, to “track” players to establish gambling patterns;

- To establish a fund for the treatment of problem gambling and to provide for each gambling facility to contribute to such a fund independent of the gaming Duty/Levy;
- Requiring casinos to impose a dress code so as to discourage patrons “at risk”.
- A committee or advisory body on the management of problem gambling will also be established.

That covers the Botswana case, Madam Chair, ladies and gentlemen.

Than you for your attention.

#### **THURSDAY 1ST DECEMBER 2005**

#### **REMARKS BY PROGRAMME DIRECTOR TARIMBA ABBAS: GAMING BOARD OF TANZANIA CHIEF EXECUTIVE OFFICER**

#### **LICENSING CRITERIA OF CASINOS: THEMBA MARASHA – NATIONAL GAMBLING BOARD, SOUTH AFRICA**

Presentation attached

**Q:** Thank you, Madam Chair. First of all I would like to congratulate Themba, for the paper. It is very practical and definitely that is what we are facing in our jurisdiction. My point of concern, maybe like a question is that you might follow all the criteria and you have done all the probity and you feel that you are satisfied that this particular investor or this particular is definitely the right one for our jurisdiction. But maybe you find that two years down the line you find that he is not even able to deliver whatever was in the RFP or whatever the contract is. What would you do as a regulator in that scenario? May be there are different types of deliverables you are looking for, but some are so critical to the operations of the casino and some are so critical to the collection of the revenue and some are so critical to the Act. What would you do?

**A:** Thank you. I think your questions is two-fold. There are those which are legal requirements which one cannot rule out as a possibility being met since you are not the legislator. And there are those which are deliverables based on market-related forces, like turnover or gross gaming revenue as you say. On the first one, I think it is an issue of the side of compliance and you cannot compromise with that, it should be an issue of compliance. It is an issue of going back to the drawing board and telling them that this is what the law says. Look at it in an amicable way of solving it or getting out of it in a manner that is not going to hinder the industry.

The second question. Obviously one has to consider that everything is based on certain assumptions and projections. Those projections might not go as market forces unfold.

What one needs to do is call them and sit down at the table with them and look at the practical scenario to say you said this. This is how it is unfolding now. Where does one reach the compromise in terms of saying this is what is happening practically. Can we leave this and can we leave that? It is an issue of compromising between the two entities, which is the operator and the regulator. Hence I said to you, issues like scaling down of a casino, never rule it out as a possibility when they bring the project based on the number of people within the economy, GDP of that area and so on. It might not turn out in that fashion. Irrespective of the right GDP, at the end of the day, who goes in to wager the money to gambling, that is when you go in to them to say let us look at an amicable solution between the two of us. I do not know whether I have answered you.

### **PROFILE OF YOUTH GAMBLING IN SOUTH AFRICA: STEPHEN LOUW – NATIONAL GAMBLING BOARD SOUTH AFRICA**

**Q:** Dr Louw, do you agree that people gamble with the money that has use and they win money that has no use? And secondly, it is worrying that in our fora we keep on discussing prominent things like gambling which actually relate to the casinos and so on. But out there, there is always a concern which not very much sensitized to the community or to the society in regards to lotteries. You find that people always classify somebody who goes into a casino as a gambler but the punter who goes to buy a ticket is never really regarded as someone who gambles. Can I have clarification as to whether these features are really prominently being sensitized to the community?

**A:** Thank you, sorry I don't really get your first question but about your second question, I think you are really right, I think that if you ask people what gambling is, its really the high-end formal casino gambling and that is clearly not the case at all. And I think what I was trying to get at when I said that gambling has been internalized as a normal form of recreation or behaviour is I think that buying a lottery ticket for many people is like renting a video or watching a TV program. There is no second thought about it, it is not considered as gambling and I think that is troubling. I am not saying the casino should not be picked on because I think they should be picked on and very closely and regulated. But I think that other forms of gambling are even worse, not as bad, even worse because of the fact that people do not understand the moral significance attached to them. If you go to a casino it is understand what you are doing. There is a physical effort to get there. The whole entertainment package is presented to you as something that you choose to do. Whereas if you take a lottery ticket, that is just seen as something you do at your spare time and I think that is very worrying. People have to be educated, there has to be awareness that this is also gambling and it is also very problematic and people spend huge amounts of money doing so. So I don't understand the distinction that you make between money for which there is a use and money for which there is no use.

Just one comment on that and you can come back to me. When you look at problem gamblers, one of the criteria is people who borrow money to service existing gambling debts. Because as soon as you do that, that is a cycle. If I am gambling because I need to make money to pay-off last week's debt, I am trapped for the rest of my life. There is no way, unless I win, which I am unlikely to do. There is no way I am going to get out of

that cycle. So I think that for someone who gambles in a healthy recreational way, one can draw a distinction that this is a certain amount of money I have got in my pocket I am prepared to lose it at the horse-races or whatever and when I have lost it, that is fine I am going to stop. When people start to borrow money or steal money from friends then they are addicted.

