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Buitengewone Provinsiale Koerant

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uLwesihlanu, 2 kweyoMnga 2022

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(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

Provincial Notice

The following Draft Bill is published for comment:

137 Draft Western Cape Nineteenth Gambling and Racing Amendment Act Repeal Bill, 2022 2

Any person or organisation wishing to comment on the Draft Bill is requested to lodge the comments in writing before or on 13 January 2023 by—

- posting the comments to:
Ms Claire Horton
Provincial Treasury
Private Bag X9165
Cape Town 8000;
- e-mailing the comments to:
Claire.Horton@westerncape.gov.za;
- faxing the comments to:
Fax no. 021 483 4337; or
- delivering the comments to:
Ms Claire Horton
Provincial Treasury
Room 307 (3rd Floor)
Provincial Legislature Building
7 Wale Street
Cape Town.

The name, telephone number, e-mail, and/or fax number, and address, of the person submitting the comment should be clearly indicated.

For queries contact Ms Claire Horton at 021 483 6037.

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

Provinsiale Kennisgewing

Die volgende Konsepwetsontwerp word vir kommentaar gepubliseer:

137 Konsepherroepingswetsontwerp op die Wes-Kaapse Neëntiende Wysigingswet op Dobbelaar en Wedrenne, 2022 5

Enige persoon of organisasie wat kommentaar oor die Konsepwetsontwerp wil lewer, word versoek om die kommentaar skriftelik in te dien voor of op 13 Januarie 2023 deur—

- die kommentaar te pos aan:
Me Claire Horton
Provinsiale Tesourie
Privaat Sak X9165
Kaapstad 8000;
- die kommentaar te e-pos na:
Claire.Horton@westerncape.gov.za;
- die kommentaar te faks na:
Faksnr 021 483 4337; of
- die kommentaar af te lewer aan:
Me Claire Horton
Provinsiale Tesourie
Kamer 307 (3de Vloer)
Provinsiale Wetgewer-gebou
Waalstraat 7
Kaapstad.

Die naam, telefoonnommer, e-posadres en/of faksnommer, en die adres, van die persoon wat die kommentaar indien, moet duidelik aangedui word.

Vir navrae skakel me Claire Horton by 021 483 6037.

Ibhaliswe ePosini njengePhephandaba

IZIQUATHO

(*Ushicilelo olutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mthetho, 7 Wale Street, eKapa 8001.)

ISaziso sePhondo

Olu qulunqo loMthetho oSayilwayo olandelayo lupapapashelwe izimvo:

137 UQulunqo loMthetho oSayilwayo woBhangiso weziLungiso zoMthetho weShumi eline-Thoba woNgcakazo neMidyarho weNtshona Koloni, 2022..... 8

Nawuphi na umntu okanye umbutho onqwenela ukufaka uluvo kolu qulunqo loMthetho oSayilwayo uyacelwa ukuba afake izimvo ezibhaliweyo phambi okanye ngomhla we-13 kweyoMqungu 2023 ngoku—

- posela izimvo ku:-
Nkszn Claire Horton
Provincial Treasury
Private Bag X9165
Cape Town 8000;
- imeyilela izimvo ku:-
Claire.Horton@westerncape.gov.za;
- feksela izimvo kwi:-
Nombolo yefeksi 021 483 4337; okanye
- zisa ngesandla izimvo ku:-
Nkszn Ms Claire Horton
Nondyebo wePhondo
Igumbi 307 (kuMgangatho wesi-3)
KwiNdlu yoWiso Mthetho yePhondo
Kwanombolo 7 kwiSitalato iWale
EKapa.

Igama, inombolo yomnxeba, i-imeyile, kunye/okanye inombolo yefeksi, nedilesi, yomntu ongenisa uluvo kufuneka ziphawulwe ngokucacileyo.

Ngemibuzo tsalela uNkszn Claire Horton kule nombolo 021 483 6037.

