

125 CORLETT DRIVE  
BRAMLEY  
2018  
SOUTH AFRICA



PRIVATE BAG 15 BRAMLEY 2018  
E-MAIL [Info@ggb.org.za](mailto:Info@ggb.org.za)  
[www.ggb.org.za](http://www.ggb.org.za)  
TELEPHONE +27 (11) 581-4800  
FAX +27 (11) 581-4900

29 September 2015

**Mr J Roodt**  
Roodt Inc Attorneys  
E-mail: [JARoodt@roodtinc.com](mailto:JARoodt@roodtinc.com)

**Mr JJF Cameron**  
Attorney John Joseph Finlay Cameron  
E-mail: [johncam@mweb.co.za](mailto:johncam@mweb.co.za)

**Mr A Cohen**  
JH Nicolson Stiller and Geshen  
E-mail: [acohen@nsg.co.za](mailto:acohen@nsg.co.za)

**Mr M Swanepoel**  
Grant Swanepoel Attorneys  
E-mail: [Michael@gsalaw.co.za](mailto:Michael@gsalaw.co.za)

Dear All

**APPLICATION BY PHUMELELA GAMING AND LEISURE LIMITED TO AMEND CERTAIN CONDITIONS THAT WERE IMPOSED ON ITS RACE MEETING LICENCE AND ITS TOTALIZER LICENCE; COMPLAINTS MADE BY THE GAUTENG OFF-COURSE BOOKMAKERS ASSOCIATION AND OTHERS AGAINST PHUMELELA; and GOBA'S APPLICATION TO ADD CONDITIONS TO PHUMELELA'S LICENCES**

### **Decision of the Gauteng Gambling Board**

1. On 16 September 2011, Phumelela Gaming and Leisure Limited ("Phumelela") applied to the Board, in terms of s 34(1) of the Gauteng Gambling Act, to amend certain conditions that had been imposed on Phumelela's Race Meeting Licence and its Totalizer Licence.

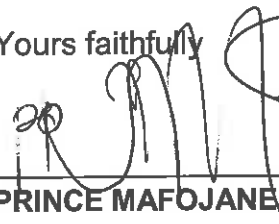
2. A number of parties who claimed to have an interest in the application objected to the grant of the amendments.

These parties also formally complained to the Board that Phumelela was allegedly in breach of one or more of the conditions that had been imposed on its licences. Some sought the imposition of further conditions on Phumelela's licences.

3. The Board's first formal hearing took place on 8 October 2014. Thereafter, the Board sat on five further occasions to hear the parties, in particular on the following dates: 20 and 27 July 2015; 11 and 17 August 2015; and finally on 11 September 2015. All the parties were legally represented at each of the hearings. In addition to filing a number of documents and quite extensive written submissions, the parties' representatives addressed the Board on the matters in respect of which they wished it to make decisions.
4. During the hearings, there appeared to be broad consensus among the parties that there were three principal issues before the Board. First, Phumelela's application to amend (some of) the conditions that had been imposed on its licences. Second, whether as alleged by the objectors, or some of them at any rate, Phumelela was in breach of one or more of the conditions of its licences. Third, an application by one or more of the objectors to Phumelela's amendment application for further conditions to be attached to Phumelela's licences.
5. Whilst there was broad agreement on the principal matters before the Board, there were sharp differences on how the parties considered the Board should approach the matters.
6. The Board members have had regard to the documents placed before the Board and to both the written and oral submissions made by the parties' representatives. After careful consideration, at its meeting of 28 September 2015, the Board's decision on the three principal matters is as follows.

7. First, taking into consideration that Phumelela did not pursue its application to amend the conditions that had been imposed on its licences, which application it unsuccessfully sought leave to withdraw,
- and having regard to what was said in opposition to the grant of its amendment application, Phumelela's application to amend the conditions that were imposed on its Race Meeting and Totalizer licences is hereby refused.
8. Second, a disciplinary committee is hereby established, in terms of section 14(2)(a) of the Gauteng Gambling Act, to investigate, in terms of section 37(2)(a) of the Act, whether Phumelela has failed to comply with or has contravened any term or condition of its licences or a provision of the Act. The composition of the disciplinary committee will be determined by the new Board which is due to take office in the very near future.
9. Third, the question of whether further conditions are to be attached to Phumelela's licences is deferred until the processes contemplated in section 37 of the Act have been finalised in respect of the investigation into whether Phumelela has failed to comply with or has contravened any term or condition of its licences or a provision of the Act.

Yours faithfully

  
**PRINCE MAFOJANE**  
**CHAIRPERSON**

  
**NOSIPO MATANZIMA**  
**ACTING BOARD SECRETARY**