

FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

Published by Authority

Uitgegeef op Gesag

No. 38

BLOEMFONTEIN, 6 JUNE 2008

BLOEMFONTEIN, 6 JUNIE 2008

<p>GENERAL NOTICE 2 OF 2008</p> <p>PUBLICATION OF THE FREE STATE GAMBLING AND RACING AMENDMENT BILL, 2008</p> <p>It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 147 of the Rules and Orders of the Free State Legislature.</p> <p>Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach her not later than 20 June 2008.</p> <p>E ROCKMAN SECRETARY: FREE STATE LEGISLATURE</p>	<p>ALGEMENE KENNISGEWING 2 VAN 2008</p> <p>PUBLIKASIE VAN DIE VRYSTAATSE WYSIGINGSWETSONTWERP OP DOBBEL EN WEDRENNE, 2008</p> <p>Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van Reël 147 van die Reëls en Orders van die Vrystaatse Wetgewer.</p> <p>Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, 9300 om haar nie later as 20 Junie 2008 te bereik nie.</p> <p>E' ROCKMAN SEKRETARIS: VRYSTAATSE WETGEWER</p>
--	--

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Free State Gambling and Racing Act, 1996, so as to align it with the National Gambling Act, 2004; to insert certain definitions and substitute others; to provide for new disqualification criteria for certificates of approval; to provide for procedures for public hearings; to provide for independent gambling machine site licences; to provide for investigation into the continuous suitability of licence and certificate holders; to provide for applications for amendment of licences; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows:—

Amendment of section 1 of Act 6 of 1996

1. Section 1 of the Free State Gambling and Racing Act, 1996 (hereinafter referred to as the “Principal Act”), is hereby amended by -

(a) the insertion before the definition of “Auditor-General” of the following definitions:

“ ‘amusement game’ means any game, other than bingo or a game similar to or derived from a game normally played in a casino or on a slot machine, played with or by means of an amusement machine which, upon payment of money, a token or a similar object, is available to be played and which enables the player to win a prize, provided that such prize shall not be in the form of cash, tokens, credit or any negotiable instrument, but shall be limited to non-cash prizes with a retail value not more than the prescribed amount;

‘amusement machine’ means any machine or device, other than a gambling device, on or by means of which an amusement game may be played.”;

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hakies dui weglatings uit bestaande bepalings.

____ Woorde wat ondertstreep is dui invoegsels aan by bestaande bepalings.

WETSONTWERP

Om die Vrystaatse Wet op Dobbels en Wedrenne, 1996 te wysig om dit ooreen te laat stem met die Nasionale Dobbelswet, 2004; om sekere omskrywings in te voeg en ander te vervang; om voorsiening te maak vir nuwe diskwalifikasiemaatstawwe vir sertifikate van goedkeuring; om voorsiening te maak vir prosedures vir openbare verhore; om voorsiening te maak vir terreinlisensies vir onafhanklike dobbelmasjiene; om voorsiening te maak vir ondersoek na die voortgesette geskiktheid van lisensie- en sertifikaathouers; om voorsiening te maak vir aansoeke om wysiging van lisensies; en om voorsiening te maak vir aangeleenthede wat hiermee gepaard gaan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg:-

5 **Wysiging van artikel 1 van Wet 6 van 1996**

1. Artikel 1 van die Vrystaatse Wet op Dobbels en Wedrenne, 1996 (hierin na die "Hoofwet" genoem), word hiermee gewysig deur -

10 (a) die volgende omskrywings voor die omskrywing van "voorgeskrif" in te voeg:

15 "vermaaklikheidspeletjie" beteken enige speletjie, behalwe bingo of 'n spel soortgelyk aan of afgelei van 'n speletjie wat normaalweg in 'n casino of op 'n munt-outomaat gespeel word, met of deur middel van 'n vermaaklikheidsmasjien wat, by die betaling van geld, tekengeld of 'n soortgelyke voorwerp, beskikbaar is om gespeel te word en wat die speler in staat stel om 'n prys te wen, met dien verstande dat sodanige prys nie die vorm sal aanneem nie van geld, tekengeld, krediet of enige verhandelbare instrument, maar beperk sal word tot nie-kontant pryse met 'n

20 kleinhandelwaarde wat nie 'n voorgeskrewe waarde oorskry nie;

 "vermaaklikheidsmasjiene" beteken enige masjiene of toestel, behalwe 'n dobbeltoestel, waarop of deur middel waarvan 'n vermaaklikheidsspeletjie gespeel kan word";

- (b) the substitution for the definition of “Auditor-General” of the following definition:

5

“ ‘Auditor-General’ means the person appointed as Auditor-General in terms of the Public Audit Act, 2004 (Act No. 25 of 2004);”;

- (c) the insertion after the definition of “Auditor-General” of the following definition:

10

“ ‘bingo’ means a game, including a game played in whole or in part by electronic means –

- (a) that is played for consideration, using cards or other devices -

15

- (i) that are divided into spaces each of which bears a different number, picture or symbol; and

20

- (ii) with numbers, pictures or symbols arranged randomly such that each card or similar device contains a unique set of numbers, pictures or symbols;

25

- (b) in which an operator or announcer calls or displays a series of numbers, pictures or symbols in random order and the players match each such number, picture or symbol on the card or device as it is called or displayed; and

30

- (c) in which the player who is first to match all the spaces on the card or device or who matches a specified set of numbers, pictures or symbols on the card or device, wins a prize,

or any other substantially similar game declared to be bingo in terms of section 6(4) of the National Gambling Act, 2004.”;

- (d) the insertion after the definition of “ board” of the following definition:

35

“ ‘bookmaker’ means a person who directly or indirectly lays fixed-odds bets or open bets with members of the public or other bookmakers or takes such bets with other bookmakers.”;

40

- (e) the substitution for the definition of “casino” of the following definition:

45

“ ‘casino’ means [the licensed premises upon which gaming is conducted under a casino licence] premises where gambling games are played or are available to be played, but does not include premises in which –

- (a) only bingo and no other gambling game is played or available to be played;

- (b) die vervanging van die omskrywing van “Ouditeur-generaal” deur die volgende omskrywing:

“ ‘Ouditeur-generaal’ beteken die persoon wat aangestel is as Ouditeur-generaal ingevolge die Wet op Openbare Oudit, 2004 (Wet Nr. 25 van 2004),”;

- (c) die volgende omskrywing voor die omskrywing van “bingosaal” in te voeg:

“ ‘bingo’ beteken ‘n speletjie, met inbegrip van ‘n speletjie wat in geheel of gedeeltelik elektronies gespeel word -

- (a) wat gespeel word vir beloning, deur kaarte of ander toestelle te gebruik -

- (i) wat opgedeel word in ruimtes waarvan elk ‘n verskillende nommer, prentjie of simbool dra; en

- (ii) met nommers, prentjies of simbole wat na willekeur gerangskik is op so ‘n wyse dat elke kaart of soortgelyke toestel ‘n unieke stel nommers, prentjies of simbole bevat;

- (b) waarin ‘n operateur of aankondiger ‘n reeks nommers, prentjies of simbole in willekeurige orde uitroep of vertoon en die spelers kyk of elke sodanige nommer, prentjie of simbool op die kaart of toestel in hul besit ooreenstem met dit wat uitgeroep of vertoon word; en

- (c) waarin die eerste speler waarvan al die ruimtes op die kaart of toestel in sy besit ooreenstem met ‘n gespesifiseerde stel nommers, prente of simbole, ‘n prys wen;

of enige ander wesenlik soortgelyke speletjie wat as bingo verklaar word ingevolge artikel 6(4) van die Nasionale Wet op Dobbeldary, 2004.”;

- (d) die volgende omskrywing voor die omskrywing van “bevoegde gesag” in te voeg:

“ ‘beroepswedder’ beteken ‘n persoon wat regstreeks of onregstreeks weddenskappe teen vaste wedpryse of ope weddenskappe aangaan met lede van die publiek of ander beroepswedders of sodanige weddenskappe neem by ander beroepswedders.”;

- (e) die omskrywing van “casino” met die volgende omskrywing te vervang:

“ ‘casino’ [die gelisensieerde perseel waarop dobbeldary beoefen word kragtens ‘n casinolisensie] ‘n perseel waar dobbelspeletjies gespeel word of beskikbaar is om gespeel te word, maar sluit nie persele in waar -

- (a) slegs bingo en geen ander dobbelspel gespeel word of beskikbaar is om gespeel te word nie”;

~~(b) only limited gaming machines are available to be played;~~

~~(c) limited gaming machines and bingo, but no other gambling game, are played or available to be played;~~

~~(d) only social gambling is conducted in terms of a temporary licence or this Act;~~

(f) the insertion after the definition of “competent authority of the following definition:

“ ‘consideration’ means –

~~(a) money, merchandise, property, a cheque, a token, a ticket, electronic credit, credit, debit or an electronic chip, or similar objects, or~~

~~(b) any other thing, undertaking, promise, agreement or assurance, regardless of its apparent or intrinsic value, or whether it is transferred directly or indirectly;”;~~

(g) the substitution for the definition of “ Constitution” of the following definition:

“ ‘Constitution’ means the Constitution of the Republic of South Africa, [1993] [Act No 200 of 1993] 1996.”;

(h) the insertion after the definition of “Constitution” of the following definitions:

“ ‘contingency’ means an event or occurrence of which the outcome is uncertain or unknown to any person until it happens;

‘designated area’ –

(a) in relation to a site, means an area at that site in which any limited gaming machine is authorised to be placed;

(b) in any other case, means an area within licensed premises where any gambling game is available to be played;

(c) any area within 5 metres of a bookmaker or totalisator’s serving Counter on a race course; and

(d) shall include any area designated as such by the Board in the conditions of any license issued by it.”;

5

(b) slegs beperkte dobbelmasjiene beskikbaar is om op te speel nie;

(c) beperkte dobbelmasjiene en bingo, maar geen ander dobbelspel, gespeel word of beskikbaar is om gespeel te word nie;

(d) slegs dobbelary vir geselligheidsdoeleindes bedryf word ingevolge 'n tydelike lisensie of ingevolge hierdie Wet nie.';

10

(f) die volgende omskrywing voor die omskrywing van "totalisator" in te voeg:

"'teenprestasie' -

15

(a) geld, handelsware, eiendom, 'n tje, tekengeld, kaartjie, elektroniese krediet, krediet, debiet of 'n elektroniese speelmunt, of soortgelyke voorwerpe, of

20

(b) enige ander ding, onderneming, belofte, ooreenkoms of versekering, ongeag die skynbare of intrinsieke waarde daarvan, of hetsy dit regstreeks of onregstreeks oorgedra is.';

25

(g) die omskrywing van "Grondwet" met die volgende omskrywing te vervang:

"'Grondwet' die Grondwet van die Republiek van Suid-Afrika, [1993][Wet No. 1993] 1996;

30

(h) die volgende omskrywings onderskeidelik voor die omskrywings van "geleentheid" en "beroepswedder" in te voeg:

"'gebeurlikheid' beteken 'n gebeurtenis of voorval waarvan die resultaat onseker of onbekend is aan enige persoon totdat dit plaasvind;

'aangeduide area' -

35

(a) met betrekking tot 'n terrein, beteken 'n area op daardie terrein waarin enige beperkte dobbelmasjiene gemagtig is om geplaas te word;

40

(b) in enige ander geval, beteken dit 'n area binne 'n gelisensieerde perseel waar enige dobbelspel beskikbaar is om gespeel te word;

(c) enige area binne 5 meter vanaf 'n beroepswedder of totalisator se bedieningstoonbank op 'n renbaan; en

45

(d) moet enige area insluit wat as sodanig aangewys is deur die Raad in die voorwaardes van enige lisensie wat deur hom uitgereik is.';

- (i) the insertion after the definition of “Executive Council” of the following definitions:

“ ‘family member’ means a person’s –

- (a) spouse;
- (b) child, parent, brother or sister, whether such a relationship results from birth, marriage or adoption;

‘ financial interest’ means –

- (a) a right or entitlement to share in profits or revenue;
- (b) a real right in respect of property of a company, corporation or business;
- (c) a real or personal right in property used by a company, corporation or business; or
- (d) a direct or indirect interest in the voting shares, or voting rights attached to shares, of a company or an interest in a close corporation;

‘fixed-odds bet’ means a bet on one or more contingencies in which Odds are agreed at the time the bet is placed;”;

- (j) the deletion of the definition “gaming”;

- (k) the substitution for the definition of “gaming device” of the following definition:

“ ‘[gaming] gambling device’ means {any equipment or mechanical, electro-mechanical or electronic device, component or machine or gaming machine, used directly or remotely in connection with a casino game;} equipment or any other thing, excluding currency, that is used directly in conduct of a gambling activity, or which, at the time of its manufacture was designed to be used, in determining the result of a gambling activity;”;

- (l) the insertion after the definition of “gaming device” of the following definition:

“ ‘gambling game’ means any activity –

- (a) which it is played upon payment of any consideration, with the chance that the person playing the game might become entitled to, or receive a pay-out; and

- (i) die volgende omskrywings onderskeidelik voor die omskrywing van "Grondwet" en na die omskrywing van "dobbelttoestel" in te voeg en na die omskrywing van "Uitvoerende Raad" in te voeg:

" 'gesinslid' beteken 'n persoon se -

(a) gade;

(b) kind, ouer, broer of suster, hetsy sodanige verwantskap spruit uit geboorte, huwelik of aanneming;

'finansiële belang' beteken -

(a) 'n reg of geregtigheid op deelname in winste of inkomste;

(b) 'n saaklike reg ten opsigte van eiendom van 'n maatskappy, korporasie of besigheid;

(c) 'n saaklike of persoonlike reg op eiendom wat gebruik word deur 'n maatskappy, korporasie of besigheid; of

(d) 'n regstreekse of onregstreekse belang in die stemaandeel, of stemreg verbonde aan aandeel, van 'n maatskappy of 'n belang in 'n beslote korporasie;

'vaste-wedprys weddenskap' 'n weddenskap op een of meer gebeurlikhede waarin wedpryse ooreengekom word ten tye van die plasing van 'n weddenskap,";

(j) die omskrywing "dobbelaar" te skrap;

(k) die omskrywing van "dobbelttoestel" met die volgende omskrywing te vervang:

" 'dobbelttoestel' [enige toerusting of meganiese, elektro-meganiese of elektroniese toestel, komponent of masjien of dobbelmasjien, wat regstreeks of onregstreeks gebruik word in verband met 'n casinospel;] toerusting of enige ander ding, uitsluitend valuta, wat regstreeks gebruik word in die bedryf van 'n dobbelaktiwiteit, of wat, ten tyde van die vervaardiging daarvan ontwerp is om gebruik te word, om die uitslag van 'n dobbelaktiwiteit te bepaal,";

(l) die volgende omskrywing voor die omskrywing van "dobbelttoestel" in te voeg:

" 'dobbelspel' enige aktiwiteit -

(a) wat gespeel word by betaling van enige teenprestasie, waarop die persoon wat die spel speel geregtig kan word, of 'n uitbetaling ontvang; en

(b) which the result might be determined by the skill of the player, the element of chance or both;”;

(m) the substitution for the definition of “gaming machine” of the following definition:

“ ‘[gaming] gambling machine’ means {any electronic, electro-mechanical or mechanical device, contrivance or machine which, upon insertion of a coin, bank note, token or similar object or upon payment of consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine, or any other person, to receive cash or anything of value (other than an opportunity to play a further game] any mechanical, electrical, video, electronic, electro-mechanical or other device, contrivance, machine or software, other than an amusement machine, that –

(a) is available to be played or operated upon payment of a consideration; and

(b) may, as a result of playing or operating it, entitle the player or operator to a pay-out, or deliver a pay-out to the player or operator;”;

(n) the insertion after the definition of “licensed premises” of the following definition:

“ ‘limited gambling machine’ means a gambling machine outside of a casino in respect of the playing of which the stakes and prizes are limited as prescribed by regulations made in terms of the National Gambling Act;”;

(o) the substitution for the definition of “lottery” of the following definition:

“ ‘lottery’ means a lottery as defined in {a national act relating to lotteries] section 1 of Lotteries Act, 1997 (Act No. 57 of 1997);”;

(p) the insertion after the definition of “lottery” of the following definitions:

“ ‘National Act’ means the National Gambling Act, 2004.(Act No. 7 of 2004);

‘open bet’ means –

(a) a bet, other than a totalisator bet, taken by a bookmaker on one or other contingencies, in which no fixed-odds are agreed at the time the bet is placed; or

(b) waarvan die uitslag bepaal kan word deur die vaardigheid van die speler, deur die toeval, of deur beide;”,

(m) die vervanging van die omskrywing van “dobbeldmasjien” met die volgende omskrywing:

“ ‘dobbeldmasjien’ [enige elektroniese, elektro-meganiese of meganiese toestel, middel of masjien wat, deur die inplasing van ‘n muntstuk, banknoot, teken of soortgelyke voorwerp, of by betaling van enige teenprestasie, beskikbaar is om mee te speel of te beheer, waarvan die speel of beheer, hetsy as gevolg van die operateur se bedrewenheid of die toepassing van die element van toeval, of albei, die persoon wat die masjien speel of beheer, of enige ander persoon, in staat stel of daarop geregtig maak om kontant of enigiets van waarde (uitgesondered ‘n geleentheid om ‘n verdere spel te speel), te ontvang;] enige meganiese, elektriese, video, elektroniese, elektro-meganiese of ander toestel, middel, masjien of sagteware, behalwe ‘n vermaaklikheidsmasjien, wat -

(a) beskikbaar is om gespeel of bedryf te word by betaling van ‘n teenprestasie; en

(b) kan, as dit gespeel of bedryf word, die speler of operateur geregtig maak op ‘n uitbetaling, of ‘n uitbetaling lower aan die speler of operateur;”;

(n) die volgende omskrywing voor die omskrywing van “beroepswedder” in te voeg:

“ ‘beperkte dobbeldmasjien’ ‘n dobbeldmasjien buite ‘n casino ten opsigte van die speel waarvan die weddenskappe en pryse beperk word soos voorgeskryf deur regulasies uitgevaardig ingevolge die “Nasionale Wet;”;

(o) die omskrywing van “lotery” met die volgende omskrywing te vervang:

“ ‘lotery’ ‘n lotery soos omskryf in [‘n nasionale wet met betrekking tot loterye] artikel 1 van die Wet op Loterye, 1997 (Wet Nr. 57 van 1997);”;

(p) die volgende omskrywings na die omskrywing van “lotery” in te voeg:

“ ‘Nasionale Wet’ die ‘National Gambling Act, 2004’ (Wet Nr. 7 van 2004);

‘ope weddenskap’ -

(a) ‘n weddenskap, behalwe ‘n totalisator weddenskap, wat deur ‘n beroepswedder aangegaan word op een of ander gebeurlikheid, waar op daardie tydstop op geen vaste wedprys ooreengekom word nie; of

- (b) a bet in respect of which the pay-out is determined after the outcome of the contingency on which such a bet is struck became known, with reference to dividends generated by a totalisator;”;

- 5 (q) the insertion after the definition of “**opportunity to play a further game**” of the following definitions:

10 “**‘Organ of State’** means an organ of state as defined in section 239 of the Constitution;

10 ‘person’ includes a partnership, association, trust, or a juristic person established by or in terms of any law;”;

- 15 (r) the substitution of the definition of “**political officer-bearer**” of the following definition:

20 “**‘political office-bearer’** means [a person as defined in section 190A of the Constitution and members of the Provincial Houses of Traditional Leaders, the Council of Traditional Leaders, the Volkstaat Council and Local Authorities, and office-bearers of any political party]

25 (a) a member of the National Assembly, the National Council of Provinces or the Cabinet;

(b) a member of the Provincial Legislature;

(c) a member of a municipal council;

30 (d) a diplomatic representative of the Republic who is not a member of the public service;

(e) a member of a house, or council of traditional leaders; or

35 (f) a national or provincial office-bearer of a political party;”;

- (s) the insertion after the definition of “**political office-bearer**” of the following definition:

40 “**‘premises’** includes land and any buildings, structure, vehicle, ship, boat, vessel, aircraft or container;”;

- (t) the substitution for the definition of “**Province**” of the following definition:

45 “**‘Province’** means the province of the Free State as referred to in section [124] 103 of the Constitution;”;

(b) 'n weddenskap ten opsigte waarvan die uitbetaling bepaal word nadat die uitslag van die gebeurlikheid waarop sodanige weddenskap aangegaan is bekend raak, met betrekking tot die dividende gegeneer deur 'n totalisator.”;

(q) die volgende omskrywings onderskeidelik na “Staat” en “Ouditeur-generaal” in te voeg:

“ ‘Staatsorgaan’ ‘n staatsorgaan soos omskryf in artikel 239 van die Grondwet;

‘persoon’ sluit ‘n vennootskap, vereniging, trust, of ‘n regspersoon gestig deur of ingevolge enige wet in.”;

(r) die omskrywing van “politieke ampsbekleër” met die volgende omskrywing te vervang:

“ ‘politieke ampsbekleër’ [‘n persoon soos omskryf in artikel 190A van die Grondwet en lede van ‘n Provinsiale Huis van Tradisionele Leiers, die Raad van Tradisionele Leiers, die Volkstaatraad en plaaslikeowerhede en ‘n ampsdraer van enige politieke party;]

(a) ‘n lid van die Nasionale Vergadering, die Nasionale Raad van Provinsies of die Kabinet;

(b) ‘n lid van die Provinsiale Wetgewer;

(c) ‘n lid van ‘n munisipale raad;

(d) ‘n diplomatieke verteenwoordiger van die Republiek wat nie ‘n lid is van die staatsdiens nie;

(e) ‘n lid van ‘n huis, of raad van tradisionele leiers; of

(f) ‘n nasionale of provinsiale ampsdraer van ‘n politieke party.’;

(s) die volgende omskrywing voor die omskrywing van “persoon” in te voeg:

“ ‘perseel’ sluit grond en enige geboue, strukture, voertuig, skip, boot, vliegtuig of houer in.”;

(t) die omskrywing van “Provinsie” met die volgende omskrywing te vervang:

“ ‘Provinsie’ die Provinsie van die Vrystaat soos bedoel in artikel [124] 103 van die Grondwet.”

- (u) the substitution for the definition of “Provincial Legislature” of the following definition:

“ ‘Provincial Legislature’ means the Provincial Legislature of the Province as referred to in section [125] 104 of the Constitution;”;

- (v) the insertion after the definition of “Provincial Legislature” of the following definition:

“ ‘public servant’ means a person employed within an organ of state or within a court, or a judicial officer;”;

- (w) the substitution for the definition of “race-meeting” of the following definition:

“ ‘race-meeting’ means any gathering of persons attending [an animal] a horse race, whether or not such race is run, if the date and place of such race have been made known by public advertisement or private invitation;”;

- (x) the substitution for the definition of “responsible member” of the following definition:

“ ‘responsible Member’ means the member of the Executive Council responsible for [Economic Affairs and Tourism] administration of gambling and racing matters;”;

- (y) the insertion after the definition of “responsible member” of the following definition:

“ ‘route operator’ means a person licensed as such in terms of section 31 of the Act;”;

- (z) the insertion after the definition of “rule” of the following definition:

“ ‘site’ means premises licensed for the placement of one or more limited gambling machines contemplated in section 32 of the Act;”;

- (aa) the insertion after the definition of “sporting event” of the following definition:

“ ‘spouse’ means a person’s -

(a) partner in a marriage ;

(b) civil union partner as provided for in the Civil Union Act, 2006 (Act No. 17 of 2006);

(c) partner in a customary union according to indigenous law; or

(d) partner in a relationship in which the parties live together in a manner resembling a marital partnership or customary union.”.

- (u) die omskrywing van “Provinsiale Wetgewer” met die volgende omskrywing te vervang:

5

“ ‘Provinsiale Wetgewer’ die Provinsiale Wetgewer van die Provinsie soos bedoel in artikel [125] 104 van die Grondwet;”;

- (v) die volgende omskrywing voor die omskrywing van “Staatsorgaan” in te voeg:

10

“ ‘staatsamptenaar’ ‘n persoon wat in diens is van ‘n staatsorgaan of in ‘n hof, of ‘n regterlike amptenaar;”;

- (w) die omskrywing van “wedrenbyeenkoms” met die volgende omskrywing te vervang:

15

“wedrenbyeenkoms” ‘n byeenkoms van persone wat ‘n {dierewedren} perdewedren bywoon, ongeag of sodanige wedren plaasvind al dan nie, indien die datum en plek van sodanige wedren by publieke advertensie of private uitnodiging bekendgemaak is.”;

20

- (x) die omskrywing van “verantwoordelike Lid” met die volgende omskrywing te vervang:

25

“ ‘verantwoordelike Lid’ die Lid van die Uitvoerende Raad verantwoordelik vir [Ekonomiese Sake en Toerisme] die administrasie van dobbel- en wedrenaangeleenthede;”;

- (y) die volgende omskrywing na die omskrywing van “Republiek” in te voeg:

30

“ ‘roete-operateur’ ‘n persoon wat ingevolge artikel 31 van die Wet as sodanig gelisensieer is;”;

- (z) die volgende omskrywing voor die omskrywing van “totalisator” in te voeg:

35

“ ‘terrein’ ‘n perseel wat vir die plasing van een of meer beperkte dobbelmasjiene gelisensieer is soos beoog in artikel 32 van die Wet;”;

- (aa) die volgende omskrywing voor die omskrywing van “Grondwet” in te voeg:

40

“ ‘gade’ ‘n persoon se -

(a) vennoot in ‘n huwelik;

45

(b) siviele verbintenis vennoot soos bepaal in die “Civil Union Act, 2006” (Wet Nr. 17 van 2006);

(c) vennoot in ‘n gewoonteverbintenis volgens inheemse reg; of

50

(d) vennoot in ‘n verhouding waarin die partye saam leef op ‘n wyse wat ooreenstem met ‘n huweliksvennootskap of gewoonteverbintenis.”.

Insertion of section 1A in Act 6 of 1996

2. The following section is inserted after section 1 of the principal Act:

5 **"Gambling activities"**

1A. (1) An activity is a gambling activity if it involves -

- 10 (a) placing or accepting a bet or wager in terms of subsection (2);
- (b) placing or accepting a totalisator bet, in terms of subsection (3); or
- 15 (c) making available for play, or playing bingo or another gambling game as contemplated in subsection (4).

(2) A person places or accepts a bet or wager when that person -

- 20 (a) being a player, stakes money or anything of value on a fixed-odds bet, or an open bet, with a bookmaker on any contingency; or
- (b) being a bookmaker -
- 25 (i) accepts a stake of money or anything of value on a fixed-odds bet, or an open bet, from a player on any contingency; or
- (ii) stakes money or anything of value on a fixed-odds bet, or an open bet, with another bookmaker on any contingency;
- 30 (c) stakes or accepts a stake of money or anything of value with one or more other persons on any contingency; or
- (d) expressly or implicitly undertakes promises or agrees to do anything contemplated in paragraph (a), (b) or (c).

35 (3) A person places or accepts a totalisator bet when that person stakes money or anything of value on the outcome of an event or combination of events by means of -

- 40 (a) a system in which the total amount staked, after deductions provided for by law or by agreement, is divided among the persons who made winning bets in proportion to the amount staked by each of them in respect of a winning bet; or

Invoeging van artikel 1A in Wet 6 van 1996

2. Die volgende artikel word ingevoeg ná artikel 1 van die Hoofwet:

5 "Dobbelaktiwiteite"

1A. (1) 'n Aktiwiteit is 'n dobbelaktiwiteit indien dit die volgende behels-

10 (a) die plasing of aanvaarding van 'n weddenskap ingevolge subartikel (2);

(b) die plasing of aanvaarding van 'n totalisator weddenskap, ingevolge subartikel (3); of

15 (c) beskikbaar stel vir speel of die die speel van bingo of 'n ander dobbelspel soos beoog in subartikel (4).

(2) 'n Persoon plaas of aanvaar 'n weddenskap wanneer daardie persoon -

20 (a) synde 'n speler, geld of enigiets waardevols verwed op 'n vaste-wedprys weddenskap, of 'n ope weddenskap, met 'n beroepswedder op enige gebeurlikheid; of

25 (b) indien 'n beroepswedder -

(i) geld of enigiets waardevols aanvaar op 'n vaste-wedprys weddenskap, of 'n ope weddenskap, van 'n speler op enige gebeurlikheid; of

30 (ii) geld of enigiets waardevols verwed op 'n vaste-wedprys weddenskap, of 'n ope weddenskap, met 'n ander beroepswedder op enige gebeurlikheid; of

35 (c) geld of enigiets waardevol verwed of as weddenskap aanvaar met een of meer ander persone op enige gebeurlikheid; of

(d) uitdruklik of implisiet onderneem, belowe of instem om enigiets te doen wat beoog word in paragraaf (a), (b) of (c).

40 (3) 'n Persoon plaas of aanvaar 'n totalisator weddenskap wanneer daardie persoon geld of enigiets waardevol verwed op die uitslag van 'n gebeurtenis of kombinasie van gebeure by wyse van -

45 (a) 'n stelsel waar die totale bedrag geld wat verwed word, ná aftrekkings wat per ooreenkoms of ingevolge wetsbepalings gemaak is, proporsioneel verdeel word onder persone volgens die bedrag deur elkeen verwed ten opsigte van 'n wen weddenskap; of

- (b) any scheme, form or system of betting, whether mechanically operated or not, that is operated on similar principles.

5 (4) An activity is a gambling game if -

(a) it meets the following criteria:

10 (i) it is played upon payment of any consideration, with the chance that the person playing the game might become entitled to, or receive a pay-out; and

15 (ii) the result might be determined by the skill of the player, the element of chance, or both; or

(b) it is a bet or wager in terms of subsection (2), that is placed in a casino in relation to an activity that meets the criteria in paragraph (a).

20 (5) Despite subsection (4), for all purposes of this Act, none of the following activities is a gambling game:

(a) a bet or wager in terms of subsection (2), other than a bet or wager contemplated in subsection (4)(b);

25 (b) a totalisator bet in terms of subsection (3); or

(c) an amusement game.

30 (6) (a) Subject to paragraph (b), a pay-out is any money, merchandise, property, a cheque, credit, electronic credit, a debit, a token, a ticket or anything else of value won by a player -

35 (i) whether as a result of the skill of the player or operator, the application of the element of chance, or both; and

(ii) regardless how the pay-out is made.

40 (b) Neither of the following is a pay-out:

(i) an opportunity to play a further game; or

45 (ii) a prize given to a participant or team of participants in a sporting event in respect of the participant's or team's performance in that event.

(c) The result of a gambling game -

50 (i) is an opportunity to play a further game if the player is afforded the opportunity to continue without interruption playing the type of game -

- (b) enige skema, vorm of stelsel van weddenskap, hetsy meganies-aangedryf of nie, wat op soortgelyke beginsels bedryf word.

5 (4) 'n Aktiwiteit is 'n dobbelspel indien -

(a) dit aan die volgende maatstawwe voldoen:

10 (i) dit gespeel word by betaling van enige teenprestasie, waarop die persoon wat die spel speel geregtig kan word op , of 'n uitbetaling ontvang; en

15 (ii) waarvan die uitslag bepaal kan word deur die vaardigheid van die speler, deur toeval, of deur beide;” of

(b) dit 'n weddenskap is ingevolge subartikel (2), wat geplaas is in 'n casino met betrekking tot 'n aktiwiteit wat voldoen aan die maatstawwe in paragraaf (a).

20 (5) Ondanks subartikel (4), vir alle doeleindes van hierdie Wet, is geeneen van die volgende aktiwiteite 'n dobbelspel nie:

(a) 'n weddenskap ingevolge subartikel (2), behalwe 'n weddenskap beoog in subartikel (4) (b);

25

(b) 'n totalisator-weddenskap ingevolge subartikel (3); of

(c) 'n vermaaklikheidsspeletjie.

30 (6) (a) Onderhewig aan paragraaf (b), is 'n uitbetaling enige geld, handelware, eiendom, tjek, krediet, elektroniese krediet, debiet, tekengeld, kaartjie of enigiets van waarde wat deur 'n speler gewen word -

35 (i) hetsy as gevolg van die vaardigheid van die speler of operateur, die aanwending van die element van toeval, of beide; en

40 (ii) ongeag hoe die uitbetaling gedoen word.

(b) Geen een van die volgende word beskou as 'n uitbetaling nie:

(i) 'n geleentheid om 'n verdere speletjie te speel; of

45 (ii) 'n prys wat aan 'n deelnemer of span deelnemers gegee word in 'n sportbyeenkoms ten opsigte van die deelnemer of span se deelname in daardie byeenkoms.

(c) Die uitslag van 'n dobbelspel -

50

(i) is 'n geleentheid om 'n verdere speletjie te speel indien die speler die geleentheid gebied word om sonder onderbreking voort te gaan om die soort spel te speel -

(aa) in respect of which the opportunity was won; and

(bb) on the machine on which the opportunity was won; but

(ii) is not an opportunity to play a further game if the opportunity can in any manner, whether directly or indirectly, be -

(aa) distributed or transferred to the person who has won such an opportunity or to any other person, or

(bb) converted into money, property, a cheque, credit or any other thing of value; or

(cc) converted in terms of any scheme, arrangement, system, plan or device prescribed in terms of the National Act.”.

Amendment of section 4 of Act 6 of 1996

3. Section 4 of the Principal Act is amended by –

(a) the substitution of paragraph (a) of subsection (1) of the following paragraph:

“(a) 1 member who is qualified to be admitted as a legal practitioner in the Republic and has, **[for a cumulative period of at least five years]** after having so qualified, practised as a legal practitioner or performed services related to the application or administration of the law;”;

(b) the substitution of paragraph (b) of subsection (1) of the following paragraph:

“(b) 1 member who has **[is qualified as a chartered accountant in the Republic and has, for a cumulative period of at least 5 years after having so qualified, practised as a chartered accountant]** expertise in financial matters;”;

(c) the substitution of paragraph (d) of subsection (1) of the following:

“(d) a person representing the Department **[of Economic Affairs and]** responsible for gambling and racing matters **[of] in** the Province designated by the responsible Member;”.

(aa) ten opsigte waarvan die geleentheid gewen is; en

(bb) op die masjien waarop die geleentheid gewen is; maar

(ii) is nie 'n geleentheid om 'n verdere spel te speel nie as die geleentheid op enige wyse, hetsy regstreeks of onregstreeks,

(aa) versprei of oorgedra word na die persoon wat sodanige geleentheid gewen het of na enige ander persoon, of

(bb) omgeskep word in geld, eiendom, 'n tjek, krediet of enigiets van waarde; of

(cc) omgeskep word ingevolge enige skema, reëling, stelsel, plan of toestel wat voorgeskryf word ingevolge die Nasionale Wet."