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

DR HC MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

DR HC MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

GQIR HC MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 137/2022

2 December 2022

**DRAFT WESTERN CAPE NINETEENTH GAMBLING AND RACING
AMENDMENT ACT REPEAL BILL, 2022**

**To repeal the Western Cape Nineteenth Gambling and Racing Amendment Act, 2021;
and to provide for matters incidental thereto.**

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Repeal of Act 3 of 2021

1. The Western Cape Nineteenth Gambling and Racing Amendment Act, 2021, is repealed.

Short title

2. This Act is called the Western Cape Nineteenth Gambling and Racing Amendment Act Repeal Act, 2022.

**MEMORANDUM ON THE OBJECTS OF THE
DRAFT WESTERN CAPE NINETEENTH GAMBLING AND RACING
AMENDMENT ACT REPEAL BILL, 2022**

1. BACKGROUND

- 1.1 The legislative drafting process of the Draft Western Cape Nineteenth Gambling and Racing Amendment Bill, 2018 (the Draft Amendment Bill), began in 2016. A shorter version of the Draft Amendment Bill became the Western Cape Nineteenth Gambling and Racing Amendment Bill, 2019, which was introduced in the Western Cape Provincial Parliament on 21 February 2019. The legislative process was interrupted by the provincial elections. The Western Cape Nineteenth Gambling and Racing Amendment Bill, 2020, was then introduced in the Western Cape Provincial Parliament on 30 January 2020.
- 1.2 On 20 May 2021 the Western Cape Nineteenth Gambling and Racing Amendment Bill, 2020 [B1-2020] (the Amendment Bill), was adopted by the Western Cape Provincial Parliament. It was assented to by the Premier of the Western Cape on 17 June 2021 and became the Western Cape Nineteenth Gambling and Racing Amendment Act, 2021 (Act 3 of 2021) (the Amendment Act). The Amendment Act was then published under Provincial Notice 69/2021 in *Provincial Gazette* 8450 dated 23 June 2021. The Amendment Act was not brought into operation.
- 1.3 The objective of the Amendment Act is to amend the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), in order to promote and facilitate the financial self-sufficiency of the Western Cape Gambling and Racing Board (the Board). The Amendment Act provides for certain fees to be payable to the Board, the charging of casino operator fees, amendments to provisions relating to limited gambling machine operator fees and matters incidental thereto.
- 1.4 A pandemic of the scale of COVID-19 was not foreseen. The pandemic had far-reaching consequences for, and exposed the practical realities and challenges faced by, the gambling and racing industries and the Board. It has since become apparent that there is a need for a renewed consideration of the gambling and racing environment as a whole. This includes a renewed assessment of the economic landscape, taking into account lessons learnt from the COVID-19 pandemic and insights gained from stakeholders in the gambling industry since the Amendment Bill was assented to. Gambling and racing are dynamic environments, and it is important that provincial policy is updated in light of developments in these industries.
- 1.5 The Provincial Treasury: Western Cape is in the process of undertaking a comprehensive review of the gambling and racing environment in the Western Cape. Promoting and facilitating the financial self-sufficiency of the Board remains an important objective of the Western Cape Government and will be revisited in due course. However, it is imperative that a comprehensive policy review process first be undertaken, which will include a renewed assessment of the economic aspects of the gambling and racing environment.
- 1.6 If the Amendment Act were to be brought into operation, it would be outdated and incompatible with the developments in the gambling and racing industries, lessons learnt from the COVID-19 pandemic and the policy review process. In the circumstances, it is prudent to repeal the Amendment Act.

2. OBJECT OF DRAFT BILL

The object of the Draft Western Cape Nineteenth Gambling and Racing Amendment Act Repeal Bill, 2022 (the Draft Bill), is to repeal the Amendment Act.

3. CONTENTS OF DRAFT BILL

3.1 **Clause 1** of the Draft Bill provides for the repeal of the Amendment Act.

3.2 **Clause 2** of the Draft Bill provides for the short title.

4. CONSULTATION

Department of the Premier: Legal Services
Western Cape Gambling and Racing Board

5. FINANCIAL IMPLICATIONS

None

6. PERSONNEL IMPLICATIONS

None

7. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for financial matters in the Province is satisfied that the provisions of the Draft Bill fall within the legislative competence of the Province.

