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NOTICE

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**FREE STATE GAMBLING AND RACING BOARD RULES**

**LIMITED GAMING MACHINE ("LPM") RULES**

The Free State Gambling and Racing Board under section 91(3) of the Free State Gambling and Racing Act, 1996 (Act No 6 of 1996), hereby determines the 1<sup>st</sup> of September 2008 as the date on which the Limited Gaming Machine ("LPM") Rules as set out below shall come into operation.

**FREE STATE GAMBLING AND RACING BOARD**  
**LIMITED GAMING MACHINE ("LPM") RULES**

**PART 1**

**Definitions**

Any word or expression used in these Rules which is defined in the Act or the Regulations made in terms thereof shall have the meaning ascribed to it in the Act or Regulations, unless it is otherwise defined in these Rules or the context indicates otherwise. In these Rules, unless the context indicates otherwise –

**"Act"** means the Free State Gambling and Racing Act, 1996 (Act no 6 of 1996), as amended.

**"authorised"** means authorised in terms of the Act or ICS.

**"bet"** means the amount of credits risked or staked by a player at the commencement of or during a gambling game.

**"Board"** means the Free State Gambling and Racing Board.

**"cash or cash equivalent"** means a physical coin, note, token, ticket, other thing of value, magnetic or smart card or any other representation of money used directly or indirectly in the gambling environment.

**"CEMS"** means the central electronic monitoring system contemplated in section 27 of the National Gambling Act.

**"CEMS operator"** means the entity operating the CEMS and licensed in terms of section 27 of the National Gambling Act.

**"credits"** means the number of betting units standing to the credit of a player displayed on the credit meter of an LPM.

**"data collection"** means the successful transfer of LPM soft meter and significant event information from an SDL to the CEMS database.

**"designated area"** means the area within an LPM site where LPM's are authorised to be exposed for play.

**"dispute"** means any unresolved disagreement between a patron and the holder of an LPM operator licence, CEMS operator licence or an LPM site relating to a gambling-related procedure, the outcome of a gambling game or the payment of winnings alleged to be due.

**"double-up"** means a gambling option whereby a player may, during a game, risk a previous win, bet or a portion thereof on the selection of a further outcome.

**"employee card"** means a card used by a licensed or registered employee to –

- (a) initiate and terminate gambling on an LPM site by inserting or removing such card, and
- (b) record details of persons performing functions on the LPM and SDL.

“**fair play**” means the conduct of a gambling game in compliance with all procedures and rules approved for such gambling game.

“**gambling-related**” means having, in the view of the Board or of a licence holder, a direct or indirect influence on gambling tax or fair play.

“**handle**” means the total rand value of all credits bet on an LPM within a specified period.

“**ICS**” means the approved internal control standards of the holder of an LPM operator licence containing the gambling-related provisions prescribed by the Act or required by the Board and includes, without limitation, all gambling-related policies, operating, administrative and accounting procedures and standards to be adhered to by the LPM operator or on a licensed site.

“**Incompatible function**” means a function which places any employee or department in a position both to commit an error or irregularity or to perpetrate a fraud and to conceal such error, irregularity or fraud. Employees may be considered to have incompatible functions if such employees are members of separate departments that are not supervised independently of one another.

“**journal entry**” means any alteration made to gambling-related computerised records.

“**licensed employee**” means the holder of a certificate of approval as a key or gambling employee contemplated in the Act.

“**LPM**” means a gambling machine outside of a casino in respect of the playing of which the stakes and prizes are limited as prescribed by regulations made in terms of the National Gambling Act; and “limited gaming machine” shall have a corresponding meaning.

“**LPM drop**” means the cash or cash equivalent cleared from an LPM for count purposes.

“**LPM operator**” means an operator licensed in terms of section 31 of the Act.

“**LPM site**” means a licensed premises on which LPM's may be exposed for play in terms of section 32 of the Act and “LPM premises” shall have a corresponding meaning.

“**LOC**” means a letter of certification issued by the SABS, certifying that a device or equipment complies with the national norms and standards applicable thereto.

“**logic area**” means a secure cabinet within an LPM that houses the master processing unit and electronic components having the potential to influence the outcome of the game or the communication between the LPM and the CEMS.

“**manufacturer**” means the holder of a licence specified in section 34 of the Act.

“**multi-game software**” means gaming software that offers more than one LPM game on a single LPM.

“**National Gambling Act**” means the National Gambling Act 4 of 2004, as amended.

“**National Gambling Regulations**” means the Regulations in respect of Limited Payout Machines promulgated in terms of the National Gambling Act.

“**operating hours**” means all hours during which LPM's are exposed for play.

“**site owner key employee**” means a natural person, duly authorised to represent the owner of a primary business which has entered into an agreement with an LPM operator to expose LPM's for play on business licensed in terms of section 32 of the Act, and licensed as a key employee by the Board.

“**progressive jackpot**” means the amount advertised and payable for a winning combination of numbers, playing cards, symbols, pictures, figures, events or similar representations capable of being generated by an LPM or the CEMS, with a payout that increases automatically over time or as the machine or game is played.

“**public area**” means any area to which the public has unrestricted access.

“**RAM**” means random access memory.

**“registered employee”** means an employee, other than a licensed employee, employed by the holder of an LPM site licence and registered by the Board to perform gambling-related activities on an LPM premises.

**“RTP %”** means return to player percentage in respect of LPM’s, which is calculated by dividing the total win by the total handle.

**“SABS”** means the South African Bureau of Standards.

**“significant events”** means a set of operational conditions recorded by the CEMS for LPM’s during a game, during idle mode or during data interchange with another gaming device.

**“SDL”** means a site data logger.

**“site data logger”** means a device or other intermediate data collector for the CEMS situated on an LPM site that collects, stores and sends data.

**“SKP”** means a smart keypad.

**“smart card”** means an integrated electronic circuit card issued to a patron for use on an LPM site as an instrument by means of which –

- (a) funds are deposited by such a patron to the credit of such card;
- (b) funds standing to the credit of such card are withdrawn or redeemed by such patron, or
- (c) gambling transactions are conducted by such patron against funds standing to the credit of such card.

**“smart keypad”** means an input device located on an LPM site used to convey instructions to the SDL.

**“supplementary prize”** means a payout or award, other than a progressive jackpot, advertised and payable for a winning combination of numbers, playing cards, symbols, pictures, events, figures or any similar representations in a gambling game or such other events, not reflected on the pay table of an LPM, in respect of which the prize is won.

**“token”** means a token redeemable for specified cash amount and issued or sold by a licence holder to patrons for use when gambling.

**“win”** means the total rand value of coins, tokens and credits won on an LPM.

**PART 2****ORGANISATIONAL STRUCTURE, JOBS COMPENDIUM AND INTERNAL CONTROL STANDARDS ("ICS")****2.1 Organisational structure**

- (1) An LPM operator shall implement and maintain an organisational structure diagram reflecting the –
- (a) executive management of the organisation, each of its departments and functions;
  - (b) segregation of incompatible functions into different departments and functions;
  - (c) direct and indirect lines of authority within the organisation, departments and functions, including the LPM premises, and
  - (d) titles of each position within the organisation and mandatory departments and functions.
- (2) The holder of an LPM operator licence shall not commence any gambling or gambling-related activities prior to the approval of its organisational structure by the Board.
- (3) The holder of an LPM operator licence shall not amend or implement any amendments to its approved organisational structure without the prior written approval of the Board.