Wysiging van artikel 4 van Wet 6 van 1996

3. Artikel 4 van die Hoofwet word gewysig deur -

(a) paragraaf (a) van subartikel (1) met die volgende paragraaf te vervang:

"(a) 1 lid wat gekwalifiseerd is om toegelaat te word om as 'n regspraktisyn in die Republiek te praktiseer en wat [vir 'n kumulatiewe tydperk van minstens 5 jaar] nadat hy of sy aldus gekwalifiseer het, as 'n regspraktisyn gepraktiseer het of dienste verrig het in verband met die toepassing of administrasie van die regspleging;"

(b) paragraaf (b) van subartikel (1) met die volgende paragraaf te vervang:

"(b) 1 lid [wat gekwalifiseerd is as 'n geoktrooieerde rekenmeester in die Republiek en wat vir 'n kumulatiewe tydperk van minstens 5 jaar nadat hy of sy aldus gekwalifiseer het, as 'n geoktrooieerde rekenmeester gepraktiseer het] met kundigheid in finansiële sake;"

(c) paragraaf (d) van subartikel (1) met die volgende paragraaf te vervang:

"(d) 'n persoon wat die Departement [van Ekonomiese Sake en Toerisme van] verantwoordelik vir dobbel- en wedreanaangeleenthede in die Provinsie verteenwoordig, aangewys deur die verantwoordelike Lid;"

Amendment of section 5 of Act 6 of 1996**4. Section 5 of the Principal Act is amended by –**

- 5 (a) the substitution of subparagraph (vi) of paragraph (b) of subsection (1) of the following subparagraph:
- 10 “(vi) has been convicted during the previous ten years, in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992), or an offence in terms of this Act or similar law, and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding the prescribed amount, unless the person has received a grant of amnesty or free pardon for the offence;”;
- 15 (b) the deletion of items (aa) and (bb) of subparagraph (vi) of paragraph (b) of subsection (1);
- 20 (c) the substitution of subparagraph (vii) of paragraph (b) of subsection (1) of the following subparagraph:
- 25 “(vii) is a public servant or an employee of a municipality: Provided that this disqualification shall not apply to a member of the board referred to in section 4(1)(d) or (e).”;
- 30 (d) the addition of the following subparagraphs in paragraph (b) of subsection (1):
- “(viii) is listed in the register of excluded persons held by the National Gambling Board;
- “(ix) has or acquires a direct or indirect financial interest in premises used for an activity that must be licensed in terms of this Act;
- 35 “(x) has been declared mentally ill by a court of law.”.

Substitution of section 6 of Act 6 of 1996**5. The following section is substituted for section 6 of the principal Act:****“Procedure for appointment of board**

6. (1) The responsible Member, after consultation with the Executive Council must, subject to subsection (2) and section 5, determine and appoint members of the Board.
- 45 (2) Except for members contemplated in section 4(1)(d) and (e), the responsible Member must invite interested parties by notice in the *Provincial Gazette* and other media to nominate candidates for his or her consideration within 14 days of the publication of the notice.”.

Wysiging van artikel 5 van Wet 6 van 1996**4. Artikel 5 van die Hoofwet word gewysig deur -**

- 5 (a) subparagraaf (vi) van paragraaf (b) van subartikel (1) met die volgende subparagraaf te vervang:

10 “(vi) gedurende die vorige tien jaar skuldig bevind is, in die Republiek of elders, aan diefstal, bedrog, vervalsing of uitgifte van vervalste dokumente, meened, ‘n misdryf kragtens die Wet op Korruptsie, 1992 (Wet Nr. 94 van 1992), of ‘n misdryf ingevolge hierdie Wet of soortgelyke wet, en gevonnissen tot gevangenisstraf sonder die keuse van ‘n boete, of tot ‘n boete wat die voorgeskrewe bedrag oorskry, tensy die persoon amnestie of algehele kwytskelding vir die misdryf verleen is;”

- (b) items (aa) en (bb) van subparagraaf (vi) van paragraaf (b) van subartikel (1) te skrap;

- 20 (c) subparagraaf (vii) van paragraaf (b) van subartikel (1) met die volgende subparagraaf te vervang:

25 “(vii) ‘n staatsampenaar of ‘n werknemer van ‘n munisipaliteit is: Met dien verstande dat hierdie diskwalifikasie nie van toepassing is op ‘n lid van die raad bedoel in artikel 4(1)(d) of (e) nie;”

- (d) die volgende subparagrafe in paragraaf (b) van subartikel (1) by te voeg:

30 “(viii) wat gelys is in die register van uitgeslote persone wat gehou word deur die Nasionale Dobbelaarad;

35 (ix) wat of ‘n regstreekse of onregstreekse finansiële belang het of verkry in persele wat gebruik word vir ‘n aktiwiteit wat gelisensieer moet wees ingevolge hierdie Wet;

(x) wat kranksinnig verklaar is deur ‘n geregshof.”

Vervanging van artikel 6 van Wet 6 van 1996

- 40 5. Artikel 6 van die Hoofwet word met die volgende artikel vervang:

“Prosedure vir aanstelling van raad

- 45 6. (1) Die verantwoordelike Lid moet, na raadpleging met die Uitvoerende Raad, behoudens subartikel (2) en artikel 5, die lede van die Raad bepaal en aanstel.

50 (2) Behalwe vir lede soos beoog in artikel 4(1)(d) en (e), moet die verantwoordelike Lid belanghebbende partye by wyse van kennisgewing in die *Provinsiale Koerant* en ander media uitnooi om kandidate te benoem vir sy of haar oorweging binne 14 dae van die publikasie van die kennisgewing.”

Amendment of section 8 of Act 6 of 1996

6. Section 8 of the principal Act is amended by –

5 (a) the insertion after subsection (1) of the following subsection:

“(1A.) Notwithstanding the provision of sections 8(1) and 8(2), a vacancy in the office of a member shall immediately occur when –

10 (i) such member dies;

(ii) such member’s written resignation is received by the responsible Member; or

15 (iii) such member’s term of office has expired.”.

Amendment of section 9 of Act 6 of 1996

20 7. Section 9 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

25 “(1) Members of the board [or persons consulted and co-opted in terms of sections 18 and 19 respectively,] who are not in the full time service of the state or the Province may, in respect of their services, be paid such remuneration and allowances from the funds of the board as may be determined by the responsible Member after consultation with the member of the Executive Council responsible for finance.”.

Amendment of section 10 of Act 6 of 1996

30

8. Section 10 of the principal Act is amended by –

(a) the substitution for subsection (3) of the following subsection:

35 “(3) The board may, in the exercise of its powers and the performance of its functions, at its request **{and after consultation with the Provincial Administration of the Province}**, be assisted by the officers of the [said] Provincial **[Administration]** Government of the Free State, members of the South African Police Service, or personnel of other government departments, or a body established by or under any law, who are seconded to the services of the board in terms of any law regulating such secondment.”.

40

Wysiging van artikel 8 van Wet 6 van 1996

6. Artikel 8 van die Hoofwet word gewysig deur -

5 (a) die volgende subartikel ná subartikel (1) in te voeg:

“(1A.) Ondanks die bepalings van artikels 8(1) en 8(2), sal daar onmiddellik ‘n vakature in die amp van ‘n lid ontstaan wanneer -

10 (i) sodanige lid te sterwe kom;

(ii) sodanige lid se skriftelike bedanking deur die verantwoordelike Lid ontvang word; of

15 (iii) sodanige lid se ampstermyn verstryk het.”.

Wysiging van artikel 9 van Wet 6 van 1996

20 7. Artikel 9 van die Hoofwet word gewysig deur subartikel (1) met die volgende subartikel te vervang:

25 “9. (1) Lede van die raad [of persone wat ingevolge artikels 18 en 19 onderskeidelik geraadpleeg en gekoöpteer is, en] wat nie in die heeltydse diens van die Staat of die Provinsie is nie, kan ten opsigte van hul dienste die vergoeding en toelaes uit die fondse van die raad betaal word wat deur die verantwoordelike Lid, na oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir Finansies, bepaal mag word.”.

30 **Wysiging van artikel 10 van Wet 6 van 1996 —**

8. Artikel 10 van die Hoofwet word gewysig deur -

35 (a) subartikel (3) met die volgende subartikel te vervang:

40 “(3) Die raad kan, by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede, op sy versoek [en na oorleg met die Provinsiale Administrasie van die Provinsie,] bygestaan word deur beamptes van [bedoelde] Provinsiale [Administrasie] Regering van die Vrystaat, lede van die Suid-Afrikaanse Polisiediens, of personeel van ander regeringsdepartemente, of ‘n liggaam in die lewe geroep deur of kragtens enige wet, wat aan die diens van die raad gesekondeer word ingevolge enige wet wat sodanige sekondering reël.”.

- (b) the substitution for paragraph (a) of subsection (4) for the following paragraph:

“(a) Any power or function which the board may exercise or perform in terms of this Act, with the exception of the powers referred to in section 23 (excluding paragraph (g)), 23A, 29, [30, 31, 32, 33, 34, 35, 36,] 39 and 40, may be delegated (whether generally or specifically) to the Chief Executive Officer, a committee of the board or any other member of the staff of the board.”;

- (c) the addition of subsection (5):

“(5) The chief executive officer is appointed for a period of no longer than 5 years.”.

Amendment of section 12 of Act 6 of 1996

9. Section 12 of the principal Act is amended by –

- (a) the substitution of paragraph (b) of subsection (1) of the following paragraph:

“(b) a member, [or] former member, or staff member of the board shall not solicit or accept employment [from a licensee or an applicant] or be employed at the gambling area of, the holder of, or an applicant for a licence in terms of this Act within 1 year after the termination of [the] his or her term of office or service [of such a member of the board without the prior approval of the board], as the case may be: Provided that a member, former member or staff member of the board may solicit and accept such employment within such period if –

(i) the board has in consultation with the responsible Member consented thereto in writing;

(ii) in the opinion of the board, exceptional circumstances exist; and

(iii) the board is satisfied that such employment would not frustrate the purpose of this Act;”;

(b) paragraaf (a) van subartikel (4) met die volgende paragraaf te vervang:

(a) Enige bevoegdheid of werksaamheid wat die raad ingevolge hierdie Wet mag uitoefen of verrig kan, met die uitsondering van die bevoegdhede en werksaamhede bedoel in artikels 23 (uitgesonderd paragraaf (g), 23A, 29, [30, 31, 32, 33, 34, 35, 36], 39 en 40 (hetsy in die algemeen of in die besonder) aan die hoof-uitvoerende beampte, 'n komitee van die raad, of enige ander lid van die personeel van die raad gedelegeer word.”;

(c) subartikel (5) by te voeg:

“(5) Die hoof-uitvoerende beampte word aangestel vir 'n tydperk van hoogstens 5 jaar.”.

Wysiging van artikel 12 van Wet 6 van 1996

9. Artikel 12 van die Hoofwet word gewysig deur -

(a) paragraaf (b) van subartikel (1) met die volgende paragraaf te vervang:

(b) mag 'n lid, [of] voormalige lid, of personeellid van die raad nie [sonder die voorafverkreë goedkeuring van die raad] werk van [vanaf 'n lisensiehouer of aansoeker] of indiens geneem word by die dobbelarea van, die houer van, of 'n aansoeker om 'n lisensie ingevolge hierdie Wet, binne 1 jaar na die beëindiging van [die] sy of haar ampstermyn of diens [van so 'n lid van die raad,] lok of aanvaar nie, wat ook die geval is: Met dien verstande dat 'n lid, vorige lid of personeellid van die raad mag aansoek doen vir sodanige indiensneming en dit aanvaar binne sodanige tydperk indien -

(i) die raad na oorlegpleging met die verantwoordelike Lid skriftelik daartoe ingestem het;

(ii) na die mening van die raad, daar buitengewone omstandighede bestaan; en

(iii) die raad tevrede is dat sodanige indiensneming nie die doelstellings van hierdie Wet verydél nie.”;

- (b) the insertion after paragraph (b) of subsection (1) of the following subsections:

- 5 “(1)(bA) ~~A member of the board or staff member of the board, any~~
family member of such member or any person related to
such member within the second degree of consanguinity,
shall not accept any donation, reward or other such benefit
10 directly or indirectly from an applicant for, or the holder of,
a licence registration in terms of this Act, and no such
person shall directly or indirectly give or offer such
donation, reward or such benefit to such member, family
member or relative; provided that the provisions of this
subsection shall not apply to –
- 15 (i) a reasonable meal with a value of less than the
amount determined by the responsible Member
given to a member of the board or staff of the board
whilst such member or staff is acting in the course
and scope of his or her duties.
- 20 (ii) A *bona fide* gambling win by such a member of the
board, staff member of the board, family member or
relative at premises of such applicant, licence holder
or registrant or an affiliate thereof where such
25 person is not prohibited from so gambling in terms
of this Act.
- 30 (iii) Subject to subsection 12(1)(bB), a salary earned by
such family member or person related to such
member within the second degree of consanguinity
from such applicant, licence holder or registrant in
so far as the employment of such person by the
35 licence holder will, in the opinion of the board, not
compromise the objectivity of the member of the
board or staff member of the board to whom such
person is related.
- 40 (iv) Any benefit such as discounted accommodation,
free promotional materials and the like, available to
all members of the general public.
- 45 (v) Any benefit or object with a value not exceeding
that determined by the responsible Member.
- (1)(bB) No family member of a member or staff of the board shall
be employed at or by a gambling business in the province if
such employment would, in the opinion of the board, lead
to a conflict of interest.”

(b) na paragraaf (b) van subartikel (1), die volgende subartikels in te voeg:

“(1)(bA)

Lid van die raad of personeel van die raad, enige gesinslid van sodanige lid of enige persoon wat binne die tweede graad van bloedverwantskap aan sodanige lid verwant is, mag nie enige skenking, vergoeding of ander sodanige voordeel regstreeks of onregstreeks ontvang van ‘n aansoeker vir, of die houer van, ‘n lisensie-registrasie ingevolge hierdie Wet nie, en geen sodanige persoon mag regstreeks of onregstreeks sodanige skenking, vergoeding of sodanige voordeel gee of aanbied aan sodanige lid, gesinslid of familielid; met dien verstande dat die bepalings van hierdie subartikel nie van toepassing sal wees op -

(i) ‘n redelike maaltyd met ‘n waarde minder as die bedrag vasgestel deur die verantwoordelike Lid gegee aan ‘n lid van die raad of personeel van die raad terwyl sodanige lid of personeel optree in die loop en omvang van sy of haar pligte.

(ii) ‘n *Bona fide* dobbelwins deur sodanige lid van die raad, personeellid van die raad, gesinslid of familielid by ‘n perseel van sodanige aansoeker, lisensiehouer of geregistreerde of ‘n geaffilieerde daarvan waar sodanige persoon nie verbied is om so te dobbel ingevolge hierdie Wet nie.

(iii) Onderhewig aan subartikel 12(1)(bB), ‘n salaris wat verdien word deur sodanige gesinslid of persoon wat verwant is aan sodanige lid binne die tweede graad van bloedverwantskap van sodanige aansoeker, lisensiehouer of geregistreerde insoverre die indiensneming van sodanige persoon deur die lisensiehouer nie, na die mening van die raad, die objektiwiteit van die lid van die raad of personeellid van die raad aan wie sodanige persoon verwant is sal kompromitteer nie.

(iv) Enige voordeel soos byvoorbeeld afslag-akkommodasie, gratis promosie-materiaal en so meer, wat aan alle lede van die algemene publiek beskikbaar is.

(v) Enige voordeel of voorwerp met ‘n waarde wat nie dit oorskry wat deur die verantwoordelike Lid vasgestel is nie.

(1)(bB)

Geen gesinslid van ‘n lid of personeellid van die raad mag in diens geneem word by of deur ‘n dobbelonderneming in die provinsie indien sodanige indiensneming, na die mening van die raad, tot ‘n belangebotsing kan lei nie.”

Amendment of section 13 of Act 6 of 1996

10. Section 13 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) The board shall in each financial year, {at a time determined by the responsible Member} within the period and in the manner contemplated in the Public Finance Management Act, 1999 (Act No. 1 of 1999), submit a statement of the estimated income and expenditure of the board for the following financial year for [his or her] approval by the responsible Member.”.

Amendment of section 14 of Act 6 of 1996

11. Section 14 of the principal Act is amended by the substitution of the section of the following section:

“Financial management

(1) Financial management of the board is regulated by the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(2) The annual financial statements of the board must be audited by the Auditor General.”.

Amendment of section 15 of Act 6 of 1996

12. Section 15 of the principal Act is amended by the insertion after subsection (3) of the following subsection and the renumbering of the current subsections (4), (5) and (6) to 5, 6 and 7:

“(4) If both the chairperson and deputy chairperson are absent from any meeting of the board, the members present shall from amongst themselves elect a person to preside at such meeting.”.

Amendment of section 18 of Act 6 of 1996

13. Section 18 of the principal Act is amended by the deletion of subsection (2).

Amendment of section 19 of Act 6 of 1996

14. Section 19 of the principal Act is deleted.

Wysiging van artikel 13 van Wet 6 van 1996

10. Artikel 13 van die Hoofwet word gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die raad lê in elke finansiële jaar, [op ‘n tydstip deur die verantwoordelike Lid bepaal] binne die tydperk en op die wyse soos beoog in die Wet op Openbare Finansiële Bestuur, 1999 (Wet Nr. 1 van 1999), ‘n staat van die geskatte inkomste en uitgawes van die raad vir die eersvolgende finansiële jaar aan die verantwoordelike Lid vir [sy of haar] goedkeuring voor.”.

Wysiging van artikel 14 van Wet 6 van 1996

11. Artikel 14 van die Hoofwet word gewysig deur die artikel met die volgende artikel te vervang:

“Finansiële bestuur

(1) Die finansiële bestuur van die raad word gereuleer deur die Wet op Openbare Finansiële Bestuur, 1999 (Wet Nr. 1 van 1999).

(2) Die jaarlikse finansiële state van die raad moet geoudit word deur die Ouditeur-Generaal.”.

Wysiging van artikel 15 van Wet 6 van 1996

12. Artikel 15 van die Hoofwet word gewysig deur ná subartikel (3) die volgende subartikel in te voeg en die huidige subartikels (4), (5) en (6) tot 5, 6 en 7 te hernoem:

“(4) Indien beide die voorsitter en die ondervoorsitter van enige vergadering van die raad afwesig is, moet die aanwesige lede self uit hul geledere by sodanige vergadering ‘n persoon kies om as voorsitter op te tree.