**Q:** In the presentation of the doctor, he made so many correlations but I didn't pick up the performance of the kids who gamble and those who did not gamble. Some of the kids might not be gambling but they do other things and maybe they will not perform as well. I want to see that correlation and also your sample was taken only from the schools. How about the kids who were not at school, how did you compensate for them?

**A:** I can answer the second easier question first. We took about 80% of the samples from the kids at school and about 20% of the sample was from the kids who are out of school. Sorry I was not very clear about that from the beginning. In terms of the sample of people out of school, placed a lot of emphasis on focus groups as well. We sat down and we spoke to people. We spoke to the people directly, we spoke to a variety of different social groups that were responsible for or had some role in the community. In terms of the schools; we spoke to teachers, we spoke to headmasters, school psychologists, guidance teachers, etc.

The answer to the first question you asked is that we have no statistical information to answer your question. I don't know the correlation between how well kids do at school and whether they gamble or do not. In terms of the interviews that we conducted we have an impressionistic correlation that kids who obsessively tend to become distracted from their school and tend to do far worse. I do not believe it is because they gamble as an activity that can be separated from other activities. I think it is because of the cross-section of the problems that lead to somebody becoming an addictive gambler. It's the problem at home where they are beaten by their parents or it's the problem at school. In particular in some of the rural schools where they face incredible physical abuse on a daily basis. So I think it is a package of problems of which gambling is one. The term 'poly-addictive' is useful here. People tend to have a matrix complex of problems.

**STATUS OF GENDER EQUALITY IN THE GAMBLING INDUSTRY:  
WOMEN'S WING CHAIRPERSON – MRS BERNADETTE MTLA, MALAWI  
GAMING BOARD / MRS SHABALALA, KWA ZULU NATAL**

Thank you, Tarimba. We remember vividly your very good jokes from the previous two years. Ours is not a presentation it is more of an appeal. But fore I speak, I would like to call upon Mrs Shabalala, who is part of our grouping, to say something before I make the appeal. Mrs Shabalala?

Just confirms exactly what he talked about.

Program Director,  
Madam Lupembe,

Honourable Delegates,  
Ladies and gentlemen,  
An all protocol observed.

We greet you with a slogan that goes: “Wathinta abafzi, wathint ‘imbhokodo, uzokufa” Of greater significance are two facts that today is World AIDS Day hosted by South Africa in Kwa Zulu Natal. GRAF Women’s Wing moves that this conference associates itself with this day. Program Director we are requesting that.

Secondly, it is also sixteen days activism against Women and Child Abuse and the Women’s Wing humbly requests that this conference associates itself with the same initiative. That is the second point - “Wathinta abafzi, wathint ‘imbhokodo” Thank Program Director.

Back to GRAF business. Mine is to give a brief background on the women’s forum. It will be remembered by those who were in Lisbon, as Prof Linda de Vries indicated in her speech yesterday. A very moving speech and I want to acknowledge and thank the people who were involved in this. One of those is within this multitude here, a man who was brave enough as he was leaving the seat as the chairman of IAGRA in Lisbon, by the name of Chris Fisma. He was approached as chairman by a group of women who indicated that they were available and they are there within the multitude. That was the year 2003 in Lisbon. Thank you Chris, you showed an initiative and you moved something that no man is able to just move like that, especially in the world. I also thank very much today here in Gaborone, our men who actually backed Chris Fisma, stood behind him, in the name of Tibbs Majake, the young man that came from the South African delegate, they said this is an initiative that we are supporting and the whole world started supporting it. All our young men who representing South Africa that day showed good background of supporting women’ initiatives. Thank you, Tibbs.

The following year 2004, we were honoured in IAGEA in Arizona, with a Women’s Breakfast, which culminated in the formation of IAGRA’s Women Forum, which brought about our women representing South Africa and the world in IAGRA as committee members. These women are Prof Linda de Vries. Thank you for allowing yourself, Prof, to represent in IAGRA. The other lady, Ms Gibson from the Western Cape, was one of the people who are now sitting in the committee. We thank your bravery for actually taking the seat on behalf of the women.

Yet another event took place in Tanzania. That was in 2004 in November where GRAF undertook to also join forces with South Africa and IAGRA in the formation of GRAF Women’s Forum. That is where we came up with a chairperson, Bernadette Mtila, who is the main speaker of the women’s initiative today. I will touch a little bit on our success in forging the way to secure two seats in IAGRA, which I have touched on. National Gambling Board in South Africa has made it its business to support this initiative. They actually sponsor all the meetings that women hold in South Africa. We thank National Gambling Board for that in the name the CEO Tibbs Mjake and Vuyo. They make it their

business that they ensure comfortable places to be at including the agenda. They actually look after our secretariat part of our meetings.

I would like to acknowledge five (5) women that have been taken into the seats. Western Cape, Prof Linda de Vries, Chairperson of the Western Cape Gambling Board. National, we have a chairperson Tebby Moja. We acknowledge you Madam. And we are very proud that South Africa had to choose you in that seat. Thank you very much South Africa. In the Free State, we have Jennifer. She is the chairperson of the Free State Gambling Board of that choice, she is a young lady ,youth is being recognized especially young women. In Mpumalanga, we have Daphne Masilenkosi. She is Chairperson of Mpumalanga Gambling Board. In Tanzania we have Madam Lupembe. These are our achievements and we are proud to relate to them as success of the formation of Women's Forum.