**2.2 Jobs compendium**

- (1) The holder of an LPM operator licence shall prepare and maintain a jobs compendium that complies with the provisions of this part in respect of all personnel and LPM site employees engaged in gambling and gambling-related activities.
- (2) A jobs compendium shall comprise –
- (a) a description of each job, reflected on a separate page, organised by department or function, including –
    - (i) the position title and the department or division under which it falls;
    - (ii) the position titles of the relevant employee's head of the department, immediate supervisor and subordinates;
    - (iii) the duties, responsibilities, authority and the limitations in respect of the relevant job;
    - (iv) where licensing is required in respect of the relevant position, the type of licence required to be issued, and
    - (v) where licensing is not a requirement in respect of the relevant position, that registration is required.
- (3) The jobs compendium shall –
- (a) clearly reflect the segregation of incompatible operational functions –
    - (i) into different departments, and
    - (ii) between the LPM operator and LPM premises,specifying the duties of each such department and function;
  - (b) illustrate by position title, the direct and indirect lines of authority within the operation, clearly reflecting a chain of command in terms of which management and supervisory personnel are held accountable for actions or omissions within their areas of responsibility;
  - (c) reflect primary and secondary supervisory positions, where applicable, within the organisational structures and the operational functions contemplated in paragraph (a), so as to ensure the continuous authorisation or supervision of all gambling and gambling-related transactions at all relevant times, and

(d) reflect the division of responsibility and accountability so as to ensure that no area of responsibility or accountability is so extensive that it becomes impractical for one employee to monitor or control.

(4) The holder of an LPM operator licence shall not commence any gambling or  
(5) gambling-related activities prior to the approval of its jobs compendium by the Board.

(6) The holder of an LPM operator licence shall not amend or implement any amendments to its approved jobs compendium without the prior written approval of the Board.

### 2.3 Personnel

(1) The holder of an LPM operator licence's organisational structure and jobs compendium shall provide for the following independent mandatory departments providing for the following categories of staff –

(a) in its Technical Department –

- (i) LPM Technicians, who shall install and maintain LPM's and SDL's and perform such other functions as are prescribed by the Rules and the LPM operator's ICS, and
- (ii) an LPM Technical Manager, who shall –
  - (aa) supervise and manage the overall operation of the Technical Department, and
  - (bb) ensure that the structure and operation of the Technical Department complies with the LPM operator's ICS and the Act;

(b) in its Administration Department –

- (i) Financial Clerks, who shall –
  - (aa) ensure that gambling-related financial information, including the compilation of weekly tax returns, is accurate and reliable, and
  - (bb) perform such other functions as are prescribed by the Rules and the LPM operator's ICS, and
- (ii) an Administration Manager, who shall –
  - (aa) supervise and manage the overall operation of the Administration Department, and participate in the appointment and termination of employment of all administration employees, and
  - (bb) ensure that the structure and operation of the Administration Department complies with the LPM operator's ICS and the Act;

(c) in its Compliance Department –

- (i) Compliance Officers, who shall –
  - (aa) monitor, audit and report on compliance with the LPM operator's ICS and the Act, and
  - (bb) perform such other functions as are prescribed by the Rules and the LPM operator's ICS, and
- (ii) a Compliance Manager, who shall –
  - (aa) supervise and manage the overall operation of the Compliance Department, and
  - (bb) ensure that the structure and operation of the Compliance Department complies with the LPM operator's ICS and the Act.

- (2) The Board may approve the combination of certain categories of employees, functions or departments if the LPM operator is able to demonstrate that there are no incompatible functions and that the proper conduct and effective supervision and control of gambling and gambling-related activities will not be prejudiced thereby.
- (3) An LPM operator may not outsource any of the functions assigned to its employees by the LPM operator's ICS or the Act without the prior written approval of the Board.
- (4) The holder of an LPM operator licence shall at all times maintain its level of staffing in a manner which ensures the proper operation and effective supervision of all gambling and gambling-related activities.
- (5) The Board may order the holder of an LPM operator licence to utilise higher levels of staffing if, in the opinion of the Board, it is necessary for the proper conduct and effective supervision and control of any gambling-related activity.
- (6) No person shall simultaneously perform incompatible gambling-related functions allocated to more than one position without the prior written approval of the Board.
- (7) The LPM operator shall ensure that only adequately trained and experienced employees are utilised in the positions reflected in the organisational structure.
- (8) This Rule does not preclude the holder of an LPM operator licence from utilising additional categories of employees or the Board from ordering an LPM operator to utilise additional categories of employees where it deems this necessary for the proper conduct and effective supervision and control of any gambling-related activity.

#### **2.4 LPM Sites**

- (1) Licensed or registered employees shall be appointed on each LPM site, who shall during all operating hours –
  - (a) supervise gambling and gambling-related activities;
  - (b) ensure that all gambling and gambling-related activities are conducted in accordance with the Act and the LPM operator's ICS;
  - (c) ensure the proper functioning of LPM's, insofar as prescribed by the Act and the LPM operator's ICS, and
  - (d) attend to patron disputes.

#### **2.5 Internal audit**

- (1) An LPM operator shall appoint an independent internal auditor to perform the internal audit function prescribed by this Rule.
- (2) The internal audit function shall comprise –
  - (a) the review and evaluation, at least on a six-monthly basis, of the LPM operator's –
    - (i) ICS in order to determine the effectiveness and adequacy thereof, and
    - (ii) fulfilment of its bid commitments;
  - (b) on a six-monthly basis –
    - (i) an assessment of the LPM operator's compliance with its ICS and the Act;
    - (ii) an assessment of the effectiveness and adequacy of the day-to-day gambling-related operations of the Technical, Administration and Compliance Departments;
    - (iii) the compilation and review of an operational risk profile in respect of the mandatory departments;
    - (iv) a determination of whether the gambling and gambling-related financial and operating information is accurate, current, timeously generated, complete, valid and reliable, including the reconciliation of such information with tax returns submitted to the Board;

- (v) a determination of whether all gambling-related taxes are current and accurate;
  - (vi) an assessment of the integrity, adequacy, accuracy and reliability of all gambling-related information and systems, and
  - (vii) to the degree required by the circumstances, an assessment of the LPM operator's compliance with any operational conditions of the licence imposed by the Board.
- (3) Where an LPM operator utilises an external auditing company to perform the internal audit function, such company may not also perform the external audit function.
- (4) The head of the internal audit function shall report directly to the board of directors of the LPM operator or to a committee of the board of directors.
- (5) An LPM operator must ensure that the persons responsible for the performance of the internal audit function submit and present an internal audit report to the Office of the Board within three (3) months of the end of every six (6) month period.
- (6) The internal audit report contemplated in sub-rule (5) shall address –
- (a) any contravention of the LPM operator's ICS or the Act revealed by the audit;
  - (b) all the areas of responsibilities referred to in sub-rule (2)(a) and (b), and
  - (c) any weaknesses in the LPM operator's ICS or the Act revealed by the audit.
- (7) In addition to the provisions of sub-rule (6), additional internal audit reports shall be submitted to the Board relating to –
- (a) gambling and gambling-related operations and activities, and
  - (b) instances of possible non-compliance with the provisions of the LPM operator's ICS or the Act revealed by an audit
- within 14 days of the compilation of such reports.
- (8) The Board may approve different reporting lines to those prescribed in sub-rule (4) above, upon demonstration by the LPM operator that there are no incompatible functions.
- (9) All reports shall be in writing and shall be kept for a period of at least two (2) years for Board inspection.