Wysiging van artikel 18 van Wet 6 van 1996

13. Artikel 18 van die Hoofwet word gewysig deur subartikel (2) te skrap.

Wysiging van artikel 19 van Wet 6 van 1996

14. Artikel 19 van die Hoofwet word geskrap.

Amendment of section 21 of Act 6 of 1996

15. Section 21 of the principal Act is amended by the substitution of the section of the following section:

“21. No licence shall be granted under this Act unless the board takes cognisance of –

(i) the provisions of, or norms and standards determined under the National [Gambling] Act, [1996]; and

(ii) any recommendations made by the National [Gaming and Wagering] Gambling Board established [under the National Gambling Act, 1996] in terms of the National Act.”

Substitution of section 22 of Act 6 of 1996

16. The following section is substituted for section 22 of the principal Act:

“Disqualifications for licences in general”

22. (1) This section does not apply to a certificate of approval.

(2) A person must not hold a licence referred to in this Act, or a financial interest in the holder of such a licence, if that person –

(a) is not a fit and proper person, in that such person's character, integrity, honesty, prior conduct, regard for the law, reputation, habits and associations may reasonably pose a threat to the health, safety, morals, good order and general welfare of the inhabitants of the Province or to provisions and policy of this Act;

(b) is under the age of 18 years;

(c) is a public servant or political office bearer;

(d) is listed on the register of excluded persons contemplated in the National Act;

(e) is subject to an order of a competent court holding that person to be mentally unfit or deranged;

(f) has ever been removed from an office of trust on account of misconduct relating to fraud or the misappropriation of money; or

Wysiging van artikel 21 van Wet 6 van 1996

15. Artikel 21 van die Hoofwet word gewysig deur die artikel met die volgende artikel te vervang:

“21. Geen lisensie word kragtens hierdie Wet toegestaan nie tensy die raad kennis neem van -

- (i) die bepalings van, of norme en standaarde vasgestel deur die Nasionale [Dobbelwet, 1996] Wet; en
- (ii) enige aanbevelings, gemaak deur die Nasionale [Raad op Dobbelaar en Weddenskappe] Dobbelraad ingestel ingevolge die [Nasionale Dobbelwet, 1996] Nasionale Wet.”.

Vervanging van artikel 22 van Wet 6 van 1996

16. Artikel 22 van die Hoofwet word met die volgende artikel vervang:

“Diskwalifisering vir lisensies oor die algemeen

22. (1) Hierdie artikel is nie van toepassing op ‘n sertifikaat van goedkeuring nie.
- (2) ‘n Persoon moet nie ‘n lisensie hou waarna verwys word in hierdie artikel nie, of ‘n finansiële belang hê in die houer van sodanige lisensie, indien daardie persoon -
- (a) nie ‘n geskikte en gepaste persoon is nie, deurdat so ‘n persoon se karakter, integriteit, eerlikheid, vorige optrede, agting vir die reg, reputasie, gewoontes en verbintenisse redelikerwys ‘n bedreiging inhou vir die gesondheid, veiligheid, sedes, goeie orde en algemene welsyn van die inwoners van die Provinsie of vir die bepalinge en beleid van hierdie Wet;
 - (b) onder die ouderdom van 18 jaar is;
 - (c) ‘n staatsampenaar of politieke ampsdraer is;
 - (d) ingeskryf is in die register van uitgeslote persone soos beoog in die Nasionale Wet;
 - (e) onderhewig is aan ‘n bevel van ‘n bevoegde hof wat beslis dat die persoon geestelik ongeskik of kranksinnig is;
 - (f) ooit uit ‘n vertrouensamp verwyder is vanwee wangedrag met betrekking tot bedrog of wanbesteding van geld; of

- 5 (g) has been convicted during the previous ten years, in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Corruption Act, 1992 (Act No. 94 of 1992), or an offence in terms of this Act or the National Act, and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding the prescribed amount, unless the person has received a grant of amnesty or free pardon for the offence;
- 10 (h) is an unrehabilitated insolvent; or
- 15 (i) is a family member, other than a brother or sister, of a person who is a member or employee, of a regulatory authority exercising oversight over that licensee.
- 20 (3) The board must refuse to issue a licence to a person who is disqualified from holding an interest in a licence holder, licensed premises, or the business to which a licence relates, in terms of subsection (2).
- 25 (4) The board must refuse to issue a licence to an applicant if, after conducting the prescribed investigations, it has reason to believe that the applicant, or any person who holds a financial interest of five percent or more in the applicant is disqualified from holding an interest in a licence holder or the business to which a licence relates, in terms of subsection (1).
- 30 (5) For the purpose of this section, a financial interest does not include an indirect interest held in any fund or investment if the person holding that interest has no control over the investment decisions made in respect of that fund or investment.
- 35 (6) A licence shall not be granted unless the board is satisfied that –
- 40 (a) the granting of such a licence will not bring into existence or aggravate any dominant or over concentrated market share or any restrictive practice, acquisition or monopoly situation in the Province as envisaged in the Competition Act, 1998 (Act No. 89 of 1998) in the gambling industry or a branch thereof; and
- 45 (b) the granting of such a licence will not result in the establishment of an unduly large gambling industry in the Province, having regard to the number of inhabitants of the Province, their financial means and the number of licences already granted in terms of this Act or any other law.

- 5 (g) gedurende die vorige tien jaar skuldig bevind is, in die Republiek of elders, aan diefstal, bedrog, vervalsing en uitgifte, meened, 'n misdryf kragtens die Wet op Korruptsie, 1992 (Wet Nr. 94 van 1992), of 'n misdryf ingevolge hierdie Wet of die Nasionale Wet, en gevonnissen is tot gevangenisstraf sonder die keuse van 'n boete, of tot 'n boete wat die voorgeskrewe bedrag oorskry, tensy die persoon amnestie of algehele kwytskelding vir die misdryf verleen is;
- 10 (h) 'n ongerehabiliteerde insolvent is; of
- 15 (i) 'n familielid, behalwe 'n broer of 'n suster, of 'n persoon wat 'n lid of werknemer is van 'n regulerende owerheid wat toesig uitoefen oor daardie gelisensieerde.
- 20 (3) Die raad moet weier om 'n lisensie uit te reik aan 'n persoon wat gediskwalifiseer is om 'n belang te hê in 'n lisensiehouer, gelisensieerde perseel, of die onderneming wat met die lisensie verband hou, ingevolge subartikel (2).
- 25 (4) Die raad moet weier om 'n lisensie uit te reik aan 'n aansoeker indien, nadat die voorgeskrewe ondersoek gedoen is, hy rede het om te glo dat die aansoeker, of enige persoon wat 'n finansiële belang van vyf persent of meer in die aansoeker hou, gediskwalifiseer is om 'n belang te hê in 'n lisensiehouer of onderneming waarmee die lisensie verband hou, ingevolge subartikel (1).
- 30 (5) Vir die doel van hierdie artikel behels 'n finansiële belang nie 'n onregstreekse belang wat in enige fonds of belegging gehou word nie indien die persoon wat die belang hou geen beheer het oor die beleggingsbesluite wat gemaak word ten opsigte van die fonds of belegging nie.
- 35 (6) 'n Lisensie sal nie toegeken word nie tensy die raad tevrede is dat -
- 40 (a) die toekenning van so 'n lisensie nie enige heersende of oorgekonsentreerde marktaandeel of enige beperkende praktyk, verkryging of monopolie-situasie in die Provinsie soos beoog in die Wet op Wedywing, 1998 (Wet Nr. 89 van 1998) in die dobbelbedryf of tak daarvan teweeg sal bring of vererger nie, en
- 45 (b) die toekenning van so 'n lisensie nie sal lei tot die vestiging van 'n uitermatige groot dobbelbedryf in die Provinsie nie, inaggenome die getal inwoners van die Provinsie, hul finansiële middele en die getal lisensies wat alreeds ingevolge hierdie Wet of enige ander wet toegeken is."

Amendment of section 23 of Act 6 of 1996

17. Section 23 of the principal Act is amended by the substitution for subsection (4) of the following subsection:

“(4) The maximum number of any kind of licence that may be granted by the board, may be prescribed: Provided that the maximum number of casino licences that may be granted by the board, shall at any given time be [prescribed.] as determined by the National Act.”;

Amendment of section 26 of Act 6 of 1996

18. Section 26 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) Any person who desires to object to any application made [for a licence] in terms of this Act, may, not later than 30 days after the publication of the relevant notice in the *Provincial Gazette* as referred to in section 24(2)(b)(ii), lodge with the chief executive officer in writing an objection in the prescribed manner.”.

Amendment of section 27 of Act 6 of 1996

19. Section 27 of the principal Act is amended by –

(1) the substitution for subsection (1) of the following subsection:

“(1) Any application, objections and response lodged in terms of [sections 24 and 26] this Act shall, subject to subsection (2), be open to public inspection by interested persons during the normal office hours of the board for the prescribed period from the date of lodgement of the application as reflected in the notice referred to in section 24(2)(b)(ii) and the board shall, at the request of any interested person, and on payment of such fees as may be prescribed, furnish him or her with a copy of, or extract from, any such application, objections, responses or information.”;

(2) the insertion of the following section after section 27 of the principal Act:

“Public Hearings

27A. (1) The board shall hold a hearing –

- (a) in respect of every application for a casino licence received by the board;
- (b) in respect of every application for any other kind of licence contemplated in sections 23 received by the board regarding which an objection has been lodged in accordance with section 26;

Wysiging van artikel 23 van Wet 6 van 1996

17. Artikel 23 van die Hoofwet word gewysig deur subartikel (4) met die volgende subartikel te vervang:

“(4) Die maksimum getal van enige soort lisensie wat deur die raad toegestaan mag word, kan voorgeskryf word: Met dien verstande dat die maksimum getal casino lisensies wat deur die raad toegestaan mag word, op enige gegewe tydstip [voorgeskryf] soos deur die Nasionale Wet bepaal, moet wees.”.

Wysiging van artikel 26 van Wet 6 van 1996

18. Artikel 26 van die Hoofwet word gewysig deur subartikel (1) met die volgende subartikel te vervang:

“(1) Enige persoon wat beswaar wil maak teen ‘n aansoek {om ‘n lisensie} ingevolge hierdie Wet, kan nie later nie as 30 dae ná die publikasie in die *Provinsiale Koerant* van die betrokke kennisgewing soos bedoel in artikel 24(2)(b)(ii), by die hoof uitvoerende beampte skriftelik ‘n beswaar in die voorgeskrewe vorm indien.”.

Wysiging van artikel 27 van Wet 6 van 1996

19. Artikel 27 van die Hoofwet word gewysig deur -

(1) subartikel (1) met die volgende subartikel te vervang:

“(1) Enige aansoek, besware en antwoord wat ingevolge [artikels 24 en 26] hierdie Wet ingedien word is, behoudens subartikel (2) ter publieke insae deur belangstellende persone gedurende die normale kantoorure van die raad vir die voorgeskrewe tydperk vanaf die datum van indiening van die aansoek, soos aangedui in kennisgewing bedoel in artikel 24(2)(b)(ii), en die raad voorsien, op versoek van enige belangstellende persoon en by betaling van die voorgeskrewe gelde, hom of haar van ‘n afskrif van of uittreksel uit enige sodanige aansoek, besware, antwoord of inligting.”;

(2) die volgende artikel ná artikel 27 van die Hoofwet in te voeg:

“Openbare Verhore

27A. (1) Die raad sal ‘n verhoor hou -

- (a) ten opsigte van elke aansoek om ‘n casino-lisensie ontvang deur die raad;
- (b) ten opsigte van enige ander soort lisensie soos beoog in artikels 23 wat deur die raad ontvang is ten opsigte waarvan ‘n beswaar ingedien is ooreenkomstig artikel 26; en

- (c) in any application for which the board deems it necessary to conduct a hearing,

on such a date, time and place as determined by the board, and made known by notice published in the *Provincial Gazette*, and in a newspaper circulating in the district in which the premises to which such application relates are situated, in any official language in which such newspaper is published.

- (2) At such a hearing –

- (a) the applicant shall be afforded an opportunity to be heard;
- (b) any person who lodged an objection against the application in terms of section 26 and who, in such objection, indicated his or her desire to make oral presentations at the hearing of the application shall be afforded the opportunity to be heard; and
- (c) the applicant and each such person may be assisted or represented by any person of his or her choice.

- (3) A hearing may be adjourned and resumed on such date and at such time and place as the board may determine.

- (4) Subject to subsection (5), a hearing shall be accessible to the public.

- (5) The person presiding at the hearing may –

- (a) if the presence of any particular person is not conducive to the good order or conduct of the hearing, direct that such person may not attend, or must leave the hearing;
- (b) if the board is considering any matter contemplated in section 27(2)(a) or representations by a person contemplated in section 27(2)(b), or if it is otherwise in the interest of the consideration of the matter concerned, direct that the public or any member or category thereof may not attend, or must leave the hearing.

- (6) The provisions of sections 20(2) to 20(9) shall apply with the necessary changes in respect of a hearing.”

- (c) in enige aansoek waarvoor die raad dit nodig ag om 'n verhoor te hou;

op sodaige datum, tyd en plek soos deur die raad bepaal, en bekend gemaak by wyse van kennisgewing in die *Provinsiale Koerant*, en in 'n koerant wat in die distrik sirkuleer waarin die perseel geleë is wat verband hou met sodanige aansoek, in enige amptelike taal waarin sodanige koerant gepubliseer word.

(2) By so 'n verhoor -

- (a) moet die aansoeker die geleentheid gebied word om aangehoor te word;

- (b) sal enige persoon wat 'n beswaar teen die aansoek ingedien het ingevolge artikel 26 wat, in sodanige beswaar, sy of haar wens aandui om mondelinge vertoë by die aanhoor van die aansoek te doen, die geleentheid gebied word om aangehoor te word; en

- (c) kan die aansoeker en enige sodanige persoon bygestaan of verteenwoordig word deur enige persoon van sy of haar keuse.

- (3) 'n Verhoor kan uitgestel en hervat word op sodanige datum en op sodanige tyd en plek soos wat die raad mag bepaal.

- (4) Onderhewig aan subartikel (5), moet 'n verhoor toeganklik wees vir die publiek.

- (5) Die persoon wat as voorsitter by die verhoor optree kan -

- (a) indien die teenwoordigheid van enige bepaalde persoon nie bevorderlik is vir die goeie orde of die hou van die verhoor nie, gelas dat sodanige persoon nie die verhoor mag bywoon nie, of die verhoor moet verlaat;

- (b) indien die raad enige aangeleentheid soos beoog in artikel 27(2)(a) of vertoë deur 'n persoon soos beoog in artikel 27(2)(b) oorweeg, of indien dit andersins in die belang van die oorweging van die betrokke saak sal wees, gelas dat die publiek of enige lid of kategorie daarvan nie die verhoor mag bywoon nie, of dit moet verlaat.

- (6) Die bepalings van artikels 20(2) tot 20(9) is van toepassing met die nodige verandering ten opsigte van 'n verhoor."

Amendment of section 28 of Act 6 of 1996

20. Section 28 of the principal Act is amended by –

5 (1) the insertion after subsection (1) of the following subsection:

10 “(1A) In order to determine the continued suitability of the holder of a licence, certificate of suitability or certificate of approval in terms of this Act, the board may, subject to any other law, gather such information from any source or person regarding the continued suitability of the holder of such a licence, certificate of suitability or certificate of approval and the suitability of the licensed premises in respect of which a licence was granted, if applicable.”;

15 (2) the substitution for subsection (2) of the following subsection:

20 “(2) The chief executive officer may, [on receipt of an application for a licence] for the purpose referred to in subsections (1) and (1A), ask the South African Police Service for a report stating –

25 (a) particulars of any conviction recorded against the applicant referred to in subsection (1), the licence or certificate holder referred to in subsection (1A), or any person who will be involved in the proposed business of the applicant, licence holder or certificate holder and in respect of whom the board deems it necessary to obtain the police report;

(b) such matters as may be prescribed; and

30 (c) such matters which ought, in the opinion of the South African Police Service to be taken into consideration in respect of the application, licence or certificate concerned.”.

Amendment of section 29 of Act 6 of 1996

35

21. Section 29 of the principal Act is amended by the substitution for subsection (4) of the following subsection:

40 “(4) When the board is satisfied that the premises in respect of which a temporary licence has been granted under subsection (1), have been substantially completed in accordance with the plan thereof approved by the board, the conditions and requirements determined by the board have been complied with and the premises are suitable for the purposes for which they will be used under the licence concerned, the board shall issue the licence in [accordance with section 24(4)] terms of this Act to the applicant concerned.”.

45

Wysiging van artikel 28 van Wet 6 van 1996**20. Artikel 28 van die Hoofwet word gewysig deur -**

5 (1) ná subartikel (1) die volgende subartikel in te voeg:

10 “(1A) Ten einde die voortgesette geskiktheid te bepaal van die houer van ‘n lisensie, sertifikaat van geskiktheid of sertifikaat van goedkeuring ingevolge hierdie Wet, kan die raad, onderhewig aan enige ander wet, sodanige inligting insamel van enige bron of persoon betreffende die voortgesette geskiktheid van die houer van sodanige lisensie, sertifikaat van geskiktheid of sertifikaat van goedkeuring en die geskiktheid van die gelisensieerde perseel ten opsigte waarvan ‘n lisensie toegestaan is, indien toepaslik.”;

15 (2) subartikel (2) met die volgende subartikel te vervang:

20 “(2) [by ontvangs van ‘n aansoek om ‘n lisensie kan] Die hoof uitvoerende beampte kan, vir die doel waarna verwys is in subartikels (1) en (1A), die Suid-Afrikaanse Polisie diens vir ‘n verslag vra wat die volgende aandui -

25 (a) besonderhede van enige veroordelings wat aangeteken is teen die aansoeker soos verwys word in subartikel (1), die lisensie- of sertifikaathouer soos verwys word in subartikel (1A), of enige persoon wat by die voorgestelde besigheid betrokke sal wees, lisensiehouer of sertifikaathouer en ten opsigte van wie die raad dit nodig ag om die polisieverslag te kry; --

30 (b) sodanige aangeleenthede as wat voorgeskryf word; en

35 (c) sodanige ander sake as wat na die oordeel van die Suid-Afrikaanse Polisie diens ten opsigte van die betrokke aansoek, lisensie of sertifikaat oorweeg behoort te word”.

