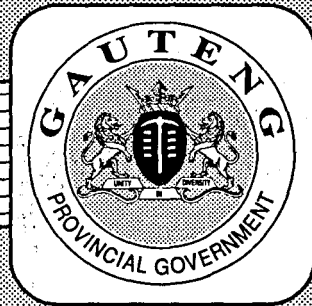


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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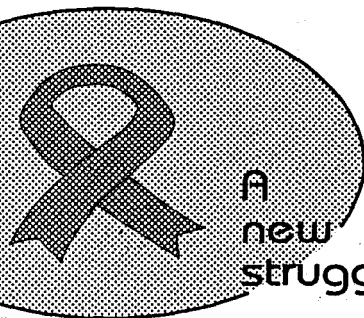
Vol. 7

PRETORIA, 26 FEBRUARY 2001
FEBRUARIE 2001

No. 19

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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**GENERAL NOTICES
ALGEMENE KENNISGEWINGS**

NOTICE 1187 OF 2001

**DEPARTMENT OF FINANCE & ECONOMIC AFFAIRS
GAUTENG PROVINCIAL GOVERNMENT**

1. **GAUTENG TOURISM AMENDMENT BILL, 2001**
2. **GAUTENG GAMBLING AMENDMENT BILL, 2001**
3. **REGULATIONS IN TERMS OF SECTION 84 OF THE GAUTENG
GAMBLING ACT, NO 4 OF 1995**

I, **PHILLIP JABULANI MOLEKETI**, Member of the Executive Council for Finance and Economic Affairs, hereby publish the above legislation (Acts and Regulations) for comment.

Any comments in writing should be directed to the Department at the following address:

1. **Matlotlo House
94 Main Street
Johannesburg**

2. **Private Bag X091
Marshalltown
2107**

FOR ATTENTION: MPHONG RAMAFALO

Closing Date for comments in March 25, 2001

**GAUTENG DEPARTMENT OF FINANCE
AND ECONOMIC AFFAIRS**

**GAUTENG TOURISM
AMENDMENT BILL, 2001**

(AS INTRODUCED)

by

**(MEC FOR FINANCE AND
ECONOMIC AFFAIRS)**

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.

B I L L

To amend the Gauteng Tourism Act, 1998 (Act No. 18 of 1998) to empower the MEC to appoint the Authority after consultation with the Standing Committee; to amend certain financial provisions in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999); and to provide for matters connected thereto.

BE IT ENACTED by the Gauteng Provincial Legislature as follows:

Amendment of section 1 of Act No. 18 of 1998

1. Section 1 of the Gauteng Tourism Act, 1998 (Act No. 18 of 1998) (in this Act referred to as "the principal Act") is hereby amended by the insertion before the definition of "Registrar" of the following definition:

"Public Finance Management Act, 1999" means the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended from time to time;"

Amendment of section 5 of Act No. 18 of 1998

2. Section 5 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Members are appointed by the MEC **[in]** after consultation with the Standing Committee.”.

Amendment of section 8 of Act No. 18 of 1998

3. Section 8 of the principal Act is hereby amended by the deletion of paragraph (d) of subsection (1).

Amendment of section 18 of Act No. 18 of 1998

4. Section 18 of the principal Act is hereby amended -

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

“(b) other monies **[appropriated by the Provincial Legislature]** contained in its budget and approved by the MEC as contemplated in subsection (2); and”;

(b) by the substitution for subsection (2) of the following subsection:

"(2) The Authority must, for the purposes of **[appropriations]** approvals contemplated in subsection (1) [(a)], submit to the MEC **[such estimates of expenditure and other inputs in respect of budget matters, including a business plan as the MEC or the Provincial Treasury may require]** a budget of estimated revenue and expenditure for the financial year, for approval, at least six months before the start of the financial year";

(c) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) must open an account with a **[registered bank determined by it]** a bank registered in South Africa and approved in writing by the National Treasury after compliance with prescribed tender procedures, and must deposit in that account all money referred to in subsection (1); and"; and

(d) by the insertion after subsection (3) of the following subsection:

"(4) The Authority shall not budget for a deficit and may not accumulate surpluses unless prior approval of the National Treasury has been obtained."

Substitution of section 19 of Act No. 18 of 1998

5. The following section is hereby substituted for section 19 of the principal Act:

"Accounting responsibility of the board

19. (1) The Authority is the accounting authority subject to the provisions of the Public Finance Management Act, 1999.

(2) The provincial treasury may, in exceptional circumstances, approve or instruct that another functionary of the Authority be the accounting authority and may withdraw the approval or instruction at any time.

(3) The Authority must inform the Auditor-General promptly and in writing of any approval or instruction and any withdrawal thereof in terms of subsection (2).

(4) The accounting authority must –

(a) exercise the duty of utmost care to ensure reasonable protection of the assets and records of the Authority;

(b) act with fidelity, honesty, integrity and in the best interest of the Authority in managing the financial affairs of the Authority;

(c) on request, disclose to the MEC or the provincial legislature, all material facts, including those reasonable discoverable, which in any way may influence the

decisions or actions of the MEC or provincial legislature; and

(d) seek, within the sphere of influence of the Authority, to prevent any prejudice to the financial interests of the state.

(5) A member of the Authority or individual accounting authority may not-

(a) act in a way that is inconsistent with the responsibilities assigned to an accounting authority in terms of the Public Finance Management Act, 1999; or

(b) use the position or privileges of, or confidential information obtained as, accounting authority or a member of the Authority, for personal gain or to improperly benefit another person.

(6) The Authority or accounting authority -

(a) must ensure that the Authority maintains -

(i) effective, efficient and transparent systems of financial and risk management and internal control;

(ii) a system of internal audit under control and direction of an audit committee complying with and operating in accordance with regulations and instructions prescribed in terms of sections 76 and 77 of the Public Finance Management Act, 1999;

- (iii) an appropriate procurement and provisioning system which is fair, equitable, transparent, competitive and cost-effective; and
 - (iv) a system of properly evaluating all major capital projects to a final decision on the project;
 - (b) must take effective and appropriate steps to-
 - (i) collect all revenue due to Authority;
 - (ii) prevent irregular expenditure, fruitless and wasteful expenditure, losses resulting from criminal conduct, and expenditure not complying with the operational policies of the Authority; and
 - (iii) manage available working capital efficiently and economically;
 - (c) is responsible for the management, including the safeguarding, of assets and for the management of the revenue, expenditure and liabilities of the Authority;
 - (d) must comply with any tax, levy, duty, pension and audit commitments as required by law;
 - (e) must take effective and appropriate disciplinary steps against any employee of the Authority who-
 - (i) contravenes or fails to comply with any provision of the Public Finance Management Act, 1999;
 - (ii) commits an act which undermines the financial management and internal control system of the Authority; or

- (iii) makes or permits an irregular expenditure or a fruitless and wasteful expenditure;
- (f) is responsible for the submission by the Authority of all reports, returns, notices and other information to the MEC, provincial treasury or provincial legislature, as may be required by the Public Finance Management Act, 1999;
- (g) must comply, and ensure compliance by the Authority, with the provisions of the Public Finance Management Act, 1999 and any other applicable legislation.

(7) If the Authority or accounting authority is unable to comply with any of the responsibilities determined for the Authority or accounting authority in terms of the provisions of the Public Finance Management Act, 1999, it must promptly report the inability, together with reasons, to the responsible Member and the provincial treasury."

Substitution of section 20 of Act No. 18 of 1998

6. The following section is hereby substituted for section 20 of the principal Act:

"Annual reports and financial statements

20 (1) The Authority must –

- (a) keep full and proper records of all its financial affairs;
- (b) prepare financial statements for each financial year in accordance with generally accepted practice, unless the Accounting Standards Authority approves the application of generally recognised accounting practice for the Authority;
- (c) submit those financial statements within two months after the end of the financial year to the Auditor-General for auditing, subject to the provisions of the Public Finance Management Act, 1999;
- (d) submit within five months of the end of the financial year to the provincial treasury and the MEC-
 - (i) an annual report on the activities of the Authority during that financial year; and
 - (ii) the audited financial statements for that financial year.

(2) The annual report and financial statements referred to in subsection (1)(d) must-

(a) fairly present the state of affairs of the Authority, its business, its financial results, its performance against predetermined objectives and its financial position as at the end of the financial year concerned;

(b) include particulars of –

(i) any material losses through criminal conduct and any irregular and fruitless and wasteful expenditure that occurred during the financial year

(ii) any criminal or disciplinary steps taken as a consequence of such losses or irregular expenditure or fruitless and wasteful expenditure;

(ii) any losses recovered or written off;

(iii) any financial assistance received from the state and commitments made by the state on its behalf; and

(iv) any other matter that may be prescribed.

(3) The MEC must table the report and statements referred to in subsection (1)(d) in the provincial legislature as soon as possible.

(4) The provincial treasury may direct that, instead of a separate report, the audited financial statements of the Authority must be incorporated in those of the department.

(5) The financial year of the Authority ends on 31 March each year”.

Substitution of section 42 of Act No. 18 of 1998

7. The following section is hereby substituted for section 42 of the principal Act:

"Short title and commencement

42 (1) This Act is called the Gauteng Tourism Act, 1998, and takes effect on a date determined by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates may be so determined in respect of different provisions of this Act."

Short title

8. This Act is called the Gauteng Tourism Amendment Act, 2001.

EXPLANATORY MEMORANDUM

1. PURPOSE OF THE BILL

The Gauteng Tourism Act, 1998 (Act No. 18 of 1998) (principal Act) is being amended to provide for the MEC to appoint the Authority after consultation with the Standing Committee; to revise certain financial provisions in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999); and to provide for matters connected therewith.

2. ENVIRONMENTAL IMPLICATIONS

None.

3. FINANCIAL IMPLICATIONS

No direct implications for the Department.

4. ACCOUNTS OF COMMENTS SOLICITED AND RECEIVED

The Provincial Treasury was consulted on the provisions and implications of the Public Finance Management Act, 1999.

5. CLAUSE-BY-CLAUSE DESCRIPTION

5.1 Section 1:

Inserting a definition for the Public Finance Management Act, 1999, amends the definitions of the principal Act.

5.2 Section 2:

This section amends section 5 of the principal Act to provide for appointment of the Authority after consultation with the Standing Committee.

5.3 Section 3:

Section 3 amends section 8 of the principal Act by deleting subsection (1)(d) to make it possible for political office bearers to remain members of the Board.

5.4 Section 4:

Section 4 amends section 18 of the principal Act by substituting and inserting subsections in accordance with the Public Finance Management Act, 1999.

5.5 Section 5:

This section substitutes section 19 of the principal Act by inserting a new section 19 in accordance with the Public Finance Management Act, 1999.

5.6 Section 6:

Section 6 deals with the substitution for the entire section 20 of a new section 20. Annual reports and financial statements are prescribed in accordance with the Public Finance Management Act, 1999.

5.7 Section 7:

Section 7 substitutes a new section for section 42. Different sections may now take effect on different dates.

5.8 Section 8:

This section contains the short title of the Act.

KENNISGEWING 1187 VAN 2001

GAUTENG DEPARTEMENTE VAN FINANSIES EN

EKONOMIESE SAKE

GAUTENG TOERISME AMENDMENT

WETSONWERP, 2000

(SOOS VOORGESTEL)

DEUR-

LUR VIR FINANSIES EN EKONOMIESTE SAKE

ALGEMENE VERDUIDELIKENDE NOTAS

[] Vet gedrukte woorde tussen reghoekige hakies dui uitlatinge van bestaande verordeninge aan.

____ Woorde onderstreep met soliede lyne toon invoegsels by bestaande verordeninge.

WETSONTWERP

Om die Gauteng Toerisme wet 1998 (Wet Nr. 18 van 1998) te amendeer om volmag te verleer aan die LUR om die Awerheid aan te stel, na beraadslaging met die Staande Komitee; om sekere finansiële bepaling te amendeer ooreenkomstig met die Publieke Finansies Bestuurswet 1999 (Wet No 1 van 1998); en om voorsiening te maak vir sake daarvan verbonde.

DIT WORD VERORDEN deur die Gauteng Provinsiale Wetgewende mag as volg:

Amendment van afdeling 1 van Wet No. 18 van 1998

1. Afdeling 1 van die Gauteng Toerisme Wet, 1998 (Wet Nr 18 van 1998) (verwys na in hierdie wet as die "hoofwet") word hiermee amendeer deur die invoegsel voor die definisie van "Registrateur" van die volgende definisie: "Publieke Finansies Bestuurswet, 1999 bedoel die Publieke Finansies Bestuurswet, 1999 (Wet Nr 18 van 1999) soos amendeer van tyd to tyd;".

Amendment van afdeling 5 van Wet Nr 18 van 1998

2. Afdeling 5 van die hoofwet is hiermee amendeer deur die vervanging vir onderafdeling (3) van die volgende onderafdeling:

“(3) Lede word aangestel deur die LUR [in] na beraadslaging met die Staande Komitee.”.

Amendment van afdeling 18 van Wet Nr. 18 van 1998

3. Afdeling 18 van die hoofwet is hiermee amendeer—

- (a) deur die vervanging vir paragraaf (b) onderafdeling (1) van die volgende paragraaf:

“(b) ander gelde [deur die Provinsiale Wetgewend mag toegeële] ingesluit in sy begroting en deur die LUR goedgekeur soos van plan is in onderafdeling (2); en”;

- (b) deur die vervanging vir onderafdeling (2) van die volgende onderafdeling:

“(2) Die Awerheid moet, vir die doel van [toeëiening] goedkeurings beoog in onderafdeling (1) [a], by die LUR voorlê [sulke skattings van uitgawe en ander bydrae ten opsigte van begrotingssake insluitend bedrywigheids planne soos die LUR of die Provinsiale tesourie dit mag verlang] ’n begroting van inkomste en uitgawe skattings vir die finansiele jaar, vir goedkeuring, minstens ses maande voor die begin van die betrokke boekjaar”;

- (c) deur die vervangerig vir paragraaf (a) onderafdeling (3) van die volgende paragraaf:

“(a) moet ‘n rekening open [geregistreeerde bank van sy (owerheid) keuse] ’n bank geregistreeer in Suid Afrika en skriftelik goedgekeur deur die Nasionale Tesourie nadat daar voldoen is aan die voorgeskrewe tender prosedure, en moet al

die geld waarna daar verwys word in onderafdeling (1); in daardie rekening deponeer word en;”, en

(d) deur die invoeging na onderafdeling (3) van die volgende onderafdeling:

“(4) Die Awerheid mag nie begroot vir ‘n tekort (nadelige saldo) nie, en mag nie surplusse ophoop tensy voorafgaande toestemming van die Nasionale Tesourie verkry is nie.”.

Vervanging van afdeling 19 van Wet Nr. 18 van 1998

4. Die volgende afdeling vervang hiermee afdeling 19 van die hoofwet:

“Boekhou verantwoordelikheid van die raad”

19. (1) Die Awerheid is die boekhoudende autoriteit onderworpe aan die bepalinge van die Publieke Finasies Bestuurswet, 1999

(2) Die Provinsiale tesourie mag in uitsonderlike omstandighede goedkeuring verleen of beveel dat ‘n ander amptenaar of autoriteit die boekhoudende autoriteit wees en mag die goedkeuring of instruksies enige oomblik terugtrek.

(3) Die Awerheid moet sonder te versuim, en dit skriftelik, die Auditeur-Generaal mededeel van enige goedkeuring of instruksie en enige terugtrekking daarvan in terme van onderafdeling (2).

(4) Die boekhoudende autoriteit moet-

(a) Die uiterste sorg uitoefen te verseker dat die bate en rekords van die Awerheid redelik bewaar is

(b) met getrouheid, eerlikheid, integriteit en in die beste belang van die Awerheid aptree in die bestuur van die finansiële sake van die Awerheid

(c) op aanvraag aan die lig te bring vir die LUR of die Provinsiale wetgewende mag alle wesentliche feite, insluitend die redelike ontdekbare, wat op enige wyse die

besluit of optrede van die LUR of Provinsiale wetgewende mag mag beïnvloed; en

(d) streef binne die sfeer van invloed van die Awerheid om enige nadelighede teen die finansiële belange van die staat te voorkom

(5) 'n lid van die Awerheid of 'n individuele boekhoudende autoriteit mag nie-

(a) aptree op 'n wyse teenstrydig met verantwoordelikhede toegeskryf aan 'n boekhoudende autoriteit in terme van die Publieke Finansies Bestuurswet, 1999; of

(b) gebruik te maak van die posisie of voorreg van of vertroulike informasie bekom as boekhoudende autoriteit of 'n lid van die Awerheid, vir 'n persoonlike wins of om ten onregte 'n ander persoon te bevoordeel

(6) Die Awerheid of boekhoudende autoriteit-

(a) moet seker maak dat die autoriteit handkaaf-

(i) eeffektiewe, bekwame en deurskynende stelsels van finansiële en risiko bestuur en interne beheer;

(ii) 'n stelsel van interne auditering onderbeheer en leiding van 'n auditeur komitee wat voldoen aan en werk ooreenkomstig met regulasies en instruksies voorgeskryf in terme van afdelings 76 en 77 van die Publieke Finansies Bestuurswet, 1999

(iii) 'n passende verskaffings en voorsienings stelsel wat regverdig, billik, deurskynend, mededingend en geldsparend is; en

(iv) 'n stelsel wat alle hoof kapitaal planne besyfer tot 'n finale besluit op die projek

(b) moet effektiewe en passende stappe neem om-

(i) alle inkomste waarop die Awerheid geregtig is in te samel

(ii) onreelmatige uitgawes, onvoordelige en spandabele uitgawes, verliese as gevolg van kriminele, gedrag en uitgawes wat nie binne die werkingsbeleid van die Awerheid is nie; en

(iii) bestuur beskikbare werkende kapitaal met bekwaamheid en ekonomies

(c) is verantwoordelik vir die bestuur, insluitemag die beveiliging van bate en vir die bestuur van die inkomste, uitgawes en laste van die Awerheid

(d) moet voldoen aan enige belasting, hefferig, invoer belasting, pensioen en auditeurspligte wat deur die wet toevertrou is;

(e) moet effektiewe en geskikte dissiplinêre stappe aanpas teen enige werknemer of autoriteit wat-

(i) die skikkings van die Publieke Finansiële Bestuurswet, 1999 oortree of nie daarvan voldoen nie

(ii) 'n daad pleeg wat die finansiële bestuur en interne beheer stelsel van die Awerheid ondermyn; of

(iii) maak, of laat 'n onreelmatige uitgawe toe, of 'n onvoordelige en verkwistende uitgawe

(f) is verantwoordelik vir die indieming by die Awerheid van alle verslae, state, kennisgewing en ander informasie aan die LUR, Provinsiale tesourie of Provinsiale Wetgewende mag soos deur die Publieke Finansiële Bestuurswet, 1999 verlang mag word.