## 2.6 ICS

- (1) Every LPM operator shall develop, implement and maintain a written ICS to ensure –
- (a) the integrity of its gambling operation;
  - (b) that adequate controls are in place to effectively manage and minimise gambling-related risks;
  - (c) that gambling-related devices, documents and information are properly controlled and safeguarded;
  - (d) that financial and other gambling-related records are accurate and reliable;
  - (e) that gambling-related transactions are performed with the necessary authorisation;
  - (f) that gambling-related transactions are recorded in sufficient detail;
  - (g) the proper reporting of gambling revenue, taxes and other fees due, and
  - (h) that gambling-related functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent and appropriately qualified employees.
- (2) The LPM operator's ICS shall contain only those procedures and provisions required in terms of the Act and such further procedures and provisions as the Board may from time to time determine.
- (3) The holder of an LPM operator licence shall not commence any gambling or gambling-related activities prior to the approval of its ICS by the Board.



- (4) The holder of an LPM operator licence shall not amend its ICS or implement any new or revised policies, procedures or standards contained or required to be contained in its ICS without the prior written approval of the Board.
- (5) The holder of an LPM operator licence shall submit amendments to its approved ICS in the manner and format determined by the Board.
- (6) The Board may order the holder of an LPM operator licence to amend its ICS if in the opinion of the Board it does not comply with the requirements of sub-rule (1).
- (7) The holder of an LPM operator licence shall conduct its operations in terms of its ICS.
- (8) If the holder of an LPM operator licence contravenes any provision or procedure of its ICS or omits to amend its ICS within 28 days of receiving an order from the Board to do so, such contravention or omission shall be deemed to be a contravention of these Rules.
- (9) The ICS shall clearly distinguish between the LPM operator's and LPM site's functions.
- (10) The LPM operator shall immediately inform all its LPM sites in the event of an ICS amendment that the Board has determined will have an influence on the operation of the LPM site.
- (11) At a minimum an LPM operator's ICS shall contain provisions and procedures applicable to the LPM Operator and LPM premises relating to:
  - (a) its organisational structure;
  - (b) its jobs compendium;
  - (c) measures for the maintenance of designated areas to ensure compliance with the provisions of the Act;
  - (d) control measures to preclude persons under the age of 18 years from having access to designated areas;
  - (e) the maintenance of premises and employee records;
  - (f) the management of prescribed LPM information records;
  - (g) the commissioning and de-commissioning of LPM's, including the set up and testing thereof;
  - (h) access to all LPM areas, including LPM logic area and SDL access;
  - (i) the resolution of patron disputes;
  - (j) manual payments, including the recording thereof;
  - (k) the maintenance of LPM's and SDL's, including the detection of LPM, SDL and CEMS malfunctions;
  - (l) the recording and correction of RAM clears, meter wraps and LPM soft meter violations;
  - (m) the detection and investigation of exceptions and unusual events, including –
    - (i) significant events, and
    - (ii) the integrity of CEMS and LPM meters;
  - (n) the clearance and count of LPM drop;
  - (o) the investigation of variances between estimated and actual LPM drop and the reporting thereof;
  - (p) the detection and investigation of LPM RTP percentages that are below 75%;
  - (q) control measures in respect of controlled stationery, including provisions for –
    - (i) the ordering thereof;
    - (ii) the receipt thereof;
    - (iii) the storage thereof;
    - (iv) the issue thereof;
    - (v) the method of completing entries in controlled stationery registers;
    - (vi) the personnel involved in controlled stationery transactions;
    - (vii) the comparison of a signature listing to signatures on the controlled stationery documents;

- (viii) the method of checking for completeness and accuracy of controlled stationery registers;
  - (ix) the collection of completed controlled stationery registers;
  - (x) the method of filing of all controlled stationery, and
  - (xi) the reconciliation and auditing of controlled stationery registers;
- (r) monitored key controls, including provisions for –
- (i) the ordering thereof;
  - (ii) the receipt thereof;
  - (iii) the storage thereof;
  - (iv) the issue thereof;
  - (v) the method of completing entries in monitored key registers;
  - (vi) the personnel involved in monitored key transactions;
  - (vii) procedures in respect of duplicate keys;
  - (viii) procedures in respect of lost keys;
  - (ix) dual control procedures relating to keys;
  - (x) the destruction of keys, and
  - (xi) the reconciliation and auditing of monitored key registers;
- (s) journal entries and any adjustments to stored data on the CEMS;
- (t) controls relating to user access levels and rights assigned to persons authorised to access the CEMS;
- (u) the issue, activation and retrieval of employee cards, including password reset;
- (v) the calculation, compilation and verification of the Monthly Gaming Revenue Tax Return, including the verification and reconciliation of computerised reports used to calculate LPM gambling revenue so as to ensure the integrity and accuracy and the collection thereof;
- (w) the documentation, investigation and manner of reporting of all breaches of procedure and illegal activities;
- (x) the training of licensed or registered employees with regard to the –
- (i) LPM site procedures;
  - (ii) Responsible Gambling Programme, and
  - (iii) maintenance of LPM's;
- (y) the performance of audits pertaining to –
- (i) game and communication software installed in LPM's;
  - (ii) software installed in SDL's;
  - (iii) user right access levels to the CEMS and other gambling-related software, including password control;
  - (iv) procedural compliance with the Act and the LPM operator's ICS;
  - (v) licensed or registered employees;
  - (vi) monitored keys;
  - (vii) controlled stationery, and
  - (viii) the verification of the accuracy and integrity of information on the CEMS.

**PART 3****TECHNICAL DEPARTMENT****3.1 LPM and SDL information records**

- (1) The Technical Department of the LPM operator shall record and maintain accurate and current records in the LPM operator's inventory in respect of –
- (a) each LPM, reflecting –
- (i) the date on which the LPM cabinet and game software was received;
  - (ii) the serial number assigned to that LPM cabinet by the manufacturer thereof;
  - (iii) a unique asset number assigned to that LPM cabinet and game software which shall remain unchanged for the entire duration of the period during which such LPM is owned by or in the possession of the LPM operator;
  - (iv) the location to which the LPM has been assigned;
  - (v) the number assigned to the position of the LPM at the LPM premises;
  - (vi) the name of the licensed manufacturer of the LPM cabinet and game software;
  - (vii) the LPM certified model Board approval number;
  - (viii) the LPM game software memory device number;
  - (ix) the LPM game name;
  - (x) the LPM theoretical and actual return to player percentages;
  - (xi) the LPM denomination;
  - (xii) the method and date of disposal of the LPM cabinet and game software;
  - (xiii) the total number of LPM's in use at LPM sites and in storage, and
  - (xiv) LPM permit numbers, where applicable;
- (b) each SDL, reflecting –
- (i) the date on which the SDL was received;
  - (ii) the serial number assigned to that SDL by the manufacturer thereof;
  - (iii) a unique asset number assigned to that SDL which shall remain unchanged for the entire duration of the period during which such SDL is owned by or in the possession of the LPM operator;
  - (iv) the site or location to which the SDL has been assigned, and
  - (v) the SDL model number and Board approval number.
- 3.2 LPM requirements**
- (1) Each LPM shall electronically record, store and send to the CEMS the meter information specified by the applicable SABS standard.
- (2) Each LPM shall electronically record, store and send to the CEMS the following significant event information –
- (a) authorised and unauthorised LPM cabinet door, drop box door and banknote storage area open and close;
  - (b) authorised and unauthorised access to the LPM logic area while power off;
  - (c) authorised and unauthorised access to the SDL;
  - (d) communication failure to the CEMS, and
  - (e) software validation or signature failure.
- (3) An LPM shall require manual reactivation and shall perform a signature check in the event of –
- (a) unauthorised access to the LPM logic box door;
  - (b) unauthorised access to the SDL, and
  - (c) a signature failure by the LPM and SDL.

