

Gambling and World Consumer Rights Day

Did you know? 15th March is **World Consumer Rights Day**. This annual consumer movement serves as a means to raise global awareness about consumer rights and needs. Celebrating the day is a chance to demand that the rights of all consumers are respected and protected, and to protest against market abuses and social injustices which undermine those rights.

World Consumer Rights Day was inspired by President John F Kennedy, who sent a message to the United States Congress on 15th March 1962, in which he formally addressed the issue of consumer rights. He was the first world leader to do so. The consumer movement first marked that date in 1983, and now uses the day every year to mobilise action on important issues and campaigns.

In South Africa, legal gambling is made available by licensed gambling operators through the offering of gambling products and services. These particular goods or services are marketed in the ordinary course of the operator's business to attract punters to consume these products or services. When a punter elects to participate in a gambling activity offered by a licensed operator, that punter effectively enters into a transaction with the operator as a supplier in the ordinary course of the supplier's business.

Are you a punter? If so, let us in the spirit of consumer education on this auspicious occasion reflect on a punter as a consumer, and raise awareness of the rights of punters as consumers in terms of the various legislative instruments available to them in the country, as well as the institutions available to offer recourse in the event that they are dissatisfied with a product or service that they have received.

In South Africa, consumer rights are protected through various pieces of legislation, the most notable being the National Credit Act, 2005 (Act 34 of 2005) and the Consumer Protection Act, 2008 (Act 68 of 2008).

The Consumer Protection Act (CPA) is aimed to:

- promote a fair, accessible and sustainable market-place for consumer products and services;
- establish national norms and standards to ensure consumer protection;
- increase standards of consumer information;
- prohibit certain unfair marketing and business practices; and
- promote responsible consumer behaviour.

The National Credit Act (NCA) governs the assessment, application and maintenance of credit granted by a credit provider to a consumer within the country. The NCA was introduced to:

- promote and advance the economic and social welfare of all South Africans;
- promote a fair and transparent credit market;
- promote consumers and their rights in the credit market;
- regulate all credit providers, debt counsellors and credit bureau;
- limit the cost of credit; and
- create a standard in the way in which credit is granted by credit providers in order for consumers to compare what is being offered.

In simple terms, the CPA defines a consumer as a person to whom particular goods or services are marketed in the ordinary course of the supplier's business, or a person who has entered into a transaction with a supplier in the ordinary course of the supplier's business. That means that these laws serve to protect you as a punter.

There are also various institutions that have been formed that serve to give effect to your rights as a consumer.

The National Consumer Commission (NCC) is the primary regulator of consumer-business interaction in South Africa, and was created by government under the auspices of the Department of Trade, Industry and Competition (**the dtic**), to ensure economic welfare of consumers. Consumers play a vital role in the growth of the economy and thus contribute to the national fiscus and the development of the country.

The National Credit Regulator (NCR) was established in terms of the NCA and is responsible for the regulation of the South African credit industry. In terms of Section 14 of the NCA, the NCR is

responsible for regulating the consumer credit industry in South Africa.

The National Consumer Tribunal (NCT) was also established in terms of the NCA. As an independent adjudicative entity, the Tribunal's mandate is to hear and decide on cases involving consumers, service providers, credit providers, debt counsellors and credit bureaux. The NCT is also responsible for reviewing decisions made by the National Credit Regulator and the National Consumer Commission.

At the same time, while you as a punter are entitled as a consumer to partake of licensed gambling products and services, it is equally important to alert you of the risks and socio-economic impact of gambling. To be a responsible punter, it starts with the knowledge that gambling is a form of recreation; it is **not** a form of income generation. Monies used to gamble should be monies that one can afford to lose. Once you find yourself unable to stop playing, or you are spending more than you can afford to lose, then it is time to stop. Over-consumption of gambling can lead to problem gambling or addiction, which is extremely destructive to the punter as well as to their loved ones and dependents.

If you are having difficulty managing your gambling habit, or know of someone who is, help is readily at hand, through advice and counselling on a toll free number – **0800 006 008** – that is provided by the South Africa Responsible Gambling Foundation is available 24/7.

"Winners know when to stop!"



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