(g) moet voldoen aan, en verseker dat die autoriteit voldoen aan die vereistes van die Publike Finansiële Bestuurswet, 1999 en enige ander toepaslike wet

(7) Indien die Awerheid of boekhoudende autoriteit nie in staat is om enige verantwoordelikhede wat deur die Publieke Finansiële Bestuurswet, 1999 neergelê is na te kom nie moet die Awerheid dit onmiddellik rapporteer en

redes daarvoor verskaf aan die verantwoordelike lid en aan die Provinsiale tesourie.”

Vervanging van afdeling 20 van Wet Nr. 18 van 1998

5. Die volgende afdeling 20 vervang hiermee afdeling 20 van die hoofwet:

“Jaarlikse verslae en finansiële state

20 (1) Die Awerheid moet -

- (a) volle en behoorlike rekords hou van sy finansiële sake
- (b) finansiële state opstel vir elke boekjaar ooreenkomste met algemene aanvaarde praktyk tensy die Boekhou Standards Awerheid die toepassing van gewoonlike aangenome boekhou stelsels vir die Awerheid goedkeur;
- (c) daardie finansiële state binne twee maande na die einde van die boekjaar by die Auditeur-Generaal indien vir auditering onderworpe aan die bepalings van die Publieke Finansiële Bestuurswet, 1999;
- (d) Binne vyf maande na die einde van die boekjaar by die Provinsiale tesourie en die LUR in te dien –

(i) ‘n jaarsverslag van die bedrywighede van die Awerheid gedurende die afgelope boekjaar, en

(ii) die geauditeerde finansiële state vir daardie jaar

(2) Die jaarsverslag en finansiële state in onderafdeling (1) (d) gemeld moet-

(a) die toestand van sake van die Awerheid, sy bedrywighede, sy finansiële uitslae, sy prestering teenoor vooraf bepaalde opjektiewe en sy finansiële posisie soos aan die einde van die betrokke boekjaar;

(b) sluit in besonderhede van-

(i) enige materiale verliese weens kriminele gedrag en enige onreëlmatige en onvoordelige en verkwistende uitgawe wat gedurende die boekjaar plaasgevind het.

(ii) enige kriminele of dissiplinêre stappe wat geneem is as gevolg van soortgelyke verliese of onreëlmatige uitgawe of onvoordelige en verkwistende uitgawe;

(iii) enige verliese wat herstel is of afgeskrywe is;

(iv) enige geldelike hulp van die staat ontvang, en ondernemings deur die staat namens die staat; en

(v) enige ander voorskrifte.

(3) Die LUR moet so gou doenlike die verslag en state in (1) (d) gemeld in die Provinsiale Wetgewende mag ter tafel lê

(4) Die Provinsiale tesourie mag beveel dat die geauditeerde finansiële sate van die Awerheid by dié van die Departement ingelyf word, in plaas van n' aparte verslag.

(5) Die boekjaar van die Awerheid eindig op 31 Maart van elke jaar."

Vervanging van afdeling 42 van Wet Nr. 18 van 1998

6. Die volgende afdeling vervang afdeling 42 van die hoofwet:

Kort titel van aanvang

42. (1) Die wet word genoem die Gauteng Toerisme Wet, 1998, en word van krag op 'n datum bepaal deur die Premier deur proklamasie in die Provinsiale Staatskoerant

(2) Verskillende datums mag so vasgestel word ten opsigte van verskillende bepalings van hierdie wet.

Kort titel

7. Hierdie wet word genoem die Gauteng Toerisme Amendment Wet, 2000

VERDIUDELIKENDE MEMORANDUM

1. DOEL VAN DIE WETSONTWERP

Die Gauteng Toerisme Wet, 1998 (Wet Nr. 18 van 1998) (hoofwet) word amendeer om voorsiening te maak vir die LUR om die Awerheid aan te stel na beraadslaging met die Staande Komitee; om sekere finansiële bepalings te hersien ooreenkomstig met die Publieke Finansies Bestuurswet, 1999 (Wet No. 1 van 1999); en om voorsiening te maak vir sake daarvan verbonde.

2. OMGEWINGS IMPLIKASIES

Geen

3. FINANSIELE IMPLIKASIES

Geen direkte implikasies vir die Departement nie

4. SIENSWYSE OF KOMMENTAAR AANGEVRA EN ONTVANG

Die Provinsiale Tesourie is geraadpleeg gaande die bepalings en implikasies van die Publieke Finansies Bestuurswet, 1999.

5. ARTIKEL-VIR-ARTIKEL BESKRYWING

5.1 Afdeling 1:

Invoeging van 'n omskrywing vir die Publieke Finansies Bestuurswet, 1999 amendeer die omskrywings van die hoofwet.

5.2 Afdeling 2:

Hierdie afdeling handel oor die amendement van afdeling 5 van die hoofwet om voorsiening te maak vir die aanstelling van die Awerheid na beraadslaging met die Staande Komitee.

5.3 Afdeling 3:

Afdeling 3 amendeer afdeling 18 van die hoofwet deur die vervanging en invoeging van onderafdelings ooreenkomstig met die Publieke Finansies Bestuurswet, 1999.

5.4 Afdeling 4:

Hierdie afdeling vervang afdeling 19 van die hoofwet deur 'n nuwe afdeling 19 in te voeg ooreenkomstig met die Publieke Finansies Bestuurswet, 1999.

5.5 Afdeling 5:

Afdeling 5 handel oor die vervanging vir die hele afdeling 20 van die nuwe afdeling 20. Jaarsverslae en finansiële state is voorgeskryf ooreenkomstig met die Publieke Finansies Bestuurswet, 1999.

5.6 Afdeling 6:

Afdeling 6 vervang 'n nuwe afdeling vir afdeling 42. Verskillende afdeling kan nou van krag wees op verskillende datums.

5.7 Afdeling 7:

Hierdie afdeling bevat die kort titel van die Wet.

NOTICE 1187 OF 2001

UMNYANGO WASEGAUTENG

WEZEZIMALI KANYE NEZOMNOTHO

UMTHETHOSIVIVINYO OGUQULIWE

WEZOKUVAKASHA WASEGAUTENG, 2000

(NJENGOBA WETHULWE)

YI-

MEC YEZEZIMALI KANYE NEZOMNOTHO

ISAZISO ESIJIKELELE ESICACISAYO

[] Amagama abhalwe ngokugqamile akubakaki akhomba ukuthi kukhona okweqiwe emithethweni ekhona njengamanje.

___ Amagama adwetshelwe ngomugqa ohlangene akhomba ukuthi kukhona okufakiwe emithethweni ekhona njengamanje.

UMTHETHOSIVIVINYO

Ukuguqula uMthetho wokuvakasha waseGauteng, wango 1998 (Act No. 18 yango 1998) ukunikeza iMEC amandla okuqasha Iziphathi mandla emva kokubonisana neStanding Committee; ukuguqula izibonelelo ezithile zezezimali ngokuvumelana nePublic Finance Management Act, yango 1999 (I-Act No. 1 yango 1999); kanye futhi nokubonelela izindaba eziphathelele nalokhu.

IZOMISWA yiGauteng Provincial Legislature ngalendlela elandelayo:

Ukuguqulwa kwesigaba 1 soMthetho No. 18 wango 1998

1. Isigaba 1 seGauteng Tourism Act, 1998 (Act No.18 yango 1998) (kulo Mthetho obizwa ngokuthi yiprincipal Act) siyaguqulwa ngokuba kugaxelwe ngaphambi kwencazelo "Registrar" lencazelo elandelayo:

"iPublic Finance Management Act, 1999' ichaza ukuthi iPublic Finance Management Act, 1999 (I-Act No. 1 yango 1999) njengoba iguqulwa nganoma yisiphi isikhathi;"

Ukuguqulwa kwesigaba 5 soMthetho No.18 wango 1998

2. Isigaba 5 seprincipal Act siyaguqulwa ngokuba kufakwe esigatshaneni (3) lesigatshana esingaphansi esilandelayo:

"(3) Amalunga aqashwa yiMEC [ngokuthi] emva kokubonisana neStanding Committee."

Ukuguqulwa kwesigaba 18 soMthetho No.18 wango 1998

3. Isigaba 18 seprincipal Act siyaguqulwa –

(a) ngokuba kufakwe endimeni (b) yesigatshana (1) lendima elandelayo:

“(b) ezinye izimali [iProvincial legislature ezibekela yona] eziqokethwe kubhajethi yayo futhi evunywe yiMEC njengoba kucatshangelwe kusigatshana esingaphansi (2); futhi”;

(b) ngokuba kufakwe esigatshaneni (2) lesigatshana esingaphansi esilandelayo:

“(2) Iziphathi mandla kufanele, ngezinhloso [zokuzibekela] zokunika imvume njengoba kucatshangelwe esigatshaneni (1) [a], zithumele kuMEC [isilinganiselo sezindleko eziphumayo kanye nezinye izinto eziphathelene nezindaba zebhajethi, kuze kufake uhlelo lwebhizinisi njengoba iMEC noma iProvincial treasury ingafuna] ibhajethi eyisilinganiselo sentela eqoqwayo kanye nezindleko eziphumayo zalonyaka (wokubala) wemali, ukuze ivunywe, okungenani izinyanga eziyisithupha ngaphambi kokuqala konyaka (wokubala) wemali”;

(c) ngokuba kufakwe endimeni (a) yesigatshana (3) lendima elandelayo:

“(a) kufanele zivule ikhawundi [nebhangi elibhalisiwe ngokusemthethweni elizobonelelwa yibo] ibhanga elibhalisiwe ngokusemthethweni eNingizimu Afrika futhi elivunywe ngenchwadi ebhaliwe yiNational treasury ngemuva kokulandela imigomo yokuthenda ebekiwe, futhi zifake kulelo khawundi imali ekubhekiswe kuyo esigatshaneni esingaphansi (1); futhi”, futhi

(d) ngokuba kugaxelwe emva kwesigatshana (3) lesigatshana esingaphansi esilandelayo:

“(4) Iziphathi mandla azizukwenza ibhajethi yokuntuleka kwemali futhi azizuqoqa imali esilele ngaphandle nje kokuthi kutholakale imvume kuNational Treasury.”;

Ukuguqulwa kwesigaba 19 soMthetho No.18 wango 1998

4. Le sigaba esilandelayo sifakwa esigabeni 19 seprincipal Act:

Ukubika ngezinto ibhodi elibhekene nazo"

19. (1) Iziphathi mandla yizona ezigunyaziwe ukuba zibike ngokwesekwa izimiselo zePublic Finance Management Act yango 1999

(2) Iprovincial treasury, ezimeni ezingavamile, ingavuma noma iyalele ukuba enye induna ebekelwe umsebenzi othile weziphathi mandla kube yiyona egunyaziwe ukuba ibike futhi ingabuyisela emuva imvume noma umyalelo noma ngasiphi isikhathi.

(3) Iziphathi mandla kufanele zibikele i-Auditor-General ngokushesha futhi ngenchwadi ebhaliwe noma yiyiphi imvume noma umyalelo futhi kanye nokubuyiselwa emuva kwalokho ngokwezimiso zesigatshana

(2).

(4) abanikezwe amandla okubika kufanele-

(a) baqikelele ukuthi impahla kanye namarekhodi weziphathi mandla ahlala aphephile ngokulindelekile

(b) basebenze ngokwethembeka, ngobuqotho, nokuphelela kanye futhi nokubhekelela okungokweziphathi mandla ekuphatheni izindaba zezimali zeziphathi mandla

(c) uma becelwa bavezele iMEC noma iprovincial legislature, yonke imininimgwane ephathekayo, kuze kufakwe lokho okungatholwa, okungathonya nganoma yiyiphi indlela izinqumo noma izinyathelo zeMEC noma zeprovincial legislature; futhi

(d) bafune, ngaphakathi kwemigomo wokuthonya kweziphathi mandla, ukunqanda noma yikuphi ukucwasa kwezezimali ezibhekene nombuso

(5) Ilunga leziphathi mandla noma lowo onikwe amandla okubika akufanele-

(a) enze ngendlela engahambisani nezinto ezibhekene nabagunyazwe amandla okubika ngokusekwa yiPublic Finance Management Act, yango 1999; noma

(b) asebenzise isikhundla noma ilungelo, noma imininingwane eyimfihlo etholakele njengoba egunyazwe amandla okubika noma njengelunga leziphathi mandla, ukuzisiza yena qobo lwakhe noma ukuze kuzuze omunye umuntu ngokungemthetho

(6) Iziphathi mandla noma lowo ogunyazwe amandla okubika-

(a) kufanele aqinisekise ukuthi iziphathi mandla zigcina-

(i) ngempumelelo, nokuhambisa kahle kanye futhi nangendlela evulekile izindlela zokuphatha izimali kanye nokulahlekelwa kanye nezokulawulwa kwangaphakathi;

(ii) indlela yangaphakathi yokuhlolwa kwezimali engaphansi kolawulo kanye nendlela yekomiti yokuhlola (audit committee) ngokuhambisana futhi isebenze ngokuvumelana nemithetho kanye neziyalo ezimisiwe ngokwezimiso zezigaba 76 kanye no77 zePublic Finance Management Act, zango 1999

(iii) indlela yokuthola noma yokubonelela elungile, elinganayo, evulekile, enokuncintisana futhi neyonga imali; futhi

(iv) indlela yokuhlola zonke izinhlelo ezinkulu kuze kufike ezinqumeni zokugcina ngalezo zinhlelo

(b) kufanele ithathe izinyathelo ezinempumelelo kanye nezifanele -

(i) ukuqoqa yonke intela ekufanele ikhokhelwe iziphathi mandla

(ii) ukunqanda ukusetshenziswa kwemali ngendlela engafanele, ngokungenamphumela futhi nangokusaphaza, ukulahleka kwemali okuwumphumela wobugebengu, ukusetshenziswa

kwemali okungahambisani nemithetho yokusebenza kweziphathi mandla; futhi

(iii) ukuphatha imali yokuqala ekhona ngendlela eqondile futhi neyongayo

(c) kubhekene nabaphethe ukuphatha, kuze kufakwe nokuqaphela impahla kanye nokuphathwa kwentela, imali esetshenziswayo kanye nalokho okungamacala eziphathi mandla

(d) kufanele zithobele noma yiyiphi intela, inhlawulo, umsebenzi, impesheni kanye nokuphathiswa kokuhlolwa njengoba kudingwa ngumthetho;

(e) kufanele bathathe izinyathelo ezinomphumela futhi nezilungile zokujezisa noma yisiphi isisebenzi seziphathi mandla-

(i) eseqa noma esingaphumeleli ukuthobela izibonelelo zePublic Finance Management Act, yango 1999

(ii) esenza isenzo esibukela phansi ukuphathwa kwezimali kanye nendlela yangaphakathi yokuhlola yeziphathi mandla; noma

(iii) owenza noma avumele ukusetshenziswa kwemali ngendlela engafanele noma enganumphumela futhi esaphazayo

(f) kubhekene nabo ukuba bafake yonke imibiko, izimali ezibuyayo (returns), izaziso kanye neminye imininigwane kuMEC, iprovincial treasury noma iprovincial legislature, njengoba kungadingwa yiPublic Finance Management Act, yango 1999.

(g) kufanele bathobele, futhi baqinisekise ukuthotshelwa kweziphathi mandla, ngezibonelelo zePublic Finance Management Act, yango 1999 kanye futhi nanoma yimuphi umthetho osebenzayo

(7) Uma iziphathi mandla noma lowo ogunyazwe amandla okubika engaphumeleli ukuthobela noma yikuphi ababhekene nakho okubekelwe iziphathi mandla noma ogunyazwe amandla okubika ngokwezimiselo zezibonelelo zePublic Finance Management Act, yango 1999, kufanele kubikwe ngokushesha ukungaphumeleli futhi kanye nezizatho zalokho eLungeni elibhekene nalokho kanye nakuprovincial treasury.”

Ukufakwa kwesigaba 20 soMthetho No. 18 wango 1998

5. Le sigaba esilandelayo sifakwa esigabeni 20 seprincipal Act:

“Imibiko yanjalo ngonyaka kanye nezitatimende zemali**20 (1) Iziphathi mandla -**

(a) kufanele zigcine amarekhodi agcwele kanye nalungile azo zonke izindaba zazo zezezimali

(b) zilungise izitatimende zezezimali zonyaka ngamunye ngokuhambisana nenqubo jikelele evunyiwe, ngaphandle kokuthi I-Accounting Standard Authority ivumele iziphathi mandla ukuba zisebenzise indlela evunyiwe jikelele;

(c) kufanele zifake lezo zitatimende zezezimali ku-Auditor General, ezinyangeni ezimbili ngemuva kokuphela konyaka wemali ukuze zihlolwe, ngokwezimiso zezibonelelo zePublic Finance Management Act, yango 1999;

(d) kufanele zifake kuprovincial treasury kanye neMEC ezinyangeni ezinhlanu -

(i) umbiko wanjalo ngonyaka ngezinto ezenziwa yiziphathi mandla ngalowo nyaka wemali kanye

(ii) nezitatimende ezihloliwe zalowo nyaka wemali

(2) Umbiko wanjalo ngonyaka kanye nezitatimende zezezimali obekubhekiswe kuzo kusigatshana esingaphansi (1) (d) kufanele -

(a) zethule ngokulungile isimo sezinto zeziphathi mandla, amabhizinisi azo, imiphumela yayo kwezezimali, iphefomensi yayo uma kuqathaniswa nezinhloso ezibekiwe kanye futhi nesimo sazo sezimali njengoba sinjalo ekupheleni konyaka wezimali okubhekene nawo

(b) zize zifake imininingwane -

(i) ukulahleka kwezimpahla ngobugebengu kanye nokusetshenziswa kwemali ngendlela engalungile, enganumphumela futhi nesaphazayo ngalowo nyaka wemali

(ii) izinyathelo noma yiziphi zokujezisa ezithathiwe njengomphumela okuhambisana nalokhu kulahlekelwa noma ukusetshenziswa ngokungalingile kwezimali, ukusetshenziswa kwemali okungenamphumela futhi nokusaphazwa kwemali;

(iii) noma yikuphi ukulahlekelwa okutholakele noma kwacinywa;

(iv) noma yiluphi usizo lwezimali olutholakele oluvele kumbuso kanye nokuphathiswa okwenziwe wumbuso egameni lawo; kanye

(v) noma yiziphi ezinye izindaba ezingamiswa

(3) IMEC kufanele yethulele iprovincial legislature uhlu lwemibiko kanye nezitatimende zezezimali obekubhekiswe kuzo kusigatshana esingaphansi (1) (d) ngokushesha

(4) Iprovincial treasury ingakuqondisa lokho, kunokuthi kwethulwe umbiko ohlukene, izitatimende ezihloliwe zeziphathi mandla kufanele zifakwe njengengxenye yalezo zomnyango.