PROVINSIALE KENNISGEWING

P.K. 137/2022

2 Desember 2022

**KONSEPHERROEPINGSWETSONTWERP OP DIE WES-KAAPSE NEËNTIENDE
WYSIGINGSWET OP DOBBELARY EN WEDRENNE, 2022**

Tot herroeping van die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2021; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Herroeping van Wet 3 van 2021

1. Die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2021, word herroep.

Kort titel

2. Hierdie Wet heet die Herroepingswet op die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2022.

**MEMORANDUM OOR DIE OOGMERKE VAN DIE
KONSEPHERROEPINGSWETSONTWERP OP DIE WES-KAAPSE NEËNTIENDE
WYSIGINGSWET OP DOBBELARY EN WEDRENNE, 2022**

1. AGTERGROND

- 1.1 Die wetgewende opstelproses van die Wes-Kaapse Neëntiende Konsepwetsontwerp op Dobbelary en Wedrenne, 2018 (die Konsepwysigingswetsontwerp), het in 2016 begin. 'n Korter weergawe van die Konsepwysigingswetsontwerp het die Wes-Kaapse Neëntiende Wysigingswetsontwerp op Dobbelary en Wedrenne, 2019, geword en is op 21 Februarie 2019 by die Wes-Kaapse Provinsiale Parlement ingedien. Die wetgewende proses is deur die provinsiale verkiesing onderbreek. Die Wes-Kaapse Neëntiende Wysigingswetsontwerp, 2020, is toe op 30 Januarie 2020 by die Wes-Kaapse Provinsiale Parlement ingedien.
- 1.2 Op 20 Mei 2021 is die Wes-Kaapse Neëntiende Wysigingswetsontwerp op Dobbelary en Wedrenne, 2020 [B1-2020] (die Wysigingswetsontwerp) deur die Wes-Kaapse Provinsiale Parlement aangeneem. Dit is op 17 Junie 2021 deur die Premier van die Wes-Kaap bekragtig en het die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2021 (Wet 3 van 2021) (die Wysigingswet) geword. Die Wysigingswet is toe onder Provinsiale Kennisgewing 69/2021 in *Provinsiale Koerant* 8450 gedateer 23 Junie 2021 gepubliseer. Die Wysigingswet is nie in werking gestel nie.
- 1.3 Die doel van die Wysigingswet is om die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996), te wysig ten einde die finansiële selfstandigheid van die Wes-Kaapse Raad op Dobbelary en Wedrenne (die Raad) te bevorder en te fasiliteer. Die Wysigingswet maak voorsiening vir sekere gelde om aan die Raad betaalbaar te wees, die heffing van casino-operateurgelde, wysigings aan bepalings in verband met beperktedobbemasjien-operateurgelde en aangeleenthede wat daarmee verband hou.
- 1.4 'n Pandemie met die omvang van COVID-19 is nie verwag nie. Die pandemie het verreikende gevolge vir die dobbelary- en wedrennebedrywe en die Raad gehad en het die praktiese werklikhede en uitdagings wat hulle in die gesig staar, aan die lig gebring. Dit het sedertdien duidelik geword dat daar 'n behoefte is vir 'n hernude oorweging van die dobbelary- en wedrenne-omgewing in die geheel. Dit sluit 'n hernude assessering van die ekonomiese landskap in, met inagneming van die lesse wat geleer is uit die COVID-19-pandemie en insigte wat van belanghebbendes ingewin is sedert die Wysigingswetsontwerp bekragtig is. Dobbelary en wedrenne is dinamiese omgewings, en dit is van belang dat provinsiale beleid bygewerk word in die lig van ontwikkelings in hierdie bedrywe.
- 1.5 Die Provinsiale Tesourie: Wes-Kaap onderneem tans 'n omvattende hersiening van die dobbelary- en wedrenne-omgewing in die Wes-Kaap. Die bevordering en fasilitering van die finansiële selfstandigheid van die Raad bly 'n belangrike doel vir die Wes-Kaapse Regering en sal te geleger tyd weer besoek word. Dit is egter van uiterste belang dat 'n omvattende beleidshersieningsproses eers onderneem word, wat 'n hernude assessering van die ekonomiese aspekte van die dobbelary- en wedrenne-omgewing sal insluit.

