



Following the success of last year's tournament, Tsogo Sun's Montecasino in Johannesburg once again played host to the SA Open Tennis tournament for 2010.

It was held for the first time in 2009 at Montecasino, with the venue proving to be a catalyst in the restaging of the tournament after 14 years.

The R3.5-million event ran from 1 to 7 February 2010, with the qualifying tournament taking place on January 30 and 31. As was the case last year, the main singles draw comprised 32 singles players with 16 teams competing for the doubles title.

The SA Tennis Open is a 250 series event on the ATP World Tour, which means that the winner took away 250 South African Airways world ranking points. This year, the title went to Feliciano Lopez, who became the first Spaniard to win the SA Tennis Open when he downed Frenchman Stephane Robert 7-5 6-1.

The feedback from the players indicated a strong "thumbs-up" for the venue. South Africa Tennis Association Chief Executive Ian Smith said that the players loved the venue last year, which helped to attract a strong field yet again. Winner Feliciano Lopez was full of praise for the tournament, saying, "We play a number of 250 series events around world and I think this is one of the best. The hotel was good, the organisation was excellent and the courts were great."

From a Montecasino perspective, the 2009 and 2010 tournaments proved that anything is possible at Montecasino. Not only was Montecasino honoured to be

Montecasino hosts SA Tennis Open for the second time



able to host world-class players of this stature, but were delighted at the addition of an added dimension to the already diverse entertainment on offer. The easily accessible location provided spectators with a myriad of options from which to choose, from theatre to dining, gaming and much more.

A group of hard courts were laid at the venue with matches being staged on two courts with seating capacity for 3 500 people.

The response from the public was overwhelming, with the semi final and final days (Saturday 6 and Sunday 7 February)

being sold out a week before the event. Tournament director Ian Smith indicated that there was a larger interest in the event this year, which stems from the popularity of the venue.

There were numerous charitable and developmental aspects to this year's SA Open. For example, in an initiative aimed at boosting tennis awareness amongst the youth, SATA gave away 20 x free tickets to the first 15 schools who applied for complimentary tickets on three days of the tournament. There was also a Charity Ladies Day event, with proceeds going to tennis development.



2010 promises to be a very busy year with regard to gambling legislation, the tentative recovery of the markets following the recession, and the opportunities presented by the 2010 Soccer World Cup.

CASA started the year by releasing our sixth edition of the Survey of Casino Entertainment in South Africa, which was well received by the public and media. The press reported extensively on the Survey's finding that the casino sector contributes an impressive R143 billion to the country's GDP, a fact which no doubt startled many who doubt the role of the industry in promoting economic growth.

The release of the Survey coincided with the resumption of Parliament's public hearings into South Africa's gambling legislation. The Portfolio Committee on Trade and Industry was originally mandated to investigate and formulate regulations for the online gambling industry, in conjunction with the dti and the National Gambling Board.

However, the committee has regarded this as an opportunity to address what it perceives to be a number of other possible flaws in the current gambling legislation, and opened the door to review the entire Gambling Act.

The committee has been conducting public hearings since late last year, and concluded its task in February. A report on its findings has been submitted to the minister and it is expected that this will be made available to the industry for further comment.

In March, the Gambling Review Commission began a series of public hearings at centres throughout the country, again calling for interested parties to make presentations. These sessions were poorly attended, with only a handful of people attending, and fewer presenting. This could be due either to the insufficient advertising of the hearings, or because the public don't see anything amiss with the current gambling legislation, the latter probably being the objective reason for the low attendance. Certainly there was no sign of the "groundswell" of anti-gambling sentiment that certain politicians have convinced themselves exist. The cut-off date for written submissions was 5 April.

The Gambling Review Commission was established by Minister Rob Davies to review the socio-economic impact of gambling since its legalisation in South Africa, and the effectiveness of the current policy and regulatory framework for gambling. Its terms of reference also include the commitment of the industry to social investment, the adequacy of the regulatory framework to deal effectively with the impact of new technology, the lottery, illegal gambling and the effectiveness of current regulatory and enforcement structures.