I now call Bernadette Mtila, the Chairperson of GRAF Women's Initiative to talk to this forum.

**MRS MTILA:** I am going to formally tell the gathering here that GRAF Women's Forum was formalized after the Tanzania meeting and we have had one meeting that was held in August in Johannesburg. Unfortunately at that meeting not all the members were represented and that is one of items we want to talk about with you today that we are having problems in communicating with all the member countries with the women representation at these meetings. Now before I do that I was just going to say that we are going to tell you the role of this Women's Forum and we have clarified it as we want to ensure that there is proper and adequate women representation on boards and their operations, and we will also undertake to evaluate the progress on that. And thirdly, we want to ensure that treatment models are suitable for women affected by problem gambling. Now how are we going to do that? On the monitoring of the representation, we would like to ask the secretariat that was formed yesterday, which is housed in South Africa, if they can set up a database which will capture information on all women in board representation. We will work with that secretariat in that respect to give them the details of what we want.

We are presently carrying out research on this information and this is what we call working progress. So we do not have anything to give to you today because we are not ready yet but the research is on-going. So hopefully at the next GRAF you will have a detailed presentation on how we will have gone with the research.

Now how do we ensure the proper treatment models for problem gambling? We know problem gamblers are not just women but there are also spouses that gamble. With responsible gambling we are hoping together and the boards in various countries and operators to get that information and see how we progress because we do realize that we have that data but it might not be specifically to do with women.

The last thing I am going to talk about is the challenge we face in gathering information.

We realize that we have some meetings that we would like to attend but women are not necessarily aware of those meetings because invitations tend to go to the boards and might not filter through to the representative ladies on those boards. So we would like to make an appeal to boards that when these invitations are made, they also go to the women and the secretariat, which is housed in South Africa, to make sure that these invitations are sent directly to the women.

Without boring you with so much detail, I wish to share a joke with you before I sit down. There was a gentleman who lost all his money in gambling. And he now took on to drink. So he is sitting on his patio surrounded by a lot of litter from empty bottles. And he does not have a penny, he does not have anything else to do. He finds a can and kicks it and says “you are responsible for my problems now” He finds a castle empty can and he kicks it and says, “you are the one responsible for me not being at work” And then he finally goes into his kitchen, opens his fridge and finds two bottles of beer he has not consumed. So he takes those and he says “You are good guys, you are my friends, you are not yet responsible for my problems.” Thank you.

### **PROMOTION OF RESPONSIBLE GAMBLING: DR RODGER MEYER – NATIONAL RESPONSIBLE GAMBLING PROGRAMME**

**Q:** Dr Meyer, I subscribe to the view that the propensity or inclination to develop problem gambling has no relation or correlation to one’s social or economic status. One of the provoking conclusions emerging from Dr Louw’s presentation is that there is a correlation between the economic status and the propensity or inclination to indulge in risky behaviour which may include gambling. Now the question I have is, using this conclusion, is it possible to say that a pessimist or somebody with low economic status who falls in the category of recreational gambler is more prone to indulge in risky behaviour. Can I hear your comment on that?

**A:** I am not convinced that addictive disorders whether they are gambling disorders or disorders to do with alcohol have anything to do with people’s socio-economic status at all. In fact it seems to be an activity that goes across the board irrespective of one’s social status or financial status, that is gambling. So the propensity seems to exist but certain people from limited background and limited resources tend to run into problems quick because of the disposal income that they have available. But running to gambling does not identify you as a problem gambler. Many people buy more lottery tickets than they can afford but that does not make them problem gamblers.

**Q:** Dr Meyer, my question is a simple one. It seems, according to the presentation of Dr Louw, that heads of schools were willing to assist with the gambling survey. How successful is the school program of responsible gambling?

**A:** We have in the NRGF two pilot programs. One in the Western Cape and one in Gauteng Province in South Africa attempting to address youth gambling behaviour and in

truth, we are not convinced or sure as to the impact as yet as to what difference those programs are making and this is why we are encouraged by the kind of data and information that paper has provided us with in order to more accurately inform the type of youth gambling program that we would like to implement. So I cannot answer the question with any accuracy. But we are, and this has been requested by the South African Responsible Gambling society that we develop a more comprehensive national youth problem gambling intervention program and I am hoping with the kind of data that we have increasingly available that we can implement a more effective and more targeted responsible gambling program. But these are behaviours that are enormously difficult to address and to control. All we can do is to make people aware and educate them about gambling, that it is an intrinsically dangerous and somewhat expensive activity. But we do not audited results or accurate results on youth gambling or intervention programs thus far.