- (4) The Technical Department shall maintain all LPM's and SDL's in a good working condition in accordance with the approved norms and standards for such devices.
- (5) The LPM operator or LPM site shall not possess, install or make available for play any gambling or gambling-related device which has not been approved by the Board.
- (6) All LPM's that are exposed for play shall be linked to the CEMS.
- (7) A number shall be assigned to each LPM at the LPM site, which shall be clearly visible on the front of the LPM or LPM base.
- (8) The LPM number referred to in sub-rule (7) shall correspond with the number reflected on the CEMS for that specific LPM.
- (9) A plate shall permanently be affixed to the cabinet of every LPM, reflecting –
  - (a) the unique serial number of the LPM, and
  - (b) the name of the manufacturer of such LPM.

### 3.3 Commissioning, alteration and de-commissioning of LPM's and SDL's

- (1) Whenever an LPM or SDL is commissioned or altered, the Technical Department shall perform tests to ensure that the components of such LPM or SDL have been set up properly in respect of –
  - (a) software validation;
  - (b) coin acceptance;
  - (c) bill acceptance;
  - (d) significant events;
  - (e) soft meter increment, and
  - (f) such other components and tests as the Board may specifyprior to any gambling activity taking place on the LPM.
- (2) The Technical Department shall –
  - (a) document the results of the tests conducted in terms of sub-rule (1) in the format determined or approved by the Board and such document shall be signed by a representative from the Technical Department and a licensed or registered employee of the relevant LPM site, and
  - (b) maintain the significant event and meter test documentation, including system reports in respect of the tests contemplated in sub-rule (1) for a period of at least two (2) years for Board inspection.
- (3) The Technical Department shall immediately update the CEMS reflecting any commissioning, alteration or de-commissioning of LPM's at the time of such occurrence.
- (4) The Technical Manager shall approve the commissioning, alteration or de-commissioning of all LPM's.
- (5) The LPM operator shall ensure that full data collection has been completed by the CEMS prior to de-commissioning an LPM.
- (6) An LPM may not be exposed for play before the tests referred to in sub-rule (1), have been successfully completed and the information on the CEMS has been verified as being correct.

- (7) Any change to an LPM's theoretical RTP percentage shall result in such LPM being treated as a different LPM for purposes of preparing statistical reports.
- (8) In respect of a multi-game LPM, the provisions of this Rule shall apply, with the necessary changes, to each game offered by such LPM.

### **3.4 LPM and communication malfunctions**

- (1) The LPM shall be powered down and may not be available for play if a malfunction has occurred which –
  - (a) has a fair play implication, or
  - (b) affects the integrity of the LPM or CEMS informationand which cannot be repaired immediately.
- (2) The LPM shall be removed from the public area in the event that the LPM has been powered down for a period of five (5) trading days.
- (3) In the event that data collection has not been performed from an LPM site over a continuous 72-hour period, the Technical Department shall implement measures to allow the data collection to be performed.
- (4) In the event that the communication malfunction cannot be repaired immediately, the Board shall be informed thereof in writing.
- (5) The Technical Department shall, if requested in writing by the Board to do so, immediately disable an LPM for a period determined by the Board or until such time as the malfunction has been repaired.

### **3.5 Maintenance**

- (1) The Technical Department shall maintain a detailed maintenance register in respect of all malfunctions and maintenance performed on LPM's and SDL's.
- (2) Preventative and routine maintenance on an LPM and SDL may be performed only by –
  - (a) an LPM Technician;
  - (b) an employee of the CEMS operator, and
  - (c) an employee of an LPM manufacturer, licensed in terms of the Actin the presence of a licensed or registered employee of the relevant LPM site.
- (3) Sub-rule (2) does not preclude a licensed or registered employee of the LPM site from performing routine maintenance to ensure the proper operation of the LPM's on its premises, including attending to coin-in and coin-out errors, bill disputes, hopper fills and cash collections.
- (4) If a specific malfunction on an LPM recurs on a regular basis, the Technical Department shall attend to the problem.

### **3.6 RAM clear**

- (1) Only representatives of the Technical Department and CEMS operator shall be allowed to perform a RAM clear on an LPM and SDL.
- (2) A RAM clear on an LPM or SDL may be performed only by accessing the logic area of such LPM or secure housing of the SDL.

- (3) Prior to and after performing a RAM clear on an LPM, the LPM Technician shall record the LPM soft meter readings on the prescribed RAM Reset Document and shall -
  - (a) forward this information to the relevant Department, or
  - (b) ensure that the LPM soft meters have been archived on the CEMS.
- (4) Representatives from both the relevant LPM site and the Technical Department shall attest to the accuracy of the information contained in the RAM Reset Document.
- (5) The LPM Technician or representative of the CEMS operator shall ensure that full data collection has been completed by the CEMS prior to performing a RAM clear on the SDL, as prescribed by the operator's ICS.

### **3.7 Additional gambling devices**

- (1) The holder of an LPM operator licence may, at its office or such other premises approved for this purpose by the Board, possess an additional number of gambling devices, which -
  - (a) shall not exceed 10% of the total number of gambling devices authorised to be exposed for play in terms of the LPM operator's licence;
  - (b) may not be utilised to conduct gambling, and
  - (c) shall not be located within any public area.
- (2) The holder of an LPM operator licence may possess additional LPM's in excess of the number prescribed in sub-rule (1)(a) only upon the prior written approval of the Board.

## **PART 4**

### **ADMINISTRATION DEPARTMENT**

#### **4.1 Responsibilities**

- (1) The Administration Department of the LPM operator shall -
  - (a) develop, implement and review financial controls;
  - (b) reconcile gambling revenue on a weekly basis;
  - (c) prepare and control financial records and data;
  - (d) capture data, other than the data required to be captured by the Technical Department, on the CEMS;
  - (e) store financial records;
  - (f) authorise the allocation of user access rights;
  - (g) order, receive, secure, issue and be responsible for the storage of all controlled stationery and monitored keys. The licensee may however request the Board in writing for approval that these responsibilities be executed by another department.
  - (h) verify the integrity and validity of all financial information, and
  - (i) prepare all financial reports.