This review process will assist Government to assess whether there is a need to curtail gambling activities or consider requests to expand such activities, considering the current number of casinos, Limited Payment Machines and bingo outlets already licensed.

The commission is chaired by Ms Astrid Ludin, formerly the deputy director-general: consumer corporate regulations in the dti, and has four other members: Ms Adheera Bodasing, Professor Siphwe Nzimande, Mr Clement Manny and Dr Stephen Louw.

The Commission is expected to submit its preliminary findings and recommendations to the minister towards the middle of this year, after which he will table in Parliament policy proposals regarding the proliferation of legal and illegal gambling activities in South Africa.

With South Africa's recession now technically over, this year's Soccer World Cup is set to bring a much-needed boost to our struggling hospitality industry, but realistic analysis suggests that it may not be enough to lift the sector out of its economic difficulties. Economists have recently downgraded their forecasts in terms of the impact the event will have on the country's gross domestic product and all indications are that the number of expected overseas arrivals will be considerably lower than the 500 000 initially expected.

However, this still stands as an outstanding opportunity for our industry – and for South Africa as a whole, not only for increased trade at a traditionally slow time of year, but also in the showcasing of the country to a substantial global audience, not to mention the infrastructural development that has taken place throughout the country in preparation.

So in conclusion, I wish to reiterate that we are in for an eventful and exciting year ahead. We are anticipating the Gambling Review Commissions report around the middle of the year, the Portfolio Committee on Trade and Industry's report, the World Cup Soccer, and the recovery of our economy following the recession. Guaranteed to make an interesting year.


7.



Oupa Mathe and Tina Venter hand over the popcorn machine and shelving to the Tswaraganang Home

THE CAROUSEL REACHES OUT TO THE CHILDREN

In February, The Carousel Casino and Entertainment World donated 150 buckets filled with goodies, as well as shelving to the Odirile Centre for mentally and physically disabled children and the Tswaraganang Home for abandoned and abused children. The Carousel has been very active with both these organisations that rely solely on donations such as these to operate and survive.

The Carousel identified the need for the shelving, and Tina Venter, Count Manager, gladly donated these items from her own home. The Tswaraganang Home also received a popcorn machine that will assist in the development of entrepreneurial skills with funds raised through the sale of popcorn – and of course, the kids get to enjoy the delicious popcorn too.

Forming part of The Carousel CSI programme, the children were entertained by Oupa Mathe, Magic Company Manager dressed as a jester; while Patrick Freeman, IT Facilities Manager and CSI Chairman; Gloria Mthethwa Maintenance Co-ordinator; Tina Venter; Paul Kolokoto, Transport Supervisor and Henri-Basil Hearne PR Intern handed out buckets filled with chocolates, toys, sweets and snacks.



Wahida Parker

The Golden Valley Casino sports a new General Manager

In January Wahida Parker was appointed to the position of general manager at Golden Valley Casino. Wahida joins the group from Equillore Ltd (formerly The Arbitration Forum) where she held the position of National Sales Manager, Sales and Marketing Director and CEO from 2000 – 2009. During her tenure with Equillore, she was responsible for representing the group to shareholders, private and public sector as well as the legal fraternity ensuring among others the development and implementation of the group's empowerment and social responsibility strategies.

Wahida completed her legal degree at the University of Cape Town and is an admitted Attorney. She has extensive experience in corporate governance and strategy and has served as an independent non-executive Director on numerous Boards.



ADMINISTRATIVE JUSTICE IN THE LICENSING AND REGULATORY PROCESSES: UNDERSTANDING AND APPLYING THE PROMOTION OF ADMINISTRATIVE JUSTICE ACT

The recent public hearings held by the Gambling Review Commission have highlighted a number of salient issues affecting the gambling industry as a whole. One of these is the fact that both the licensing and the day-to-day regulation of the various gambling sectors takes place against a clearly defined constitutional backdrop of administrative decision-making and accountability. In other words, successful and effective regulation is dependent not only on the conduct of industry participants in following the applicable legislative and regulatory prescripts, but also on how regulators administer and manage their relationships with both applicants and licensees, with the emphasis being on even-handed, impartial and transparent decision-making processes.