(5) Unyaka wezezimali weziphathi mandla uphela ngomhlaka 31 March unyaka ngamunye.”

Ukufakwa kwesigaba 42 soMthetho No. 18 wango 1998

6. Le sigaba esilandelayo sifakwa esigabeni 42 seprincipal Act:

Isihloko ngokufinyeziwe kanye nokuqaliswa

42. (1) Lo Mthetho ubizwa ngokuthi yiGauteng Tourism Act, yango 1998 futhi izoqalisa ukuba semthethweni ngosuku oluzobhekela yiPremier ngokuthi amemezele (proclamation) kuProvincial Gazette

(2) Izinsuku ezehlukene zingabhekela ngendlela ezohambisana nezibonelelo ezahlukene zaloMthetho.

Isihloko ngokufinyeziwe

7. Lo Mthetho ubizwa ngokuthi yiGauteng Tourism Amendment Act, 2000

IMEMORANDAMU ECHAZAYO

1. INJONGO YOMTHETHOSIVIVINYO

UMthetho wokuvakasha waseGauteng, wango 1998 (Act No. 18 yango 1998) (iprincipal Act) iyaguqulwa ukuze inikeze iMEC amandla okuqasha Iziphathi mandla emva kokubonishana neStanding Committee; ibuyekeze izibonelelo ezithile zezezimali ngokuvumelana nePublic Finance Management Act, yango 1999 (Act No. 1 yango 1999); kanye futhi ibonelele izindaba eziphatelene nalokhu.

2. IMIPHUMELA EKHONA EZINDAWENI OKUHLALWA KUZONA

Ayikho

3. IMIPHUMELA YEZEZIMALI

Ayikho imiphumela eqondile ebheke emnyangweni

4. IMIBIKO YEZITHASISELO EZIFUNIWE KANYE NEZITHOLIWE

Kuye kwaboniswa neprovincial Treasury ngezibonelelo kanye nemiphumela yePublic Finance Management Act yango 1999.

5. UKUCHAZA NGAMAZWI ANGAMABINZANA (CLAUSE-BY-CLAUSE DESCRIPTION)

5.1 Isigaba 1

Ukugaxekwa kwencazelo yePublic Finance Management Act yango 1999, kuguqula izincazelo zeprincipal Act.

5.2 Isigaba 2

Lesi sigaba siphathelene nokuguqulwa kwesigaba 5 seprincipal Act ukubonelela ukuqashwa kweziphathi mandla emva kokuba kuboniswane neStanding Committee.

5.3 Isigaba 3

Isigaba 3 siguqula isigaba 18 seprincipal Act ngokuthi kufakwe esikhundleni sokunye futhi kugaxekwe izigatshana ezingaphansi ngokuvumelana nePublic Finance Management Act yango 1999.

5.4 Isigaba 4

Lesi sigaba sifaka isigaba 19 seprincipal Act ngokuba sigaxele isigaba 19 esisha ngokuvumelana nePublic Finance Management Act yango 1999.

5.5 Isigaba 5

Isigaba 5 siphathelene nokufakwa esikhundleni sesigaba 20 sonke, isigaba 20 esisha. Imibiko yanjalo ngonyaka kanye nezitatimende zezezimali zimisiwe ngokuvumelana nePublic Finance Management Act yango 1999.

5.6 Isigaba 6

Isigaba 6 sifaka isigaba esisha esigabeni 42. Izigaba ezehlukene manje zingaqaliswa ngezinsuku ezehlukene.

5.7 Isigaba 7

Lesi sigaba siqukethe isihloko ngokufinqiwe saloMthetho.

NOTICE 1187 OF 2001

SEKGORO YA GAUTENG YA**MERERO YA DITŠHELETE LE TŠA PABALELO****DIPHETOŠO TŠA MOLAO KAKANYWA WA TŠA
MAETO, 2000 WA GAUTENG****BJALO KA GE O TŠHWELEDITŠWE****KE****(LETONA (MEC) WA MERERO YA DITŠHELETE
LE TŠA PABALELO)**

DIHLALOŠO TŠA DINTLHA KA KARETŠO :

[] Mantšu a ngwadilwego ka boso ka mo mašakaneng gora gore a ntšhitšhwe molaong wo o lego gona .

 Mantšu a thaleletšwego ka mothaladi a ra gore a ntšhitšhwe molaong wo o lego gona .

MOLAO KAKANYWA

Go fetola molao wa tša maeto wa Gauteng , 1998 (moalo no 18 of 1998) go matlafatša Letona go kgetha molao ka morago ga go poledišana (bonana) le komiti ye e Yemego (Standing Committee) , Go fetola tše dingwe tsa dithušo tša letlole maelana le molao wa taolo fa ditšhelete, 1999 (molao No. 4 of 1999); le go thūša mo mererong ye e lebanego le yona ye

E BEWA TŠHOMIŠONG ke bahlami ba molao ba Profense ya Gauteng ka mekgwa ye e latelago:

Phethošo tša karolo 1 ya Molao No. 18 of 1998

1. Karolo ya 1 molao wa tša maeto wa Gauteng ,1998 (Act No.18 of 1998) (Mo moalaong wo o bitšwago ``Sehlogo sa Molao``) o e ipiletša go fetolwa ka go tshentšhwa pele ga tlhalošo ya Mongwadiši wa ditlhalošo tše di latelago:

``Molao wa taolo tša tšhelete tša setšhaba 1999 o ra gore molao wa taolo tša tšhelete tša setšhaba, 1999 (mola no .1 wa 1999) bjalo ka ge o fetolwa nako le nako``

Phethošo tša karolo 5 ya molao No. 18 of 1998

2. Karolo ya bohano ya sehlogo sa moalo e ipeletša go fetolwa ka go ba legatong la karolwana (3) ya karolwana ye e latelago:

``(3) Maloko a kgethilwe ke MEC [ka gare] kamorago ga dipolelišano le ba komiti ye e Yemego (Standing Committee).``

Phethošo tša karolo 18 ya molao No. 18 of 1998

3. Karolo 18 ya sehlogo sa molao e ipeletša go fetolwa –

- (a) Ka go ba legatong la tema (b) ya karolwana (1) ya tema ye e latelago:

“(b) Ditšhelete tše dingwe [tše di beakantšwego ke ba hlami ba molao wa Profense] tše di lego ka mogare ga tekanyetšo di dumelwetše ke Letona ka ge go akantšwe karolwaneng ya (2); le

- (b) Ka go ba legatong la karolwana (.2) ya karolwana ye e latelago:

“(2) Taolo e swanetše go tlišwa go Letona, ka maikemisetšo [a a lebanego] e dumelle dikakanyo tsa karolwana (1) [(a)], [Dikakanyo tšeo tša ditsenyegelo le tše dingwe tša maetikelo malebana le tekanyetšo ya tšhelete, go lokelwa le morero wa tša kgwebo bjalo ka ge Letona goba Ba tša polokelo tsa ditšhelete ba Profense di nyaka] kakanyo ya ditsenyegelo tša ditseno le ditsenyegelo tsa letlole la ngwaga, go di lekolwa bonyane ba dikgwedi tse tšhelelago pele go thoma Ngwaga wa Letlole”;

- (c) Ka goba legatong la tema (a) ya karolwana (3) ya tema ye e latelago:

“(a) Swanetse go bula Tshupaletlotlo le [Ka tlasa taolo ya Panka ye e ngwadisetswego molaong] panka ye e ngwadisetswego molaong Afrika Borwa e bile e kgonthisitswe ka go ngwalwa ke ba polokelo ba naga morago ga go dumellana le melao y e ngwetšwego., e bile tšhelete ka moka e e swanetše go lekolwa go tshupaletlotlo go ya ka karolwana (1) ; le”;

- (d) Ka go lokela ka morago ga karolana (3) ya karolwana ye e latelago:

“(4) Molao o ka se lekanetše tšhelete ka lebaka la ditšhomišo tše di fetago diboelo gape o ka se kgone go tšweletša masalela a tšhelete, ntle le pele ba ka fiwa tumelo ke ba dipolokelo tsa ditšhelete tša naga.”

Go emelwa ga karolo ya 19 ya molao wa No. 18 wa 1998

4. Karolo ye e latelago e ipiletšago ba legatong la karolo 19 ya Sehlogo sa molao:

“Go lebedišiša maikarabelo a Lekgotla

19. (1) Molao o na le maikarabelo dintlhakgolo tša molao go thuša le molao wa ditšhelete tša setšhaba, 1999.

(2) Badipolokelo tša tšhelete/letlotlo ba Provense ka mabaka a sa tlwaelwago, ba ka dumella, goba go laela gore mošomo wo mongwe wa mmušo ba be ba lekodišiše molao, e bile e ka o ka ntšha ditumellano goba ditaolo nako yengwe le yengwe.

(3) Bamolao ba swanetše go tsebiša Molekodi Pharaphara wa tša matlotlo gabotše e bile ka lengwalo le lelaetšago tumellano goba taolo le go ntšhiwa go go itšego ga karolwana (2).

(4) Molao wa tša go lekola ditšhelete o swanetše go

(a) Go swanetše go tsewe karolo mošomong ka go bontšha hlokomelo ka go fetišiša go kgonthišiša mabaka a makaone a go hlokomela letlotlo le direktoto tsa mmušo;

(b) Molao wa botshepegi, bonnete, potego le ihula le goka moo mmušo o ka hulegang taolong ya merero ya ditšhelete tša mmušo;

(c) Ka kgopelo re tlisa go leton goba polokelo ya matlotlo ya mmušo ditlhatlo kamoka tša ditirišo go ntšha le tše di bohlokwa tše di bonwego tše ka tsela engwe di ka khuetsago diphetho Igoba makgato a MEC (Letona) goba Bahlomi ba molao ba Prorofensele

(d) Ka mogare ga ditutuetšo tša lekgotla nyaka/ikemisetše, go thibela mekgwa ye e sa lokago hlokomelong ya ditšhelete ya Naga.

(5) Leloko la lekgotla goba motho wa molao yo a

lekolago matlotlo a ka se

(a) šome ka mokgwa wo e sego wona a filwe maikarabelo a go lekola matlotlo a mmušo go ya ka Public Finance Management Act 1999, goba

(b) a šomiše leemo goba monyetla goba a botege go ditaba tše a di hweditsego, bjalo ka ge molekodi wa matlotlo wa mmušo goba leloko la lekgotla, goikhula goba go hula batho ba bangwe ka mokgwa wo o sa lokago.

(6) Lekgotla goba balekodi ba letlotlo ba mmušo

(a) ba swanetše go kgonthišiša gore lekgotla le ba le -

(i) phetagatša, šoma ka mokgwa wo o hulago le ka mokgwa wo o bonakgatsago ditsela le maitekelo a mabotse a taolo ya ditšhelete;

(ii) mokgwa wa go lekola ditšhelete tša ka gare di ba ka tlasa taolo le go bontshwa ke komiti ya Balekodi ba letlotlo di tsamaelane le go ba malebana le melao le ditaelo tše di ngwetsego go karolo 76 le 77 ya Public Finance Management Act, 1999

(iii) go swanetšwe ho kumage le go fiwa mokgwa wa maleba wo o lokilego, wa toka, wo pontšhagalago, wo o kgonegago le go šomiša ditšhelete ka mokgwa wo o hulago; le

(iv) mokgwa wo mobotše wa go lekola diprojeke tše kgolo tša tšhelete go fihlela go tšhewa sephetho sa mafelo sa projeke;

(b) ba swanetše ba šome ka tsela ye e tlo dirago gore ba hulege ya maleba ka go -

(i) kgobokanya ditseno go ya ka lekgotla

(ii) thibela ditshenyegelo tše e sego tša maleba, tše di sa hulego, ditšhenyegelo tše di senyago, tše di mekgwa le maitshwaro a bokgodu, bosenyi le ditšhenyegelo tše di sa

tsamaelego le tšhepidiso ya ditšhitšhinyo tsa lekgotla; le
 (iii) Bokgone ba go laola tšhelete ye šomišwago ka mokgwa wo o hulago wa bo ipabalelo.

(c) a be le maikarabelo a bolaodi, go hlakantšha le tšhireletšo, ya matlotlo le bolaodi ba ditseno,

ditshenyeagelo le dikoloto tša lekgotla

(d) swanetše go tsamaelana le motšhelo, levy, mošomo, pentšhene le tše dingwe tša tekolo tša matlotlo bjalo ka ge di hlokwa ke molao;

(e) swanetše go tšhea sepheto sa maleba sa go kgala kgahlanong le mošomi yo mongwe le yo mongwe wa lekgotla yo a -

(i) tloago goba a phalwago ke go dumellana le tše di hulago Public Finance Management Act, 1999;

(ii) a bago kgatlanong le molao ka go nyatsa molaodi wa letlole le internal control system of the board; goba

(iii) a dira goba a dumella tšhomišo ya tšhelete ka mokgwa wo o sa lokago, wo o sa hulego go senya tšhelete;

(f) o na le maikarabelo a go isa dipego, diboelo, ditsebiso le tše dingwe tša ditsebiso ka moka go leloko le le amegago, polokelo ya tsa matlotlo ya profense goba ba hlomo ya molao ba profense, bjale ka ge go hlokwa ke Public Finance Management Act, 1999;

(g) o swanetše go bonwa a dumellana malebana le molao ke ba lekgotla ka dithuso tša Public Finance Management Act, 1999 le ke molao wo mongwe le wo mongwe wo o lego gona.

(7) Ge ba lekgotla goba ba molao wa go lekola ditšhelete ba sa dumellane le ye ngwe ya maikarabelo a a laetšwego ke lekgotla goba molao wa go lekola matlotlo go ya ka Public Finance Management Act, 1999, ba swanetše go pega bofokodi, gammogo le mabaka go leloko le le amegago le ba polokelo ya letlotlo ba profense.

Go ba legatong la karolo 20 ya molao No. 18 wa 1998

5. Karolo ye e latelago e ipiletša go ba legatong la karolo 20 ya sehlogo sa mola:

“Pego ya ngwaga le Ditlhaloso tša letlole

20 (1) Mmuso o swanetse go –

- (a) Bea lenanethoto le lenepagetšego ka botlalola merero ya letlole
- (b) Lokisa distatamete tsa letlole tsa ngwaga le ngwaga malebana le ditirišo tše di dumelwago ka kakaretso, ntle le ge Moalo wa accounting standard o dumellana le kgopelo ye e somišwago ka kakaretso accounting tirišong ya molao;
- (c) Tlisa Distatamete tša letlole lebaka la dikgwedi tše pedi morago ga Financial Year go Mopharara wa di tša molekodi pharephare wa ditšhelete gore thuswe dihlopišong tša letlole tša molao wa tša ditšhelete ,1999;
- (d) Isa distatamete go Ba tsa matlotlo le Letona matsatsing amahlano a Financial Year

- (i) Pego ya ngwaga ya ditirišo tša mmušo lebakeng la Financial year; le
- (ii) Distatamete tše di lekoletšwego Financial Year; le

(2) Pego ya ngwaga le Setatamete sa Letlole tše di šomišwago go karolwana (1) (d) e swanetše-

- (a) Go emela naga ka botshepegi, Dikgwebong Dipoelong tša ditšhelete Ditšweletšo kgatlanong le merero ye e bego e beilwe le leemo la tša ditšhelete bjalo ka mafellong a Financial Year ye e lebanego;
- (b) Go akaretša l nyakwa tša –

- (i) Go timela ga sediriswa sefe goba sefe ka baka la bokgodu go se šomiše tšhelete ka maleba le go se hulege le go senya tšhelete, tse di tsweletšego lebakeng la Financial Year
- (ii) tsela yengwe le ye ngwe ya bohodu le ya kgalo e tsherwe bjalo ka moputso wa ditahlegelo goba go se šomiše tšhelete ka mokgwa wo wo lokilego goba wo o sa putsego le wa go senya ditšhelete;

(iii) ditshenyegelo tse di lokisitswego goba di pumutswe

(vi) thušo ya tšhelete ye e hweditswego ho tswa go naga le maiapišo di dirilwe mmušo mo lehatong la yona; le

(iv) Taba ye ngwe le ye ngwe ye ka ngwalago.

3. Letona le swanetše go bea pego tafoleng ga mmogo le disetamente tse di supago goya karolwana (1) (d) mo hlomong ya molao ya Profense ka bjako.

4. polokelo ya tša matlotlo ya Profense e ka laola ntle le go aroganya dipego, distamente tša ditšhelete tše di lekotšwego tša Moalo di swanetše go hlakantšwa le tše o tša lefapha.

5. Ngwaga wa Letlole (Financial Year) wa Mmušo o fela ka 31 March ngwaga ka ngwaga.``

Go ba legatong la ga karolo 42 ya molao No. 18 of 1998

6. Karolo ye e latelago e ipeletša go ba legatong la karolo 42 ya sehlogo sa molao:

``Sehlogo se se kopana le thomo ya molao``

42. (1) Molao wo o bitšwa (Gauteng Tourism Act) Moalo wa tša Maeto wa Gauteng, o tšhea sepheto mo mabakeng a akantšwego ke Letona la naga (Premier) Ka go le tsweletša go kuranta ya mmušo.