Wysiging van artikel 29 van Wet 6 van 1996

40 21. Artikel 29 van die Hoofwet word gewysig deur subartikel (4) met die volgende subartikel te vervang:

45 “(4) Wanneer die raad oortuig is dat die perseel waaraan ‘n tydelike lisensie kragtens subartikel (1) uitgereik is, wesenlik voltooi is in ooreenstemming met die plan daarvan wat deur die raad goedgekeur is, die voorwaardes en vereistes deur die raad bepaal nagekom is en die perseel geskik is vir die doeleindes waarvoor dit kragtens die betrokke lisensie gebruik sal word, moet die raad die lisensie [ooreenkomstig artikel 24(4)] ingevolge hierdie Wet aan die betrokke aansoeker uitreik.”.

Amendment of section 31 of Act 6 of 1996

22. Section 31 of the principal Act is amended by the insertion after subsection (4) of the following subsection and renumbering of the current subsection (4) to (5):

“(4) The holder of a gambling machine operator licence –

(a) shall not make available for play –

(i) more limited gambling machines than the maximum number for which the operator is licensed;

(ii) on any particular site, more limited gambling machines than that site is licensed to accommodate;

(b) shall maintain the limited gambling machines owned and operated by the holder of that gambling machine operator licence; and

(c) shall collect money from those machines and pay to the board all levies in respect of those machines.”.

Amendment of section 32 of Act 6 of 1996

23. Section 32 of the principal Act is amended by –

(1) the insertion of the following subsection before subsection (1) and the renumbering of current subsections (1) and (2) to (2) and (3) -

“(1) No person may apply for a gambling machine site licence other than in response to a notice published in the *Provincial Gazette* and the media by the board, inviting applications and which notice may state the evaluation criteria to be applied and any other requirements.”;

(2) the substitution for the current subsection (2) of the following subsection:

“(3) A [gaming] gambling machine site licence shall authorise, subject to the provisions of this Act, the operation and keeping in or on the licensed premises specified in the licence, of any prescribed [gaming] gambling machines or gaming machines specified in the licence: Provided that –

(a) the maximum charge for playing on any {such gaming} gambling machine shall not exceed the prescribed amount;

(b) the prize in respect of any 1 game played by means of any [such gaming] gambling machine shall not in the aggregate exceed in value the prescribed amount; [and]

Wysiging van artikel 31 van Wet 6 van 1996

22. Artikel 31 van die Hoofwet word gewysig deur ná subartikel (4) die volgende subartikel in te voeg en die huidige subartikel (4) te hernoem na (5):

“(4) Die houer van ‘n dobbelmasjiën-operateurlisensie -

(a) sal nie vir speeldoeleindes die volgende beskikbaar stel nie -

(i) meer beperkte dobbelmasjiëne as die maksimum getal waarvoor die operateur gelisensieerd is;

(ii) meer beperkte dobbelmasjiëne, op enige bepaalde terrein, as wat die terrein gelisensieerd is om te akkommodeer;

(b) moet die beperkte dobbelmasjiëne in stand hou wat besit en bedryf word deur die houer van daardie dobbelmasjiën-operateurlisensie; en

(c) moet geld insamel vanaf daardie masjiëne en aan die raad alle heffings ten opsigte van daardie masjiëne betaal.”

Wysiging van artikel 32 van Wet 6 van 1996

23. Artikel 32 van die Hoofwet word gewysig deur -

(1) die volgende subartikel voor subartikel (1) in te voeg en die huidige subartikels (1) en (2) te hernoem na (2) en (3) -

“(1) Geen persoon mag vir ‘n dobbelmasjiën terreinlisensie aansoek doen nie behalwe in reaksie op ‘n kennisgewing wat in die *Provinsiale Koerant* en die media deur die raad geplaas is, wat vra vir aansoeke en welke kennisgewing die evalueringsmaatstawwe en ander vereistes wat van toepassing is, mag uitstippel”;

(2) die huidige subartikel (2) te wysig deur dit met die volgende paragraaf te vervang:

“(3) ‘n Dobbelmasjiënperseellisensie magtig, behoudens die bepalings van hierdie Wet, die bedryf en aanhou in of op die gelisensieerde perseel wat in die lisensie gespesifiseer word, van enige voorgeskrewe dobbelmasjiëne of dobbelmasjiëne in die lisensie gespesifiseer. Met dien verstande dat -

(a) die maksimum koste ten einde op [sodanige] dobbelmasjiën te speel nie die voorgeskrewe bedrag mag oorskry nie;

(b) die prys ten opsigte van enige enkele spel wat gespeel word by wyse van [sodanige] dobbelmasjiën, nie in die geheel die voorgeskrewe bedrag mag oorskry nie; [en]

- (c) there shall be displayed on every ~~{such gaming}~~ gambling machine the value of the maximum prize prescribed under paragraph (b) which can be won by playing a game once by means of such a ~~[gaming]~~ gambling machine; and
- (d) any gambling machine shall be placed in an area of the licensed premises to which no person under the age of 18 years shall have access to.”;
- (3) the addition of the following subsections:
- “(4) The holder of a gambling machine site licence may be linked to the holder of a particular gambling machine operator licence or may be independent.
- (5) The holder of an independent gambling machine site licence has the same rights, powers and duties as –
- (a) the holder of a gambling machine operator licence in terms of section 31; and
- (b) the holder of a gambling machine site licence in terms of subsections (1), (1A) and (2) above.
- (6) Only a juristic person may be licensed to own or operate more than five limited gambling machines as the holder of an independent site licence.
- (7) The holder of a site operator licence or independent site operator licence shall –
- (a) prominently display at the entrance of the designated area –
- (i) the licence issued to the holder of that licence;
- (ii) a copy of the licence issued to the relevant holder of the gambling machine operator licence, if applicable; and
- (b) maintain adequate control and supervision of all limited gambling machines at the site during the licensed hours of operation.”.

- 5
- (c) daar op elke [sodanige] dobbelmasjien die waarde vertoon word van die maksimum prys, voorgeskryf kragtens paragraaf (b), wat gewen kan word wanneer 'n spel eenmalig by wyse van sodanige dobbelmasjien gespeel word; en
- (d) enige dobbelmasjien geplaas moet word in 'n area van die gelisensieerde perseel waartoe geen persoon onder die ouderdom van 18 jaar toegang sal verkry nie.
- 10 (3) die volgende subartikels by te voeg:
- “(4) Die houer van 'n dobbelmasjien terreinlisensie kan gekoppel wees aan die houer van 'n bepaalde dobbelmasjienoperateurslisensie of kan onafhanklik wees.
- 15 (5) Die houer van 'n onafhanklike dobbelmasjien terreinlisensie beskik oor dieselfde regte, bevoegdhede en pligte as -
- 20 (a) die houer van 'n dobbelmasjienoperateurslisensie ingevolge artikel 31; en
- (b) die houer van 'n dobbelmasjien terreinlisensie ingevolge subartikels (1), (1(A)) en (2) hierbo.
- 25 (6) Slegs regspersone kan as houer van 'n onafhanklike terreinlisensie gelisensieer word om meer as vyf beperkte dobbelmasjiene te besit of te bedryf.
- 30 (7) Die houer van 'n terreinoperateurslisensie of onafhanklike terreinoperateurslisensie moet -
- (a) opvallend by die ingang van die aangeduide area -
- 35 (i) die lisensie vertoon wat aan die houer van die lisensie uitgereik is;
- (ii) 'n afskrif vertoon van die lisensie wat uitgereik is aan die betrokke houer van die dobbelmasjienoperateurslisensie, indien van toepassing; en
- 40 (b) voldoende beheer en toesig uitoefen oor alle beperkte dobbelmasjiene op die terrein gedurende die gelisensieerde ure van bedryf.”

Amendment of section 33 of the Act 6 of 1996

24. Section 33 of the principal Act is amended by the insertion of the following subsection before subsection (1) and the renumbering of the current subsections (1) and (2) to (2) and (3):

“(1) No person may apply for a bingo operator licence other than in response to a notice published in the *Provincial Gazette* and the media by the board, inviting all applications and which notice may state the evaluation criteria to be applied and any other requirements.”.

Amendment of section 37 of Act 6 of 1996

25. Section 37 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

“(3) A bookmaker’s licence shall authorise, subject to the provisions of this Act, the accepting of fixed odd bets and open bets on sporting events on the licensed premises.

Amendment of section 39 of Act 6 of 1996

26. Section 39 of the principal Act is amended by –

(1) the addition to subsection (1) of the following paragraphs:

“(i) the licence holder, without the prior consent of the board, sells or alienates or ceases to operate any business in respect of the licence or any part of the premises or development to which the licence relates; or

(j) the licence holder wilfully and persistently uses or tolerates methods of operation deemed unsuitable by the board.”.

(2) the addition of the following subsection:

“(8) Notwithstanding the provisions of the above sections, the board may estimate punitive levies payable by the licensee for failure to carry on business in contravention of section 39 (1)(d).”.

Insertion of section 40A in Act 6 of 1996

27. The following section is inserted after section 40 of the principal Act:

Wysiging van artikel 33 van Wet 6 van 1996

24. Artikel 33 van die Hoofwet word gewysig deur die volgende subartikel voor subartikel (1) in te voeg en die huidige subartikels (1) en (2) te hernoem na (2) en (3):

“(1) Geen persoon mag vir ‘n bingo operateurslisensie aansoek doen behalwe in reaksie op ‘n kennisgewing wat in die *Provinsiale Koerant* en die media deur die raad geplaas is nie, wat vra vir aansoeke en welke kennisgewing die evalueringsmaatstawwe en ander vereistes wat toegepas moet word, mag uitsippel.”

Wysiging van artikel 37 van Wet 6 van 1996

25. Artikel 37 van die Hoofwet word gewysig deur subartikel (3) met die volgende subartikel te vervang:

“(3) ‘n Beroepswedderslisensie magtig, behoudens die bepalings van hierdie Wet, die neem van vasgestelde weddenskappe en ope weddenskappe op sportgebeurtenisse op die gelisensieerde perseel.”.

Wysiging van artikel 39 van Wet 6 van 1996

26. Artikel 39 van die Hoofwet word gewysig deur -

(1) die volgende paragrawe by subartikel (1) by te voeg:

“(i) die lisensiehouer, sonder die vooraf goedkeuring van die raad, die bedryf van enige besigheid ten opsigte van die lisensie of enige gedeelte van die perseel of ontwikkeling wat met die lisensie-verband hou verkoop of vevreem of staak; of

(j) die lisensiehouer opsetlik en aanhoudend bedryfsmetodes wat as onvanpas deur die raad beskou word gebruik en verdra.”;

(2) die volgende subartikel by te voeg:

“(8) Nieteenstaande die bepalings van die bogenoemde artikels, kan die raad strafboetes beraam wat deur die lisensiehouer betaalbaar moet word vir die versuim om die besigheid te bedryf in oortreding van artikel 39(1)(d).” .

Invoeging van artikel 40A in Wet 6 van 1996

27. Die volgende artikel word ná artikel 40 van die Hoofwet ingevoeg:

"Amendment of the licence"

- 5 40A. (1) The holder of a licence may at any time make an application for the amendment of the licence.
- (2) An application for the amendment of a licence shall be considered by the board and the board may thereafter conditionally or unconditionally –
- 10 (a) refuse the application;
- (b) grant the application.
- 15 (3) The provisions of sections 24 to 28 shall *mutatis mutandis* apply in relation to an application contemplated in subsection (1) for an amendment that the board determines as material."

Substitution of section 43 of Act 6 of 1996

- 20 28. The following section is substituted for section 43 of the principal Act:

"Financial interest in business of licensee"

- 25 43. (1) Any person, other than an institutional investor, a depository institution or a central securities depository, who directly or indirectly, procures a financial interest of 5% or more in the business to which a licence relates shall, within the prescribed period and in the prescribed manner, apply to the board for approval to hold such interest.
- 30 (2) Any institutional investor, central securities depository or depository institution who, directly or indirectly, procures a financial interest of –
- 35 (a) not less than 5% but less than 15% in a business to which a licence relates shall within the prescribed period and in the prescribed manner inform the board of its acquisition of that interest and shall in such notice set out the grounds on which it asserts it is an institutional investor;
- 40 (b) 15% or more in the business to which a licence relates shall, within the prescribed period and in the prescribed manner, apply to the board for approval to hold such interest.
- 45 (3) The provisions of sections 22 and 24 to 28 shall, *mutatis mutandis* apply in relation to an application contemplated in subsection (1) and (2).

"Wysiging van die lisensie"

- 5 40A. (1) Die houer van die lisensie kan te eniger tyd aansoek doen om die lisensie te wysig.
- (2) 'n Aansoek om wysiging van 'n lisensie moet deur die raad oorweeg word en die raad kan daarna voorwaardelik of onvoorwaardelik -
- 10 (a) die aansoek weier; of
- (b) die aansoek toestaan.
- 15 (3) Die bepalings van artikels 24 tot 28 sal *mutatis mutandis* van toepassing wees met betrekking tot 'n aansoek soos beoog in subartikel (1) vir 'n wysiging wat die raad as wesenlik beskou."

Vervanging van artikel 43 van Wet 6 van 1996

- 20 28. Artikel 43 van die Hoofwet word met die volgende artikel vervang:

"Finansiële belang in bedryf van lisensie"

- 25 43. (1) Enige persoon, buiten 'n institusionele belegger, 'n depositonemende instelling of 'n sentrale effekte bewaarnemer, wat regstreeks of onregstreeks, 'n finansiële belang van 5% of meer verkry in die besigheid waarmee die lisensie verband hou moet, binne die voorgeskrewe tydperk en op die voorgeskrewe wyse, by die raad aansoek doen vir goedkeuring om sodanige belang te hou.
- 30 (2) Enige institusionele belegger, sentrale effekte bewaarnemer en depositonemende instelling wat, regstreeks of onregstreeks, 'n finansiële belang verkry van -
- 35 (a) nie minder nie as 5% maar minder as 15% in 'n besigheid waarmee die lisensie verband hou moet binne die voorgeskrewe tydperk en op die voorgeskrewe wyse die raad in kennis stel van sy verkryging van daardie belang en moet in sodanige kennisgewing die gronde uiteensit waarop hy dit
- 40 stel dat hy 'n institusionele belegger is;
- (b) 15% of meer in die besigheid waarmee die lisensie verband hou moet, binne die voorgeskrewe tydperk en op die voorgeskrewe wyse, by die raad aansoek vir goedkeuring om
- 45 sodanige belang te hou.
- (3) Die bepalings van artikels 22 en 24 tot 28 sal *mutatis mutandis* van toepassing wees met betrekking tot 'n aansoek soos beoog in subartikel (1) en (2).

- (4) The board shall not grant approval under subsection (1) and (2) where the person or institution referred to, who submits the application, would be disqualified to hold a licence in terms of this Act.

- (5) Where approval is not granted, the person or institution referred to in subsection (1) shall, within the prescribed period and in the manner determined by the board, dispose of its financial interest in the licence holder concerned.

- (6) No person or institution referred to in subsection (1) shall procure an interest contemplated in subsection (1) and (2) as nominee or agent of or otherwise on behalf of any principal or beneficiary if that person has not in writing informed the holder of the licence concerned and the board of the identity of such principal or beneficiary.

- (7) The provision of this section shall not apply to an institution referred to in subsection (1) in respect of which it holds a financial interest on behalf of persons other than itself in securities listed on a stock exchange in South Africa registered as such in terms of the Stock Exchange Control Act, 1985 (Act No. 1 of 1985).

- (8) For purposes of this section, unless the context indicates otherwise –

“central securities depository” means a person who is licenced as a central securities depository under the Securities Services Act, 2004 (Act No. 36 of 2004); and

“institutional investor” means a mutual fund, unit trust fund, pension fund, merchant bank, or insurance company, registered as such in terms of an applicable law and which trades securities in large volumes on behalf of large numbers of investors.”

Amendment of section 44 of Act 6 of 1996

29. Section 44 of the principal Act is amended by –

- (1) the insertion after subsection (1) of the following subsections and the renumbering of the current subsection (2) to (4):

- 5
- (4) Die raad mag nie goedkeuring verleen kragtens subartikel (1) -en (2) waar die persoon of instelling waarna verwys word, wat die aansoek indien, gediskwalifiseer word om 'n lisensie ingevolge hierdie Wet te hou nie.
- 10
- (5) Waar goedkeuring nie verleen word nie, moet die persoon of instelling waarna in subartikel (1) verwys word, binne die voorgeskrewe tydperk en op die voorgeskrewe wyse soos deur die raad bepaal, van sy finansiële belang in die betrokke lisensiehouer ontslae raak.
- 15
- (6) Geen persoon na wie verwys word in subartikel (1) mag 'n belang verkry soos beoog in subartikel (1) en (2) as benoemde of agent van of andersins namens enige prinsipaal of begunstigde indien daardie persoon nie skriftelik die betrokke lisensiehouer en die raad ingelig het oor die identiteit van sodanige prinsipaal of begunstigde nie.
- 20
- (7) Die bepaling van hierdie artikel sal nie van toepassing wees op 'n instelling waarna verwys word in subartikel (1) ten opsigte waarvan dit 'n finansiële belang hou namens persone behalwe homself in effekte genoteer op 'n effektebeurs in Suid-Afrika en as sulks geregistreer ingevolge die Wet op Beheer van Effektebeurse, 1985 (Wet Nr. 1 van 1985).
- 25
- (8) Vir doeleindes van hierdie artikel, tensy die samehang anders aandui, beteken -
- 30
- “sentrale effekte bewaarnemer” ‘n persoon wat as ‘n sentrale effekte bewaarnemer gelisensieer is kragtens die Wet op Effektedienste, 2004 (Wet Nr. 36 van 2004); en
- 35
- “institusionele belegger” ‘n effektetrust, effektetrustfonds, pensioenfonds, handelsbank, of versekeringsmaatskappy, as sulks geregistreer ingevolge ‘n toepaslike wet en wat groot volumes effekte verhandel namens groot getalle beleggers.”