Q. Chair, if I may test an assumption with Dr Meyer. It seems to me that if one takes any sample of people in any country with regard to, for instance, the use of alcohol and the use of tobacco that one will find a very high level of knowledge amongst that sample of people that excessive use of alcohol can cause harm and that smoking can cause harm. But what continuously shocks me with research, for instance like the youth research program, is that when one looks at matters like AIDS and gambling that there is a continuous high percentage of people who do not even know about the risk and think that they can beat the odds for instance. And isn't point of view? And knowing about the confusion that exists, my assumption is that a very simple way of starting any program is just to ensure that people understand the risk and understand that there is a potential harm that gambling can cause. And once you have done that, I personally believe that regulators and governments have had a great deal of their responsibility to ensure that people do not naively and without knowledge fall into the trap because they did not know about the risk.

A. Certainly, in looking at the content of our responsible gambling education program

we have attempted to focus on trying to inform and educate people about what gambling actually is. The fact that the odds favour the house and all the associated the house and all the associated mythology and superstition surrounding gambling that makes it attractive activity. We are trying to dispel a lot of that misinformation so that people who choose to gamble clearly understand what the activity entails and that it's a high-risk activity and that it is an expensive form of entertainment. If you choose, play cricket or go bungee-jumping if you want excitement. But as with all addictive disorders, knowledge about the activity or the behaviour does not necessarily deter people, in fact essential problem gamblers see that as a challenge and I have dealt with, in the years I have been treating gamblers, highly intelligent successful people who understand fully the nature of how gambling works but they retain the delusional belief that they can beat the odds and that locks them to the activity. So information and education does not necessarily entirely solve the problem. Although certainly for the bulk of our target audience, that is certainly where we need to begin. Recently I saw the Eastern Cape Gambling and Betting Board brought out a little pamphlet trying to display some of the mythology around slot machines, which of course is the form of commercial gambling

that causes most of the problems. The booklet is very impressive and provides accurate information about slot machines about how they operate and your chances of winning are accurately your chances of losing. There are intelligent people in this room who know nicotine causes cancer but it does not stop them.

**Q** One of the things that has been said particularly by South Africa in the social-standing sector. This statement is usually made that if you bring gambling more in the poorer areas, especially LPM machines, is that one of the dangers that you are likely to have is that people spend their social grants on gambling rather than buying food and medicines and other essentials. Is there any truth in that kind of hypothesis?

**A.** I am not convinced that it is true that pensioners with meager monthly pensions squander it in casinos. I think the majority of them simply spend the money on basic requirements. But there is information to suggest that certain pensioners attempt to double or increase their grant through gambling. As I say we do not have accurate data on that. Certainly the amount of pensioners that seek help through our treatment program is very, very small, if that is an indication. In the Western Cape in South Africa we have finance by the Western Cape Social Services Department. We run a program that provides education leaflets information at all payout points on a monthly basis so that when people receive their social grants they are informed of the dangers of spending money on gambling activities. So that is a formal program that we run and we have been running in the Western Cape in an attempt to address the issue that you have raise. Once again whether it deters people or changes people, we are not sure. We are doing at all that we can in responsible gambling to prevent damage but I am personally not convinced that the number of pensioners that squander their money in casinos is as significant as claimed. I do not know but I am not convinced.

## **ELECTION OF NEW OFFICE BEARERS AND HOST COUNTRY FOR 2006 GRAF CONFERENCE**

The Chairperson, Mrs. E M Lupembe, asked that the Vice Chairperson, Mr M. Goma conduct the election of the in-coming office-bearers, after reading the relevant section from the Memorandum of Understanding.

**Mr. Goma:** We have come to a very important topic and it is time for us to look at who will be next office-bearers and which country is going to host the next GRAF conference. Before we proceed we have to look at what is contained in our Memorandum of Understanding with regards officer bearers. Let us look at the guidelines at Article 3 of the Memorandum of Understanding, which gives us the principles.

Article 3 of the Memorandum of Understanding is read out.

**Mr Mosienyane – Botswana:** Madam Chair, I would like to support Namibia.

**Chairperson:** Namibia gets the vote.

**Namibia:** Madam Chair and the whole house, Namibia is very glad for the participants to actually allow Namibia to host the 2006 4<sup>th</sup> GRAF Conference, in Namibia. So we will take you to Windhoek or Swakopmund and you will be very welcome and we would like all of you to arrive in Namibia some time next year in November. Thank you.

**Mr Goma:** Thank you very much, Madam Chair. We are all excited that we shall be in Namibia next year. But before we do that, can we have the nomination for the position of the vice-chairperson.

**Chairperson:** We do not want you to nominate me this time.

**Comment:** What I wanted to say is that the hosting country is supposed to be the secretariat, now that the secretariat has moved, I would like to proposed that Namibia Should be vice chair, for it to appreciate the logistics and arrangements for the whole conference. Thank you.

**Mr Majake:** We support the motion

**Mr Goma:** Thank you very much. Yes, Botswana you want to say something?

**Swaziland:** Sir, I have been looking at the MOU but am just observing what we are doing now. If Namibia is the host next year, they are supposed to be the next chairperson. But are we already making them vice chairperson for this coming year when we meet in Namibia. We might be modifying the set up of the constitution about selecting office bearers. So it is not an objection but just some clarification, because it has implications.