(2) Mabaka a a fapanego a ka aka akanywa go ya ka ditšweletšo tše fapanego tša molao.``.

SEHLOGO SE SE KOPANA

7. Molao wo o bitšwa Molao wa Phetošo ya tša Maeto wa Gauteng (Gauteng Tourism Amendment Act, 2000).

DITLHALOŠO TŠA MEMORANTAMO

1. MAIKEMISETŠO A MOLAO KAKANYWA

Molao wa tša Maeto wa Gauteng (The Gauteng Tourism Act), 1998 (Act No. 18 of 1998) (Sehlogo sa Moalo) o fetotšwe go thuša Letona gore le kgete Molao kamorago ga go bonana le Standing Committee, Go re ba Lebedišiše tše dingwe tša dithušo tše di tšweleditšwego merong ya tša ditšhelete malebane Public Finance Management Act, 1999 (Act No. 1 of 1999); le go tšweletša merero ye mengwe ye e lebanego le yona ye.

2. DIKHUETŠO TŠA TIKOLOGO

Ga do kgona

3. DIKHUETŠO TŠA DITSHELETE/ LETLOLE

Ga go dikhuetšo tše dilebanego le lefapha

4. DIKGOPELO LE DIKAMOKGELO TŠA DIPOELO LE DITSWAYO

Ba tša polokelo tša ditšhelete ba Profense ba boledisitšwe mabapi le dithušo le dikhuetšo tša Public Finance Management Act, 1999.

5. GO NGWALA GA TEMANA LE TEMANA

5.1 Karolo 1:

Go lokella The Public Finance Management Act ,1999 tshaloso, Go fetola tshalošo ya Sehlogo sa moalo.

5.2 Karolo 2:

Karolo ye e soma ka diphešo tša karolo 5 ya sehlogo sa molao go thušo dikopano tša Ba molao ka morago ga kopano le Standing committee.

5.3 Karolo 3:

Karolo ye e fetola karolo 18 ya sehlogo sa molao ka go ba legatong le go tshentshwa go karolwana maelana le Public Finance Management Act, 1999.

5.4 Karolo 4:

Karolo ye e legatong la karolo 19 ya sehlogo sa molao ka golokela karolo ye mpša ya 19 malebana le Public Finance Management, Act, 1999.

5.5 Karolo 5:

Karolo 5 e šoma ka go legatong la goba karolong ka moka ya 20 ya karolo ye mpša ya 20. Pego ya ngwaga le setatemente sa tšhelete di ngwetšwe malebana le Public Finance Management, Act, 1999.

5.6 Karolo 6:

Karolo 6 e bea karolo e mpša legatong la karolo 42. Dikarolong tše fapanego di ka tšhea sephetho mabakeng a a fapanego.

5.7 Karolo 7:

Karolo ye ena le seemo sa lebakanana sa molao.

NOTICE 1188 OF 2001

***GAUTENG DEPARTMENT OF
FINANCE AND ECONOMIC AFFAIRS***

***GAUTENG GAMBLING
AMENDMENT BILL, 2001***

(AS INTRODUCED)

by

***(MEC FOR FINANCE AND
ECONOMIC AFFAIRS)***

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.

B I L L

To amend the Gauteng Gambling Act, 1995 (Act No. 4 of 1995) to insert, define or further define certain expressions; to remove certain obsolete definitions and provisions; to remove concurrence of the responsible MEC where relevant in granting certain dispensations by the board; to improve the prescribed manner of communication; to revise license disqualification provisions; to grant the board the power to extend the maximum period of temporary licenses on good cause shown; to remove a prescription of what constitutes a non-material amendment of a license; to expressly empower the board to charge any person for contravening the Act; to empower the board to approve the linking of gaming machines; to remove an unnecessary prescription in the consideration of a bookmaker's license; to provide express power for the responsible MEC to make regulations relating to amusement machines; to provide for the board to approve race meeting rules; to empower the board to grant permission to visually broadcast race meetings; to remove the power of a licensee to restrict access to race meetings; to revise certain financial provisions in accordance with the Public Finance Management Act, 1999 (Act No. 1 of 1999); and to provide for matters connected thereto.

BE IT ENACTED by the Gauteng Provincial Legislature as follows:

Amendment of section 1 of Act No. 4 of 1995

1. Section 1 of the Gauteng Gambling Act, 1995 (in this Act referred to as "the principal Act") is hereby amended -

(a) by the substitution for the definition of "fixed odds bet" of the following definition:

"fixed odds bet" means a bet taken by a licensed bookmaker on one or more events or contingencies where odds are agreed upon when such bet is laid, but excludes a totalisator bet [or any bet for which the dividend is to be calculated or otherwise determined by reference to, or any other basis which depends upon, a totalisator bet of any kind];"

(b) by the deletion of the definition of "Fund";

(c) by the insertion after the definition of "gambling" of the following definition:

"gambling device" means any equipment or thing used in connection with gambling or betting and includes without limiting the generality thereof any electromechanical or electronic device, component or machine or gaming machine, playing cards or dice, or any other equipment or thing which the board determines to be a gambling device";

(d) by the insertion after paragraph (h) of the definition for "licence" of the following sub paragraphs:

"(i) an amusement licence contemplated in Regulation 290; and

(j) a race meeting licence contemplated in Chapter 16";

(e) by the insertion after the definition of "Province"

"Public Finance Management Act, 1999' means the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended from time to time;"

(f) by the deletion of the definition of "racing authority";

(g) by the deletion of the definition of "racing club"; and

(h) by the deletion of the definition of "TAB".

Amendment of section 13 of Act No. 4 of 1995

2. Section 13 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) solicit or accept employment from the holder of, or applicant for, a licence under this Act within one year after the termination of his or her term of office or service, as the case may be; Provided that a member of the staff of the

board may solicit and accept such employment with the prior written approval of the board **[granted in exceptional circumstances only and with the concurrence of the responsible Member]."**

Amendment of section 15 of Act No. 4 of 1995

3. Section 15 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The terms, conditions, remuneration and allowance applicable to any expert or person appointed or called upon under subsection (1), and the work to be performed or service to be rendered by him or her shall be determined by the board **[with the concurrence of the responsible Member,]** and be contained in a written agreement entered into for that purpose between the board and the expert or person concerned."

Amendment of section 15A of Act No. 4 of 1995

4. Section 15A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The board may, **[with the approval of the responsible Member and]** subject to the provisions of this section, delegate its powers, functions and duties to any member of the board or of the staff of the board or any committee of such members, on such conditions as the board may determine."

Amendment of section 17 of Act No. 4 of 1995**5. Section 17 of the principal Act is hereby amended -**

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

"(a) money **[appropriated by the Provincial Legislature]** contained in its budget and approved by the responsible Member as contemplated in subsection (2) in order to enable the board to perform its functions under this Act[; and].";

(b) by the deletion of paragraph (b) of subsection (1);

(c) by the substitution for subsection (2) of the following subsection:

"(2) The board shall for the purposes of **[appropriations]** approval contemplated in subsection (1) **[(a)]**, submit to the responsible Member **[such estimates of expenditure and other inputs in respect of budget matters as the responsible member or the Provincial Treasury may require]** a budget of estimated revenue and expenditure for that the financial year, for approval, at least six months before the start of the financial year.";

(d) by the substitution for subsection (3) of the following subsection:

"(3) The board shall **[utilise its funds for the defrayal of expenses incurred by the board in the performance of its functions in terms of this Act]** not budget for a deficit and may not accumulate surpluses unless prior approval of the National Treasury has been obtained.";

(e) by the substitution for subsection (4) of the following subsection:

"(4) The board shall open an account with a **[registered bank determined by the board with the concurrence of the responsible Member]** bank registered in South Africa and approved in writing by the National Treasury after compliance with prescribed tender procedures, and shall deposit in that account money referred to in subsection (1)."; and

(f) by the substitution for subsection (6) of the following subsection:

"(6) Any **[money standing to the credit of the board]** surplus of income over expenditure at the close of any financial year of the board in the account referred to in subsection (4) or which has been invested under

subsection (5), [excluding such money as has been approved by the responsible Member as being necessary for the running expenses of the board] shall be paid into the Provincial Revenue Fund.”.

Substitution of section 18 of Act No. 4 of 1995

6. The following section is hereby substituted for section 18 of the principal Act:

“Accounting responsibility of the board

18 (1) The board is the accounting authority subject to the provisions of the Public Finance Management Act, 1999.

(2) The provincial treasury may, in exceptional circumstances, approve or instruct that another functionary of the board be the accounting authority and may withdraw the approval or instruction at any time.

(3) The board must inform the Auditor-General promptly and in writing of any approval or instruction and any withdrawal thereof in terms of subsection (2).

(4) The accounting authority must –

(a) exercise the duty of utmost care to ensure reasonable protection of the assets and records of the board;

(b) act with fidelity, honesty, integrity and in the best interest of the board in managing the financial affairs of the board;

(c) on request, disclose to the responsible Member or the provincial legislature, all material facts, including those reasonable discoverable, which in any way may influence the decisions or actions of the responsible Member or provincial legislature; and

(d) seek, within the sphere of influence of the board, to prevent any prejudice to the financial interests of the state.

(5) A member of the board or individual accounting authority may not-

(a) act in a way that is inconsistent with the responsibilities assigned to an accounting authority in terms of the Public Finance Management Act, 1999; or

(b) use the position or privileges of, or confidential information obtained as, accounting authority or a member of the board, for personal gain or to improperly benefit another person

(6) The board or accounting authority -

(a) must ensure that the board maintains -

(i) effective, efficient and transparent systems of financial and risk management and internal control;

- (e) must take effective and appropriate disciplinary steps against any employee of the board who-

 - (i) contravenes or fails to comply with any provision of the Public Finance Management Act, 1999;
 - (ii) commits an act which undermines the financial management and internal control system of the board; or
 - (iii) makes or permits an irregular expenditure or a fruitless and wasteful expenditure;
- (f) is responsible for the submission by the board of all reports, returns, notices and other information to the responsible Member, provincial treasury or provincial legislature, as may be required by the Public Finance Management Act, 1999;
- (g) must comply, and ensure compliance by the board, with the provisions of the Public Finance Management Act, 1999 and any other applicable legislation.

(7) If the board or accounting authority is unable to comply with any of the responsibilities determined for the board or accounting authority in terms of the provisions of the Public Finance Management Act, 1999, it must promptly report the inability, together with reasons, to the responsible Member and the provincial treasury."

Insertion of section 18A in Act No. 4 of 1995

7. The following section is hereby inserted in the principal Act after section 18:

"Annual report and financial statements**18A (1) The board -**

- (a) must keep full and proper records of all its financial affairs;
- (b) prepare financial statements for each financial year in accordance with generally accepted practice, unless the Accounting Standards Board approves the application of generally recognised accounting practice for the board;
- (c) must submit those financial statements within two months after the end of the financial year to the Auditor-General for auditing, subject to the provisions of the Public Finance Management Act, 1999;
- (d) must submit within five months of the end of the financial year to the provincial treasury and the responsible Member-
 - (i) an annual report on the activities of the board during that financial year; and
 - (ii) the audited financial statements for that financial year.

(2) The annual report and financial statements referred to in subsection (1)(d) must-

(a) fairly present the state of affairs of the board, its business, its financial results, its performance against predetermined objectives and its financial position as at the end of the financial year concerned;

(a) include particulars of -

(i) any material losses through criminal conduct and any irregular and fruitless and wasteful expenditure that occurred during the financial year

(ii) any criminal or disciplinary steps taken as a consequence of such losses or irregular expenditure or fruitless and wasteful expenditure;

(iii) any losses recovered or written off;

(iv) any financial assistance received from the state and commitments made by the state on its behalf; and

(v) any other matter that may be prescribed.

(3) The responsible Member must table the report and statements referred to in subsection (1) (d) in the provincial legislature as soon as possible.

(4) The provincial treasury may direct that, instead of a separate report, the audited financial statements of the board must be incorporated in those of the department.

(5) The financial year of the board ends on 31 March each year."

Amendment of section 20 of Act No. 4 of 1995

8. Section 20 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) The Chief Executive Officer shall, within seven days after lodgement of any representations pursuant to a notice in terms of subsection (1), **[send by registered post or deliver] forward**, subject to section 24(2)(b), a copy of such representations to the applicant concerned."

Amendment of section 23 of Act No. 4 of 1995

9. Section 23 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) No information shall be required in terms of subsection (1), and no request shall be granted in terms of subsection (2), where the information or representations concerned would amount only to general objections regarding gambling **[and betting]** or the control thereof."

Amendment of section 25 of Act No. 4 of 1995

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

“(3) The Chief Executive Officer shall **[send by registered post or deliver]** forward a copy of such report to the applicant.”

Amendment of section 30 of Act No. 4 of 1995

11. Section 30 of the principal Act is hereby amended -

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

“(c) has at any time been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, an offence under this Act or the Corruption Act, 1992 (Act No. 94 of 1992), or any offence involving dishonesty, and has been sentenced therefore to imprisonment without the option of a fine or to a fine exceeding **R500 [R100]**,”

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

“(a) if the applicant or any person who has a controlling interest or a financial interest of five percent or more, or any lesser percentage as may be prescribed, in the applicant is a family member of a

person contemplated in paragraph (e) (g), (gA) or (gB) of subsection (1); or

(b) if the applicant or any person with an interest contemplated in paragraph (a) or any manager of the business concerned was during the preceding twelve months a person contemplated in paragraph (e) (g), (gA) or (gB) of subsection (1)."; and

(c) by the deletion of subsection (4).

Amendment of section 31 of Act No. 4 of 1995

12. Section 31 of the principal Act is hereby amended -

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

"(1) The board shall, subject to the provisions of section 30 and after having duly considered the application for a licence, any representations made in relation to the application, the applicant's written response thereto, if any, any further information furnished or obtained in terms of section 23, the inspection and police reports contemplated in sections 25 and 26, and any other evidence tendered to the board in terms of section 29 or otherwise, grant the application, **[subject to subsection (2),]** on such conditions as the board may determine, or refuse the application."; and

(b) by the deletion of subsection (2).

Amendment of section 33 of Act No. 4 of 1995

13. Section 33 of the principal Act is hereby amended -

(a) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) The board may on application by the holder of a temporary licence at any time after the issue thereof, on good cause shown, extend the period specified under paragraph (b);” and

(b) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) The period specified under paragraph (b), or so specified and extended under paragraph (c), shall **not be longer than [three years] six years;**”.

Amendment of section 34 of Act No. 4 of 1995

14. Section 34 of the principal Act is hereby amended -

- (a) by the substitution for subsection (2) of the following subsection:

"(2) The provisions of sections 19 to 24, 25 and 26 in so far as they may be applicable, and 27 to 32 shall mutatis mutandis apply in relation to an application contemplated in subsection (1) for an amendment which the board determines [**, subject to subsection (2A),**] to be material."; and

- (b) by the deletion of subsection (2A).

Amendment of section 37 of Act No. 4 of 1995

15. Section 37 of the principal Act is hereby amended -

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

"(a) suspend a licence for a specified time, [or] revoke a licence, or impose any sentence it deems necessary, including a suspended sentence -";

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

“(b) impose on the holder of a licence a fine not exceeding ~~[R200 000]~~ R10,000,000 (ten million rands) or such higher amount as may be prescribed, or suspend for a specified time or revoke a licence if the holder of the licence has failed to comply with or has contravened any term or condition of the licence or a provision[s] of this Act.”;

(c) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) A disciplinary committee established under section 14(2) may charge any person suspected of contravening the Act and shall investigate any suspected circumstance contemplated in subsection (1);” and

(d) by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) The committee shall hold a hearing in respect of every such charge or investigation, and such hearing shall, subject to the provisions *mutatis mutandis* of section 28(2) read with section 24(2), be accessible to the public;”.

Substitution of section 43 of Act No. 4 of 1995, as amended by section 35 of Act 6 of 1996

16. The following section is hereby substituted for section 43 of the principal Act:

"Activities authorised by casino licence

43. (1) The granting of a casino licence shall, subject to any condition imposed under section 32 authorise the conducting and carrying on of such casino games, as may be set out in such licence, on the licensed premises concerned.

(2) The licensee shall not link any of its gaming machines to a wide area progressive jackpot without prior approval by the board.

(3) The board may in respect of gaming machines linked to a wide area progressive jackpot contemplated in subsection (2) enter into agreements with other regulatory agencies outside the Province to ensure the proper control of such wide area progressive jackpot."

Amendment of section 44 of Act No. 4 of 1995

17. Section 44 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) make available for examination at the request of any customer a copy of the rules **[of the board]** determining

the manner in which any particular casino game shall be played;”.

Amendment of section 46 of Act No. 4 of 1995

18. Section 46 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(3) The board may in respect of the linking contemplated in subsection (2) enter into agreements with other regulatory agencies outside the Province to ensure proper control of the linked bingo games.”.

Amendment of section 49 of Act No. 4 of 1995

19. Section 49 of the principal Act is hereby amended by the substitution for subsection (1A) of the following subsection:

“(1A) An additional gaming machine license shall, subject to any condition imposed under section 32, authorise the keeping of such number, not exceeding 100, of gaming machines on the licensed premises concerned as the board may **[with the concurrence of the Executive Council]** determine in any particular case.”.

Repeal of section 53B of Act No. 4 of 1995

20. Section 53B of the principal Act is hereby repealed.

Repeal of section 58 of Act No. 4 of 1995

21. Section 58 of the principal Act is hereby repealed.

Amendment of section 61 of Act No. 4 of 1995

22. Section 61 of the principal Act is hereby amended -

(a) by the deletion of subparagraph (a)(ii) of subsection (2);

(b) by the substitution for subparagraph (a)(iii) of subsection (2) of the following subparagraph:

“(a) (iii) the prescribed penalty on the late payment of any such tax **[or fee]**, which penalty shall not exceed twice the amount of the tax **[or fee]** in respect of which the penalty is payable;” and

(c) by the insertion after subparagraph (b)(ii) of subsection (2) of the following subparagraph:

“(b) (iii) the prescribed annual fee in respect of a licence.”

