

20 August 2007

WRITTEN SUBMISSION

**NATIONAL ASSEMBLY OF PARLIAMENT
TRADE AND INDUSTRY PORTFOLIO COMMITTEE**

HEARINGS ON THE

NATIONAL GAMBLING AMENDMENT BILL 2007

SUBMISSION

PRESENTED BY

JUSTICE ALLIANCE OF SOUTH AFRICA

(Kindly Note that JASA would like to make an ORAL submission to the Committee)

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SUBMISSION

A. JASA is a coalition of churches and individuals committed to upholding Judeo-Christian values in South African society. As such we share the fears and concerns of so many of the Portfolio Committee members as evidenced in the Minutes of 8 August. **JASA is strongly opposed to legalizing and thus condoning and encouraging another form of gambling in our society which will rapidly increase as more people have access to home computers online.** Our major concerns may be summarised as follows:

- (a) In reality it will be impossible to ensure children do not gamble in this manner particularly as credit cards become more widely used by parents. The real danger is that children will have their appetites whetted to what can so easily become an addiction.
- (b) We share the view that gambling is a moral issue and has been seen to destroy lives.
- (c) We agree with the Report of the Royal College of Psychiatrists in Britain (see below) that the concept of promoting “responsible gambling” is disingenuous.
- (d) Online gambling will develop into a social evil which is available 24 hours a day, 7 days a week.

B. **The Royal College of Psychiatrists in the UK have this past week published a report** branding gambling advertisements on TV “a recipe for disaster.” Although that is not the immediate issue before the Committee, according to the report in the Weekly Telegraph (August 21 2007) the Royal

College voiced concern about the thrust of the government's gambling policies, in particular the "disingenuous" notion of promoting "responsible gambling".

They went on to call "on ministers to give overriding attention to producing tougher regulations on the burgeoning online gambling industry." The newspaper reported that a recent survey showed that 8.4 per cent of people have gambled online in the past month, up from 7.4 per cent last year.

C. JASA is also concerned about reports that the Provincial Parliaments are already arranging public hearings on the Bill although it has not yet been passed by the National Assembly. This would contravene section 76(1) of the Constitution. The processes demanded by the Constitution require each House of Parliament to complete its deliberations and redraft the Bill accordingly before referring it on to the next stage. Failure to comply with the proper constitutional procedure would make a nonsense of the processes because the NCOP and Provinces would not be able to consider any changes in the Bill introduced by the National Assembly as a result of the recommendations of this Portfolio Committee.

Furthermore Parliament would be in breach of its obligations under sections 59(1)(a), 72(1)(a) and 118(1)(a) of the Constitution in that the public would not be provided with a "meaningful opportunity" (as defined by the Constitutional Court in Doctors for Life vs Parliament (judgement delivered 7 August 2006) to provide their input at each stage of the legislative process. The writer of this submission was the initiator and architect of the Doctors

for Life case and will amplify this submission if appropriate at the Public hearing.

John J Smyth QC

Honorary Director of JASA

8 August 2007

BOARD OF JASA

**Pastor Tim Makamu (chairman) Pastor Stephen van Rhyn (Vice-Chairman)
Pastor Tendai Musikavanu Roger Gifford Pastor Nigel Desmond John Smyth**