- 1.6 Indien die Wysigingswet in werking gestel sou word, sal dit verouderd en onbestaanbaar met die ontwikkelings in die dobbelary- en wedrenne-omgewings, lesse wat uit die COVID-19-pandemie geleer is en die beleidshersieningsproses wees. In die omstandighede is dit raadsaam om die Wysigingswet te herroep.

2. OOGMERK VAN KONSEPWETSONTWERP

Die doel van die Konsepherroepingswetsontwerp op die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2022 (die Konsepwetsontwerp), is om die Wysigingswet te herroep.

3. INHOUD VAN KONSEPWETSONTWERP

- 3.1 **Klousule 1** van die Konsepwetsontwerp maak voorsiening vir die herroeping van die Wysigingswet.
- 3.2 **Klousule 2** van die Konsepwetsontwerp maak voorsiening vir die kort titel.

4. OORLEGPLEGING

Departement van die Premier: Regsdienste
Wes-Kaapse Raad op Dobbelary en Wedrenne

5. FINANSIËLE IMPLIKASIES

Geen

6. PERSONNEELIMPLIKASIES

Geen

7. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir finansiële aangeleenthede in die Provinsie is tevrede dat die bepalinge van die Konsepwetsontwerp binne die wetgewende bevoegdheid van die Provinsie ressorteer.

ISAZISO SEPHONDO

I.S. 137/2022

2 kweyoMnga 2022

**UQULUNQO LOMTHETHO OSAYILWAYO WOBHANGISO WEZILUNGISO
ZOMTHETHO WESHUMI ELINETHOBA WONGCAKAZO NEMIDYARHO
WENTSHONA KOLONI, 2022**

Ukubhangiswa koMthetho woLungiso weShumi elineThoba woNgcakazo neMidyarho, 2021; kwakunye nokunika imicimbi ehamabelana noko.

WENZIWA USEBENZE yiPalamente yePhondo leNtshona Koloni, ngoluh lobo:—

Ukubhangiswa koMthetho 3 ka-2021

1. UMthetho weziLungiso weShumi elineThoba woNgcakazoi neMidyarho, 2021, ubhangisiwe.

Isihloko esifutshane

2. Lo Mthetho ubizwa ngokuba nguMthetho woBhangiso lweziLungiso weShumi elineThoba woNgcakazo neMidyarho yeNtshona Koloni, 2022.

**IMEMORANDAM YEZILUNGISO KWIZINTO ZOQULUNQO LOMTHETHO
OSAYILWAYO WOBHANGISO YOMTHETHO WESHUMI ELINETHOBA
WONGCAKAZO NEMIDYARHO, 2022**