**Botswana:** I think by virtue of adopting a permanent secretariat, we have already parted from the constitution, if I may say, which is a positive step in the right direction. I think it makes lots of sense and promotes continuity if a vice chairperson becomes the future chairperson. So I propose that if there is a way of getting the constitution, maybe we should give them the chairmanship.

**Mr Goma:** Thank you very much Botswana. I think I concur with the proposal of my colleague from South Africa. I think it carries a lot of weight that the vice-chair is where the host country is. The reason being that if you have disjoint at time the performance is not really there. The onus is with us, we have to re-address our MOU on how we should be structured because we have already changed one part and that means we have a number of clauses in our MOU. I think this will help coordinate smoothly. Thank you.

**Comment:** I understand the sentiments echoed here. It makes sense sometimes to change things for the betterment of our institution, we must do so. It is not cast in stone, but it does make a lot of sense if the host country becomes the vice and this year's host, Botswana, becomes the chair because they have the benefit and the privilege of having organized this conference. That has been the trend that we followed. That is why Tanzania chaired out of the conference that was held in Tanzania because we said

Tanzania has not developed the type of expertise that would then assist in terms of arranging for the following year/s conference. Now I would therefore, if you may allow me, to ring this to an end suggest that Botswana become the chairperson of GRAF from now onwards and that Namibia becomes the vice. Because it will make sense for them in Namibia to coordinate the practical arrangements there with the relevant ministries and so on. So if members may allow, let me make that unopposed motion.

The new office-bearers were recognized.

**Namibia:** Thank you, I have no objection, Madam Chair to the procedure that has been proposed. But I do feel we are being told that Namibia has been elected to be vice chair, but my thoughts on the office of vice chair is that it is occupied by a person from Namibia and not Namibia itself. And if it is the case that it is occupied by a person from Namibia, I feel that what should be announced is that it is this particular person from Namibia who is assuming the vice chairmanship. Because there should be somebody who is responsible for the office and we do not say if is just Namibia responsible for the office. Thank you.

**Madam Chair:** I think it should be chief executive of the board. It should be the chair of the board.

**Namibia:** Further, if I could go just a little bit further, we are told that it is the chair of the board; I would think that his name should be announced.

The secretariat would amend the memorandum of Understanding and then circulate it to the member states.

## **OVERVIEW OF THE CONFERENCE: MRS B. MATHIPA – BOTSWANA**

Thank you chair: Good Morning Ladies and Gentlemen.

Mine is a small task, just to give an overview of the 3<sup>rd</sup> Annual Conference of GRAF. You may recall, Ladies and Gentlemen, that the objectives of GRAF is to foster cooperation amongst members by providing a forum at which members can meet to exchange views and information and discuss policy matters on Gaming with the spirit of sharing experiences.

With this objective in mind, the 3<sup>rd</sup> GRAF Annual Conference was organized amongst others to discuss gambling legal framework of members. As we can recall, members are at different levels concerning regulating their gaming industries. And then we also came to discuss mechanisms to enforce compliance various legislations. GRAF is also useful for information sharing by members or experience sharing, because as we have seen some members, especially South Africans, they are confident and advanced in the industry of gaming. Our gaming industry in Botswana is not yet that advanced.

And then we discussed youth gambling in South Africa. We were given a presentation on youth gambling in South Africa, looking at youth gambling patterns and attitude towards gambling. The information obtained can be used to address problems or addictive gambling or even to prevent such problems in other countries.

We also discussed impact of socio-economic gambling, one of which is problem gambling or pathological gambling as we were educated by Dr Meyer this morning. Problems include job-losses, family break-ups and so forth. Some members do not have treatment and counseling centres. Botswana is one of them.

Governments benefit from gambling. And some of the benefits are taxes and levies that are collected from the industry or even in the case of Botswana the government shares entrance fees with the operators.

There was a conclusion that we need to educate casino patrons and guests to take gambling as a game and not a business. They should go in there with the hope of just participating in a game and not necessarily making good returns.

Dr Louw mentioned this morning that gambling is a game, which can turn into a problem. There was mention as well, that the non-gambling population should be educated about social ills.

On a note of disappointment, ladies and gentlemen, our game drive was a bit of a failure due to the rain. The rain is very good for us because we have had a long dry spell but on the other hand I am sad that you missed much of what Botswana offers when it comes to game.

I would like to thank all of you, ladies and gentlemen for coming to Botswana. I hope you enjoyed your stay in Botswana and I also hope that you used our gaming industry responsibly. I trust God to keep you on your way back home.

Last but not least I would like to congratulate Botswana for taking up the chairmanship and also to congratulate Namibia as vice chair. Thank you very much.

**SPEECH BY THE OUTGOING CHAIRPERSON – MRS EDWIN M. LUPEMBE**

Dear GRAF Chairperson,  
Dear Delegates,

Foremost, I wish to congratulate the newly elected GRAF Chairperson, Mr. Moleta Lekwalo Mosienyane, I also congratulate the newly elected Vice-Chairperson of GRAF Mr. Albert Mize. The appointment of the two new office bearers by GRAF members today demonstrates the bid of commitment your GRAF colleagues have on you. The prize you can give your colleagues in return is an equal commitment towards GRAF All of us assembled here today expect further positive impact on GRAF to be made b the new elects.