#### **4.2 Journal entries**

- (1) In the event of incorrect information being reflected on the CEMS, the Administration Department shall make printouts prior to and subsequent to changes being effected thereto, reflecting an audit trail of the amendments made and the reason for such amendments.
- (2) The Administration Department shall request the CEMS operator, in writing on the prescribed Journal Entry Register, to effect the necessary adjustments.
- (3) All journal entries shall be authorised and signed by the Administration Manager, or his or her authorised representative.

#### 4.3 LPM accounting

- (1) The Administration Department shall, on a weekly basis, review the CEMS reports used for calculating taxable revenue to verify the accuracy thereof.
- (2) The Administration Department shall verify that the data contemplated in Rule 3.2(1) and (2) has been collected in respect of all LPM's within seven (7) days of the period allowed for the collection thereof.
- (3) The Administration Department shall immediately inform the Technical Department if the data collection contemplated in sub-rule (2) has been unsuccessful.
- (4) A weekly reconciliation shall be prepared by the Administration Department in respect of the taxable revenue pertaining to all LPM's exposed for play by the LPM operator.
- (5) All LPM reconciliation procedures and any follow-up actions performed in respect thereof, shall be documented and retained for Board inspection.
- (6) The weekly tax return shall be signed by the Administration Manager, or his or her authorised representative.

#### 4.4 Controlled stationery

- (1) The Administration Department or such other department as approved in writing by the Board, shall be responsible for ordering, receiving, storing and issuing the following controlled stationery –
  - (a) Machine Book for each LPM, to be used to document each time an LPM is accessed, reflecting the relevant –
    - (i) LPM site ;
    - (ii) LPM number;
    - (iii) date and time of access;
    - (iv) reason for access, and
    - (v) signature and name or registration number of the LPM Technician or licensed or registered LPM site employee accessing the LPM;
  - (b) Maintenance Register, to be used to document all malfunctions of and maintenance performed on LPM's and SDL's, recording the relevant –
    - (i) LPM site ;
    - (ii) LPM or SDL number;
    - (iii) date and time of the malfunction or maintenance;
    - (iv) description of the malfunction and action taken to repair it, and
    - (v) signatures and names or registration numbers of the LPM Technician and licensed or registered LPM site employee performing and witnessing the maintenance;
  - (c) RAM Reset Document, to be used in the event of a RAM clear, recording the relevant –
    - (i) date and time;
    - (ii) LPM number;
    - (iii) soft meter readings prior to the RAM clear;
    - (iv) soft meter readings subsequent to the RAM clear, and
    - (v) signatures and names or registration numbers of the LPM Technician and licensed or registered LPM site employee performing and witnessing the RAM clear;

- (d) Payout Register, to be used to document all prescribed payouts made by the LPM site to patrons, recording the relevant –
- (i) date of payment;
  - (ii) value of the payment;
  - (iii) patron's name, surname and signature, and
  - (iv) signature and name or registration number of the licensed or registered LPM site employee who made the payout;
- (e) Dispute Register, to be used to document all patron disputes, including resolved disputes, recording the relevant –
- (i) date and time of the dispute;
  - (ii) nature of the dispute;
  - (iii) the relevant LPM number, where applicable;
  - (iv) the patron's signature and contact details, including telephone number and address;
  - (v) remedial steps taken to resolve the dispute,
  - (vi) details regarding the resolution or referral of the dispute, as the case may be, and
  - (vii) signature and name or registration number of the licensed or registered LPM site employee to whom the dispute was reported;
- (f) Journal Entry Register, to be used to record the detail of all adjustments made to stored data on the CEMS, recording the relevant –
- (i) date and time of the entry;
  - (ii) LPM number, where applicable;
  - (iii) LPM site name;
  - (iv) reason for the adjustment;
  - (v) description of the adjustment made, and
  - (vi) signatures and names or registration numbers of the Administration Department employee requesting the adjustment and the Administration Manager authorising the adjustment;
- (g) User Access Rights Application Form, to be used for the application of user access rights on the CEMS, recording the relevant –
- (i) date of application;
  - (ii) applicant's name and surname;
  - (iii) position or job function of the applicant;
  - (iv) Free State Gambling and Racing Board licence number, where applicable;
  - (v) LPM operator's name;
  - (vi) LPM site name, where applicable;
  - (vii) the user access rights to be allocated to the applicant, and
  - (viii) signature and name or registration number of the Administration Department employee authorising the application;
- (h) Stationery Registers, documenting controlled stationery in stock as well as all controlled stationery issued, recording the relevant –
- (i) number of stationery received;
  - (ii) ranges of stationery received;
  - (iii) LPM site at which the stationery is used, where applicable;
  - (iv) date and time issued;
  - (v) current stock level, and
  - (vi) the signatures and names or registration numbers of the licensed or registered employees receiving and issuing the controlled stationery;



- (i) Key Control Registers, documenting each time monitored keys or combinations thereof are issued, duplicated or destroyed, recording the relevant –
- (i) type of key or combination of keys;
  - (ii) number of keys made, duplicated or destroyed;
  - (iii) signatures of all persons involved in the creation, duplication or destruction of such keys;
  - (iv) date and time issued;
  - (v) relevant LPM site, where applicable;
  - (vi) signature and name or registration number of the employee issuing the keys;
  - (vii) signature and name or registration number of the employee receiving the keys, and
  - (viii) date and time returned by the custodian of the monitored key.
- (2) All the unused and completed registers contemplated in sub-rule (1) shall be kept in a secure area controlled by the Administration Department; or such other department as approved in writing by the Board.
- (3) Information required to be reflected on controlled stationery shall be recorded in ink or such other permanent medium as the Board may require or approve.
- (4) Corrections to information recorded on controlled stationery shall be made by drawing a single line through the error and entering the correct detail whereupon at least one employee involved in the transaction shall append his or her initials alongside the changes, specifying his or her name or employee ID number.
- (5) All the completed registers contemplated in sub-rule (1) shall be retained –
- (a) on the relevant LPM site, for a period of at least three (3) months from the date of the last entry therein, and
  - (b) at its registered office, by the LPM operator for a period of at least two (2) years from the date of the last entry therein for Board inspection.
- (6) Notwithstanding the provisions of this Rule, where an LPM operator utilises a computerised system and electronic signature identification, the Board may approve different requirements and provisions in respect of controlled stationery, upon demonstration by the LPM operator to the satisfaction of the Board that there are sufficient controls in place to ensure the integrity and validity of the computerised system and the reports generated.
- (7) The LPM operator may combine certain of the registers specified in this Rule with computer-generated reports, provided that the LPM operator is able to prove to the Board –
- (a) the validity and correctness of the information contained in the registers and reports, and
  - (b) that the integrity of the documentation is not prejudiced by such combination.

#### 4.5 Monitored keys

- (1) The Administration Department or other department as approved in writing by the Board shall maintain detailed records in respect of each monitored key that is made, duplicated or destroyed.
- (2) The Administration Department or such other department as approved in writing by the Board shall receive, secure, issue, control and dispose of the following monitored keys –
- (a) LPM cabinet door keys;
  - (b) logic area door keys;
  - (c) SDL keys;
  - (d) such other keys that are required to be monitored or controlled in terms of the Act and ICS, and
  - (e) each duplicate key to the keys contemplated in paragraphs (a) to (d) above.