Wysiging van artikel 44 van Wet 6 van 1996

29. Artikel 44 van die Hoofwet word gewysig deur -

- 40
- (1) die volgende subartikels ná subartikel (1) in te voeg en die huidige subartikel (2) te hernoem na (4):

“(2) The board may require from any third party with whom a licensee has contracted, to apply to the board for a certificate of suitability in the manner and within such time as determined by the board, and if such a certificate is not granted, the board may require the termination of the contract or association between the licensee and the third party.

(3) The certificate of suitability issued in terms of subsections (1) and (2) shall be valid for a period of twelve months and thereafter subject to renewal upon payment of the prescribed fees.”;

(2) the substitution of the current subsection (2) of the following subsection:

“(3) The provisions of section 28 shall *mutatis mutandis* apply to an application referred to in subsections (1) and (2).”.

Amendment of section 45 of Act 6 of 1996

30. Section 45 of the principal Act is amended by –

(1) the substitution for subparagraph (ii) of paragraph (a) of the following subparagraph:

“(ii) is identical in all material aspects to a type and model that has been approved by the board; ~~and~~”;

(2) the addition to paragraph (a) of the following subparagraph:

“(iv) complies with the national norms and standards and such further requirements as the board may from time to time determine; and”.

Amendment of section 47 of Act 6 of 1996

31. Section 47 of the principal Act is amended by –

(1) the substitution for paragraphs (a) and (b) of the following paragraphs:

“(a) refuse to admit any person, other than a member of the board, or staff member of the board or a police officer, to the licensed premises;

(b) request any person, other than a member of the board, or staff member of the board or a police officer who is on the licensed premises, to leave the premises;”;

“(2) Die raad kan van enige derde party met wie ‘n gelisensieerde ‘n kontrak aangegaan het vereis om by die raad aansoek te doen om ‘n sertifikaat van geskiktheid op die wyse en binne die tydperk soos deur die raad bepaal, en indien sodanige sertifikaat nie toegeken word nie, kan die raad aandrang op die beëindiging van die kontrak of die verbintenis tussen die gelisensieerde en die derde party.

(3) Die sertifikaat van geskiktheid wat ingevolge subartikels (1) en (2) uitgereik is, sal geldig wees vir ‘n tydperk van twaalf maande en daarna onderhewig aan hernuwing by betaling van die voorgeskrewe gelde.”;

(2) die huidige subartikel (2) met die volgende subartikel te vervang:

“(4) Die bepalinge van artikel 28 is *mutatis mutandis* van toepassing op ‘n aansoek bedoel in subartikels (1) en (2).”.

Wysiging van artikel 45 van Wet 6 van 1996

30. Artikel 45 van die Hoofwet word gewysig deur -

(1) subparagraaf (ii) van paragraaf (a) met die volgende subparagraaf te vervang:

“(ii) wat in alle wesenlike opsigte identies is aan ‘n tipe en model wat deur die raad goedgekeur is; {en}”;

(2) die volgende subparagraaf by paragraaf (a) by te voeg:

“(iv) voldoen aan die nasionale norme en standaarde en sodanige verdere vereistes soos wat die raad van tyd tot tyd mag bepaal; en”.

Wysiging van artikel 47 van Wet 6 van 1996

31. Artikel 47 van die Hoofwet word gewysig deur -

(1) paragrawe (a) en (b) met die volgende paragrawe te vervang:

(a) weier om enige persoon, behalwe ‘n lid van die raad, of ‘n personeellid van die raad of ‘n polisiebeampte, tot die gelisensieerde perseel toe te laat;

(b) enige persoon, behalwe ‘n lid van die raad, of ‘n personeellid van die raad of ‘n polisiebeampte, wat op die gelisensieerde perseel is, versoek om die perseel te verlaat;”;

- (2) die volgende artikel ná artikel 47 in te voeg:

“Uitgeslote persone

- 5 **47A.** (1) Die houer van ‘n lisensie of werknemer van sodanige
lisensiehouer mag nie willens en wetens ‘n persoon wat as ‘n
10 uitgeslote persoon in die nasionale register vir uitgeslote
persone geregistreer is, soos beoog in die Nasionale Wet,
toelaat om die aangeduide area van die gelisensieerde perseel
binne te gaan of daar te vertoef of deel te neem aan enige
dobbelaaktiwiteit op die gelisensieerde perseel nie.
- (2) Elke gelisieerde wat gemagtig is om ‘n dobbelaaktiwiteit aan
15 die publiek beskikbaar te stel moet -
- (a) beskikbaar stel by die gelisensieerde perseel -
- (i) die vorm wat ingevolge die Nasionale Wet
20 voorgeskryf vir gebruik deur persone wat wil
registreer as ‘n uitgeslote persoon;
- (ii) ‘n adresboek van plaaslik-erkende
25 beradings-, behandelings- of opvoedkundige
dienste wat probleme van kompulsiewe en
verslawende dobbelary aanspreek; en
- (b) opsigtelik ‘n kennisgewing aanbring wat die
30 beskikbaarheid adverteer van daardie materiale, op
die wyse en vorm soos deur die Nasionale Wet
voorgeskryf, by elke ingang tot daardie perseel.”.

Wysiging van artikel 48 van Wet 6 van 1996

32. Artikel 48 van die Hoofwet word gewysig deur -
- 35 (1) subartikel (1) met die volgende subartikel te vervang:
- “(1) Behoudens enige regulasies kragtens artikel 92 uitgevaardig [en
40 subartikel (2)] hierdie artikel en die bepalings van die Nasionale
Wet, is dit geoorloof om enige dobbel, wat wettiglik kragtens hierdie
Wet bedryf mag, te adverteer.”;

(2) the addition of the following subsections:

“(3) Any advertisement of a gambling machine or device, a gambling activity, or a licensed premises at which gambling activities are available –

(a) shall include a statement, in the manner and form prescribed by the National Act, warning against the dangers of addictive and compulsive gambling;

(b) shall not include any element which directly or indirectly promotes or encourages the removal of a person from the register of excluded persons.

(4) A person shall not advertise or promote any gambling or related activity as being available to the public free of charge or at a discounted rate contrary to this Act or the National Act, as an inducement for gambling.”.

Amendment of section 52 of Act 6 of 1996

33. Section 52 of the principal Act is amended by -

(a) the substitution of subsection (1) of the following subsection:

“(1) Any licence granted in terms of this Act shall, subject to being annually renewed, be valid as from the date of the issue thereof for a period of 25 years, or until the holder thereof abandons it in writing or it is revoked by the board in terms of section 39, whichever is shorter.”;

(b) the deletion of paragraphs (a) and (b).

Amendment of section 61 of Act 6 of 1996

34. Section 61 of the principal Act is amended by –

(1) the substitution for the heading of the following heading:

“**[Consideration of applicants]** Disqualifications for certificates of approval”;

(2) the substitution for subsection (1) of the following subsection:

“(1) The board shall consider an application in terms of section 60, and shall not issue a certificate of approval in terms of this Act to any person if that person –

(2) die volgende subartikels by te voeg:

“(3) Enige advertensie van ‘n dobbelmasjien of toestel, ‘n dobbel-
5 aktiwiteit of ‘n gelisensieerde perseel waar dobbelaktiwiteite
beskikbaar is -

(a) moet ‘n verklaring bevat, op die wyse en vorm soos
10 voorgeskryf deur die Nasionale Wet, wat teen die gevare van
verslawende en kompulsiewe dobbelary waarsku;

(b) mag nie enige element bevat wat regstreeks of onregstreeks
die verwydering van ‘n persoon uit die register vir uitgeslote
persone bevorder of aanmoedig nie.

(4) ‘n Persoon mag nie enige dobbelary of verwante aktiwiteit adverteer
15 of bevorder as synde gratis of teen ‘n afslagkoers beskikbaar aan die
publiek teenstrydig met hierdie Wet of die Nasionale Wet, as ‘n
as ‘n lokmiddel tot dobbelary nie.”.

20 **Wysiging van artikel 52 van Wet 6 van 1996**

33. Artikel 52 van die Hoofwet word gewysig deur -

(a) subartikel (1) met die volgende subartikel te vervang:

25 “(1) Enige lisensie toegestaan ingevolge hierdie Wet sal, onderhewig aan
jaarlikse hersiening, geldig wees vanaf die datum van die uitreiking
daarvan vir ‘n tydperk van 25 jaar, of totdat die houer daarvan dit
30 skriftelik laat vaar of dit deur die raad teruggetrek word ingevolge
artikel 39, welke gebeurlikheid ook al die eerste plaasvind.”.

(b) paragrawe (a) en (b) te skrap.

35 **Wysiging van artikel 61 van Wet 6 van 1996**

34. Artikel 61 van die Hoofwet word gewysig deur -

(1) die opskrif met die volgende opskrif te vervang:

40 “[Oorweging van aansoekers] Diskwalifisering vir sertifikate van
goedkeuring”;

(2) subartikel (1) met die volgende subartikel te vervang:

45 “(1) Die raad sal ‘n aansoek ingevolge artikel 60 oorweeg, en sal nie ‘n
sertifikaat van goedkeuring uitreik aan enige persoon indien daardie
persoon -

- 5 (a) is not a fit and proper person, in that such person's character, integrity, honesty, prior conduct, regard for the law, reputation, habits and associations may reasonably pose a threat to the health, safety, morals, good order and general welfare of the inhabitants of the Province or to the provisions and policy of this Act;
- 10 (b) is an unrehabilitated insolvent or is subject to any legal disability;
- 15 (c) is a member of the board, a member of the Executive Council or a member of the standing committee of the Provincial Legislature responsible for this Act, or is a family member of such person;
- 20 (d) is an employee of the board, or a family member of such person, provided that the board may condone such disqualification, where it exists in respect of a family member, if it is satisfied that no material conflict of interest will arise by reason of such employment;
- 25 (e) is under the age of 18 years;
- (f) is a public servant or political office bearer;
- 30 (g) is listed on the register of excluded persons contemplated in the National Act;
- (h) is subject to an order of a competent court holding that person to be mentally unfit or deranged;
- 35 (i) has ever been removed from an office of trust on account of misconduct relating to fraud or the misappropriation of money; or
- 40 (j) has been convicted during the previous ten years, in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of this Act or the National Act, and has been sentenced to imprisonment without the option of a fine, or to a fine exceeding the prescribed amount, unless the person has received a grant of amnesty or free pardon for the offence."

45 **Insertion of section 63A in Act 6 of 1996**

35. The following section is inserted after section 63 of the principal Act:

- 5 (a) nie 'n geskikte en gepaste persoon is nie, deurdat so 'n persoon se karakter, integriteit, eerlikheid, vorige optrede, agting vir die reg, reputasie, gewoontes en verbintenisse redelikerwys 'n bedreiging inhou vir die gesondheid, veiligheid, sedes, goeie orde en algemene welsyn van die inwoners van die Provinsie of vir die bepalinge en beleid van hierdie Wet;
- 10 (b) 'n ongerehabiliteerde insolvent is of onderhewig is aan enige handelingsonbevoegdheid;
- 15 (c) 'n lid is van die raad, 'n lid van die Uitvoerende Raad of 'n lid van die staande komitee van die Provinsiale Wetgewer verantwoordelik vir hierdie Wet, of 'n familielid is van sodanige persoon.
- 20 (d) 'n werknemer is van die raad, of 'n familielid van sodanige persoon, met dien verstande dat die raad sodanige diskwalifikasie kan kondoneer, waar dit ten opsigte van 'n familielid mag bestaan, indien hy tevrede is dat geen wesenlike belangebotsing sal voortspruit uit sodanige indiensneming nie ;
- 25 (e) onder die ouderdom van 18 jaar is;
- (f) 'n staatsampenaar of politieke ampsdraer is;
- 30 (g) ingeskryf is in die register van uitgeslote persone soos beoog in die Nasionale Wet;
- (h) onderhewig is aan 'n bevel van 'n bevoegde hof wat beslis dat die persoon geestelik ongeskik of kranksinnig is;
- 35 (i) ooit uit 'n vertrouensamp verwyder is vanwee wangedrag met betrekking tot bedrog of wanbesteding van geld; of
- 40 (j) gedurende die vorige tien jaar skuldig bevind is, in die Republiek of elders, aan diefstal, bedrog, vervalsing en uitgifte, meened, of 'n misdryf ingevolge hierdie Wet of die Nasionale Wet, en gevonnissen tot gevangenisstraf sonder die keuse van 'n boete, of tot 'n boete wat die voorgeskrewe bedrag oorskry, tensy die persoon amnestie of algehele kwytskelding vir die misdryf verleen is."

45 **Invoeging van artikel 63A in Wet 6 van 1996**

35. Die volgende artikel word ná artikel 63 van die Hoofwet ingevoeg:

“Renewal of Certificate

- 5 63A. (1) A certificate shall, subject to the provisions of this Act, remain in force and shall be renewed by the board annually on payment of the prescribed fees.
- 10 (2) Payment of the prescribed fees shall be accompanied by such documents and information as determined by the Board and shall be submitted to the Board not later than 30 days prior to the date on which the certificate becomes renewable.
- 15 (3) Failure to pay the annual renewal fee referred to in subsection (1) on or before the date referred to in subsection (2) shall result in a penalty as prescribed: Provided that the amount of such payment shall not exceed twice the amount of the renewal fee applicable to the certificate concerned”.

Amendment of section 64 of Act 6 of 1996

- 20 36. Section 64 of the principal Act is amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- 25 “(b) since the issue of the certificate, the holder of the certificate ~~{has been convicted of an offence under this Act or any other offence reflecting on his or her suitability to be so employed}~~ has become disqualified in terms of section 61(1) to hold a certificate of approval”.

Amendment of section 69 of Act 6 of 1996

- 30 37. Section 69 of the principal Act is amended by the substitution for subsection (2) of the following subsection:
- 35 “(2) An inspector may, upon written authorisation by the ~~{attorney-general}~~ director of public prosecutions or a public prosecutor authorised thereto in writing by the ~~[attorney-general]~~ director of public prosecutions inspect or make copies of any account of any person at any financial institution, if such account may, in the opinion of the ~~{attorney-general}~~ director of public prosecutions, afford evidence of the commission of an offence or may be of value in the investigation of an alleged or suspected offence in terms of the provisions of this Act.”.
- 40

Substitution of section 75 of Act 6 of 1996

- 45 38. The following section is substituted for section 75 of the principal Act:
- “75. A contract in terms of which a financial interest is procured in conflict with section 43 [(1) or (2)], shall be void.”.

“Hernuwing van sertifikaat

- 5 63A. (1) ’n Sertifikaat sal, onderhewig aan die bepalinge van hierdie Wet, van krag wees en jaarliks deur die raad hernu word by betaling van die voorgeskrewe gelde.
- 10 (2) Betaling van die voorgeskrewe gelde moet vergesel wees van sodanige dokumente en inligting soos deur die Raad vasgestel en moet nie later as 30 dae voordat die sertifikaat hernubaar word, by die Raad ingedien word.
- 15 (3) Versuim om die jaarlikse gelde waarna verwys word in subartikel (1) op of voor die datum waarna in subartikel (2) verwys word te betaal, sal ’n boete soos voorgeskryf tot gevolg hê: Met dien verstande dat die bedrag van sodanige betaling nie twee keer die bedrag van die hernuwingsgelde van toepassing op die betrokke sertifikaat sal oorskry nie.”

Wysiging van artikel 64 van Wet 6 van 1996

- 20 36. Artikel 64 van die Hoofwet word gewysig deur paragraaf (b) van subartikel (1) met die volgende paragraaf te vervang:

25 “ (b) sedert die uitreiking van die sertifikaat, die houer van die sertifikaat [skuldig bevind is aan ’n misdryf kragtens hierdie Wet of enige ander misdryf wat reflekteer op sy of haar geskiktheid om aldus in diens geneem te word] gesdikwalifiseer is ingevolge artikel 61(1) om ’n sertifikaat van goedkeuring te besit.”

Wysiging van artikel 69 van Wet 6 van 1996

- 30 37. Artikel 69 van die Hoofwet word gewysig deur subartikel (2) met die volgende subartikel te vervang:

35 “(2) ’n Inspekteur kan, met die skriftelike magtiging van die [prokureur-generaal] direkteur van openbare vervolging of ’n staatsaanklaer skriftelik daartoe gemagtig deur die [prokureur-generaal] direkteur van openbare vervolging, enige rekening van enige persoon by enige finansiële instelling ondersoek en afskrifte daarvan maak indien sodanige rekening, na die oordeel van die [prokureur-generaal] direkteur van openbare vervolging, bewys kan lewer van die pleging van ’n misdryf of van belang mag wees in die ondersoek na ’n beweerde of vermoede oortreding ingevolge die bepalinge van hierdie Wet.”

40

Vervanging van artikel 75 van Wet 6 van 1996

- 45 38. Artikel 75 van die Hoofwet word met die volgende subartikel vervang:

50 “75. ’n Kontrak ingevolge waarvan ’n finansiële belang in stryd met artikel 43 [(1) of (2)] verkry word, is nietig.”