1. IMVELAPHI

- 1.1 Inkqubo yoqulunqo loMthetho weziLungiso oSayilwayo weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni, 2018 (uMthetho weziLungiso oSayilwayo), waqala ngo-2016. Inguqulelo emfutshane yoMthetho weziLungiso oSayilwayo uye waba nguMthetho weziLungiso oSayilwayo weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni, 2019, othe waziswa kwiPalamente yePhondo leNtshona Koloni ngomhla wama-21 kweyoMdumba 2019. Inkqubo yowiso-mthetho yaphazanyiswa lunyulo lwamaphondo. UMthetho weziLungiso oSayilwayo weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni ka-2020, waziswa kwiPalamente yePhondo leNtshona Koloni ngomhla wama-30 kweyoMqungu 2020.
- 1.2 Ngomhla wama-20 kuCanzibe ka-2021 uMthetho weziLungiso oSayilwayo weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni, 2020 [B1-2020] (uMthetho weziLungiso oSayilwayo), wamkelwa yiPalamente yePhondo leNtshona Koloni. Yavunywa yiNkulumbuso yeNtshona Koloni ngomhla we-17 kweyeSilimela 2021 waza waba nguMthetho weziLungiso woNgcakazo neMidyarho weNtshona Koloni, 2021 (uMthetho 3 ka-2021) (uMthetho oLungisiweyo). UMthetho woLungiso emva koko wapapashwa phantsi kweSaziso sePhondo 69/2021 *kwiGazethi yePhondo* 8450 yomhla wama-23 kweyeSilimela 2021. UMthetho woLungiso awuzange uqalise ukusebenza.
- 1.3 Injongo yoMthetho weziLungiso kukulungisa uMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (uMthetho 4 ka-1996), ukuze kukhuthazwe kwaye kuququzelelwe ukuzimela ngokwasezimalini kweBhodi yoNgcakazo neMidyarho yeNtshona Koloni (iBhodi). UMthetho weziLungiso ubonelela ngeentlawulo ezithile ekufuneka zihlawulwe kwiBhodi, ukubizwa kweentlawulo zabaqhubi beekhasino, izilungiso kwizibonelelo eziphathelele kwimirhumo enyiniweyo yomatshini wongcakazo kunye nemiba ehambelana noko.
- 1.4 Ubhubhane wobungakanani beCOVID-19 awubonwanga kwangaphambili. Lo bhubhane ube neziphumo ezibi kakhulu, kwaye wabhentsisa iinyani ezisebenzayo kunye nemingeni ejongene nayo, ungcakazo nemizi mveliso yemidyarho kunye neBhodi. Ukususela ngoko kuye kwacaca ukuba kukho imfuneko yoqwalaselo ngokutsha kwemeko yongcakazo neyomdyarho xa iyonke. Oku kuquka uphononongo oluhlaziyiweyo lobume bezoqoqosho, kuthathelwa ingqalelo izifundo ezifunyenwe kubhubhane weCOVID-19 kunye neembono ezifunyenwe kwabachaphazelekayo kushishino longcakazo ukususela oko uMthetho woLungiso oSayilwayo wamkelwa. Ungcakazo kunye nemidyarho ziindawo eziguqukayo, kwaye kubalulekile ukuba umgaqo nkqubo wephondo uhlaziywe ngenxa yophuhliso kula mashishini.
- 1.5 UNondyebo wePhondo: eNtshona Koloni ukwinkqubo yokwenza uphononongo olubanzi kwimeko yongcakazo nemidyarho eNtshona Koloni. Ukukhuthaza nokuququzelela ukuzimela ngokwasezimalini kweBhodi kuhlala kuyinjongo ebalulekileyo kuRhulumente weNtshona

Koloni kwaye iya kuqwalaselwa kwakhona ekuhambeni kwexesha. Nangona kunjalo, kunyanzelekile ukuba kuqalwe kuqaliswe inkqubo yokuphonononga umgaqo nkqubo obanzi, nto leyo eya kubandakanya uhlaziyo lovavanyo lwemiba yezoqoqosho kwindawo yongcakazo kunye nemidyarho.

- 1.6 Ukuba uMthetho weziLungiso ubunokuqalisa ukusebenza, ubuya kuba uphelelwe lixesha kwaye ungahambelani nophuhliso kushishino longcakazo nemidyarho, izifundo ezifunyenwe kubhubhani weCOVID-19 kunye nenkqubo yophononongo lomgaqo nkqubo. Kwiimeko, kububulumko ukubhangisa uMthetho woLungiso.

2. INJONGO ZOQULUNQO ZOMTHETHO OSAYILWAYO

Injongo zoQulunqo loMthetho oSayilwayo woBhangiso lweziLungiso weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni, 2022 (uMthetho oSayilwayo), kubhangisa uMthetho weziLungiso.

3. IZIQULATHO ZOQULUNQO LOMTHETHO OYILWAYO

- 3.1 **Igaty 1** loQulunqo loMthetho oSayilwayo libonelela ngokubhangiswa koMthetho weziLungiso.

- 3.2 **Igaty 2** loQulunqo loMthetho oSayilwayo libonelela ngesihloko esifutshane.

4. UTHETHWANO

ISebe leNkulumbuso: Iinkonzo zoMthetho
IBhodi yoNgcakazo neMidyarho yaseNtshona Koloni

5. CHAPHAZELEKO LWEZIMALI

Akukho nanye

6. UCHAPHAZELEKO LWABASEBENZI

Akukho nanye

7. ISAKHONO SOWISOMTHETHO

UMphathiswa wePhondo ojongene nemicimbi yezemali kwiPhondo wanelisekile kukuba izibonelelo zoMthetho oSayilwayo ziphantsi kolawulo lwePhondo.