- (3) All monitored keys shall be kept in a secured area, in such a manner as to prevent unauthorised access thereto.
- (4) Access to the secure area referred to in sub-rule (3) shall be limited to representatives of the Administration Department or such other department as approved in writing by the Board.
- (5) All key transactions shall be registered in key control registers.
- (6) Monitored keys shall at all times remain under the control of the custodian of such keys or secured in a manner approved by the Board.
- (7) In addition to the provisions of this Rule, the following provisions shall apply with regard to the control of –
  - (a) Logic area keys –
    - (i) Only authorised representatives from the Technical Department shall be allowed access to the logic area keys.
    - (ii) Logic area keys may not be kept at the LPM site.
  - (b) SDL keys –
    - (i) The SDL keys shall be issued only to an LPM Technician or a representative of the CEMS operator.
  - (c) LPM cabinet door keys may only be issued to a licensed or registered employee of the LPM site or a representative of the Technical Department.

## PART 5

### COMPLIANCE DEPARTMENT

#### 5.1 Investigations

- (1) The Compliance Department of the LPM operator shall, on a weekly basis, review the CEMS meter readings and significant events in order to detect exceptions and unusual events, including –
  - (a) unauthorised access to secured areas of the LPM and SDL;
  - (b) configuration changes to LPM and SDL software;
  - (c) LPM and SDL software validation or signature failure;
  - (d) meter violations, meter wraps and RAM clears, and
  - (e) variances in excess of R100-00 or 20% per gaming day between actual and metered LPM drop, in the event that the actual LPM drop counted exceeds the metered drop.
- (2) The Compliance Department shall, on a weekly basis, ensure that the exceptions and unusual events referred to in sub-rule (1) are investigated.
- (3) The Compliance Department shall inform the Technical Department of any unresolved exceptions and unusual events referred to in sub-rule (1).
- (4) The Compliance Department shall inform the Administration Department regarding the outcome of the variances contemplated in sub-rules (1)(d) and (e).
- (5) The results of the investigations referred to in this Rule and the actions taken to prevent a recurrence thereof, shall be documented.
- (6) All reports contemplated in this Rule shall be in writing and kept for a period of at least two (2) years for Board inspection.

## 5.2 Audits

- (1) The Compliance Department shall be responsible for the performance of quarterly audits-
  - (a) to verify that only approved game and communication software is installed in LPM's;
  - (b) to verify that only approved software is installed in SDL's;
  - (c) to ensure that access to the CEMS has been allocated to authorised personnel only;
  - (d) assessing procedural compliance by the LPM operator and on LPM site with the Rules and the LPM operator's ICS;
  - (e) to verify that all employees performing gambling-related functions are correctly licensed or registered;
  - (f) on the LPM RTP percentages which are below 75% over a continuous 12-month period;
  - (g) to ensure that journal entries have been performed correctly and with the necessary authorisation;
  - (h) on monitored key registers for accuracy;
  - (i) on controlled stationery registers for accuracy and stock levels, and
  - (j) to verify the accuracy and integrity of information on the CEMS.
- (2) Any discrepancies found during the audits referred to in sub-rule (1) shall be investigated and the results and actions taken to prevent a recurrence thereof shall be documented.
- (3) All reports contemplated in this Rule shall be in writing and kept for a period of at least two (2) years for Board inspection.
- (4) The Compliance Department shall, on a six-monthly basis, compile or review a risk analysis in respect of the day-to-day gambling and gambling-related activities conducted by the LPM operator and on LPM site .

## 5.3 Reporting requirements

- (1) The Compliance Manager shall report directly to at least the General Manager or Managing Director of the LPM operator.
- (2) The Board may approve different reporting lines to those prescribed in sub-rule (1) above, upon demonstration by the LPM operator that there are no incompatible functions.
- (3) The Compliance Department shall, on a monthly basis, provide the Board with a report reflecting, in respect of the period reviewed –
  - (a) any contraventions of the LPM operator's ICS or the Act;
  - (b) any discrepancies detected during the prescribed audits and investigations;
  - (c) detail of all journal entries;
  - (d) a summary of all patron disputes arising;
  - (e) any cheating activities detected;
  - (f) a summary of all bannings effected, and
  - (g) such other detail as may be required by the Board.
- (4) The monthly reports, referred to in sub-rule (3), shall be submitted within five (5) working days after the conclusion of every month.
- (5) In addition to the provisions of sub-rule (3), the Compliance Department shall submit additional reports to the Board relating to –
  - (a) gambling-related activities and procedures;
  - (b) any material weaknesses identified in the LPM operator's ICS, and
  - (c) instances of possible non-compliance with the provisions of the LPM operator's ICS or the Actwithin 14 days of compiling such reports.
- (6) All reports contemplated in this Rule shall be in writing and kept for a period of at least two (2) years for Board inspection.

**PART 6****LPM SITES****6.1 ICS**

- (1) The provisions and procedures prescribed in an LPM operator's ICS, including its organisational structure and jobs compendium shall be complied with on all licensed LPM premises on which it exposes LPM's for play.
- (2) No gambling or gambling-related activities shall be conducted on an LPM site prior to the approval of the relevant LPM operator's ICS by the Board.
- (3) All operations on an LPM site shall be conducted in terms of the relevant LPM operator's ICS.
- (4) A copy of these Rules and the relevant LPM operator's ICS shall, at all times be retained on an LPM site .
- (5) If any provision or procedure of the LPM operator's ICS is contravened on an LPM site , such contravention shall be deemed to be a contravention of these Rules, and the LPM operator shall be liable for the penalties prescribed in respect thereof in these Rules, or such penalties together with such other sanction as the Board may impose in terms of the Act; provided that –
  - (a) where the holder of the LPM operator licence to which an LPM site relates does not exercise control over the premises for the purposes of the contravention, the Board may require the site owner key employee to pay the penalties stipulated in these Rules in respect of such contravention, and
  - (b) where a penalty is imposed pursuant to paragraph (a), the Board may exempt the holder of the relevant LPM operator licence to which the site relates from paying the penalty specified if it is satisfied that that the holder of the relevant LPM operator licence could not reasonably have prevented the contravention.
- (6) For the purposes of sub-rule (5)(b), an LPM operator may not be regarded as having been unable reasonably to prevent a contravention where –
  - (a) the LPM operator has previously been alerted to the commission of a similar contravention on the relevant LPM site ;
  - (b) the LPM operator has undertaken to take steps to prevent a repetition of similar contraventions on the relevant LPM site , and has not taken sufficient steps to do so, or
  - (c) the same or similar contraventions take place on the relevant LPM site on a regular basis.
- (7) If any provision of these Rules is contravened on an LPM site, the provisions of sub-rules (5) and (6) shall apply *mutatis mutandis* in respect of the imposition of penalties regarding such contravention.

**6.2 Minimum requirements for LPM sites**

- (1) The playing of LPM's on the LPM site shall constitute the secondary form of business provided on such premises.
- (2) All business conducted on the LPM site shall be lawful and registered for tax purposes.
- (3) The Board shall approve the floor plan of the LPM site prior to any gambling activity being conducted on such premises.