Amendment of section 80 of Act 6 of 1996

39. Section 80 of the principal Act is amended by –

5 (1) the substitution in subsection (1) for paragraphs (a) and (b) of the following paragraphs:

10 “(a) participate in gambling, gamble or wager on the result of any event or contingency with any person other than [–

(i) a casino game;

(ii) a sporting event;]

15 with the holder of a licence issued in terms of this Act or any other law and who is authorised by such licence to participate in such gambling or to gamble or accept wagers on the event or contingency concerned: Provided that this section shall not prevent
20 a licence holder from participating in gambling or accepting wagers from the public in accordance with the conditions of his or her licence;

25 (b) without the required licence ~~[be in possession of any gaming machine or]~~ conduct or permit any gambling activity at any place under his or her control or in his or her charge;”;

(2) the addition of the following subsection:

30 “(2) No person shall without the required licence issued in terms of this Act or any other law or without the prior written approval of the board, be in possession of –

(i) a gambling device, other than playing cards or dice;

35 (ii) a gambling machine;

(iii) a reel tape designed for use in a gambling machine;

40 (iv) any device which would be a gambling machine but for the removal of any of its parts or the reprogramming thereof;

(v) any device which is capable of electronically representing the reels used in a gambling machine;

Wysiging van artikel 80 van Wet 6 van 1996

39. Artikel 80 van die Hoofwet word gewysig deur -

5 (1) paragrawe (a) en (b) van subartikel (1) met die volgende paragrawe te vervang:

10 “(a) op die uitslag van enige gebeurtenis of gebeurlikheid met enige persoon deelneem aan dobbelary, dobbel of wed anders as [-

(i) ‘n casinospel;

(ii) ‘n sportgebeurtenis,]

15 met die houer van ‘n lisensie uitgereik ingevolge hierdie Wet of enige ander wet en wat deur sodanige lisensie gemagtig word om deel te neem aan sodanige dobbelary of om te dobbel of om weddenskappe te aanvaar op die betrokke gebeurtenis of gebeurlikheid [te dobbel]: Met dien verstande dat hierdie artikel nie
20 ‘n lisensiehouer verbied om deel te neem aan dobbelary of om weddenskappe van die publiek ooreenkomstig die voorwaardes van sy of haar lisensie, te aanvaar nie;

25 (b) sonder die vereiste lisensie [in besit wees van enige dobbelmasjien of] enige dobbelaktiwiteit by ‘n plek onder sy of haar beheer of toesig, bedryf of toelaat nie;”;

(2) die volgende subartikel by te voeg:

30 “(2) Geen persoon mag sonder die vereiste lisensie uitgereik ingevolge hierdie Wet of enige ander wet of sonder die vooraf verkree goedkeuring van die raad, in besit wees van -

35 (i) ‘n dobbeltoestel, behalwe speelkaarte of dobbelstene;

(ii) ‘n dobbelmasjien;

(iii) ‘n rolband ontwerp vir gebruik in ‘n dobbelmasjien;

40 (iv) enige toestel wat kan deurgaas as ‘n dobbelmasjien as dit nie was vir die verwydering van enige onderdeel of die herprogrammering daarvan nie;

45 (v) enige toestel wat in staat is om elektronies die spoele wat in ‘n dobbelmasjien gebruik word weer te gee nie;

(vi) any device which was manufactured as a gambling machine and which has been converted at any time so that it is unable to pay out cash or tokens, whether such device enables a player to win a prize or not;

(vii) any device resembling a gambling machine in any material respect.”.

Insertion of section 81A in Act 6 of 1996

40. The following section is inserted after section 81 of the principal Act:

“Amusement games

81A. (1) For the purpose of this Act, the playing of an amusement game shall not constitute gambling.

(2) Any prize offered in respect of an amusement game shall be subject to such limitations as may be prescribed.”.

Amendment of section 82 of Act 6 of 1996

41. Section 82 of the principal Act is amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) No person under the age of 18 years shall enter the designated area of any licensed premises and shall not partake in any gambling or handle or operate a {gaming} gambling device;

(2) No licensee or employee of a licensee shall permit any person who is under the age of 18 years and no parent or guardian of a person under the age of 18 years shall permit such a person, to enter or remain in the designated area of the licensed premises and shall not permit such person to partake in any gambling or handle or operate a {gaming} gambling device.”.

Amendment of section 86 of Act 6 of 1996

42. Section 86 of the principal Act is amended by –

(1) the deletion of subsection (2);

(2) the addition of the following subsections:

“(4) A court convicting any person of an offence under this Act may, when requested thereto by the public prosecutor, in addition to any other penalty imposed in respect of that offence, order that the quantity of the product, material, substance or other article concerned which formed the subject of the charge against that person, be forfeited to the State.

- (vi) enige toestel wat as dobbelmasjien vervaardig is en wat te eniger tyd omgeskep is sodat dit nie in staat is om geld of geldtekens uit te betaal nie, ongeag of sodanige toestel 'n speler in staat stel om 'n prys te wen al dan nie;

- (vii) enige toestel wat in enige wesenlike opsig met 'n dobbelmasjien ooreenstem."

Invoeging van artikel 81A in Wet 6 van 1996

40. Die volgende artikel word ingevoeg ná artikel 81 van die Hoofwet:

"Vermaaklikheidspeletjies

81A. (1) Vir doeleindes van hierdie Wet, sal die speel van 'n vermaaklikheidspel nie dobbelary daarstel nie.

(2) Enige prys wat ten opsigte van 'n vermaaklikheidspel uitgelooft word sal onderworpe wees aan sodanige beperkinge soos voorgeskryf".

Wysiging van artikel 82 van Wet 6 van 1996

41. Artikel 82 van die Hoofwet word gewysig deur subartikels (1) en (2) met die volgende subartikels te vervang:

"(1) Niemand onder die ouderdom van 18 jaar mag die aangeduide area van 'n gelisensieërde perseel binnegaan nie en aan enige dobbel deelneem nie of 'n dobbeltoestel hanteer of bedryf nie.

(2) Geen lisensiehouer of werknemer van 'n lisensiehouer mag 'n persoon wat onder die ouderdom van 18 jaar is, toelaat, en geen ouer of voog van 'n persoon onder die ouderdom van 18 mag so 'n persoon toelaat om {enige} die aangeduide area van die gelisensieërde perseel binne te gaan of daarbinne te bly nie en mag nie so 'n persoon toelaat om aan enige dobbel deel te neem of 'n dobbeltoestel te hanteer of te bedryf nie."

Wysiging van artikel 86 van Wet 6 van 1996

42. Artikel 86 van die Hoofwet word gewysig deur -

(1) subartikel (2) te skrap;

(2) die volgende subartikels by te voeg:

"(4) 'n Hof wat enige persoon skuldig bevind aan 'n misdryf kragtens hierdie Wet kan, wanneer daartoe versoek word deur die staatsaanklaer, benewens enige ander straf opgelê ten opsigte van daardie misdryf, gelas dat die getal van die produk, materiaal, middel of ander artikel betrokke by en wat die onderwerp vorm van die aanklag teen daardie persoon, aan die Staat verbeurd verklaar word.

- (5) Upon conviction or payment of a fine or admission of guilt under this Act, any proceeds of unlawful activities may be forfeited in terms of the provisions of the Organised Crime Act, 1998 (Act No. 121 of 1998)."

Insertion of section 86A of Act 6 of 1996

43. The following section is inserted after section 86 of the principal Act:

"Patron disputes

86A. (1) If a licence holder refuses payment of alleged winnings to a player, and the licence holder and the player are unable to resolve the dispute to the satisfaction of the player, the dispute shall be resolved in accordance with the prescribed procedure.

(2) Any resolution made by the board in terms of this section and in consequence of a hearing conducted in accordance with the prescribed procedure shall constitute a final order of the board."

Amendment of section 88 of Act 6 of 1996

44. Section 88 of the principal Act is amended by the addition of the following subsection:

"(5) The provisions of this section shall also apply to a person who paid an admission of guilt fine in terms of section 57 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)."

Insertion of section 88A in Act 6 of 1996

45. The following section is inserted after section 88 of the principal Act:

"Penalty for non-compliance

88A. (1) Notwithstanding the provisions of section 86, the board shall be entitled to impose the prescribed penalties against a licensee for failure to comply with the conditions of a licence, provisions of the Act or the Regulations, after conducting an enquiry referred to in section 20.

(2) The prescribed penalty shall be paid to the Provincial Revenue Fund."

Amendment of section 91 of Act 6 of 1996

46. Section 91 of the principal Act is amended by –

(1) the substitution in subsection (1) for paragraph (a) of the following paragraph:

- (5) By skuldigbevinding of betaling van 'n boete of skulderkenning kragtens hierdie Wet, moet enige opbrengste van onwettige aktiwiteite verbeur word ingevolge die bepalinge van die Wet op Georganiseerde Misdad, 1998 (Wet Nr. 121 van 1998)."

Invoeging van artikel 86A in Wet 6 van 1996

43. Die volgende artikel word ná artikel 86 van die Hoofwet ingevoeg:

"Klante dispute

86A. (1) Indien 'n lisensiehouer betaling van beweerde prysgelde aan 'n speler sou weier, en die lisensiehouer en die speler nie in staat is om die dispuut tot die tevredenheid van die speler op te los nie, sal die dispuut opgelos word in ooreenstemming met die voorgeskrewe prosedure.

(2) Enige besluit deur die raad ingevolge hierdie artikel en ten gevolge van 'n verhoor wat gevoer is in ooreenstemming met die voorgeskrewe prosedure sal 'n finale bevel van die raad daarstel."

Wysiging van artikel 88 van Wet 6 van 1996

44. Artikel 88 van die Hoofwet word gewysig deur die volgende subartikel by te voeg:

"(5) Die bepalinge van hierdie artikel is ook van toepassing op 'n persoon wat 'n skulderkenningsboete betaal het ingevolge artikel 57 van die Strafproseswet, 1977 (Wet Nr. 51 van 1977)."

Invoeging van artikel 88A in Wet 6 van 1996

45. Die volgende artikel word ná artikel 88 van die Hoofwet ingevoeg:

"Boete vir nie-nakoming

88A. (1) Ondanks die bepalinge van artikel 86, is die raad geregtig om die voorgeskrewe boetes op te lê aan 'n lisensiehouer vir versuim om die voorwaardes van die lisensie, die bepalinge van die Wet of Regulasies na te kom, na afloop van 'n ondersoek soos na verwys word in artikel 20.

(2) Die voorgeskrewe boete sal betaal word aan die Provinsiale Inkomstefonds."

Wysiging van artikel 91 van Wet 6 van 1996

46. Artikel 91 van die Hoofwet word gewysig deur -

(1) paragraaf (a) van subartikel (1) met die volgende paragraaf te vervang:

“(a) any matter pertaining to the application for a licence or certificate of approval.”;

(2) the addition in subsection (1) of the following subparagraphs:

“(d) internal control measures of licence holders;

(e) the books, accounts and records to be kept and returns to be furnished;

(f) any matter which, in terms of this Act, is required or permitted to be determined;

(g) in general, any matter in respect of which it is necessary or expedient to make rules in order to achieve the objects of this Act.”;

(3) the substitution for subsection (2) of the following subsection:

“(2) If a licensee contravenes or fails to comply with any rule made under subsection (1), the board may, after conducting an enquiry referred to in section 20, impose on the licensee a fine not exceeding [R10 000]. R100 000 for any one such contravention with the quantum of the fine to fairly reflect the relative level of gravity of the contravention in question.”.

Amendment of section 92 of Act 6 of 1996

47. Section 92 of the principal Act is amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) the winning stakes payable in respect of [animal] horse races.”.

Substitution of section 94 of Act 6 of 1996

48. The following section is substituted for section 94 of the principal Act:

“Application of law

94. Save for the provisions of [a national gambling act] the National Act, or as may otherwise be provided for in this Act, nothing contained in any law relating to gambling shall apply in respect of any gambling conducted in the Province.”.

Substitution of certain expressions in Act 6 of 1996

49. The principal Act is amended by the substitution for the expression “gaming” in the English text wherever it occurs, of the expression “gambling”.

- (a) enige aangeleentheid wat betrekking het op 'n aansoek om 'n lisensie of sertifikaat van goedkeuring.”;
- (2) die volgende paragrawe in subartikel (1) by te voeg:
- “(d) interne beheermaatreëls van lisensiehouers;
- (e) die registers, rekeninge en rekords wat gehou moet word en opgewas wat voorsien moet word;
- (f) enige aangeleentheid wat ingevolge hierdie Wet vereis of toegelaat of voorgeskryf kan word;
- (g) in die algemeen, enige aangeleentheid ten opsigte waarvan dit nodig is of raadsaam is om reëls neer te lê ten einde die doelstellings van hierdie Wet te bereik.”;
- (3) subartikel (2) met die volgende subartikel te vervang:
- “(2) Indien 'n lisensiehouer 'n reël kragtens subartikel (1) gemaak, oortree of versuim om daaraan te voldoen, kan die raad, nadat 'n ondersoek in artikel 20 bedoel gehou is, die lisensiehouer 'n boete van nie meer as [R10 000] R100 000 vir enige een sodanige oortreding oplê met die bedrag van die boete wat 'n redelike aanduiding moet wees van die relatiewe graad van die erns van die betrokke oortreding.”.

Wysiging van artikel 92 van Wet 6 van 1996

47. Artikel 92 van die Hoofwet word gewysig deur die vervanging van paragraaf (f) van subartikel (1) met die volgende subartikel:

“(f) die wenpot betaalbaar ten opsigte van {diere} per dewedrenne.”.

Vervanging van artikel 94 van Wet 6 van 1996

48. Die volgende artikel vervang artikel 94 van die Hoofwet:

“Toepassing van die wet

94. Behoudens die bepalings van [‘n nasionale dobbelwet] die Nasionale Wet, of waarvoor andersins in hierdie Wet voorsiening voor gemaak word, is niks vervat in enige ander wet betreffende dobbel van toepassing op enige dobbel wat in die Provinsie beoefen word.”.

Vervanging van sekere uitdrukkinge in Wet 6 van 1996

49. The Hoofwet word gewysig deur in die Engelse teks die uitdrukking “gaming” waar dit ookal voorkom, met die uitdrukking “gambling” te vervang.

Transitional provisions

- 5 50. The provisions of section 33(a) relating to the duration of a licence shall come into operation after a period of six months after the commencement of this Act for those licenses already issued.

Short title and commencement

- 10 51. This Act is called the Free State Gambling and Racing Amendment Act, 2008, and shall come into operation on a date fixed by the Premier by notice in the *Provincial Gazette*.

Oorgangsbepalings

50. Die bepalings van artikel 33(a) met betrekking tot die duur van die lisensie sal in werking tree na 'n tydperk van ses maande ná die inwerkingtreding van hierdie Wet vir daardie lisensies wat alreeds uitgereik is.

5

Korttitel en inwerkingtreding

51. Hierdie Wet heet die Vrystaatse Wysigingswet op Dobbels en Wedrenne, 2008, en sal in werking tree op 'n datum soos vasgestel deur die Premier by wyse van kennisgewing in die *Provinsiale Koerant*.

10

MEMORANDUM

PURPOSE OF THE BILL

Except for publication in terms of the Rules of the Legislature, the Draft Free State Gambling and Racing Amendment Bill was published for public comment in the *Provincial Gazette* on 17 August 2007.

Written comments were received from two sources, being Phumelela Gaming and Leisure Limited and the Casino Association of South Africa ("CASA").

Public hearings on the Draft Amendment Bill were subsequently held in the following towns:

- Trompsburg; 31 October 2007
- Bloemfontein: 1 November 2007
- Bethlehem: 5 November 2007
- Welkom: 9 November 2007

Certain of the comments were accepted and have been included in the Bill.

In terms of schedule 4 of the Constitution of the Republic of South Africa, 1996, casinos, racing, gambling and wagering are functional areas of concurrent national and provincial legislative competence.

The National Gambling Act, 2004 (Act No. 7 of 2004) was assented to on 6 August 2004 and came into operation on 1 November 2004 repealing the previous National Gambling Act, 1996 (Act No. 33 of 1996).

One of the aims of the National Gambling Act, 2004 is to provide for the creation of additional uniform norms and standards applicable throughout the Republic.

The purpose of the Bill therefore is to align the Free State Gambling and Racing Board Act, 1996 (Act No. 6 of 1996) with the National Gambling Act, 2004.

The Bill further seeks to provide for:

- new definitions;
- new disqualification criteria for the employees in the gambling industry;
- limitation of participation by members of the Gambling and Racing Board in gambling and betting activities;
- investigation into the continuous suitability of licences and certificate holders.

CLAUSE-BY-CLAUSE EXPLANATION

Clause 1

This clause inserts definitions into section 1 of the Act such as 'designated area', 'consideration' and 'limited gambling machine'. It furthermore deletes unnecessary definitions and amends others.

MEMORANDUM

DOEL VAN WETSONTWERP

Behalwe vir publikasie ingevolge die reëls van die Wetgewer, is die Konsep Vrystaatse Wysigingswetsontwerp op Dobbels en Wedrenne gepubliseer vir openbare kommentaar in die *Provinsiale Koerant* van 17 Augustus 2007.

Skriftelike kommentaar is uit twee bronne verkry, synde Phumelela Gaming and Leisure Limited en die Casino Association of South Africa ("CASA").

Openbare verhore op die Konsep Wysigingswetsontwerp is daarna op die volgende dorpe gehou:

- Trompsburg; 31 Oktober 2007
- Bloemfontein 1 November 2007
- Bethlehem 5 November 2007
- Welkom 9 November 2007

Van die kommentaar is aanvaar en in die Wetsontwerp ingesluit.

Ingevolge Bylae 4 van die Grondwet van die Republiek van Suid-Afrika, 1996, is casino's, wedrenne, dobbelary en weddery funksionele areas van konkurrente nasionale en provinsiale wetgewende bevoegdheid.

Die Nasionale Wet op Dobbels, 2004 (Wet Nr. 7 van 2004) is goedgekeur op 6 Augustus 2004, het in werking getree op 1 November 2004 en die vorige Nasionale Wet op Dobbels, 1996 (Wet Nr. 33 van 1996) vervang.

Een van die doelstellings van die Nasionale Wet op Dobbels, 2004 is om voorsiening te maak vir bykomende eenvormige norme en standaarde wat regdeur die Republiek van toepassing is.

Die doel van die Wetsontwerp is dus om die Vrystaatse Wet op Dobbels en Wedrenne, 1996 (Wet Nr. 6 van 1996) met die Nasionale Wet op Dobbels, 2004 te laat ooreenstem.