Repeal of section 65 of Act No. 4 of 1995

23. Section 65 of the principal Act is hereby repealed.

Amendment of section 66 of Act No. 4 of 1995

24. Section 66 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Where monitoring system has not been approved or registered under subsection (2), and there is reason to believe that a particular licence holder -

- (a) without his or her gaming machine being linked to such a monitoring system, will be unable -
 - (i) to render to the board the prescribed returns regarding the licensed activity concerned; or
 - (ii) to comply with any of the provisions of this Act or of the terms and conditions of the licence; or
- (b) by reason of any other sufficient exceptional circumstances, should be prohibited from using such machine or carrying on the licensed activity,

the board may, **[with the concurrence of the responsible Member,]** prohibit that holder from using such machine or carrying on the licensed activity, until such time as a monitoring system has been so approved and registered, and such machine has been linked to it.”

Amendment of section 84 of Act No. 4 of 1995

25. Section 84 of the principal Act is hereby amended

- (a) by the insertion after paragraph (f) of subsection (2) of the following paragraph:

"(fA) the regulation and control of amusement machines; and"; and

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

"(4) (a) Not less than one month before any regulation is made under this section, the responsible Member shall cause the text thereof to be published in the *Provincial Gazette* together with a notice declaring his or her intention to make that regulation and inviting interested persons to furnish him or her with any comments thereon or any representations which they may wish to make in regard thereto

[-

(a) to the responsible Member, in the case of a regulation contemplated in subsection (1); and

(b) to the board, in the case of a regulation contemplated in subsection (2)]."

Amendment of section 85 of Act No. 4 of 1995

26. Section 85 of the principal Act is hereby amended by the insertion after paragraph (d) of subsection (1) of the following paragraph:

"(e) in general any matter which is considered necessary or expedient to be determined for achieving the objects of this Act."

Substitution of section 86 of Act No. 4 of 1995

27. The following section is hereby substituted for section 86 of the principal Act:

"Publication of information or statistics on gambling activities"

86. The board may publish general information or statistics on gambling activities in the province."

Amendment of section 88 of Act No. 4 of 1995

28. Section 88 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) Whenever a court convicting an accused makes a finding that the offence was committed under aggravating circumstances it shall, unless special circumstances are proved, in addition to any other punishment, impose upon

the accused a fine in an amount equal to not less than 10 percent and not more than 100 percent of the total turnover, in the six months immediately prior to the commission of the offence, of the entire business conducted on the premises in or on which the offence was committed and which was made available for the purposes of the gambling activity of which the accused was convicted, not exceeding **[R2000 000]** R10,000,000 (ten million rands): Provided that it shall be sufficient proof of special circumstances of it is found that other parties connected to the business so affected took all reasonable precautions to prevent the commission of the offence, and the court may give notice to any such party;”.

Repeal of section 89C of Act No. 4 of 1995

29. Section 89C of the principal Act is hereby repealed.

Amendment of section 91 of Act No. 4 of 1995

30. Section 91 of the principal Act is hereby amended -

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

“(a) The board **[, with the concurrence of the responsible Member]** may, on written application and upon furnishing such information as it may deem expedient, issue to **[a racing club]** an applicant a licence to hold so many race-meetings per annum as is specified in the licence on land

which is in the lawful possession or occupation of the **[racing-club] applicant** and which is likewise specified;";

(b) by the substitution for subsection (2) of the following subsection:

"(2) The rules according to which a race-meeting will be held by the licence holder shall be approved by the board."; and

(c) by the insertion after subsection (8) of the following subsection:

"(9) (a) The board may on such conditions as it may determine, authorise a holder of a race meeting license in writing-

(i) to visually broadcast, by any lawful means, a race meeting held by that licence holder; and

(ii) to receive a visual broadcast of any race meeting that is broadcast lawfully and to display it to persons lawfully on the licensed racecourse of the licence holder concerned;

(b) for purposes of this Act, it shall be deemed that the holder of a race meeting license, who receives and displays a race meeting in terms of paragraph (a), is itself holding a race meeting on that day."

Amendment of section 92 of Act No. 4 of 1995

31. Section 92 of the principal Act is hereby amended -

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

“(a) exempt all **[racing-clubs]** race-meeting licence holders from compliance with any such provisions; and

(b) by written notice to all **[racing-clubs]** race-meeting licence holders, substitute for any such provision a new provision which shall be binding on all **[racing-clubs]** such licence holders.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) A race-meeting licence shall be subject to the condition that a **[racing-club which]** licence holder who has decided to postpone a race-meeting due to unforeseen circumstances shall forthwith notify the board thereof, and that such postponed race-meeting shall be held or continued on any other day determined by the **[racing-club concerned in consultation with the Racing Authority]** licence holder.”; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) The board [**, with the concurrence of the responsible Member,**] may, in addition to the conditions referred to in subsections (1) and (2), at any time impose any further condition it may deem expedient and it may amend or withdraw any such further condition.”.

Amendment of section 93 of Act No. 4 of 1995

32. Section 93 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The board [**, with the concurrence of the responsible Member,**] may at any time suspend a race-meeting licence for such period as it may determine; or”.

Substitution of section 94 of Act No. 4 of 1995

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

"Lapse of race-meeting licence

94. The board [, **with the concurrence of the responsible Member,**] may, notwithstanding the provisions of section 91(5), declare that a race-meeting licence shall lapse on a date to be determined by it."

Repeal of sections 96, 98 and 99 of Act No. 4 of 1995

34. Sections 96, 98 and 99 of the principal Act are hereby repealed.

Short title and commencement

35. (1) This Act is called the Gauteng Gambling Amendment Act, 2000 and takes effect on a date determined by the Premier by proclamation in the *Provincial Gazette*.

(2) Different dates may be so determined in respect of different provisions of this Act.

EXPLANATORY MEMORANDUM

1. PURPOSE OF THE BILL

The reasons for this Amendment Bill is to amend the Gauteng Gambling Act, 1995, so as to insert, define or further define certain expressions; remove certain obsolete definitions and provisions; remove concurrence of the responsible Member were relevant in granting certain dispensations by the board; improve prescribed manner of communication; revise license disqualification provisions; grant the board the power to extend maximum temporary period of licenses on good cause shown; remove a prescription of what constitutes a non-material amendment of a license; expressly empower the board to charge any person for contravening the Act; empower the board to approve linking of gaming machines; remove an unnecessary prescription in the consideration of a bookmaker's license; provide express power for the responsible member to make regulations relating to amusement machines; provide for the board to approve race meeting rules; empower the board to grant permission to visually broadcast race meetings; remove a licensee's power to restrict access to race meetings; revise certain financial provisions in terms of the Public Finance Management Act, 1999; and to provide for matters connected therewith.

2. ENVIRONMENTAL IMPACT

None.

3. CLAUSE-BY-CLAUSE DESCRIPTION

The proposed amendments to the Gauteng Gambling Act, 1995 (Act No. 4 of 1995) are as follows:

3.1 Section 1:

This section deals with the amendment, deletion or insertion of certain definitions in section 1 of the principal Act.

3.2 Section 2:

Removes concurrence of the MEC in granting certain exemptions in section 13 of the principal Act. The board is better placed to consider exemptions.

3.3 Section 3:

This section amends section 15 of the principal Act by removing concurrence and approval of the responsible Member with the board in the determination of conditions of expert assistance to the board and delegation of functions and duties by the board.

3.4 Section 4:

This section amends section 15A of the principal Act by revising provisions on the funds of the board in accordance with the Public Finance Management Act, 1999.

3.5 Section 5:

This section amends section 17 by revising provisions on the accountability of the board in accordance with the Public Finance Management Act, 1999.

3.6 Section 6:

This section substitutes section 18 of the principal Act by replacing provisions on the reporting requirements by the board in accordance with the Public Finance Management Act, 1999.

3.7 Section 7:

This section inserts section 18A in the principal Act by providing for annual report and financial statements in accordance with the Public Finance Management Act, 1999.

3.8 Section 8:

This section amends section 20 of the principal Act by removing a prescriptive mode of communication.

3.9 Section 9:

This section amends section 23 of the principal Act by removing the words "and betting", as they have become obsolete.

3.10 Section 10:

This section amends section 25 of the principal Act by removing a prescriptive mode of communication.

3.11 Section 11:

This section amends section 30 of the principal Act by increasing the disqualification threshold amount from R100 to R500; by including family members of board members in the category of persons disqualified from being considered for a license by the board and to remove the exceptions to the general disqualification for a license.

3.12 Section 12:

This section amends section 31 of the principal Act by removing the concurrence of the responsible Member in the granting of licenses by the board in line with national legislation.

3.13 Section 13:

This section amends section 33 of the principal Act to grant the board the power to extend maximum temporary licence's period on good cause shown.

3.14 Section 14:

This section amends section 34 of the principal Act to remove a prescription of what constitutes a non-material amendment of license.

3.15 Section 15:

This section amends section 37 of the principal Act to grant the board a discretion to impose a penalty it deems appropriate and to provide expressly the board's power to charge any person suspected of contravening the Act; and to further increase the maximum penalty.

3.16 Section 16:

This section substitutes section 43 of the principal Act to improve the wording of the section; to provide for the requirement of the board's approval in respect of linked gaming machines and to grant it the power to enter into agreements with other regulatory agencies to ensure proper regulation of linked gaming machines.

3.17 Section 17:

This section amends section 44 of the principal Act by correcting the wording.

3.18 Section 18:

This section amends section 46 of the principal Act to provide for the requirement of the board's approval in respect of linked gaming machines and to grant the board power to enter into agreements with other regulatory agencies to ensure proper regulation of linked gaming machines.

3.19 Section 19:

This section amends section 49 of the principal Act by removing the concurrence of the responsible Member.

3.20 Section 20:

This section repeals section 53B of the principal Act as it has become obsolete.

3.21 Section 21:

This section repeals section 58 of the principal Act as it has become obsolete.

3.22 Section 22:

This section amends section 61 of the principal Act by correcting the order thereof.

3.23 Section 23:

This section repeals section 65 of the principal Act as it has become obsolete.

3.24 Section 24:

This section amends section 66 of the principal Act to remove the concurrence of the responsible Member in a gaming machine regulatory provision.

3.25 Section 25:

This section amends section 84 of the principal Act to provide for the express power for the responsible Member to make regulations relating to the control of amusement machines.

3.26 Section 26:

This section amends section 85 of the principal Act to provide for the power of the board to make rules on any matter considered necessary or expedient for achieving the objects of the Act.

3.27 Section 27:

This section substitutes section 86 of the principal Act to provide for the publication of information by the board.

3.28 Section 28:

This section amends section 88 of the principal Act to increase the maximum penalty to be imposed by courts to ensure effective deterrence.

3.29 Section 29:

This section repeals section 89C of the principal Act as it has become obsolete.

3.30**Section 30:**

This section amends section 91 of the principal Act to remove concurrence of the responsible Member in the granting of a racing license; to remove the words "racing club" as it has become obsolete; to provide for the requirement of the board to approve the rules in terms of which race meetings will be held and to provide for the board's power to grant race meeting license holders permission to visually broadcast and receive a visual broadcast of race meetings.

3.31**Section 31:**

This section amends section 92 of the principal Act to remove the word "racing club" as it has become obsolete and to remove the concurrence of the responsible member in imposing license conditions.

3.32**Section 32:**

This section amends section 93 of the principal Act to remove the concurrence of the responsible Member in regulation of race meeting licenses by the board.

3.33**Section 33:**

This section substitutes section 94 of the principal Act by providing for the lapsing of race-meeting licenses.

3.34**Section 34:**

This section repeals sections 96, 98 and 99 of the principal Act as these sections have become obsolete.

3.35 Section 35:

This section contains the short title and commencement of the Act. Provision is also made for different dates of commencement based on certain anticipated changes in the industry.

4. OTHER DEPARTMENTS AND BODIES CONSULTED

The proposed general amendments to the Gauteng Gambling Act, 1995 were finalised in consultation with the Gambling board. Consultation with the Provincial Treasury took place with regard to the general provisions and the provisions on the implications of the Public Finance Management Act, 1999.

5. FINANCIAL IMPLICATIONS

Amounts of fines that may be imposed by both the board and the courts in sanctioning contravention of the Act, are increased.

KENNISGEWING 1188 VAN 2001

**GAUTENG DEPARTEMENTE VAN
FINANSIES EN EKONOMIESE SAKE**

**GAUTENG DOBBEL AMENDEMENT
WETSONTWERP, 2001**

(SOOS VOORGESTEL)

DEUR

**(LUR VIR FINANSIES EN EKONOMIESE
SAKE)**

ALGEMENE VERDUIDELIKENDE NOTA

[] Vet gedrukte woorde tussen rehoekige hakies dui uitlatinge van bestaande verordinge aan.

_____ Woorde onderstreep met soliede lyne toon invoegsels by bestaande verordinge.

WETSONTWERP

Om die Gauteng Dobbels Wet, 1995 (Wet Nr. 4 van 1995) te amendeer; om in te voeg en verder sekere uitdrukkinge te omskrywe; om sekere verouderde omskrywinge en bepalings te verwyder; om die instemming van die handelende/verantwoordelike LUR, waar van toepassing in die toekenning van sekere beskkikings deur die Raad; om die voorgeskrewe wyse van kommunikasie bepalinge te verbeter; om die lisensie diskwalifikasie bepalinge te hersien; om die Raad te magtig om die maksimum tydperk van tydelike lisensies te verleng waar daar goeie redes bewys is; om die voorskrif te verwyder wat onmaterieel is, vir die amendering van 'n lisensie; om die Raad uitdruklike volmag te verleen om enige persoon wat die wet oortree aan te kla; om die Raad te magtig om die aaneenskakeling van dobbel masjiene goed te keur; om 'n onnodige voorskrif in die oorweging van 'n beroepsdobbelaar se lisensie te verwyder; om volle magtiging te verleen aan die handelende/verantwoordelike LUR om regulasies in te stel rakend vermaak masjiene; om toe te laat dat die Raad jaag wedrems reëls goedkeur; om die Raad te magtig om toestemming toe te staan vir die visuele uitsaai van jaag wedrems; om die mag van 'n lisensiehouer om toegang tot/ by jaag wedrems in te krimp weg te neem, om sekere finansiële bepalings ooreenkomstig met die Publieke Finansiële Bestuurswet, 1999 (Wet Nr. 1 van 1999) te hersien; en om voorsiening te maak vir sake daarvan verbonde.

DIT WORD VERORDEN deur die Gauteng Provinsiale Wetgewende mag as volg:

Amendement van afdeling 1 van wet Nr. 4 van 1995

1. Afdeling 1 van die Gauteng Dobbels Wet, 1995 (verwys in hierdie wet as “die hoofwet”) is hiermee amendeer -

(a) deur die vervanging vir die definisie van “vasgestelde kansse wed” van die volgende definisie:

“vasgestelde kansse wed bedoel” ‘n wed geneem deur ‘n gelisensierde beroepswedder op een of meer wedstryde of gebeurteuse waarop ooreenkoms bereik is oor kansse wanneer so ‘n wed gelê is; maar dit sluituit ‘n totalisators wed [of enige wed waarvoor die wins bereken moet word of anderbeslis duer werwysing na, of enige ander basis afhanklik van ‘n totalisators wed van enige sort;]

(b) deur die uitwis van die definisie van “Fonds”;

(c) deur die invoeging na die definisie van “dobbels” van die volgende definisie:

“dobbels middle bedoel enige toerusting of voorwerp gebruik in verbinding met dobbelary of wed en sluit in, sonder begrening van die algemeenheid daarvan enige elektromeganiese of elektroniese middel, bestanddeel of masjien of speelmasjien, speelkaarte of dobbelsteen of enige ander toerusting of voorwerp wat die raad ag as dobbels uitrusting.”

(d) deur die invoeging na paragraaf (h) die definisie vir “lisensie” van die volgende paragraaf

- “(i) ‘n vermaak lisensie beraam in Regulasie 290; en
- (ii) ‘n jaag byeenkoms lisensie beraam in Hoofstuk 16”

(e) deur die invoeging na die definisie van "Provinsie"

" Publieke Finansies Bestuurswet, 1999 bedoel die Publieke Finansies Bestuurswet, 1999 (Wet Nr. 4 van 1999) soos amender van tyd tot tyd;"

(a) deur die uitwis van die definisie van "jaag autoriteit";

(b) deur die uitwis van die definisie "jaagklub"; en

(c) deur die uitwis van die definisie van "TAB"

Amendement van afdeling 13 van die "hoofwet" van Wet Nr. 4 van 1995

2. Afdeling 13 van die hoofwet is hiermee amender deur die vervanging vir paragraaf (b) van onderafdeling (1) van die volgende paragraaf:

"(b) vra om, of werk te neem by die houer van, of applikant vir 'n lisensie onder hierdie wet binne een jaar na die beëindiging van sy of haar dienstyl of diensteryn soos die saak mag wees, op voorwaarde dat 'n lid van die personeel of van die raad mag aansoek doen om werk, en dit te aanvaar met die voorafgaande skriftelike goedkeuring van die raad [toegestaan alleen onder buitengewone omstandig hede en met die instemming van die verantwoordelike lid]."

Amendement van afdeling 15 van Wet Nr. 4 van 1995

3. Afdeling 15 van die hoofwet is hiermee amendeer deur die vervanging vir onderafdeling (2) van die volgende onderafdeling

"(2) Die terme, voorwaardes, besoldiging en toelae toepaslik vir enige deskundige of persoon aangestel of ingeneem word onder onderafdeling (1), en die werk wat verrig moet word of diens wat deur hom of haar gelewer moet word sal deur die raad bepaal word [met die instemming van die verantwoordelike lid] en bevat in 'n skriftelike ooreenkoms aangegaan vir daardie doel tussen die raad en die deskundige of die betrokke persoon.

Amendement van afdeling 15A van Wet Nr. 4 van 1995

4. Afdeling 15A van die hoofwet is hiermee amendeer deur die vervanging vir onderafdeling (1) van die volgende onderafdeling:

“(1) Die raad mag [met die goedkeuring van die verantwoordelike lid en] afhangend aan die bepalinge van hierdie afdeling sy magte, funksies en pligte deleger aan enige lid van die raad of van die personeel van die raad of enige komitee van sulke lede op voorwaardes deur die raad neergelê/vasgestel.”