In a special way, I wish to congratulate South Africa, and in particular the National Gambling Board, for being appointed by GRAF members to host the GRAF permanent Secretariat. My pleasure lies mostly in the willingness by South Africa to shoulder this sensitive responsibility. You will all agree with me that this is a milestone achieved by GRAF. However, the commitment you have accepted carries with it several challenges like:

- Thorough coordination of all GRAF activities and events such as training and meetings, etc.
- Developing a GRAF Website, which has been outstanding for some time now
- Critically looking at the GRAF MOU and advising members accordingly
- Liaising with other African countries that have not yet joined GRAF with a view to bringing them aboard.
- Creating a database for women initiatives and profile in GRAF.

These are just a few items among the many challenges you are about to face. As fellow GRAF members we want to assure that you have support of all of us and we will not leave you alone. Just let us know and we will offer the assistance required.

Dear Colleagues, you will remember that during this conference our colleagues from Namibia and Swaziland have accomplished their commitment to join GRAF by signing the GRAF MOU. I wish, on behalf of all of you, to welcome them aboard. We want to assure you friends, Namibia and Swaziland, that you have made a bold but very prudent decision. Rest assured that, like the rest of us you stand to benefit from your participation in GRAF.

As we pursue our GRAF objectives, I urge the Secretariat to initiate deliberate efforts to have many other African countries to join GRAF and sign the MOU. In its effort, particular interest should be directed to African countries in the North and West.

Dear Colleagues,

The role played by Botswana, our host for this year's conference, the outgoing Secretariat, is very much recognized. I wish to thank them for their efforts for making this year's Conference a success. I also wish to thank them on behalf of all of us for their hospitality and of course the memorable tour and fun at Mokolodi. We thank you very much.

Dear Delegates,

Our tow-day Conference has been a success. Once again we have had an opportunity of meeting and talking to each other. We have had an opportunity to share our experiences through presentations, one to one talking and sharing of practical experiences in our different jurisdictions. Colleagues, this is the whole idea and spirit of GAF. It is about sharing our practical experiences for the sake of improving our own legislations and of course the way we conduct our regulatory functions in our respective jurisdictions. We have heard about gaming laws established during the 1960's and 1970's and not reviewed

since then to address the current gaming challenges and realities. We have heard about various challenges facing our colleagues in various countries on regulatory matters. It is my expectation that this Conference has provided essential inputs that will assist us in addressing the various challenges and shortcomings in our legal frameworks and regulatory approaches.

Dear Colleagues

I wish to welcome the new office bearers on board. Our work ahead as GRAF is still huge. We can only achieve our various objectives as GRAF if we work as a committed team. I therefore urge all of us to cooperate with the new Chairperson and vice chairperson and the Secretariat with a view to taking GRAF further forward.

Finally,

I wish to thank all GRAF members for the cooperation extended to me as a Chairperson and the other office bearers during our term. I urge that we do the same for the new office bearers to enable them make impact on the GRAF objectives.

Once again thank you and I wish all a nice trip home.

**Goodbye: SALANG SENTLE**

**SPEECH BY INCOMING CHAIRPERSON: MR M.L. MOSIENYANE**

Outgoing Chairperson, Madam Lupembe  
All protocol observed

It gives me great pleasure to once more stand before you to accept the position for the next chairmanship of GRAF.

It is almost like it was planned that for me, the vice chairperson should come from a country adjacent to my country and the secretariat to be from the other side and if that has anything to do with it, I can assure you that being sandwiched by these two great countries, I will make use of that closeness and as far as possible work closely with them.

I would like to take this opportunity to thank my predecessor, Mrs Edwina Lupembe, for her commitment and dedication to the ideas and ideals of GRAF. To borrow from her cheerful nature, let us clap hands for her excellent performance during her tenure.

We welcome the signing of the MOU by two new members, Namibia and Swaziland.

I am particularly glad that we have finalized the issue of the permanent secretariat, which should help us to achieve our common agenda and our long term objectives to harmonize policies and legislation. South Africa, it is commendable, you are leading by example. To take all the expenses for the secretariat on your shoulders for the whole year is not an

easy task and indeed we look up to you. You are a bigger economy, and you are beacon of success for all in Africa.

I believe we have covered good ground to consolidate the development of GRAF. I however intend, during my chairmanship to speed up the momentum and aggressively obtain other countries to subscribe to the membership of GRAF. In particular I will follow-up immediately on where Mrs. Lupembe left by following Ghana, Nigeria and Mauritius who indicated their intention to sign.

The other matter that will occupy me will be to look at the GRAF Women's Forum and I would like to promote that.

I actually intend to get my board to commit some funds for me to visit some members in Africa to market GRAF and obtain those signatures for GRAF. I will work closely with South Africa to make proposals to GRAF members on matters relating to setting of various structures and special committees on different aspects of gaming and gambling proposals on model law on gambling for GRAF. I think this will cover your issue, Chris. Proposals on minimum uniform standards to be adopted by each member state and others that would move our organizations to a higher level.