Section 33 of the Constitution provides for the right to administrative action that is lawful, reasonable and procedurally fair. Prior to the enactment of the Constitution, when Parliament remained the sovereign authority in South Africa, it was left to the Courts to formulate and develop the principles of administrative law on a case-by-case basis. Subsequently, however, our legal system has undergone a sea change, in terms of which the Constitution is now the supreme law, against which all other laws, as well as the conduct of the State and its various organs in the exercise of their public functions fall to be measured. Accordingly, the Constitution requires national legislation to be enacted to flesh out and give effect to the rights referred to in section 33. This legislation has duly been enacted, in the form of

the Promotion of Administrative Justice Act, Act 3 of 2000, widely referred to as "PAJA".

PAJA, which codifies much of the case law developed over the years regarding administrative fairness, has wide-ranging implications for all organs of state and other statutory bodies exercising public functions, such as gambling boards, as well as the persons or entities affected by the decisions taken by these bodies. In the context of regulated gambling, this means that any decision taken by a gambling board in the exercise of its statutory functions must be lawful, reasonable and procedurally fair. These include decisions taken regarding the issue, suspension or revocation of a licence, as well as the refusal to issue a licence, the imposition of conditions, the imposition of penalties and the making of any other determinations in terms of the requirements of the applicable law. It is important to note that the failure to take a decision in cases where a decision is required to be taken also qualifies as administrative action in terms of PAJA. Any action (or inaction) of this nature which adversely affects the rights of a person can ultimately be taken on review in the High Court, provided that all internal avenues or remedies available to address the matter have first been exhausted.

PAJA provides the framework within which the overriding objective of fairness in the decision-making process can be achieved. In the context of regulated gambling, as a point of departure, it requires that, where a gambling board proposes to take a

decision which may materially and adversely affect the rights or legitimate expectations of any person, such as an applicant or licensee, the board must give that person:

- adequate notice of the nature and purpose of the proposed administrative action;
- a reasonable opportunity to make representations;
- a clear statement of the proposed administrative action;
- adequate notice of any right of review or internal appeal, where applicable; and
- adequate notice of the right to request reasons in terms of section 5 of PAJA.

It is clear from the above that consistent engagement with licence holders on matters which affect them is imperative. Licence holders are legally entitled to be informed of proposed decisions affecting them in clear terms, as well as the motivation for those decisions, and must be given a reasonable opportunity to engage with the board concerning those decisions, before they are taken. It should also be noted that even in cases where provincial gambling laws do not provide for engagement of this nature, or provide, for example, for summary action to be taken by a board without recourse to the affected licence holder, the relevant gambling board will nonetheless be required to comply with the provisions of PAJA, which will prevail above the provisions of the relevant provincial acts.

ANOTHER SUCCESSFUL NEDBANK GOLF CHALLENGE HELD AT SUN CITY



In December Sun City hosted a tremendously successful \$1.2-million Nedbank Gold Challenge. Australian, Robert Allenby walked away with the golfing honours following a sudden-death play-off at the 18th hole defeating Sweden's Henrik Stenson. Allenby, the deserving winner was far and away the most consistent over the four days with only six dropped shots.

The Gary Player Country Club in Sun City – the first layout to conform to USGA specifications when it was built in 1979 is best known as the home of the world-renowned Nedbank Golf Challenge. Top golfers, and *Compleat Golfer* magazine, rank this course as the best in South Africa.

2009 saw Sun City hosting the 29th Nedbank Golf Challenge since the inaugural event in 1981. Over the years, Ian Woosnam, Jim Furyk, Seve Ballesteros, Ernie Els and Sergio Garcia have been among the winners of this prestige tournament, which has always offered one of the richest purses in global professional golf.

For the 2009 event, the purse totalled more than \$4.3 million, with the winner's prize standing at \$1.2 million.

Legal WATCH continued from page 4

Moreover, the right to fair administrative action does not end with the taking of the relevant decision. Where decisions have been taken which materially and adversely affect the existing rights of applicants or licence holders, section 5 of PAJA provides for a mechanism in terms of which reasons for that decision may be requested. It is important to note that such a request must be made within 90 days of receipt of notification of the decision, whereupon the decision-maker will be obliged to furnish adequate written reasons for such decision within a further 90 days. In the event that adequate written reasons are not provided within this period, a court subsequently reviewing the relevant decision will, in the absence of proof to the contrary, presume such decision to have been

taken without good reason, in which event such decision will be liable to be set aside on review.