Die Wetsontwerp poog verder om voorsiening te maak vir:

nuwe omskrywings;
nuwe diskwalifikasie maatstawwe vir werknemers in die dobbelbedryf;
beperking op deelname deur lede van die Dobbels- en Wedrenraad in dobbels- en wedaktiwiteite;
ondersoek na die voortgesette geskiktheid van lisensies en sertifikaathouers.

VERDUIDELIKING VAN KLOUSULES

Klausule 1

Hierdie klausule voeg omskrywings in by artikel 1 van die Wet soos 'aangeduide area', 'teenprestasie' en 'beperkte dobbelmasjins'. Verder skrap dit onnodige omskrywings en wysig ander.

Clause 2

This clause inserts explanations with regard to what gambling activities entails in order to bring it in line with the National Act.

Clause 3

The amendments in this clause try to make the pool of expertise from who to appoint larger.

Clause 4

This clause clarifies certain issues in relation to disqualification such as being a public servant or an employee of a municipality will disqualify a person and furthermore, adds additional disqualifications to the existing list such as if a person is declared mentally-ill by a court of law.

Clause 5

The previous long and difficult appointment process is now streamlined.

Clause 6

This clause further clarifies when a vacancy occurs namely, when such member dies, resigns or the term of office expires.

Clause 7

This clause removes the reference to persons acting as consultants or co-opted. Consultants will be dealt with via procurement process of the board. Section 19 dealing with co-option is deleted, which makes it not necessary to regulate remuneration for co-opted members.

Clause 8

This clause expands the entities who may assist the board and who may be seconded to the board, namely officers of the Provincial Administration of the Free State, members of the South African Police Service or personnel of any body established by or under a law.

Clause 9

This clause amends the section in the Act which deals with employment of a member of the board or a staff member by a licensee or an applicant of a license in terms of this Act. In essence, such employment is prohibited for a period of 1 year unless special approval is granted. Furthermore, this section also regulates the acceptance of donations, rewards or other benefits by a member of the board or a staff member of the board.

Clause 10

This clause requires the board to submit a statement of estimated income subject to the Public Finance Management Act, 1999.

Klousule 2

Hierdie klousule voeg verduidelikings in met betrekking tot dit wat dobbelaktiwiteite behels ten einde dit te laat ooreenstem met die Nasionale Wet.

Klousule 3

Die wysigings in hierdie klousule poog om die poel van kundigheid waaruit aanstellings gemaak moet word, te vergroot.

Klousule 4

Hierdie klousule verduidelik sekere kwessies met betrekking tot diskwalifikasie soos dat wanneer 'n persoon 'n staatsampenaar of werknemer van 'n munisipaliteit is, hy/sy gediskwalifiseer word en voeg verder bykomende diskwalifikasies by die bestaande lys soos byvoorbeeld wanneer 'n persoon kranksinnig verklaar word deur 'n hof.

Klousule 5

Die voige lang en moeilike aanstellingsproses word nou vereenvoudig.

Klousule 6

Hierdie klousule verskaf verdere opheldering in die geval van vakatures, naamlik wanneer 'n lid afsterf, bedank of sy/haar ampstermyn verstryk.

Klousule 7

Hierdie klousule verwyder die verwysing na persone wat as konsultante optree of wat gekoopteer word. Konsultante sal gehanteer word via die verkrygingsproses van die raad. Artikel 19 wat te make het met koöptering word geskrap, wat dit onnodig maak om vergoeding vir gekoopteerde lede te reguleer.

Klousule 8

Hierdie klousule brei die entiteite uit wat die raad kan bystaan en wat tot die raad geskondeer kan word, naamlik beamptes van die Provinsiale Administrasie van die Vrystaat, lede van die Suid-Afrikaanse Polisiediens of personeel van enige gevestigde liggaam wat deur 'n wet in die lewe geroep is.

Klousule 9

Hierdie klousule wysig die artikel in die Wet wat die indiensneming behels van 'n lid van die raad of 'n personeellid deur 'n gelisensieerde of 'n aansoeker om 'n lisensie ingevolge hierdie Wet. In wese word sodanige indiensneming vir 'n tydperk van 1 jaar verbied tensy spesiale goedkeuring toegestaan word. Verder reguleer hierdie artikel die aanvaarding van skenkings, vergoeding of ander voordele deur 'n lid van die raad of 'n personeellid van die raad.

Klousule 10

Hierdie klousule vereis van die raad om 'n staat van geraamde inkomste in te dien onderhewig aan die Wet op Openbare Finansiële Bestuur, 1999.

Clause 11

This clause provides that financial management of the board is regulated by the Public Finance Management Act, 1999 and that the financial statements of the board must be audited by the Auditor General.

Clause 12

This clause provides for a situation where the chairperson and deputy chairperson are absent from a meeting. It empowers the members present to elect among themselves a person to preside at the relevant meeting.

Clause 13

This is a technical amendment by deleting subsection (2) of section 18.

Clause 14

The possibility to appoint co-opted members is removed.

Clause 15

The amendments ensure that the Provincial Act is brought in line with the National Act.

Clause 16

This clause substitutes the previous section 22, which deals with disqualifications for licenses in general. The amendment ensures that the Provincial Act is brought in line with the National Act.

Clause 17

This clause also makes the provisions of the Provincial Act in relation to maximum number of kind of licenses subject to the National Act.

Clause 18

This clause broadens the scope of objections to any application made in terms of the Act.

Clause 19

In essence, this clause includes the procedure with regard to public hearings.

Clause 20

This clause empowers the board to gather information from any source or person regarding the suitability of a holder of a licence, certificate of suitability or certificate of approval and the suitability of the licensed premises in respect of which a licence was granted.

Klousule 11

Hierdie klousule bepaal dat die finansiële bestuur van die raad gereguleer word deur die Wet op Openbare Finansiële Bestuur, 1999 en dat die finansiële state van die raad ge-oudit moet word deur die Ouditeur-generaal.

Klousule 12

Die klousule maak voorsiening vir 'n situasie waar die voorsitter en adjunk-voorsitter afwesig is van 'n vergadering. Dit bemagtig die lede wat by die betrokke vergadering teenwoordig is om uit hul geledere 'n voorsitter te kies.

Klousule 13

Dit is 'n tegniese wysiging deurdat subartikel (2) van artikel 18 geskrap word.

Klousule 14

Die moontlikheid om gekoöpteerde lede aan te stel, word verwyder.

Klousule 15

Die wysiging sorg dat die Provinsiale Wet in ooreenstemming gebring word met die Nasionale Wet.

Klousule 16

Hierdie klousule vervang artikel 22 wat te make het met die diskwalifisering van lisensies oor die algemeen. Die wysiging sorg dat die Provinsiale Wet in ooreenstemming gebring word met die Nasionale Wet.

Klousule 17

Hierdie klousule maak ook voorsiening vir die bepalings van die Provinsiale Wet met betrekking tot die maksimum getal soort lisensies onderhewig aan die Nasionale Wet.

Klousule 18

Hierdie klousule verbreed die omvang van besware teen enige aansoek wat gedoen is ingevolge die Wet.

Klousule 19

In wese sluit hierdie klousule die prosedure in met betrekking tot openbare verhore.

Klousule 20

Hierdie klousule bemagtig die raad om inligting in te samel uit elke bron of vanaf elke persoon betreffende die geskiktheid van 'n lisensiehouer, geskiktheidssertifikaat of goedkeuringsertifikaat en die geskiktheid van die perseel ten opsigte waarvan 'n lisensie uitgereik is.

Clause 21

Section 29(4) makes it clear that a licence must be issued in terms of the Act and not only in accordance with section 24(4).

Clause 22

This clause determines, *inter alia*, that the holder of a gambling machine operator license may not make available for play more limited gambling machines than the maximum for which the operator is licensed and may not make available more limited gambling machines than that the site is licensed to accommodate.

Clause 23

This clause makes it clear that no person may apply for a gambling machine site licence other than in response to a notice published in the *Provincial Gazette* and the media. Furthermore, it regulates gambling machines site licenses to bring it in line with the National Act.

Clause 24

This clause also makes it clear that no person may apply for a bingo operator licence than in response to a notice published in the *Provincial Gazette* and the media.

Clause 25

This clause amends section 37 to also include open bets with regard to a bookmaker's licence.

Clause 26

This clause expands the list in section 39(1) that relates to instances where the board may revoke a license. It also includes a provision that allows for punitive levies.

Clause 27

This clause inserts a new clause with regard to amendment of the licence and the procedure that should be followed.

Clause 28

This clause substitutes the previous clause dealing with financial interests in business of licensee in order to bring it in line with the National Act.

Clause 29

This clause empowers the board to require from any third party with whom a licensee has contracted to apply to the board for a certificate of suitability.

Klousule 21

Artikel 29(4) stel dit duidelik dat 'n lisensie uitgereik moet word ingevolge hierdie Wet en nie net ooreenkomstig artikel 24 (4) nie.

Klousule 22

Hierdie klousule bepaal onder andere dat die houer van 'n dobbelmasjienoperateurslisensie nie meer beperkte dobbelmasjiene beskikbaar moet stel as die maksimum waarvoor die operateur gelisensieerd is nie en nie meer beperkte dobbelmasjiene beskikbaar moet stel as wat die perseel gelisensieer is om te akkommodeer nie.

Klousule 23

Hierdie klousule stel dit duidelik dat geen persoon aansoek mag doen om 'n dobbelmasjienterreinlisensie nie behalwe in reaksie op 'n kennisgewing wat in die *Provinsiale Koerant* of die media gepubliseer is. Verder reguleer dit dobbelmasjienterreinlisensies om dit te laat ooreenstem met die Nasionale wet.

Klousule 24

Hierdie klousule stel dit duidelik dat geen persoon aansoek mag doen om 'n bingo-operateurslisensie nie behalwe in reaksie op 'n kennisgewing wat in die *Provinsiale Koerant* of die media gepubliseer word.

Klousule 25

Hierdie klousule wysig artikel 37 om ook opeweddenskappe met betrekking tot 'n beroepswedderslisensie in te sluit.

Klousule 26

Hierdie klousule brei die lys uit in artikel 39(1) wat verband hou met gevalle waar die raad 'n lisensie kan terugtrek. Dit sluit ook 'n bepaling in wat voorsiening maak vir strafboetes.

Klousule 27

Hierdie klousule voeg 'n nuwe klousule in met betrekking tot die wysiging van die lisensie en die prosedure wat gevolg moet word.

Klousule 28

Hierdie klousule vervang die vorige klousule wat handel oor finansiële belange in die besigheid van die lisensiehouer ten einde dit te laat ooreenstem met die Nasionale Wet.

Klousule 29

Hierdie klousule bemagtig die raad om van enige derde party met wie die lisensiehouer 'n kontrak aangegaan het te vereis dat daar by die raad om 'n geskikheidsertifikaat aansoek gedoen word.

Clause 30

This clause amends section 45 by adding a further subparagraph, which requires a licensee to comply with the national norms and standards and such further requirements as the board might from time to time determine.

Clause 31

This clause specifies who may be refused admission to the premises of a licensee. It furthermore inserts a new section regarding the regulation of persons registered as an excluded person in the national register for excluded persons as contemplated in the National Act.

Clause 32

This clause makes section 48 subject to the provisions of the National Act and further regulates the content of any advertisement of a gambling machine or device, a gambling activity or a licence premises.

Clause 33

This clause inserts a new clause which deals with renewal of certificates issued by the board and provides that any license granted remains valid for 25 years, or until revoked or abandoned, whichever is shorter.

Clause 34

This clause regulates disqualifications for certificates of approval.

Clause 35

This clause regulates the renewal certificate and fees prescribed.

Clause 36

This clause determines that the board may withdraw a license if the holder has become disqualified in terms of section 61(1).

Clause 37

This clause updates the reference to attorney general to the director of public prosecutions.

Clause 38

This is a technical amendment to align the Act with previous proposed amendments.

Clause 39

This clause, in essence, add a further subsection which states clearly that no person shall without the required licence issued in terms of this Act or any other law without the prior written approval of the board be in possession of a gambling device, a gambling machine, etc.

Klousule 30

Hierdie klousule wysig artikel 45 deur 'n verdere subparagraaf by te voeg, wat van die lisensiehouer vereis om te voldoen aan die nasionale norme en standaarde en sodanige verdere vereistes as wat die raad van tyd tot tyd mag vasstel.

Klousule 31

Hierdie klousule spesifiseer wie toegang geweer moet word tot die perseel van 'n lisensiehouer. Voorts voeg dit 'n nuwe artikel in betreffende die regulering van persone wat as uitgeslote persone in die nasionale register vir uitgeslote persone geregistreer is soos in die Nasionale Wet beoog.

Klousule 32

Hierdie klousule stel artikel 48 onderhewig aan die bepalings van die Nasionale Wet en reguleer verder die inhoud van enige advertensie van 'n dobbelmasjien of toestel, 'n dobbelaktiwiteit of 'n gelisensieerde perseel.

Klousule 33

Hierdie klousule voeg 'n nuwe klousule in wat handel oor hernuwing van sertifikate wat deur die raad uitgereik is en maak daarvoor voorsiening dat enige lisensie wat toegestaan is geldig sal wees vir 25 jaar, of totdat dit teruggetrek word of daarvan afstand gedoen word.

Klousule 34

Hierdie klousule reguleer diskwalifiserings vir sertifikate van goedkeuring.

Klousule 35

Hierdie klousule reguleer die vernuwingsertifikaat en voorgeskrewe gelde.

Klousule 36

Hierdie klousule bepaal dat die raad 'n lisensie terug kan trek indien die houer ingevolge artikel 61(1) gediskwalifiseer word.

Klousule 37

Hierdie klousule hersien die verwysing na prokureur-generaal na direkteur van openbare vervolgings.

Klousule 38

Dit is 'n tegniese wysiging om die Wet ooreen te laat stem met vorige voorgestelde wysigings.

Klousule 39

In wese voeg hierdie klousule 'n verdere subartikel by wat dit duidelik stel dat geen persoon sonder die vereiste lisensie uitgereik ingevolge hierdie Wet of enige ander Wet sonder die skriftelike toestemming van die raad in besit mag wees van 'n dobbeltoestel, 'n dobbelmasjien, ens.

Clause 40

This clause inserts a section dealing with amusement games, which were not previously dealt with by the Provincial Act.

Clause 41

This clause provides for technical amendments and makes it clear that no person under the age of 18 shall enter the designated area of a licence premises.

Clause 42

This clause adds a provision with regard to declaration of monies, documents, books, etc. forfeited in terms of the Organised Crime Act, 1998.

Clause 43

This clause regulates patron disputes in cases where a license holder refuses to pay winnings to a player in terms of procedures that will be prescribed.

Clause 44

This clause expands the applicability of section 88 by stating that the provisions of this section shall also apply to a person who paid an admission of guilt fine in terms of section 57 of the Criminal Procedure Act, 1977.

Clause 45

This clause empowers the board to impose penalties for non-compliance with conditions of license, provisions of the Act or regulations.

Clause 46

This clause amends section 91 by, *inter alia*, adding certain provisions with regard to which the board may make rules about. It furthermore increases the fine with regard to non-adherence to any rule to R100 000.00.

Clause 47

The Provincial Act is amended to specifically refer to horse races and not animal races.

Clause 48

This is a technical amendment to correct the reference to the National Act.

Klousule 40

Hierdie klousule voeg 'n artikel in wat handel met vermaaklikheidspeletjies, wat nie voorheen deur die Provinsiale Wet aangeraak is nie.

Klousule 41

Hierdie klousule maak voorsiening vir tegniese wysigings en stel dit duidelik dat geen persoon onder die ouderdom van 18 jaar die aangeduide area van 'n gelisensieerde perseel mag binnegaan nie.

Klousule 42

Hierdie klousule voeg 'n bepaling by met betrekking tot die verklaring van gelde, dokumente, boeke, ens. wat ingevolge die Wet op Georganiseerde Misdad, 1998, verbeur is.

Klousule 43

Hierdie klousule reguleer klantedispute in gevalle waar 'n lisensiehouer weier om wengelde aan 'n speler te betaal ingevolge prosedures wat voorgeskryf sal word.

Klousule 44

Hierdie klousule verbreed die toepaslikheid van artikel 88 deur dit te stel dat die bepalinge van hierdie artikel ook van toepassing moet wees op 'n persoon wat 'n skulderkenning betaal het ingevolge artikel 57 van die Strafproseswet, 1977.

Klousule 45

Hierdie klousule bemagtig die raad om boetes op te lê vir nie-nakoming van die lisensievoorwaardes, bepalinge van die Wet of regulasies.

Klousule 46

Hierdie klousule wysig artikel 91 deur, onder andere, sekere bepalinge by te voeg waaroor die raad reëls kan maak. Verder vermeerder dit die boete met betrekking tot die nie-nakoming van enige reël tot R100 000.00.

Klousule 47

Die Provinsiale Wet word spesifiek gewysig om na perdewedrenne en nie dierewedrenne te verwys nie.

Klousule 48

Dit is 'n tegniese wysiging om die verwysing na die Nasionale Wet reg te stel.

Clause 49

This is an over-arching amendment, which determines that the expression 'gaming' must be substituted with the expression 'gambling' in the English text. This is also an amendment to align the Provincial Act with the National Act.

Clause 50

This clause provides that the provision limiting the duration of the license will only commence after 6 months after the Act comes into operation.

Clause 51

Clause 49 provides for the short title and the commencement of the Act.

Klousule 49

Dit is 'n oorkoepelende wysiging, wat bepaal dat die uitdrukking 'gaming' met 'gambling' in die Engelse teks vervang word. Dit is ook 'n wysiging om die Provinsiale Wet met die Nasionale Wet te laat ooreenstem.

Klousule 50

Hierdie klousule maak voorsiening daarvoor dat die bepaling wat die duur van die lisensie beperk slegs 6 maande nadat die Wet in werking getree het 'n aanvang sal neem.

Klousule 51

Klousule 49 maak voorsiening vir die korttitel en die inwerkingtreding van die Wet.