



Western Cape
Government

Western Cape
Gambling and Racing Board

Wes-Kaapse Raad op Dobbelary en Wedrenne • Ibhodi Yelentshona Kapa
Yokungcakaza Ngemali Neyemidyarho

**MANUAL IN TERMS OF SECTION
14 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT,
ACT 2 OF 2000**

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1. INTRODUCTION

The Promotion of Access to Information Act ("PAIA"), 2000 (Act 2 of 2000), was promulgated to give effect to the constitutional right of access to information held by the State or by another person which information is required for the exercise or protection of any rights. This right is entrenched in Section 32 of the Constitution of the Republic of South Africa, 1996.

The Western Cape Gambling and Racing Board ("the WCGRB") is a Schedule 3C public entity in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended ("PFMA"). The WCGRB is established in terms of the Western Cape Gambling and Racing Act, 1996, as amended ("the Act") and is in terms of Section 14 of PAIA duty-bound to compile a manual concerning the records and information held by the WCGRB.

The WCGRB's main object is to control all gambling, racing and activities incidental thereto in the Province of the Western Cape and subject to the Act and any policy determinations issued by the Executive Council. The WCGRB is responsible for instilling public confidence and trust that gambling in the Province is conducted honestly, is free from corruptive elements and unlawful gambling and racing activities.

2. REQUIREMENTS PER SECTION 14 OF PAIA

2.1 STRUCTURE

2.1.1 THE WCGRB

In terms of the Act, Members of the WCGRB are appointed on a part-time basis by the Executive Council in accordance with the prescribed procedure. Provision is made for a public participation process, in the nomination of candidates for appointment as Board Members.

In terms of the Act, the WCGRB consists of seven members (non-executive), who shall be eligible persons with appropriate knowledge or experience. The Provincial Minister of Finance appoints, from amongst the members of the WCGRB, the Chairperson and deputy-Chairperson. Board members are appointed for a maximum term of four (4) years, with the option of a one (1) year extension by the Executive Council.

2.1.2 CHIEF EXECUTIVE OFFICER

The Chief Executive Officer is a suitably qualified and experienced person, appointed by the WCGRB to assist the WCGRB in fulfilling its legislative mandate. The Chief Executive Officer is accountable to the WCGRB in relation to:

- (i) The day-to-day business operations of the WCGRB;
- (ii) The performance of all financial, administrative and clerical responsibilities pertaining to the functions of the WCGRB.

2.1.3 COMMITTEES OF THE WCGRB

The WCGRB, as per Section 11 of the Act, formed several sub-committees from its members to oversee specific industry-related matters for the different sectors of the gambling industry.

The WCGRB further appointed three external members to serve on its Audit Committee. The WCGRB designates the chairperson of a particular Committee. The Committees exercise the powers and perform its functions subject to the provisions of the Act and such directives of the WCGRB as are not in conflict with such provisions. The WCGRB has adopted a Charter for each of the sub-committees outlining their mandate. The Committees of the WCGRB are as follows:

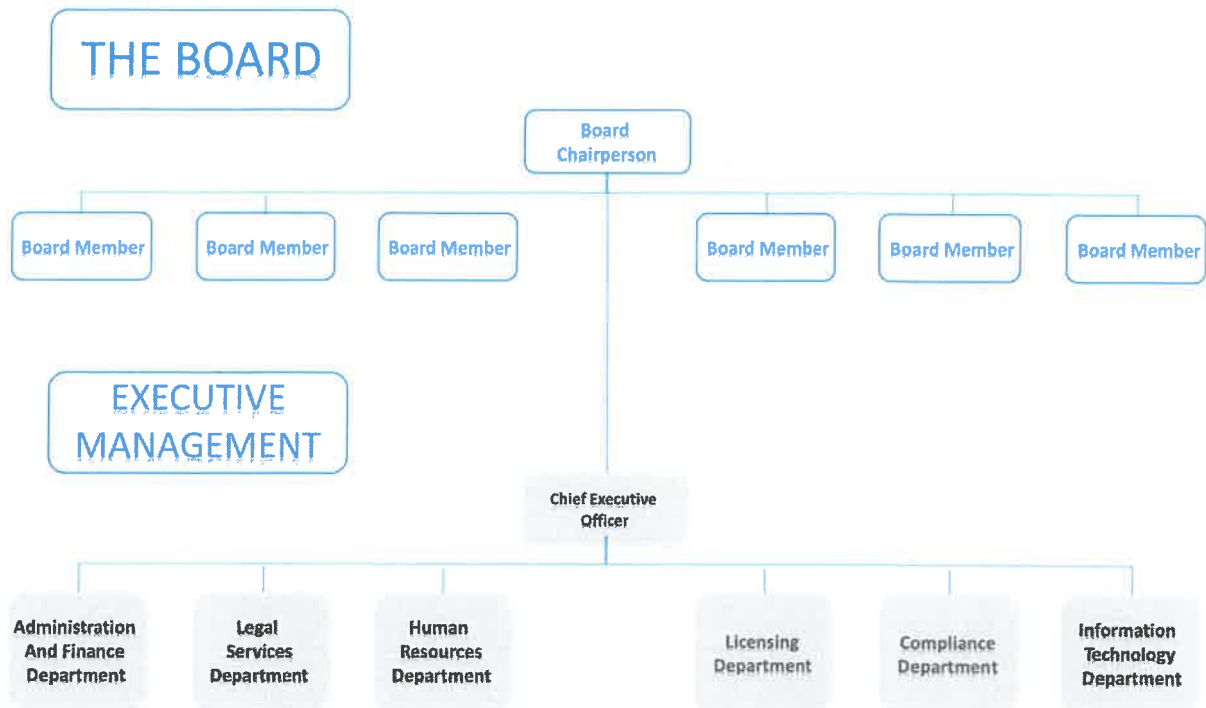
- (i) Audit Committee;
- (ii) Finance and IT Committee;
- (iii) Horseracing Committee;
- (iv) Limited Payout Machine Committee;
- (v) Casino Committee;
- (vi) Human Capital Committee; and
- (vii) Licensing Committee

2.1.4 DEPARTMENTS OF THE WCGRB

The WCGRB has various departments that assist it in giving effect to its legislative mandate and performance of its powers and functions. The departments are as follows:

- (i) The Office of the Chief Executive Officer
- (ii) Legal Services Department
- (iii) Human Resources Department
- (iv) Administration and Finance Department
- (v) Compliance Department
- (vi) Licensing Department
- (vii) Information Technology (IT) Department.

2.1.5 ORGANOGRAM OF THE WCGRB



2.2 FUNCTIONS AND POWERS

The WCGRB was established with the main object of controlling and regulating gambling and racing and all other activities incidental thereto, in the Western Cape. Its functions and powers are outlined in Section 12 of the Act. In summary the function, powers and role of the WCGRB is to:

- (i) Invite applications for licences in terms of the Act;
- (ii) Receive and investigate applications for national and provincial licences;
- (iii) Issue national and provincial licences to qualifying or suitable persons, subject to such conditions as the WCGRB deems appropriate;
- (iv) Probe the suitability of persons acquiring an interest in a licensee or the business to which a licence relates;
- (v) Conduct hearings and investigations into the conduct of licences or pertaining to any matter that the WCGRB must administer in terms of the Act;
- (vi) Ensure on-going compliance in the licensed industry and impose administrative penalties or such measures as the WCGRB deems appropriate for contraventions of the law;
- (vii) Protect the public from illegal gambling and instil / ensure public confidence and trust in legalised gambling;
- (viii) Detect illegal gambling activities and ensure prosecution thereof;
- (ix) Administer, calculate and collect taxes and levies due to the provincial fiscus and all statutory fees as prescribed by the Act;
- (x) Conduct on-going research into gambling and racing throughout the Province and elsewhere to keep abreast of and detect shortcomings in the Act and regulatory practices of the WCGRB;

- (xi) Impose appropriate licence conditions for effective regulation;
- (xii) Attend regulatory forums and conferences in order to keep abreast of the latest developments of the industry; and
- (xiii) Generally, exercise all powers and perform the functions specified in the Act and conferred by any other law.

3. CONTACT DETAILS

The Western Cape Gambling and Racing Board

- **Information Officer: Mr Primo Abrahams (Chief Executive Officer)**
E-mail: primo@wcgrb.co.za / ceo@wcgrb.co.za
- **Deputy-Information Officer: Mrs Yvonne Skepu**
E-mail: yvonne@wcgrb.co.za
- **Street Address:** 100 Fairway Close
Parow
7500
- **Postal Address:** PO Box 8175
Roggebaai
8012
- **Telephone:** (021) 480 7400
- **Facsimile:** N/A
- **Website:** www.wcgrb.co.za

4. GUIDE BY THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has, as prescribed in Section 10 of PAIA, issued a guide, on the use of the PAIA, to help persons who wish to exercise any right contemplated in the Act. The contact details for the Human Rights Commission are as follows:

SA Human Rights Commission

- **Postal address:** Private Bag X2700,
Houghton,
2041
- **Telephone:** (011) 877 3600
- **Facsimile:** (011) 403 0625
- **E-mail:** Mr Tshepang Sebula – General PAIA Helpdesk
tsebulela@sahrc.org.za
Adv Tseliso Tipenyane – Information Officer
jhollenbach@sahrc.org.za
Dr Shanelle Van Der Berg – Deputy Information Officer
svanderberg@sahrc.org.za
- **Website:** www.sahrc.org.za

5. ACCESS TO RECORDS HELD BY THE WCGRB

5.1 THE REQUEST PROCEDURE

- 5.1.1 Section 18 of PAIA prescribes the procedure to be followed in making a request for access to information held by a public body. The requester must use the prescribed form, Form A, when requesting access to a record. The Form A is annexed hereto.
- 5.1.2 The Form A must be addressed and submitted to the Information Officer or Deputy Information Officer by hand, post, per fax or e-mail, which details are set out in paragraph 3 above.
- 5.1.3 The requester must provide sufficient information on the requester and the record(s) requested in order for the Information Officer to identify the record(s).
- 5.1.4 The requester must indicate, as per Section 29(2) of PAIA, the form of access that is required.
- 5.1.5 The requester must indicate whether the requested record(s) is preferred in any particular language.
- 5.1.6 The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.
- 5.1.6.1 The requester will receive the information in such manner as indicated. Section 29(3) of PAIA however indicates that making available the information will depend on whether the request will not interfere unreasonably with the effective administration of the WCGRB, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.
- 5.1.6.2 According to Section 29(4), should access in the form as requested, be refused as per Section 29(3), but access is given in an alternative form, then the fee charged may not exceed the amount that would have been charged for access in the form initially requested.
- 5.1.7 If, in addition to a written reply to the request for the record, the requester wants to be informed of the decision in any other manner, the requester must specify the manner and provide the necessary particulars to be informed accordingly.
- 5.1.8 Where the requester is making a request for the information on behalf of another person, he or she must provide proof of the capacity in which the request is being made.
- 5.1.9 An oral request for access to a record(s) may be made, if the requester is illiterate or has a disability. The Information Officer must complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 5.1.10 The requester will be notified of the prescribed fee payable before a request for information is processed further.
- 5.1.11 The request for information will, in terms of Section 25 of PAIA be processed by the Information Officer within 30 days after receipt of the request or as soon as is reasonably possible, where the Information Officer will inform the requester of his/her decision.

5.1.12 Section 26 of PAIA prescribes the instances where the period of 30 days referenced in Section 25, may be extended once for a further 30 days.

5.1.13 If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or in an unacceptable form, the requester may lodge an internal appeal as per Section 74 of PAIA. Section 74 allows for appeals against the decision of the Information Officer of a public body referred to in paragraph (a) of the definition of "public body" in Section 1 of PAIA. The WCGRB is a public body as referenced in paragraph (b) of the definition of "public body" in Section 1 of PAIA. Therefore, no internal appeal may be lodged against a decision of an Information Officer of a public body such as the WCGRB.

5.1.14 According to Section 78, a requester or third party referred to in Section 74 may only apply to a Court for appropriate relief in terms of Section 82 of PAIA after having exhausted the internal appeal procedure against a decision of the Information Officer of a public body provided for in Section 74.

6. CATEGORIES OF RECORDS HELD BY THE WCGRB

6.1 RECORD THAT MAY BE REQUESTED

As per Section 14 (1)(d), the WCGRB holds the following records that may be requested via the PAIA request process:

DEPARTMENT / FUNCTIONS	RECORDS
Executive Department: Legal Services	<ul style="list-style-type: none"> - Gambling Legislation of the WCGRB - Policy Determinations - Requests for access to information - Correspondence of legal import
Executive Department: Secretariat	<ul style="list-style-type: none"> - Recordings and Resolutions of the WCGRB regarding Public Hearings - Minutes of Board Meetings, per Section 19 and 17 of the Act
Executive Department: Human Resources	<ul style="list-style-type: none"> - Advertisements for positions at the WCGRB - Recruitment policy - Staff records
Administration and Finance Department	<ul style="list-style-type: none"> - List of Applicants for Tenders - List of Tenders Awarded - Supply Chain Management Legislation - Annual Reports - Strategic Plan - Annual Performance Plan - The WCGRB's Budget as per the Budget Estimates of Provincial Revenue and Expenditure, once tabled in Provincial Legislature
Licensing Department	<ul style="list-style-type: none"> - Public inspection copies of applications for licences, objections and replies to same.