In addition, reasons, when they are requested and provided, provide a valuable insight into the approach of the regulator in the execution of its statutory functions, as well as a *prima facie* indication of whether the decision taken is susceptible to review, without first having to resort to litigation. As the High Court observed in *Afrisun Mpumalanga (Pty) Ltd v Kunene NO and Others*:

'The importance of reasons cannot be over-emphasised. They show how the administrative body functioned when it took the decision and in particular show whether that body acted reasonably or unreasonably, lawfully

or unlawfully and/or rationally or arbitrarily.'

As recent cases have amply illustrated, our Courts regard fair administrative action as an absolute imperative in a constitutional democracy. Their decisions continue to provide further clarity as to the constitutional responsibilities of public entities in the day-to-day exercise of their legislative mandates and, as they become more widely known, can be expected to provide the bedrock for interaction between regulators and the regulated in the years to come. A working knowledge of PAJA by all parties can only assist in this process.



Fish River boasts Tourism Award



ECTB Director Ernest Bergins congratulates Kelly Wicks of the Fish River Sun

At the inaugural Adventure Province Tourism Awards that took place in East London in November, the Fish River Sun walked off with the award for the province's top seaside resort.

Fish River Sun Operations Manager Wessel Benson said it was an honour to receive the award. "This will inspire us to continue to raise our service standards and offer each guest a unique experience," he said.

East Coast Tourism Board CEO Zola Tshefu said the evening was a fitting tribute to the passion displayed by businesses and individuals who contribute to the high quality, diversity and creativity synonymous with tourism. "We need to recognize that the industry consistently strives to set standards which make the province a top 'must visit, must return' destination," she said.

The Boardwalk Algoa Fm Big Walk for Cancer drew record numbers this year – double the number of entrants from previous years with more than 5700 participants walking for a good cause.

"This is one of our most exciting fundraisers of the year," says Joan Duarte, project facilitator for the Cancer Association of South Africa (CANSA) in the Eastern Cape. "The money raised goes towards CANSA's various services in the Eastern Cape."

The Boardwalk and Algoa FM officially handed over the R50 000 donation to the Northern Districts CANSA association on Thursday 4 February.

Mrs Gladys Bowers, treasurer of the Northern District CANSA Association says apart from the parcels they make up for cancer patients in government hospitals which includes items such as soap, creams and toothpaste, they would like to expand

BOARDWALK ALGOA FM BIG WALK RAISES R50 000 FOR CANSA



the programme by eventually adopting an entire cancer ward at one of the provincial

hospitals. Negotiations are currently underway to realise this initiative.



Emperors Palace and Golden Gloves have forged a proud boxing pedigree

Since July 29, 2006, Emperors Palace and Golden Gloves Promotions have jointly forged a boxing pedigree comparable to some of the most successful of its time. Certainly it was an evolutionary move when South Africa's longest running boxing consortium (GGP) moved their promotional operation to the site of what was formally known as Caesars Palace, and which is situated close to Oliver Tambo International airport.

Consequently the sport of professional boxing in South Africa has thrived and it's no exaggeration to say that the two marketing heavyweights have elevated the overall image of the sport on the African continent. Indeed, since that memorable night in July 2006, Emperors Palace has hosted 23 world title contests, not to mention a stream of national title bouts and electrifying undercard events.

Then too, there have been definitive milestones on the SA boxing calendar when Emperors Palace staged the first ever women's world championship event in South Africa, with Laila Ali; daughter of the legendary "Greatest" from Louisville, Kentucky. Not to forget the arrival of "Iron" Mike Tyson – who for better or worse – was the world's most recognisable fight personality since the days of Muhammad Ali.

Moreover, the Emperors Palace/GGP alliance has essentially been one of trust, loyalty and creative flair and driven as both operations are, by their ongoing pursuance of excellence, tournaments at the "Centre Court" Arena at Emperors Palace traditionally attract huge audiences.