Amendement van afdeling 17 van Wet Nr. 4 van 1995

5. Afdeling 17 van die hoofwet is hiermee amendeer -

- (a) deur die vervanging vir paragraaf (a) van onderafdeling (1) van die volgende paragraaf:

“(a) geld [toegeëienig deur die Provinsiale Wetgewende mag] ingesluit in sy begroting en goedgekeur deur die verantwoordelike lid soos beraam in onderafdeling (2) om die raad in staat te stel om hulle funksies te kan vervul onder hierdie wet [; en]”;

- (b) deur die uitwis van paragraaf (b) van onderafdeling (1)

- (c) deur die vervanging vir onderafdeling (2) van die volgende onderafdeling:

“(2) die raad sal vir die doel van [toeëiening] goedkeuring beraam in onderafdeling (1) [(a)], indien by die verantwoordelike lid [sulke begrotings of uitgawe en ander bydrae ten opsigte van begroting sake as verantwoordelike lid van die Provinsiale Tesourie mag vereis] geskatte begroting van inkomste en uitgawe vir die boekjaar vir goedkeuring minstens ses maande voor die begin van die boekjaar.”;

- (d) deur die vervanging vir onderafdeling (3) van die volgende onderafdeling:

“(3) Die raad sal [gebruik maak van sy fondse vir die vereffening van uitgawes aangegaan deur die raad in die verrigting van sy funksies in terme van hierdie wet] nie begroot vir ‘n tekort nie, en mag nie surpluses ophoop nie tensy voorafgaande goedkeuring van die Nasionale Tesourie verkry is.”;

(e) deur die vervanging vir onderafdeling (4) van die volgende onderafdeling:

“(4) Die raad sal ‘n rekening open met ‘n [geregistreeerde bank van sy keuse met die instemming van die verantwoordelike lid] bank geregistreerd in Suid Afrika en skriftelik deur die Nasionale Tesourie goedkeuring in gevolge met voorgeskrewe tender prosedure, en sal geld in die rekening vermeld in onderafdeling (1) deponeer; en

(f) deur die vervanging vir onderafdeling (6) van die volgende onderafdeling:

“(6) Enige [geld tot die krediet van die raad] surplus of inkomste bo uitgawe by/teen die sluiting van enige boekjaar van die raad in die rekening waarna verwys word in onderafdeling (4) of wat belê is onder onderafdeling (5) [uitsluitend sulke lid as wat goedgekeur is deur die verantwoordelike lid as geld benodig vir die lopende uitgawe van die raad], sal met die Provinsiale Inkomste Fonds deponeer word.”

Vervanging van afdeling 18 van die Wet Nr. 4 van 1995

6. Die volgende afdeling is hiermee vervang vir afdeling 18 van die hoofwet:

“Boekhou verantwoordelikheid van die raad”

18 (1) Die raad is die boekhoudende autoriteit onderworpe aan die bepalings van die Publieke Finansies Bestuurswet, 1999

(2) Die Provinsiale tesourie mag, in buitengewone omstandighede goedkeuring verleen of instruksies uitrek dat ‘n ander amptenaar van die raad die boekhoudende autoriteit wees, en mag die goedkeuring of instruksies enige tyd/oomblik terugtrek.

(3) Die raad moet onmiddellik die Auditeur-Generaal skriftelik in kennis stel van enige goedkeuring of instruksies wat volgens die terme van onderafdeling (2) uitgereik is of die terugtrekking daarvan

(4) Die boekhoudende autoriteit-

(a) Die uiterste sorg uitoefen in die pligte te verseker dat die bate en rekords van die raad redelik beveilig is

(b) Met getrouheid, eerlikheid en integriteit op te tree in die beste belang van die raad in die bestuur van die raad se finansiële sake.

(c) Om op aanvraag, aan die verantwoordelike lid of die Provinsiale Wetgewende mag, alle materiale feite, insluitend die redelike ontdekbare, wat op enige wyse die besluit of optrede van die verantwoordelike lid of Provinsiale Wetgewende mag mag beïnvloed bloot te stel; en

(d) Streef, binne die sfeer van invloed van die raad, om enige nadeligheid tot die finansiële belange van die staat te voorkom.

(5) 'n lid van die raad of individuele boekhoudende autoriteit mag nie-

(a) optree op 'n wyse teenstryding met die verantwoordelike lede toegeskryf aan 'n boekhoudende autoriteit in terme van die Publieke Finansiële Bestuurswet, 1999; of

(b) gebruik te maak van die posisie of voorreg van, of vertroulike informasie bekom as boekhoudende autoriteit of 'n lid van die autoriteit, vir persoonlike wins of om ten onregte 'n ander persoon te bevoordeel

(6) Die raad of boekhoudende autoriteit-

(a) moet seker maak dat die raad handkaaf-

(i) effektiewe, bekwame en deurskynende stelsels van finansiële en risiko bestuur en interne beheer;

- (ii) 'n stelsel van interne auditering onder beheer en leiding van 'n auditeur komitee wat voldoen aan, en werk ooreenkomstig met regulasies en instruksies voorgeskryf in terme van afdelings 76 en 77 van die Publieke Finansies Bestuurswet, 1999
- (iii) 'n passende verskaffings en voorsienings stelsel wat regverdig, billik, deurskynend, mededingend en geldsparend is; en
- (iv) 'n stelsel wat alle hoof kapitaal planne besyfer tot 'n finale besluit op die projek
- (b) moet effektiewe en passende stappe neem om –
- (i) alle inkomste waarop die raad geregtig is in te samel
- (ii) onreelmatigte uitgawes, onwoordelige en spandabele uitgawes, verliese as gevolg van kriminele gedrag en uitgawes wat nie voldoen aan die werkingsbeleid van die raad nie; en
- (iii) bestuur beskikbare werkende kapitaal met bekwaamheid en ekonomies
- (c) is verantwoordelik vir die bestuur, insluitend die beveiliging van bate en vir die bestuur van die inkomste, uitgawes en laste van die raad
- (d) moet voldoen aan enige belastings, heffing, invoer belasting, pensioen en auditeurs pligte wat deur wet toevertrou is;
- (e) moet effektiewe en geskikte dissiplinêre stappe aanpas teen enige werknemer van die raad wat-
- (i) die skikkings van die Publieke Finansies Bestuurswet, 1999 oortree of nie daaraan voldoen nie
- (ii) 'n daad pleeg wat die finansiële bestuur en interne beheer stelsel van die raad ondermyn; of
- (iii) maak, of laat 'n onreelmatigte uitgawe toe, of 'n onvoordelige en verkwistende uitgawe
- (f) is verantwoordelik vir die indiening deur die raad van alle versale, state, kennisgewings en ander informasie aan die verantwoordelike lid, provinsiale tesourie of provinsiale wetgewende mag soos deur die Publieke Finansies Bestuurswet, 1999 bepaal mag word.

(g) moet voldoen aan, en verseker dat die raad aan die vereistes van die Publike Finansies Bestuurswet, 1999 voldoen asook aan enige ander toepaslike wet

(7) Indien die raad of boekhoudende autoriteit nie in staat is om enige verantwoordelikhede wat deur die Publike Finansies Bestuurswet, 1999 neergelê is na te kom nie moet dit onmiddellike raporteer word en redes daarvoor verskaf word aan die verantwoordelike lid en aan die Provinsiale tesourie.”

Invoeging van afdeling 18A in Wet Nr. 4 van 1995

7. Die volgende afdeling is hiermee ingevoeg in die hoofwet na afdeling 18:

“Jaarsverslag en finansiële state

18A (1) Die raad -

- (a) moet volle en behoorlike rekords hou van sy finansiële sake
- (b) finansiële state opstel vir elke boekjaar ooreenkomstig met algemene aanvaarde praktyk tensy die Boekhou Standardsraad die toepassing van gewoonlike aangenome boekhou stelsel vir die raad goedkeur;
- (c) die finansiële state binne twee maande na die einde van die boekjaar by die Auditeur-Generaal indien vir auditering, onderworpe aan die bepalinge van die Publike Bestuurswet, 1999;
- (d) binne, vyf maande na die einde van die boekjaar by die provinsiale tesourie en die verantwoordelike lid in te dien –

(i) ‘n jaarsverslag van die bedrywighede van die raad gedurende die afgelope boekjaar; en

(ii) die geauditeerde finansiële state vir die boekjaar

(2) die jaarsverslag en finansiële state in onderafdeling (1) (d) gemeld moet –

- (a) die toestand van sake van die raad, sy bedrywighede, sy finansiële uitslae, sy prestering teenoor vooraf bebaalde objektiewe en sy finansiële posisie soos aan die einde van die betrokke boekjaar redelik voorlê

(b) sluit in besonderhede van-

(i) enige materiale verliese weens kriminele gedrag en enige onreelmagtige en onvoordelige en verskwistende uitgawe wat gedurende die boekjaar plaasgevind het.

(ii) enige kriminele of dissipliêre stappe watgeneem is as gevolg van soortgelyke verliese of onreelmagtige uitgawe of onvoordelige en verskwistende uitgawe;

(iii) enige verliese wat herstel is of afgeskrywe is;

(iv) enige finansiële hulp van die staat ontvang, en ondernemings deur die staat gemaak; en

(v) enige ander saak wat voorgeskryf mag word.

(3) Die verantwoordelike lid moet so gou doenlike die verslag en state in onderafdeling (1) (a) gemeld by die Provinsiale wetgewende mag ter tafel lê.

(4) Die Provinsiale tesourie mag beveel dat die geauditeerde finansiële state van die raad by dié van die departement ingelyf word in plaas van 'n aparte verslag.

(5) Die boekjaar van die raad eindig op 31 Maart van elke jaar."

Amendement van afdeling 20 van Wet Nr 4. Van 1995

8. Afdeling 20 van die hoofwet is hiermee amendeer vir onderafdeling (4) van die volgende onderafdeling:

“(4) Die Hoof Uitvoerende Amptenaar sal, binne sewe dae na inlewering van enige voorstellings ingevolge 'n kennisgewing in terme van onderafdeling (1), [gestuur per geregistreerde pos of afgelewer], aan die betrokke applikant 'n afskrif van sulke voorstelling aanstuur onderworpe aan afdeling 24 (2) (b).”

Amendement van afdeling 23 van Wet Nr. 4 van 1995

9. Afdeling 23 van hoofwet is hiermee amendeer deur die vervanging vir onderafdeling (3) van die volgende onderafdeling:

“(3) Geen informasie sal benodig word in terme van onderafdeling (1), en geen versoek sal begun word in terme van onderafdeling (2) waar die betrokke informasie of voorstellings sal neerkom net op algemene besware betreffend dobbel [en wed] of die beheer daarvan.”

Amendement van afdeling 25 van Wet Nr. 4 van 1995

10. Afdeling 25 van die hoofwet is hiermee amendeer deur die vervanging vir onderafdeling (3) van die volgende onderafdeling:

“(3) Die Hoof Uitvoerende Amptenaar sal [per geregistreerde pos **stuur of aflewer**] ‘n afskrif aanstuur van sulke verslag aan die applikant.”

Amendement van afdeling 30 van Wet Nr. 4 van 1995

11. Afdeling 30 van die hoofwet is hiermee amendeer –

(a) deur die vervanging vir paragraaf (c) van onderafdeling (1) van die volgende paragraaf:

“(c) was op enige stadium skuldig gevind, of in die Republiek of elders, van diefstal, bedrog, vervalsing of kul, ‘n vervalsde dokument, meened, ‘n oortreding onder die wet of die Korrupsie We, 1992 (Wet 94 van 1992); of enige oortreding wat oneerlikheid meebring en is daarvoor gevonnissen tot tronkstraf sonder die opsie van beboet te word, of beboet vir ‘n bedrag bokant R500 [R100];”;

(b) deur die vervanging vir paragrawe (a) en (b) van onderafdeling (1A) van die volgende paragrawe:

“(a) as die applikant, of enige persoon wat beheers aanspraak het, of ‘n finansiële aandeel van vyf persent of meer, of enige minder persentasie soos wat bepaal mag wees, as die applikant ‘n familie lid is of ‘n persoon voorgenome in paragraaf (e), (g), (gA) of (gB) van onderafdeling (1); of

(b) as die applikant of enige persoon met ‘n voorgenome belang in paragraaf (a) of enige bestuurder van die betrokke besigheid gedurende die voorafgaande twaalf maande ‘n persoon voorgenome in paragraaf (e), (g), (gA) of (gB) van onderafdeling (1) is; en,

(c) deur die uitwis van onderafdeling (4)

Amendement van afdeling 31 van Wet Nr. 4 van 1995

12. Afdeling 31 van die hoofwet is hiermee amendeer –

(a) deur die vervanging vir onderafdeling (1) van die volgende onderafdeling:

“(1) Die raad sal, onderworpe aan die bepalings van afdeling 30, en na behoorlike oorweging van die aansoek om ‘n lisensie, enige voorstellings gemaak rakend die aansoek, die applikant se skriftelike antwoord daartoe, indien daar is, enige verdere informasie verskaf of verkry in terme van afdeling 23, die inspeksie en polisie verslae voorgenome in afdeling 25 en 26, en enige ander getuienis aan die raad aangebied in terme van afdeling 29 of anders die versoek toe te staan, [onderworpe aan onderafdeling (2),] op sulke voorwaarde as wat die raad mag bepaal, of die aansoek van die hand te wys.”; en

(b) deur die uitwis van onderafdeling (2)

Amendement van afdeling 33 van Wet Nr. 4 van 1995

13. Afdeling 33 van die hoofwet is hiermee amendeer –

(a) deur die vervanging vir paragraaf (c) van onderafdeling (2) van die volgende paragraaf:

“(c) die raad mag op aansoek deur die houer van ‘n tydelike lisensie op enige tyd na die uitreking daarvan, op bewys van goeie rede, die gespesifiseerde tydperk onder paragraaf (b) verleng;”; en

(b) deur die vervanging vir paragraaf (d) van onderafdeling (2) van die volgende paragraaf:

“(d) Die tydperk gespesifiseer onder paragraaf (b) of so gespesifiseer en verleng onder paragraaf (c) sal nie langer wees as [**drie jaar**] ses jaar nie.”.

Amendement van afdeling 34 van Wet Nr. 4 van 1995**14. Afdeling 34 van die hoofwet is hiermee amendeer –**

- (a) deur die vervanging vir onderafdeling (2) van die volgende onderafdeling:

“(2) Die bepalings van afdelings 19 tot 24, 25 en 26 in so ver as wat dit toepassend mag wees, en 27 tot 32 sal mutatis mutandis (met die nodige vervanderinge) van toepassing wees met betrekking tot ‘n aansoek beraamd in onderafdeling (1) vir ‘n amendement wat die raad vasstel [onderworpe aan onderafdeling (2A),] om materieel te wees.”;

- (b) deur die uitwis van onderafdeling (2A)

Amendement van afdeling 37 van wet Nr. 4 van 1995**15. Afdeling 37 van die hoofwet is hiermee amendeer –**

- (a) deur die vervanging vir paragraaf (a) van onderafdeling (1) van die volgende paragraaf:

“(a) skort ‘n lisensie op vir ‘n spesifieke tydperk [of] trek ‘n lisensie in, of lê enige vonnis op wat nodig geag is insluitend ‘n opgehangd vonnis–“;

- (b) deur die vervanging vir paragraaf (b) van onderafdeling (1) van die volgende paragraaf:

“(b) ‘n lisensiehouer te beboet met boete nie bokant [200 000] R10,000,000 (tien miljoen rand) of so ‘n hoër bedrag as wat voorgeskryf mag word, of opskort vir ‘n spesifieke tydperk, of ‘n lisensie in te trek as die houer van die lisensie nie daarin slaag om te voldoen aan enige terme of voorwaarde van die lisensie of ‘n bepaling (e) van die wet

- (c) deur die vervanging vir paragraaf (a) van onderafdeling (2) van die volgende paragraaf:

“(a) ‘n Dissiplinêre komitee gestig onder afdeling 14(2) mag enige persoon wat verdink word of die wet oortree aankla, en sal enige verdenkde omstandigheid in onderafdeling (1) ondersoek;”; en

(d) deur die vervanging vir paragraaf (c) van onderafdeling (2) van die volgende paragraaf:

“(c) Die komitee sal ‘n verhoor hou in verband met elke sulke beskuldiging of ondersoek en sulke verhoor sal, onderworpe aan die bepaling *mutatis mutandis* (met die nodige vervanginge) van afdeling 28 (2), gelees met afdeling 24(2) toeganklik wees vir die publiek;”.

Vervanging van afdeling 43 van Wet Nr. 4 van 1995 soos amendeer deur afdeling 35 van Wet 6 van 1996

16. Die volgende afdeling is hiermee ingevoeg vir afdeling 43 van die hoofwet:

“Aktiwiteit gemagtig deur casino lisensie”

43. (1) Die toestaan van ‘n casino lisensie sal, onderworpe aan enige voorwaarde opgelê onder afdeling 32 die dirigering en voortsetting van sulke casino spele as wat mag katalagiser word in sulke lisensie op die betrokke gelisensieerde perseel magtig.

(2) Die lisensiehouer sal nie enige van sy dobbel masjiene aansluit aan ‘n wye progressiewe boerspot gebied sonder voorafgaande goedkeuring van die raad.

(3) Die raad mag, in die geval van dobbel masjiene wat aan ‘n wye progressiewe boerspot gebied beraam is in onderafdeling (2) ooreenkomste aangaan met die onder reguleerende agentskappe buite die Provinsie om behoorlike kontrole van sulke wye progressiewe beerspot gebiede te verseker.”.

Amendement van afdeling 44 Wet Nr. 4 van 1995

17. Afdeling 44 van die hoofwet is hiermee amender deur die vervanging vir paragraaf (b) van onderafdeling (1) van die volgende paragraaf:

“(b) maak beskikbaar vir ondersoeking op aanvraag van enige klant ‘n afskrif van die reëls [van die raad] wat die wyse vasstel waarop enige besondere casino spel gespeel sal word;”.