- (4) The approved floor plan in respect of an LPM site may not be altered without the prior written approval of the Board.
- (5) The LPM operator or any other person may not, on an LPM site, expose for play LPM's in excess of the maximum number authorised for such site by the Board.
- (6) The designated area of an LPM site shall be constructed in such a manner as to ensure restricted access thereto.
- (7) The designated area of an LPM site shall not be less than three (3) square meters per LPM, unless otherwise approved by the Board.
- (8) The wiring to and from the LPM, SDL and SKP shall be installed in a manner as to prevent tampering therewith.
- (9) The LPM's shall not be visible to the general public from outside the LPM site.
- (10) Advertising of gambling on the exterior of an LPM, other than the display of the corporate logo of the LPM operator, or the adoption or use of a name in respect of an LPM site which promotes or incorporates a reference to gambling is prohibited.
- (11) All LPM's shall be placed and remain within the designated areas approved by the Board, unless otherwise prescribed by these Rules.
- (12) All SDL's and SKP's shall be placed and remain in an area approved by the Board.
- (13) The LPM operator or any other person on an LPM site shall not expose an LPM for play outside the approved designated area.

### **6.3 Responsibilities pertaining to LPM sites**

- (1) In the event of an LPM or CEMS malfunction that cannot be repaired immediately, the licensed or registered employee on the LPM site shall immediately inform the LPM operator.
- (2) LPM's that are not exposed for play shall not be stored in a public area.
- (3) An LPM may not be stored on an LPM site for a period longer than one (1) month without the prior written approval of the Board.
- (4) A licensed or registered employee on an LPM site shall perform a count of all the LPM drop proceeds at least once every week and record the value of the drop proceeds on the CEMS.
- (5) All manual payments made by the LPM site in excess of R200-00, shall be recorded in the prescribed Payout Register.
- (6) All LPM's within the LPM site shall be monitored, observed and supervised by a licensed or registered employee during operating hours in order to –
  - (a) ensure that no person under the age of 18 years –
    - (i) enters or remains in any designated area with LPM's;
    - (ii) takes part in an LPM game, or
    - (iii) operates an LPM;
  - (b) effectively monitor and control the designated area and areas in which the SDL and SKP are placed, and
  - (c) ensure that all LPM's and the SDL, and their wiring, are not –
    - (i) tampered with or damaged;
    - (ii) altered in any way, or
    - (iii) accessed by unauthorised persons.

**6.4 Access to LPM's**

- (1) Only an authorised licensed employee of the LPM operator, a licensed or registered employee on an LPM site and a licensed manufacturer may access an LPM.
- (2) The employee card of the licensed or registered employee of the relevant LPM site, shall be inserted in the SKP each time an LPM is accessed.
- (3) The licensed or registered employee on an LPM site shall ensure that all doors of the LPM's and SDL are secured at all times.
- (4) The relevant entries shall be made in the Machine Book each time an LPM is accessed.

**6.5 Licence and signs to be displayed**

- (1) The following shall be prominently displayed in the designated area of each LPM site –
  - (a) a copy of the licence issued to the LPM site ;
  - (b) a copy of the LPM operator's licence, and
  - (c) signage –
    - (i) stating that no persons under the age of 18 are allowed to enter or remain in the designated area;
    - (ii) that Responsible Gambling Brochures are available on the LPM site, and
    - (iii) providing the information required by the General Rules of the Board with regard to the National Responsible Gambling Programme.
- (2) The signage referred to in this Rule shall be in the format determined by the Board.
- (3) Responsible Gambling Brochures shall be available at an LPM site at all times.
- (4) Each LPM shall have Responsible Gambling stickers required or prescribed by the Board located in a place visible to patrons.
- (5) The procedure pertaining to the resolution of patron disputes must be conspicuously displayed in the LPM site ' designated area, specifying –
  - (a) that all disputes should be immediately reported on the LPM site ;
  - (b) the procedure in respect of the completion of the Dispute Register;
  - (c) the helpline number of the LPM operator, and
  - (d) contact details in respect of the Board.

**6.6 Monitored keys and controlled stationery**

- (1) All monitored keys and controlled stationery must be kept in a secure area on the LPM site or in the possession of a licensed or registered employee to prevent unauthorised access thereto.

**6.7 Patron disputes and dispute register**

- (1) A licensed or registered employee at an LPM site shall record all patron disputes in a Dispute Register and immediately perform such investigations as may be required to resolve the dispute.
- (2) If the investigation contemplated in sub-rule (1) reveals that credits are legally owed to a patron, such credits shall immediately be paid out at the relevant LPM site.
- (3) The LPM site shall, within 24 hours, inform the LPM operator of any patron dispute arising on such site.

- (4) The LPM operator shall make available a helpline number for the purpose of registering patron disputes.
- (5) The LPM operator shall perform weekly follow-ups in respect of all patron disputes to ensure the resolution thereof.
- (6) The LPM operator shall document the information in respect of the follow-ups performed and retain such documentation for a period of at least two (2) years for Board inspection.

## PART 7

### GENERAL PROVISIONS

#### 7.1 Offices of the LPM operator

- (1) The offices of the holder of an LPM operator licence, at which its administrative and accounting functions are conducted, shall be based within the borders of the Free State Province.

#### 7.2 Credit facility

- (1) The LPM site, LPM operator or any other person shall not, directly or indirectly, extend credit, in any form whatsoever, to any person, for the purpose of playing on, or operating, an LPM.
- (2) For the purposes of this Rule, credit extension includes the advancement of cash by an LPM site, LPM operator or any other person against a person's credit card, cheque, travellers' cheque, money order or any other negotiable instrument whatsoever.

#### 7.3 Game features, stakes and prizes

- (1) No bets in respect of which the stake exceeds the maximum amount prescribed in terms of the Act, may be offered or accepted on an LPM site.
- (2) The LPM site, LPM operator or any other person may not, in their own name or on behalf of any third party, offer any prize in excess of or in addition to the maximum prize prescribed in terms of the Act.
- (3) Progressive jackpots and double-up features are not permitted in respect of LPM's.
- (4) All prizes shall be paid in cash or a cash equivalent approved by the Board.

#### 7.4 Monetary instruments

- (1) Betting on LPM's may only take place by means of cash or a cash equivalent approved by the Board.
- (2) Any cash equivalent used by an LPM site for betting is evidence of a debt which that LPM site owes to the person legally in possession of such cash equivalent.
- (3) The LPM site shall immediately redeem its monetary instrument used for betting, including credits registered on the LPM, for cash or a cash equivalent upon request of a patron, unless the monetary instrument was obtained or is being used unlawfully.

**7.5 SDL controls**

- (1) The SDL shall be designed and constructed in a manner to reveal any attempt at tampering therewith.

**7.6 Employee cards**

- (1) Employee cards shall be issued to and used only by authorised licensed or registered employees.
- (2) Prior to accessing an LPM or SDL, a licensed or registered employee shall insert his or her employee card in the SKP.
- (3) Employee cards issued to licensed or registered employees at an LPM site shall be valid only in respect of the specific LPM site.
- (4) Employee cards issued to licensed employees of an LPM operator shall be valid only in respect of the specific LPM site linked to such LPM operator.
- (5) An employee shall insert a password prior to performing any function or maintenance on an LPM or SDL.
- (6) Employee cards shall not be left unattended in the SKP.
- (7) An employee card shall immediately be deactivated in the event that it is lost or when the employee to which it relates has resigned.
- (8) Employee cards shall contain the following printed information –
- (a) a photograph of the relevant employee;
  - (b) the name of the employee to whom the card relates;
  - (c) the name of the licensed LPM site to which the card relates;
  - (d) the name of the relevant LPM operator;
  - (e) Designation and type of licence
  - (f) the licence or registration number assigned to the relevant employee by the Board.