	- Licences and Certificates with licence conditions (subject to Section 17 of the Act and PAIA provisions) issued by the WCGRB
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6.2 RECORDS AUTOMATICALLY AVAILABLE

As per Section 15 of PAIA, the following records are automatically available without a person having to request access in terms of PAIA.

6.2.1 RECORDS FOR INSPECTION

- The Western Cape Gambling and Racing Act and Regulations
- Rules of the WCGRB:
 - Bookmaker Operational Rules;
 - Totalisator Rules;
 - Casino Operational Rules;
 - LPM Operational Rules;
 - Racing and Betting Operational Rules;
- Gambling Licences, Certificates of Approval and Certificates of Suitability with the generic conditions of licence, where applicable, and subject to Section 17 and PAIA provisions
- Public Notices.
- Annual Reports of the WCGRB
- List of Gambling Devices approved by the WCGRB.

6.2.2 RECORDS FOR PURCHASE OR COPYING

- The Western Cape Gambling and Racing Act, Regulations and Rules
- WCGRB Tender Documents
- Extracts from public inspection copies of licence applications

6.2.3 RECORDS FREE OF CHARGE

The following application forms and records are available for printing from the WCGRB's website, which details are listed under paragraph 3 above. Should physical / hard copies be requested from the WCGRB, a fee will be payable for such copies.

- The Western Cape Gambling and Racing Act and Regulations
- Rules of the WCGRB:
 - Bookmaker Operational Rules;



- Totalisator Rules;
- Casino Operational Rules;
- LPM Operational Rules; and
- Racing and Betting Operational Rules
- Application forms (New / Renewal) for Licences (including National licences), Certificates of Suitability, Certificates of Approval, Procurement of Financial Interest, Employee licences
- Annual Reports of the WCGRB
- Public Notices
- Request for Applications (RFA)
- Business Entity Disclosure Forms for New Licence Applications and Finding of Suitability, Renewal of Site Licence
- Notification of Sale/Other Disposal of Financial Interest (Form LPM 58)
- Standard Site Manager's Agreement
- Affidavits in respect of licence applications and finding of suitability, various employee licences, limited probity application
- Personal History Disclosure Forms – Natural Person
- Application form for Premises Licences
- Letter of Certification (LOC) in respect of Gambling Devices
- Gambling Fees
- Procedural Guidelines for lodging Objections to Applications Advertised in Media

There has been no Notice published in terms of Section 15(2).

7. SERVICES RENDERED BY THE WCGRB AS A PUBLIC ENTITY

The WCGRB is mandated to:

- (i) Receive and investigate applications for licences pertaining to various sectors of the gambling and betting industries in the Province;
- (ii) Consider licence applications; and
- (iii) Exercise regulatory authority over the conduct of gambling and betting operations by all entities and persons licensed by it.

As such, the WCGRB renders services to the Province, the gambling industry and the public, by ensuring:-

- Through probity investigations, that only appropriate persons, who meet the applicable legal requirements, are licensed to participate in the industry.
- Through ongoing oversight over the licensed industry, that licensed operations take place in accordance with the prescribed requirements and procedures and operate fairly towards the public.

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No.2 of 2000))

[Regulation 6]

FOR DEPARTMENTAL USE	
Request received by _____ (state rank, name and surname of information officer/deputy information officer) on _____ (date) at _____ (place).	Reference number: _____
Request fee (if any) : R _____	
Deposit (if any): R _____	
Access fee: R _____	
	_____ SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. PARTICULARS OF PUBLIC BODY

The Information Officer/Deputy Information Officer:

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- (a) *The particulars of the person who requests access to the record must be given below.*
(b) *The address and/or fax number in the Republic to which the information is to be sent, must be given.*
(c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. PARTICULARS OF RECORD

*(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. FEES

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: _____

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:

9

Mark the appropriate box with an X.

NOTES:

(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:					
	copy of record*				inspection of record
2. If record consists of visual images- (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy the images*		Transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)				Transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		Copy in computer readable form* (stiffy or compact disc)
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?				YES	NO
Postage is payable.					
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>					
In which language would you prefer the record?					

G. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? _____

Signed at _____ this _____ day of _____ 20____

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF
REQUEST IS MADE