Amendement van afdeling 46 van Wet Nr. 4 van 1995

18. Afdeling 46 van die hoofwet is hiermee amender deur die invoeging na onderafdeling (2) van die volgende onderafdeling:

“(3) Die raad mag, ten opsigte van die aansluiting beraam in onderafdeling ooreenkomste aangaan met ander reguleerende agentskappe buite die Provinsie om behoorlike kontrole van die aaneegeskakelde bingo spelle.”.

Amendement van afdeling 49 Wet Nr. 4 van 1995

19. Afdeling 49 van die hoofwet is hiermee amender deur die vervanging vir onderafdeling (1A) van die volgende onderafdeling:

“(1A) Addisionele lisensie vir ‘n dobbel masjien sal, onderworpe aan enige voorwaarde opgelê onder afdeling 32 die aanhou van ‘n getaal dobbel masjiene nie meer as 100 in getaal op die betrokke gelisensieerde perseel magtig soos die raad mag [met die instemming van die Uitvoerende Raad] bepaal in enige besonderê saak.”.

Afskaffing van afdeling 58 van Wet Nr. 4 van 1995

20. Afdeling 53b van die hoofwet is hiermee afgeskaf.

Afskaffing van afdeling 58 van Wet Nr. Van 1995

21. Afdeling 58 van die hoofwet is hiermee afgeskaf.

Amendement van afdeling 61 van wet Nr. 4 van 1995

22. Afdeling 61 van die hoofwet is hiermee amender –

(a) deur die uitwis van subparagraaf (a) (ii) van onderafdeling (2);

(b) deur die vervanging vir subparagraaf (a) (iii) van onderafdeling (2) van die volgende subparagraaf:

“(a) (iii) die voorgeskrewe straf op die laat betaling van enige sulke belasting [of fooi] die straf sal nie meer as twee keer die bedrag van die belasting [of fooi] wees ten opsigte waarvoor die straf betaalbaar is nie;” en

(c) deur die invoeging na subparagraaf (b) (ii) van onderafdeling (2) van die volgende subparagraaf:

“(b) (iii) die voorgeskrewe jaarlikse fooi ten opsigte van ‘n lisensie.’”.

Afskaffing van afdeling 65 van Wet Nr. 4 van

23. Afdeling 65 van die hoofwet is hiermee afgeskaf.

Amendement van afdeling 66 van Wet Nr. 4 van 1995

24. Afdeling 66 van die hoofwet is hiermee amender deur die vervanging vir afdeling (3) van die volgende onderafdeling:

“(3) Waar ‘n kontrole stelsel nie goed-gekeur of in werking geplaas is nie onder onderafdeling (2), en daar is rede om te glo dat ‘n sekere lisensiehouer -

(a) sonder dat sy dobbel masjien aangeskakel is by so ‘n kontrole stelsel, sal nie in staat wees-

(i) aan die raad voorgeskrewe state rakend die nodige gelisensieerde bedrywighede te verskaf; of

(ii) om enige van die bepalinge van hierdie wet na te kom of van die terme en voorwaardes van die lisensie; of

(b) om redes van enige ander genoegsame uitsonderlike omstandighede moet belet word om gebruik te maak van sulke masjien, of aan te gaan met die gelisensieerde bedrywigheid

die raad mag, [met die instemming van die verantwoordelike lid,] daardie houer verbied om sulke masjien te gebruik of om aan te gaan met die gelisensieerde bedrywigheid, tot tyd en wyl ‘n kontrole stelsel goedkeur en geregistreerd is, en sulke masjien daarvan aangesluit is;”

Amendement van afdeling 84 van wet Nr. 4 van 1995

25. Afdeling 84 van die hoofwet is hiermee amendeer –

(a) deur die invoeging na paragraaf (f) van onderafdeling (2) van die volgende paragraaf:

“(fA) die regulasie en kontrole van vermaak masjiene; en;”en

(b) deur die vervanging vir onderafdeling (4) van die volgende onderafdeling:

“(4) (a) Nie minder as een maand voor enige regulasie gemaak is ander hierdie afdeling sal die verantwoordelike lid die teks daarvan laat publiseer word in die Provinsiale Staatkoerant saam met ‘n kennisgewing wat sy of haar bedoeling om daardie regulasie te maak gee en nooi belangstellendes om enige kommentaar daarop te verskaf of voorstellings wat hulle graag sal wil maak in verband daarmee

[(a) aan die verantwoordelike lid in die geval van ‘n voorgenome regulasie in onderafdeling (1); en

(b) aan die raad, in die geval van ‘n voorgenome regulasie in onderafdeling (2)].”.

Amendement van afdeling 85 wet Nr. 4 van 1995

26. Afdeling 85 van die hoofwet is hiermee amender deur die invoeging na paragraaf (d) van onderafdeling (1) van die volgende paragraaf:

“(e) in die algemeen, enige sak wat beskou word as nodig of raadsaam om bepaal te word ten einde die objektiewe van hierdie wet te bereik.”.

Vervanging van afdeling 86 van wet Nr. 4 van 1995

27. Die volgende afdeling is hiermee vervang vir afdeling 86 in die hoofwet:

“Publikasie van informasie in verband met dobbel bedrywighede

86. Die raad mag algemene informasie publiseer of statistiek in verband met dobbel bedrywighede in die Provinsie.

Amendement van afdeling 88 van wet Nr. 4 van 1995

28. Afdeling 88 van die hoofwet is hiermee amender deur die vervanging vir paragraaf (a) van onderafdeling (2) van die volgende paragraaf:

“(a) Wanneer ‘n hof in verdagte skuldig bevind, vind dat die misdaad gepleeg is onder verergende omstandighede, sal die hof, tensy spesiale omstandighede bewys word, bykomstig tot enige onder straf die beskuldigde beboet tot ‘n bedrag gelyk aan nie minder as 10 persent en nie meer as 100 persent van die totale omset in die ses maande onmiddellik voor die pleging van die misdaad van die hele besigheid dirigeer op die perseel waarin of waarop die misdaad gepleed is, en wat beskikbaar gestel is vir die doel van die dobbel aktiwiteit waarvan die verdagte skuldig bevind is nie meer as [2000 000] R10, 000, 000 (tien miljoen rand): op voorwaarde dat dit genoegsaam bewys sal wees of spesiale omstandighede daarvoor gevind is dat ander betrokke partye by die besigheid wat geaffekteer is alle voorsormaatreëls geneem het om die pleging van die misdaad te verhoed; en die hof mag waarskuwing gee aan enige sulke party;”.

Afskaffing van afdeling 89c van wet Nr. 4 van 1995

29. Afdeling 89c van die hoofwet is hiermee afgeskaf.

Amendement van afdeling 91 van Wet Nr. 4 van 1995

30. Afdeling 91 van die hoofwet is hiermee amendeer –

(a) deur die vervanging vir paragraaf (a) van onderafdeling (1) van die volgende paragraaf:

“(a) Die raad [, met die instemming van die verantwoordelike lid], mag, per skriftelike aansoek, en op verskaffing van sulke informasie as wat hulle van dienstig, ag aan [‘n jaagklub] ‘n applikant ‘n lisensie uitrek om so veel jaag byeenkomste per jaar te hou as wat gespesifiseer is in die lisensie, op land wat in die wetlike besit is of in die besetting van die [jaagklub] applikant, en wat so gespesifiseer is;”.

(b) deur die vervanging vir onderafdeling (2) van die volgende onderafdeling:

“(2) die reëls waarvolgens ‘n jaag byeenkoms gehou sal word deur die lisensiehouer deur die raad goedkeuring sal word.”; en

(c) deur die invoeging, na onderafdeling (8) van die volgende onderafdeling:

“(9) (a) Die raad mag op sulke voorwaardes as wat hulle (raad) mag bepaal, ‘n houer van ‘n jaag byeenkoms lisensie skriftelik magtig – (i) om visueel uit te saai, deur enige wetlike middel, ‘n jaag byeenkoms deur die lisensiehouer gehou; en (ii) om ‘n visuele uitsaai van enige jaag byeenkoms wat wetlike uitgesaai is te ontvang, en om dit uit te stal/te vertoon aan persone wat wetlik op die gelisensieerde renbaan is van die betrokke lisensiehouer;

(b) vir die doeleinde van hierdie wet sal dit geag word dat die houer van ‘n jaag byeenkoms lisensie wat ‘n jaag byeenkoms uitsaai ontvang en uitstal/vertoon in terme van paragraaf (a) hou self ‘n jaag byeenkoms op daardie dag.”.

Amendement van afdeling 92 van wet Nr. 4 van 1995

31. Afdeling 92 van die hoofwet is hiermee amendeer –

(a) deur die vervanging vir paragraaf (a) en (b) van onderafdeling (1) van die volgende paragrawe:

“(a) stel alle [jaagklubs] jaag byeenkomste lisensiehouer vry van instemming met enige sulke bepaling; en (b) per skriftelike kennisgewing aan almal [jaagklubs] jaag byeenkoms lisensiehouers vervang vir enige sulke bepaling ‘n nuwe bepaling wat verpligtend sal wees op alle [jaagklubs] sulke lisensiehouers.”;

(b) deur die vervanging vir onderafdeling (2) van die volgende onderafdeling:

“(2) ‘n Jaag byeenkoms lisensie sal onderworpe wees aan die bepaling dat ‘n [jaagklub] lisensiehouer wat besluit het om ‘n jaag byeenkoms uit te stel weens onvoorsiene omstandighede sal onverwyld die raad daarvan in kennis stel, en dat sulke uitgestelde

jaag byeenkomste gehou sal word of op enige ander dag voortgesit sal word wat deur die [**betrokke jaagklub in beraadslaging met die Jaagwedren Autoriteit**] lisensiehouer.”; en

(c) deur die vervanging vir afdeling (3) van die volgende onderafdeling:

“(3) Die raad[, **met die instemming van die verantwoordelike lid**], mag, boonop die bepalings waarop in onderafdelings (1) en (2) verwys word enige verdere bepalings wat hulle (die raad) dienstig mag ag, en hulle mag sulke bepalings amender of terugtrek.”.

Amendement van afdeling 93 van wet Nr. 4 van 1995

32. Afdeling 93 van die hoofwet is hiermee amender deur die vervanging vir onderafdeling (1) van die volgende afdeling:

“(1) Die raad [,**met die instemming van die verantwoordelike lid**,] mag teen enige tyd ‘n jaag byeenkoms lisensie opskort vir sulke tydperk as wat hulle mag bepaal; of”.

Vervanging van afdeling 94 van Wet Nr. 4 van 1995

33. Die volgende afdeling is hiermee vervang vir afdeling 94 van die hoofwet:

“**Verval van jaag byeenkomste lisensie**
94. Die raad [, **met die instemming van die verantwoordelike lid**], mag, nieeensstaande die bepalings van afdeling 91(5), verklaar dat ‘n jaag byeenkoms lisensie sal verval op ‘n datum deur hulle (raad) bepaal.”.

Afskaffing van afdelings 96, 98 en 99 van Wet Nr. 4 van

34. Afdelings 96, 98 en 99 van die hoofwet word hiermee afgeskaf.

Kort titel en begin/aanvang

35. (1) Hierdie wet word genoem die Gauteng Dobbels Amendement Wet, 2000 en word van krag op ‘n datum bepaal deur die Premier deur proklamsie in die Provinsiale Staatkoerant

VERDUIDELIKENDE MEMORANDUM

1. DIE DOEL VAN DIE WETSONTWERP

Die redes vir die amendering van hierdie Wetsontwerp is om die Gauteng Dobbels Wet, 1995 te amendeer, ten einde in te voeg, definieer, of om verder sekere gesegdes te definieer; sekere verouderde definisies en bepalings af te skaf; die instemming van die verantwoordelike persoon, waar van toepassing, af te skaf, in die toestaan van sekere uitdelings deur die raad, die voorgeskrewe wyse van kommunikasie te verbeter, die bepalings van die diskwalifikasie van lisensie te hersien, om die raad te magtig om die maksimum tydperk vir tydelike lisensie, as goeie redes bewys word, toe te staan, 'n voorskrif van wat 'n nie-materiele amendering van 'n lisensie vorm af te skaf, die raad uitdruklik te magtig om enige persoon aan te kla vir oortreding van die wet, die raad te magtig om die aansluiting van dobbel masjiene goed te keur, die onnodige bepaling in die oorweging van 'n beroepswedder se lisensie af te skaf, die verantwoordelike lid uitdruklike mag toe te staan om regulasies rakend vermaak masjiene te maak, voorsiening te maak vir die raad om reëls vir jaag byeenkomste goed te keur; die raad te magtig om toestemming te verleen vir visuele uitsaai van jaag byeenkomste; 'n lisensiehouer se mag om toegang tot 'n jaag byeenkoms in te krimp te verwyder; sekere finansiële bepalings in terme van die Publieke Finansies Bestuurswet, 1999 (Wet Nr. 1 van 1999) te hersien, en om voorsiening te maak vir sake daarvan verbonde.

2. OMGEWINGS BOTSING

Geen

3. KLOUSELE-VIR-KLOUSELE BESKRYWING

Die voorgestelde amendement tot die Gauteng dobbel Wet, 1995 (Wet Nr 4 van 1995) is as volg:

3.1 Afdeling 1:

Hierdie afdeling handel oor die amendement, uitwis of invoeg van sekere definisies in afdeling 1 van die hoofwet.

3.2 Afdeling 2:

Verwyder instemming van die LUR in die toestaan van sekere vrystelling in afdeling 13 van die hoofwet. Die raad is beter in staat om vrystellings te oorweeg

3.3 Afdeling 3:

Hierdie afdeling amendeer afdeling 15 van die hoofwet deur instemming en goedkeuring deur die verantwoordelike lid af te skaf; die raad sal dan deskundige hulp inroep en die funksies en pligte deleger

3.4 Afdeling 4:

Hierdie afdeling amendeer afdeling 15A van die hoofwet deur bepalinge te hersien van die raad se fondse ooreenkomstig met die Publieke Finansies Bestuurswet, 1999

3.5 Afdeling 5:

Hierdie afdeling amendeer afdeling 17 deur die hersiening van bepalinge oor verantwoordelikheid van die raad ooreenkomstig met die Publieke Finansies Bestuurswet, 1999.

3.6 Afdeling 6:

Hierdie afdeling vervang afdeling 18 van die hoofwet deur die bepalinge te vervang, oor verslag gee vereistes deur die raad ooreenkomstig met die Publieke Finansies Bestuurswet, 1999.

3.7 Afdeling 7:

Hierdie afdeling voeg in afdeling 18A by die hoofwet deur voorsiening te maak vir jaarlikse verslag en finansiële state ooreenkomstig met die Publieke Finansies Bestuurswet, 1999.

3.8 Afdeling 8:

Hierdie afdeling amendeer afdeling 20 van die hoofwet deur 'n vooruitbepaalde wyse van kommunikasie uit te wis.

3.9 Afdeling 9:

Hierdie afdeling amendeer afdeling 23 van die hoofwet deur die woorde "en wed" af te skaf omdat die woord verouderd is.

3.10 Afdeling 10:

Hierdie afdeling amendeer afdeling 25 van die hoofwet deur 'n vooruitpaalde wyse van kommunikasie uit te wis.

3.11 Afdeling 11:

Hierdie afdeling amendeer afdeling 30 van die hoofwet deur verhoging van die diskwalifikasie drempel bedrag van R100 na R500; deur familieledede in te sluit of raadslede in die kategorie van gediskwalifiseerde persone wat nie oorweeg kan word vir 'n lisensie deur die raad; en om die uitgesonderdes van die algemene diskwalifikasie vir 'n lisensie weg te neem.

3.12 Afdeling 12:

Hierdie afdeling amendeer afdeling 31 van die hoofwet deur die instemming van die verantwoordelike lid in die toestaan van lisensie deur die raad weg te neem ooreenkomstig met nasionale wetgewing.

3. Afdeling 13:

Hierdie afdeling amendeer afdeling 33 van die hoofwet om die raad te magtig om die maksimum tydperk van tydelike lisensie te verleng, as goeie bewys daarvoor gelewer word.

3. 14 Afdeling 14:

Hierdie afdeling amendeer afdeling 34 van die hoofwet om die voorskrif wat 'n nie-matetiele amendement van 'n lisensie uitmaak af te skaf.

3.15 Afdeling 15

Hierdie afdeling amendeer afdeling 37 van die hoofwet om die raad die diskresie toe te staan om 'n straf op te lê wat die raad passend ag en om die raad uitdruklike mag toe te staan om enige

persoon verdink van oortreding van die wet aan te kla; en om verder die maksimum straf te verhoog.

3.16 Afdeling 16:

Hierdie afdeling vervang afdeling 43 van die hoofwet om die bewoording van die afdeling te verbeter, om voorsiening te maak vir die vereiste van die raad se goedkeuring ten opsigte van gekoppelde speel masjiene, en om die raad die mag toe te staan om ooreenkomste aan te gaan met die reguleerende agentskappe om behoorlike beheer te verseker van gekoppelde speel masjiene.

3.17 Afdeling 17:

Hierdie afdeling amendeer afdeling 44 van die hoofwet om die bewoording te verbeter.

3. 18 Afdeling 18:

Hierdie afdeling amendeer afdeling 46 van die hoofwet om voorsiening te maak vir die vereiste van die raad se goedkeuring ten opsigte van gekoppelde speel masjiene, en om die raad te magtig om ooreenkomste aan te gaan met ander reguleerende agentskappe om behoorlike beheer van gekoppelde speel masjiene te verseker.

3. 19 Afdeling 19:

Hierdie afdeling amendeer afdeling 49 van die hoofwet deur die instemming van die verantwoordelike lid in te trek.

3. 20 Afdeling 20:

Hierdie afdeling trek afdeling 53B van die hoofwet in aangesien dit verouderd is.

3.21 Afdeling 21:

Hierdie afdeling trek afdeling 58 van die hoofwet in aangesien dit verouderd is.

3.22 Afdeling 22:

Hierdie afdeling amendeer afdeling 61 van die hoofwet deur die orde daarvan te korrigeer.

3.23 Afdeling 23:

Hierdie afdeling trek afdeling 65 van die hoofwet in aangesien dit verouderd is.

3.24 Afdeling 24:

Hierdie afdeling amendeer afdeling 66 van die hoofwet om die instemming van die verantwoordelike lid in die spel masjiene reguleerende bepalings in te trek.