I sincerely believe time is ripe to commence discussions on payment of a basic subscription by member states for the sustenance and ownership of the forum. I believe this year we will take time to look at what that modicum of contribution could be.

The secretariat and I will make proposals to the members on the matter before our next meeting in Namibia. We need to recognize that in an increasingly inter-dependent world, mutual understanding, concerted action and meaningful cooperation among our countries are indispensable tools to realize our vision. For instance, we, in Botswana have had protracted court case with an operator who claimed the gambling house from which he was operating did not fall under the description of a casino as no payments for wins were made on the premises. The arrangement was such that wins were redeemed outside the premises. The said operator relied on the factor that the judicial system in countries takes a long time to resolve issues. As I speak to you today, the matter is yet to be resolved.

On behalf of Botswana Casino Control Board, I wish to thank you for having had the confidence to allow us to host the 3<sup>rd</sup> GRAF Annual Conference and to bestow on us the chairmanship for the next twelve months.

Thank you, all.

The Conference closed.

## **GAMING REGULATORS AFRICA FORUM (GRAF) MEMORANDUM OF UNDERSTANDING (MOU)**

### **PREAMBLE**

Whereas the gaming regulators of African states recognize –

1. The international activity in gaming matters;
2. The need for mutual cooperation between the gaming regulators;
3. the necessity for effectiveness in regulating, administering and enforcing the gaming laws of the member states;
4. that a Gaming Regulators Africa Forum should be established; and
5. that the Gaming Regulators Africa Forum shall be governed and operated in terms of this Memorandum of Understanding.

Convinced that harmonization of the laws, regulations and requirements is imperative to enhance efficiency and foster greater cooperation among members;

And whereas the gaming regulators agree to promote cooperation and harmonization through implementation of the objects of this Memorandum of Understanding.

NOW therefore, the gaming regulators of Africa agree to enter into this Memorandum of Understanding.

### **1. Name**

The name shall be Gaming Regulators Africa Forum or GRAF in its abbreviated form

### **2. Definitions**

2.1 For the purpose of this Memorandum of Understanding, the terms set out below have the assigned meanings unless the context otherwise requires

- a. “member” means a national gaming regulator from each African state, which is a signatory to this Memorandum of Understanding
- b. “MOU” means this Memorandum of Understanding; and
- c. “Laws or regulations and requirements” means the provisions of the laws or the regulations and requirements of gaming laws of a member state.

2.2 The members recognize that while in their laws, regulations and requirements they may define terms differently, co-operation and assistance will not be withheld solely on the grounds of differences in the definitions used by members.

### **3. Guiding Principles**

This Memorandum of Understanding set the basis upon which the members propose to pursue and foster the spirit of co-operation among African gaming

regulators in the performance of their official duties under their respective laws, regulations and requirements.

The guiding principles of this Memorandum of Understanding shall be the following:

- a. all members shall participate in the forum as equals;
- b. the sovereignty and independence of each gaming jurisdiction shall be respected; and
- c. members shall endeavour to provide assistance and constructively engage each other on gaming and related matters.

#### **4. Objects**

The forum shall have the following objects:

- a. to provide a forum in which members can meet, exchange views and information and discuss policy on gaming matters;
- b. to liaise with any foreign or international body having any objects similar to the objectives of the Forum;
- c. to serve as a focal point for enquiries by authorities and international organizations with similar or related objectives;
- d. to represent on specific occasions the different views of the members at international for a for the promotion of the objects of this MOU;
- e. to keep gaming free from criminal activity;
- f. to co-operate on probity and sharing of information;
- g. to protect the consumers and maintain fairness or equity of the games;
- h. to promote responsible gaming;
- i. to visibly our nationals from gaming;
- j. to eliminate possible negative perceptions on gaming;
- k. to influence international perceptions on gaming;
- l. to promote harmonization and mutual recognition of standards; and
- m. to contribute towards the enhancement of economic development.

#### **5. Membership**

- a. membership of the Forum shall be open to national gaming regulators on the African continent
- b. any prospective member may apply to join the Forum by submitting an application to the Secretariat together with a resolution or letter of credence authorizing the prospective member to join.

- c. The Secretariat may admit the prospective member subject to the approval of the forum.
- d. Upon approval of the application by the Forum, a duly authorized official of the prospective member shall sign the MOU, thereby binding the member to the terms and conditions of the MOU.

## **6. Officers**

- a. The officers of the Forum shall be a Chairperson, a Vice-Chairperson and a Secretariat.
- b. The Chairperson, Vice-chairperson and Secretariat of the Forum shall be elected at the annual meeting
- c. The Chairperson, Vice-chairperson and Secretariat shall serve for a period of one (1) year.
- d. The Chairperson shall be elected from the outgoing Secretariat at the annual meeting
- e. A Vice-Chairperson who assumes the duties of the Chairperson in the event of the Chairperson being unable to perform his or her duties shall be considered the acting Chairperson for the duration of the former Chairperson's one (1) year term of office.
- f. The Secretariat which assumes the duties of the Vice-Chairperson in the event of the Chairperson being unable to perform his or her duties, or has assumed the office of the acting Chairperson, shall be considered acting Vice-Chairperson for the duration of the former Vice-Chairperson's one (1) year term of office. At the conclusion of such a term of acting Vice-Chairperson or Chairperson shall not succeed to any office, but a new Vice-Chairperson or Chairperson shall be elected as required.