**7.7 LPM site and employee records**

- (1) The holder of an LPM operator licence shall, in respect of each site at which it has been authorised to expose LPM's for play, maintain current and accurate LPM site records reflecting –
- (a) the business name of the site;
  - (b) the physical address of the site;
- the postal address of the site;
- (d) all other available contact details in respect of the site, and
  - (e) details of each licensed or registered employee at the site, including the employee's –
- (i) name and surname;
  - (ii) type of licence, and
  - (iii) Board licence or registration number.
- (2) The LPM operator shall, within five (5) working days after the conclusion of every month, submit an LPM site and employee movement report to the Board specifying, in respect of the preceding month –



- (a) the details of all newly appointed gambling-related employees;
- (b) new LPM licensed site;
- (c) all licence renewals in respect of gambling-related employees and LPM site licences;
- (d) details of all LPM site licences whose contracts were terminated;
- (e) details of all gambling-related employees who left the employment of the LPM operator or ceased employment on an LPM site, and
- (f) all promotions or demotions in respect of gambling-related employees of the LPM operator or persons licensed or registered to be employed on an LPM site.

(3) The holder of a site owner key employee licence shall immediately inform the LPM operator of any employee resignations.

#### **7.8 User access rights**

- (1) All application forms for access to any gambling-related software, including amendments thereto, shall be signed by a representative of the Administration Department.
- (2) The User Access Rights Application Form shall clearly indicate the user access rights for which the applicant has applied.
- (3) The LPM operator shall request user access rights on the CEMS to be allocated to authorised licensed or registered employees only.
- (4) The user access rights matrix shall indicate all types of user groups registered on the CEMS and all the user rights allocated to such users.
- (5) The user access rights matrix shall be approved and signed by the General Manager of the LPM operator, the Administration Manager and a representative of the Board.
- (6) Any amendments to the pre-approved user access rights matrix shall be signed by the persons prescribed in sub-rule (5).
- (7) The Administration Department shall request the CEMS operator, in writing, to allocate the employee's user rights in terms of the pre-approved user access rights matrix by supplying the following information –
  - (a) the applicant or employee's name and surname;
  - (b) user access rights to be allocated;
  - (c) LPM operator name;
  - (d) LPM site name, where applicable, and
  - (e) Board licence or registration number.
- (8) User access rights on the CEMS shall be allocated to appropriately licensed or registered employees and in terms of the user access rights matrix.
- (9) The prior written approval of the Board is required in respect of all other persons for whom user access rights are requested on the CEMS.
- (10) The LPM operator shall immediately inform the CEMS operator of the resignation of any employee, whereupon the relevant employee's user access rights shall be immediately disabled on the CEMS.

#### **7.9 Employees to be appropriately licensed or registered**

- (1) Only appropriately licensed or registered employees may perform gambling-related functions on behalf of an LPM operator, CEMS operator or on licensed LPM site.
- (2) An application for registration as an LPM employee shall –

- (a) be submitted to the Board within such time;
- (b) be in such format and contain such information, and
- (c) be accompanied by such registration fee

as the Board may from time to time determine.

(3) Any person who has the authority to –

- (a) perform journal entries;
- (b) allocate user access rights on the CEMS, and
- (c) perform maintenance or change the functionality of the CEMS

shall be licensed as a key employee in terms of the Act.

#### **7.10 Restrictions on advertising**

- (1) The holder of any licence issued in respect of an LPM site shall not conduct any interview with or provide any information or any opportunity to create or reproduce any photographic image to any section or representative of the media, or permit any member of staff of its business or any other person to conduct such interview or provide such information or opportunity, in relation to -
- (a) any details of the contractual arrangement entered into between the primary business conducted on such site or such licence holder and the holder of the relevant LPM Operator Licence;
  - (b) any proposed report, photographic image, article or communication which is intended, or can reasonably be expected to -
    - (i) attract members of the public to the licensed site, or
    - (ii) place the particular licensed site to be named, reflected or referred to in any such proposed report, photographic image, article or communication at any advantage, whether real or perceived, over any other licensed LPM site in the Province or elsewhere.
- (2) The provisions of this sub-rule shall not preclude the holder of an LPM operator licence from implementing such advertising in respect of LPM operations or any licensed LPM site, as may be approved by the Board.

#### **7.11 Dispensation**

- (1) The Board may approve alternative criteria or procedures other than those prescribed in these Rules, if the LPM operator is able to prove to the Board that, notwithstanding such criteria or procedures, there are sufficient controls in place to ensure the integrity of the operation.

### **PART 8**

#### **OFFENCES AND PENALTIES**

##### **8.1 Offences and penalties**

- (1) The LPM operator and a site owner key employee, where applicable, shall be guilty of an offence and shall be liable to –
- (a) a penalty of up to R 10 000,00 per offence if –

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- (i) it fails to comply with the provisions of these Rules or its ICS relating to its organisational structure and jobs compendium or to implement the organisational structure and jobs compendium approved by the Board;
  - (ii) it fails to comply with the provisions of these Rules or its ICS relating to the keeping or maintaining of any book, account, record, register, ledger, inventory or other document required to be kept or maintained in terms of these Rules or its ICS or if such books, accounts, records, registers, ledgers, inventories or other documents are not up to date or in the correct format, or
  - (iii) it fails to comply with the provisions of these Rules or its ICS relating to any procedure to be followed;
- (b) a penalty of up to R 20 000,00 per offence if –
- (i) notwithstanding the provisions of sub-rule (1)(a), it fails to comply with the provisions of these Rules or its ICS relating to –
    - (aa) minors found in the designated LPM areas;
    - (bb) resolution of patron disputes;
    - (cc) signs and information to be displayed at the LPM site ;
    - (dd) credit extension;
    - (ee) maximum stakes and prizes;
    - (ff) investigations and audits to be performed, and
    - (gg) journal entries;
- (c) a penalty of up to R 50 000,00 per offence if –
- (i) it fails to maintain LPM's and the CEMS in accordance with the provisions of the Rules, and
  - (ii) it fails to maintain or produce financial records utilised for the purpose of calculating taxable revenue.
- (2) In the event of –
- (a) a second offence, the penalty referred to in sub-rule (1) may double, and
  - (b) a third offence, the penalty referred to in sub-rule (1) may treble.
- (3) For the purposes of this Rule an LPM operator's ICS shall be limited to those provisions of its ICS that are required to be incorporated into its ICS in terms of the Act.
- (4) The imposition of any penalty in terms of this Rule shall not preclude the Board from instituting any further or alternative disciplinary action against an LPM operator or other licence holder.
- (5) All penalties imposed in terms of this Rule shall be payable within 30 days of the imposition of such penalty.
- (6) The Chief Executive Officer of the Board shall have the competency to impose any penalty in terms of this Rule.
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