Development is one of the prime criteria on the Emperors Palace/GGP agenda and in this sphere, their promotional teams have collectively raised the bar, and it's highly laudable that the brain trust at Emperors

Palace/GGP recognize the fact that the momentum has to be fervently maintained. Field trips to underprivileged areas have paid dividends, and the recipients undoubtedly benefited from the experience, both from an incentive and financial aspect.

Also, the regular development tournaments at Emperors Palace's "Theatre of Marcellus", has indubitably ignited a positive response, both in terms of progression and patronage, and it's noteworthy that most of the current crop of flag-bearers under the GGP banner are under the age of 25. Clearly this augurs exceptionally well for the future, especially when one considers the plethora of burgeoning talent who constantly showcase their skills at the Theatre of Dreams.

Legends in the making include the likes of Tommy "Tommy Gun" Oosthuizen, Tshifhiwa "The Atomic Spider" Munyai, Jason "Badman" Bedeman, Isaac "The Golden Boy" Chilemce, Daniel "Billy the Kid" Bruwer, Flo "The Demolition Man" Simba and Hekkie "The Hex-ecutioner" Budler, not to mention blossoming young stars like Ashley Dlamini and Joey Stigling.

From an analytical perspective, the year 2010 promises to be the most spectacular in the history of South African sport, and while the FIFA Football World Cup will occupy centre stage during the month of June, professional boxing has an undeniable role to play, and one which could greatly enhance the growth, exposure and prosperity of our homespun athletes.



PLAYING BINGO FOR CHARITY

Bingo players at The Boardwalk raised R13 650 for Port Elizabeth Child Line in the "Take Two" for Child Line competition held for the third time in October last year, as well as a charity auction.

From L-R PE Child Line social worker Pearl Blecher; Bingo Coordinator Liza Hilliar and Boardwalk General Manager Clifford Ngakane



Sibaya Marketing Manager Belinda Jelf presents the cheque to Lynn Walker while caregiver Enith Mbonambi smiles proudly

HIGHWAY HOSPICE ASSOCIATION RECEIVES DONATION FROM SIBAYA

In an ongoing drive to assist local charities Sibaya Casino & Entertainment recently handed over a cheque for R5 040.72 to The Highway Hospice Association.

A non-profit organisation, The Highway Hospice Association services the entire eThekweni Municipal Area (that is not covered by another hospice) by offering services designed to improve the lives of terminally ill patients and their families. Servicing an area with a population of over 3.5 million people the Association has a team of dedicated nurses, doctors, social workers and occupational therapists, as well as ministers of various religious groups and volunteers who provide care and give generously of their time and talents.

Since its inception in 1982 The Highway Hospice has dedicated itself to improving the quality of life for patients with advanced

incurable diseases by providing a caring community and palliative care, as well as easing the transition into death for both the patient and the patient's family through counselling.

The Association offers both in-patient and home-based care and is in constant need of donations from the community to assist with its various programmes and is in desperate need of motor vehicles to travel to patients homes; food parcels, medical supplies and computers.

"We are most grateful to Sibaya Casino for their generous donation to our organisation," says Lynn Walker, Public Relations Officer for the Highway Hospice. "Last year we cared for over 12,000 adults and about 500 orphans and vulnerable children who were registered on our holistic programme and this donation will assist us in the care of our terminally ill patients."

"The Highway Hospice does such important work for our community and it is always so gratifying for Sibaya to be able to assist organisations such as this," explains Belinda Jelf, Marketing Manager of Sibaya Casino & Entertainment Kingdom. "We all have family members or friends who have either directly or indirectly benefited from the services offered by the Hospice. It is therefore so important for us as a community to assist them in any way that we can."

This latest donation from Sibaya Casino & Entertainment Kingdom arises out of an innovative scheme implemented by the casino in 2008 whereby day cardholders visiting the casino are encouraged to return their cards to the casino. These cards can then be re-used and any money left on the cards is then tallied up by Sibaya's auditors and donated to a charity of the casino's choice. To date Sibaya has donated a total of R40,857,24 through this scheme.