## **7. Duties and Powers of the Officers**

- a. The Chairperson shall preside at all meetings of the Forum
- b. The Chairperson shall also, at the annual meeting of the Forum and such other times as he/she deems proper, communicate to the members and make such suggestions as may in his or per opinion tend to advance the mission of the Forum and shall perform such other duties incidental to the office of the Chairperson.
- c. The Vice-Chairperson shall carry out the duties of the Chairperson in the event the Chairperson in unable to perform his or her duties and shall perform such functions as may be assigned by the Chairperson.
- d. The Secretariat shall notify all members of any special meeting, attend make and keep any record of all meetings of the Forum and conduct all authorized correspondence on behalf of the Forum. The Secretariat shall nominate one of its officials to carryout the duties of the Vice-Chairperson in the event the Vice-Chairperson is unable to perform his/her duties.

- e. The Vice-Chairperson shall carry out the duties of the Chairperson in the event the chairperson is unable to carry out his/her duties and shall perform such functions as may be assigned by the Chairperson.
- f. Members may propose items for inclusion in the agenda and notify the Secretariat at least three months before the date of the meeting. The Secretariat shall circulate an agenda and call for national position papers at least two months, before the meeting.
- g. The Secretariat shall be responsible for all administration matters of the Forum.

## **8. Meetings**

- a. Meetings of the Forum shall be held at least once a year in a member country in rotation, as the Forum may decide.
- b. Special meetings may be called at the discretion of the Chairperson upon notice to all members.
- c. Translations of the proceedings of the Forum into one or more languages may be provided on request.
- d. The Secretariat shall be responsible for the arrangements of meetings of the Forum.
- e. The Secretariat may request contributions from members towards the costs of the annual meeting.

### **21. Resolutions**

Members shall endeavour to resolve all issues by consensus.

### **22. Working Groups**

The Forum may establish working groups on specific items. The chairperson of a working group shall be elected by simple majority of all members present at a meeting.

### **23. Consultations**

The members will keep the operation of this Memorandum of Understanding under continuous review and consult with a view to improve its operation and resolving any matters.

### **24. Revision Of Memorandum of Understanding**

Any proposal for the review of this Memorandum Of Understanding shall be made to the Secretariat by any member and the Secretariat shall circulate such proposal to the members three (3) months before the meeting.

- a) The revision to this Memorandum Of Understanding shall be adopted by consensus.
- b) In the event of failure to determine any proposal change by consensus a revision of the Memorandum of Understanding shall be adopted by two-thirds majority members present.

**25. Termination**

This Memorandum of Understanding will continue to have effect on every member unless terminated by a member by giving thirty (30) day advance written notice to the Secretariat that the understandings set out herein are no longer to have effect on such a member.

**26. Entry In to Effect**

This Memorandum Of Understanding will be effective from the date of its signature by the members

<b>NO</b>	<b>MEMBER</b>	<b>SIGNATURE</b>	<b>DATE</b>
1.	South Africa		24.10.2003
2.	Kenya		24.10.2003
3.	Tanzania		24.10.2003
4.	Zambia		24.10.2003
5.	Malawi		24.10.2003
6.	Botswana		28.11.2004
7.	Mozambique		28.11.2004
8.	Zimbabwe		28.11.2004
9.	Lesotho		01.12.2005
10.	Swaziland		01.12.2005
11.	Cameroon		01.12.2005
12.	Ghana		01.12.2005
13.	Namibia		01.12.2005
14.			
15.			
16.			
17.			

## CONCLUSIONS FROM 2<sup>nd</sup> ANNUAL GRAF CONFERENCE

GRAF should bring members closer in terms of harmonization of the gaming regulatory framework and by way of experience sharing. This milestone can be achieved more successfully if more members from the rest of Africa join force in GRAF.

In view of the above, preparations for the next GRAF Conference to be held in Botswana should be initiated well in advance and Conference Agenda, Invitation to members and non members and resource person should be made in good time. As recommended by some of the delegates during the previous Conference, the following topics should be considered during the forthcoming Conference:

- Importance of verification and testing of gambling software and hardware
- Mechanisms to enforce compliance by license holders with the legislation and bid commitments; Experience sharing from respective Boards.
- Problem gambling: Types of support, counseling and benefits.
- Report on progress on Black Economic Empowerment.
- Obsolete gaming devices; importation, movement and certification/control.
- Report by candidate representatives on matters of training and how knowledge gained is benefiting respective Boards.
- Experience sharing on legal matters by panel of lawyers from gaming industry.
- Echnological advancement in gaming operations and the regulation thereof; Policy considerations relating to interactive gaming.

## Conclusions from 2<sup>nd</sup> Annual GRAF Conference

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