3.25 Afdeling 25:

Hierdie afdeling amendeer afdeling 84 van die hoofwet om voorsiening te maak vir die uitdruklike mag vir die verantwoordelike lid om regulasies te maak rakend die kontrole van vermaak masjiene.

3.26 Afdeling 26:

Hierdie afdeling amendeer afdeling 85 van die hoofwet om voorsiening te maak vir die mag van die raad om reëls te maak op enige saak nodig geag of dienstig vir die verrig van die doele van die Wet.

3.27 Afdeling 27:

Hierdie afdeling vervang afdeling 86 van die hoofwet om voorsiening te maak vir die publikasie van informasie deur die raad.

3.28 Afdeling 28:

Hierdie afdeling amendeer afdeling 88 van die hoofwet om die maksimum straf om deur die howe opgelê te word te verhoog om effektiewe afskrikwekking te verseker.

3.29 Afdeling 29:

Hierdie afdeling trek afdeling 89c van die hoofwet in aangesien dit verouderd is.

3.30 Afdeling 30:

Hierdie afdeling amendeer afdeling 91 van die hoofwet om die instemming van die verantwoordelike lid in die toestaan van jaag lisensie in te trek; om die woord "jaagklub" te verwyder aangesien dit verouderd is; om voorsiening te maak vir die vereiste van die raad om die reëls in sal word goed te keur, en om voorsiening te maak vir die raad se mag om jaag byeenkomste lisensiehouers toe te laat om visuele uit te saai en om 'n visuele uitsaaiding van 'n jaag byeenkoms te ontvang.

3.31 Afdeling 31:

Hierdie afdeling amendeer afdeling 92 van die hoofwet om die woord "jaagklub" te verwyder aangesien dit verouderd is; en om die instemming van die verantwoordelike lid in die oplê van lisensie voorwaardes in te trek.

3.32 Afdeling 32:

Hierdie afdeling amendeer afdeling 93 van die hoofwet om instemming van die verantwoordelike lid in die skikking van jaag byeenkomste in te trek.

3.33 Afdeling 33:

Hierdie afdeling vervang afdeling 94 van die hoofwet deur voorsiening te maak vir die verval van jaag byeenkomste lisensie.

3.34 Afdeling 34:

Hierdie afdeling trek afdelings 96, 98 en 99 van die hoofwet in omdat hierdie afdelings verouderd is.

3.35 Afdeling 35:

Hierdie afdeling bevat die kort titel en aanvang van die Wet. Voorsiening is ook gemaak vir verskillende datums van aanvang gebaseer op sekere verwagte veranderinge in die nywerheid.

4. ANDER DEPARTEMENTE EN LIGGAME GERAADPLEEG

Die volgende algemene amendement tot/aan die Gauteng Dobbet Wet, 1995 is finaliseer in beraadslaging met die Dobbetraad. Besraadslaging met die Provinsiale Tesourie het plaasgevind in verband met die algemene bepalings en die bepalings oor die implikasies van Publieke Finansies Bestuurswet, 1999.

5. FINANSIELE IMPLIKASIES

Bedrae van boete wat opgelê mag word deur albei die raad en die howe as strafmaatreëls vir oortreding van die Wet is verhoog.

NOTICE 1188 OF 2001

**UMNYANGO WASEGAUTENG
WEZEZIMALI KANYE NEZOMNOTHO**

**UMTHETHOSIVIVINYO OGUQULIWE
WEZOKUGEMBULA WASEGAUTENG, 2001**

(NJENGOBA WETHULIWE)

YI-

MEC YEZEZIMALI KANYE NEZOMNOTHO

ISAZISO ESIJIKELELE ESICACISAYO

[] Amagama abhalwe ngokugqamile akubakaki akhomba ukuthi kukhona okweqiwe emithethweni ekhona njengamanje.

___ Amagama adwetshelwe ngomugqa ohlangene akhomba ukuthi kukhona okufakiwe emithethweni ekhona njengamanje.

UMTHETHOSIVIVINYO

Ukuguqula umthetho waseGauteng wokugembula (Gauteng Gambling Act) wango 1995, (Act No. 4 of 1995), ukufaka, ukuchaza noma okuchaza kabanzi izisho (expressions) ezithile; ukususa ezinye izincazelo ezithile ezingasetshenziswa kanye nezimiselo; ukususa imvume etholakala kuleyo MEC ebhekene nokuthile lapho kudingekile ekunikeni imvume ekwenzeni izinto ezithile ezinganqunywa yibhodi; ukuthuthukisa indlela evunyiwe yokuxhumana; ukubuyekeza izimiselo zokwephucwa kwamalaysense; ukunika ibhodi amandla okwedlulisela isikhathi esingaphezulu kulawo malaysense wesikhashana ngenxa yezinto ezithile ezenzekayo ezibukeka zilungile; ukususa okulayeliwe kulokho okuqukethe izinguquko ezingenakho okuphathekayo (non-material) emalaysensini; ukunikeza ibhodi amandla ngokubonakalayo okuba libeke icala noma yimuphi umuntu oweqa uMthetho; ukunikeza ibhodi amandla okuba avumele ukuxhunyaniswa imishini yamagemu okugembula; ukususa ukulayeza okungadingekile kuzibonelelo zamalaysensi ebookmaker; ukunikeza iMEC ebhekene nalokho amandla abonakalayo okwenza imithetho yokuqhuba ehambisana nemishini okudlalwa kuyo; ukubonelela ibhodi ukuba inqume imithetho yezinhlango zemijaho; ukunikeza ibhodi amandla okuba inike imvume yokuba kukhonjiswe kwezokusakazo imijaho; ukususa amandla kwabanikezwe amalaysensi okuvimba ukuba kungenwe emijahweni; ukubuyekwezwa izibonelelo ezithile zezezimali ngokuhambisana nePublic Finance Management Act, 1999 (Act No. 1 of 1999); futhi ukubonelela nezinye izindaba ezihambelana nalokhu.

IZOMISWA yiGauteng Provincial legislature ngalendlela elandelayo:

Ukuguqulwa kwesigaba 1 soMthetho No. 4 wango 1995

1. Isigaba 1 seGauteng Gambling Act, 1995 (kuloMthetho esibizwa ngokuthi 'yiprincipal Act') siguqulwa kanje-

(a) ngokuba kufakwe endaweni yenye incazelo "yefixed odds bet" ngalencazelo elandelayo:

"ifixed odds bet" ichaza ukuthi ukubheja okuthathwe yibookmaker enelayisensi kowodwa noma ngaphezulu imijaho noma izehlakalo lapho amathuba okuwina avunyiwe lapho kubekwa ibheji kodwa kube kungafaki ibheji lomshini wokubala imali yokubheja [noma yiyiphi ibheji lapho ukwehlukaniselana kuzobalwa noma ngokuba kubhekiswe, kunoma yisiphi isisekelo esincike emshinini wokubala imali yokubheja okungaba ngokunjani;]

(b) ngokuba kwesulwe incazelo ethi isikhwama (Fund);

(c) ngokuba kufakwe emva kwencazelo "gambling" lencazelo elandelayo:

"igambling device" ichaza ukuthi noma yimuphi umshini noma into esetshenziswayo ehambisana nokugembula noma nokubheja futhi ifakwa ngaphandle kokubeka umgomo kokujikelele kokuhambisana nemishini (electromechanical noma electrical device), ingxenye noma umshini noma umshini wokugembula, ukudlala amakhadi noma idayizi noma yiyiphi eminye imishini noma into ibhodi eyibheka njengento yokugembula"

(d) ngokuba kufakwe emva kwendima (h) encazelweni "yelayisensi" lezindima ezingaphansi (sub paragraphs) ezilandelayo

"(i) ilayisensi ephathelene nokuzijabulisa (amusement licence) ecatshangwe kuMthetho 290; futhi (ii) ilayisensi yomjaho ecatshangelwe kusahluko 16"

(e) ngokuba kufakwe emva kwencazelo “Province”

“ iPublic Finance Management Act, 1999 ichaza ukuthi iPublic Finance Management Act, 1999 (Act No. 1 yango 1999) njengoba iguqulwa nganoma ngasiphi isikhathi;”

(a) ngokuba kwesulwe incazelo “yercing authority”;

(b) ngokuba kwesulwe incazelo “yercing club”; futhi

(c) ngokuba kwesulwe incazelo “yeTAB”

Ukuguqulwa kwesigaba 13 soMthetho No. 4 wango1995

2. Isigaba 13 seprincipal Act siyaguqulwa ngokuba kufakwe endaweni yendima (b) yesigaba esingaphansi (1) lendima elandelayo:

“(b) ukufuna noma ukwamukela umsebenzi kumphathi noma kofake isicelo selayisensi ngaphansi kwaloMthetho esikhathini esingangonyaka emva kokupheliswa kwesikhathi sakhe somsebenzi: Ngaphandle kokuthi ilunga eliyisisebenzi sebhodi lingafuna noma lamukele umsebenzi onjalo ngemvume ebhaliwe yibhodi [enikwa ezimweni ezingavamile kuphela futhi nangokuvuma kwaleloLunga elibhekene nalokho].”

Ukuguqulwa kwesigaba 15 soMthetho No. 4 wango1995

3. Isigaba 15 seprincipal Act siyaguqulwa ngokuba kufakwe isigatshana (2) salesigaba esingaphansi (subsection)

“(2) Imigomo, izimo, inkokhelo kanye nalokho okuvunyelwe okwenzeka kunoma yiyiphi ingcweti noma umuntu oqhashwe noma obiziwe ngaphansi kwesigatshana (1), futhi nomsebenzi okufanele awenze noma okufanele wethulwe nguye kuzobhekela yibhodi [ngokuvunywa yiLunga elibhekene nalokho] futhi kuqukethwe esivumelwaneni esibhaliwe salokho phakathi kwebhodi kanye nongcweti noma nomuntu lowo.

Ukuguqulwa kwesigaba 15A soMthetho No. 4 wango 1995

4. Isigaba 15A seprincipal Act siyaguqulwa ngokuba kufakwe isigatshana (1) salesisigaba esingaphansi esilandelayo:

“(1) Ibhodi [ngokuvunywa yilunga elibhekene nalokho futhi] ngokuncike nesimiselo zalesi sigaba, linganikeza amandla ayo kanye nemisebenzi yayo kunoma yiliphi ilunga lebhodi noma abasebenzi bebhodi noma ikomidi lamalunga anjalo, ngezimo ibhodi elizozibhekela.”

Ukuguqulwa kwesigaba 17 soMthetho No. 4 wango 1995

5. Isigaba 17 seprincipal Act siyaguqulwa-

- (a) ngokuba kufakwe indima (a) yesigatshana esingaphansi (1) lendima elandelayo:

“(a) imali [ebekelwe iProvincial legislature] equkethwe kubhajethi futhi yavunywa yiLunga elibhekene nalokho njengoba kucatshangiwe esigatshaneni esingaphansi (2) ukuze inike ibhodi amandla okwenza imisebenzi yayo ngaphansi kwalomthetho [; futhi]”;

- (b) ngokuba kwesulwe indima (b) yesigatshana esingaphansi (1)

- (c) ngokuba kufakwe esigatshaneni (2) lesigatshana esingaphansi esilandelayo:

“(2) Ibhodi ngenjongo [yokuzibekela] yokunika imvume ecatsangelwe kusigatshana esingaphansi (1) [(a)], inikeze iLunga elibhekene nalokho [isilinganiselo sezindleko eziphumayo kanye nezinye izinto eziphathelene nezindaba zebhajethi njengoba iLunga elibhekene nalokho noma iProvincial Treasury ingafuna] ibhajethi eyisilinganiselo sentela eqoqwayo kanye nezindleko eziphumayo zalonyaka (wokubala) wemali, ukuze ivunywe, okungenani izinyanga eziyisithupha ngaphambi kokuqala konyaka (wokubala) wemali.”;

- (d) ngokuba kufakwe esigatshaneni (3) lesigatshana esingaphansi esilandelayo:

“(3) Ibhodi [lizosebenzisa isikhwama (funds) ukudlulisela izindleko ezenzwe yibhodi ekwenzeni imisebenzi yalo ngokumiswa yilo Mthetho] alizokwenza ibhajethi lokuntuleka kwemali futhi alizukuqoqa esilele ngaphandle nje kokuthi kutholakale imvume yeNational Treasury.”;

(e) ngokuba kufakwe esigatshaneni (4) lesigatshana esingaphansi esilandelayo:

“(4) Ibhodi lizovula ikhawundi [nebhangi elibhaliswe ngokusemthethweni yibhodi ngemvume yeLunga elibhekene nalokho] nebhangi elibhaliswe ngokusemthethweni eNingizimu Afrika futhi elivunywe ngencwadi ebhaliwe yiNational Treasury ngemuva kokulandela imigoma yokuthenda ebekiwe, futhi izofaka kulelokhawundi imali ekubhekiswe kuyo esigatshaneni esingaphansi (1); futhi

(f) ngokufaka esigatshaneni (6) lesigatshana esingaphansi esilandelayo:

“(6) Noma [yiyiphi imali eyikhredithi yebhodi] imali engenayo esilele emva kwezindleko eziphumayo ekupheleni konyaka (wokubala) wemali yebhodi ekhawundini okubhekiswe kulo esigatshaneni (4) noma ebikade itshaliwe ngaphansi kwesigatshana (5), [akufakwa imali evunywe yiLunga elibhekene nalokho edingekayo ukuqhuba izindleko zebhodi], izofakwa esikhwameni seProvincial Revenue.”

Ukuguqulwa kwesigatshana 18 soMthetho no. 4 wango1995

6. Lesigaba esilandelayo sifakwa esigabeni 18 seprincipal Act:

“Ukubika ngezinto ibhodi elibhekene nazo”

18 (1) Ibhodi yilona eligunyaziwe ukuba libike ngokwesekwa izimiselo zePublic Finance Management Act yango 1999

(2) Iprovincial treasury, ezimeni ezingavamile, ingavuma noma iyalele ukuba enye induna ebekelwe umsebenzi othile webhodi kube yiyona egunyaziwe ukuba ibike futhi ingabuyisela emuva imvume noma umyalelo noma ngasiphi isikhathi.

(3) Ibhodi kufanele libikele i-Auditor-General ngokushesha futhi ngenchwadi ebhaliwe noma yiyiphi imvume noma umyalelo futhi kanye nokubuyiselwa emuva kwalokho ngokwezimiso sesigatshana (2)

(4) abanikezwe amandla okubika kufanele-

(a) baqikelele ukuthi impahla kanye namarekhodi ebhodi ahlala aphephile ngokulindelekile

(b) basebenze ngokwethembeka, ngobuqotho, nokuphelela kanye futhi nokubhekelela okungokwebhodi ekuphatheni izindaba zezimali zebhodi.

(c) uma becelwa bavezele lowo oyiLunga elibhekene nalokho noma ipronvincial legislature, yonke iminininmgwane ephathekayo, kuze kufakwe lokho okungatholwa, okungathonya nganoma yiyiphi indlela izinqumo noma izinyathelo zeLunga elibhekene nalokho noma zeprovincial legislature; futhi

(d) bafune, ngaphakathi kwemigomo okuthonya kwebhodi, ukunqanda noma yikuphi ukucwasa kwezezimali ezibhekene nombuso

(5) Ilunga lebhodi noma lowo onikwe amandla okubika akufanele-

(a) enze ngendlela engahambisani nezinto ezibhekene nabagunyazwe amandla okubika ngokusekwa yiPublic Finance Management Act, yango 1999; noma

(b) asebenzise isikhundla noma ilungelo, noma imininingwane eyimfihlo etholakele njengoba egunyazwe amandla okubika noma njengelunga lebhodi, ukuzisiza yena qobo lwakhe noma ukuze kuzuze omunye umuntu ngokungemthetho

(6) Ibhodi noma lowo ogunyazwe amandla okubika-

(a) kufanele aqinisekise ukuthi ibhodi ligcina-

(i) ngempumelelo, nokuhambisa kahle kanye futhi nangendlela evulekile izindlela zokuphatha izimali kanye nokulahlekelwa kanye nezokulawulwa kwangaphakathi;

(ii) indlela yokuhlolwa kwezimali yangaphakathi engaphansi kolawulo kanye nendlela yekomiti yokuhlola (audit committee) ngokuhambisana futhi isebenze ngokuvumelana nemithetho kanye neziyalo ezimisiwe ngokwezimiso zezigaba 76 kanye no77 zePublic Finance Management Act, zango 1999

(iii) indlela yokuthola noma yokubonelela elungile, elinganayo, evulekile, enokuncintisana futhi neyonga imali; futhi

(iv) indlela yokuhlola zonke izinhlelo ezinkulu kuze kufike ezinqumeni zokugcina ngalezo zinhlelo

(a) kufanele ithathe izinyathelo ezinempumelelo kanye nezifanele –

(i) ukuqoqa yonke intela ekufanele ikhokhelwe ibhodi

(ii) ukunqanda ukusetshenziswa kwemali ngendlela engafanele, ngokungenamphumela futhi nangokusaphaza, ukulahleka kwemali okuwumphumela wobugebengu, ukusetshenziswa kwemali okungahambisani nemithetho yokusebenza kwebhodi; futhi

(iii) ukuphatha imali yokuqala ekhona ngendlela eqondile futhi neyongayo

(b) kubhekene nayo ukuphatha, kuze kufakwe nokuqaphela impahla kanye nokuphathwa kwentela, imali esetshenziswayo kanye nalokho okungamacala ebhodi

(c) kufanele ithobele noma yiyiphi intela, inhlawulo, umsebenzi, impesheni kanye nokuphathiswa kokuhlolwa njengoba kudingwa ngumthetho;

- (d) kufanele ithathe izinyathelo ezinomphumela futhi nezilungile zokujezisa noma yisiphi isisebenzi sebhodi-
- (i) eseqa noma esingaphumeleli ukuthobela izibonelelo zePublic Finance Management Act, yango 1999
 - (ii) esenza isenzo esibukela phansi ukuphathwa kwezimali kanye nendlela yangaphakathi yokuhlola kwebhodi; noma
 - (iii) owenza noma avumele ukusetshenziswa kwemali ngendlela engafanele noma enganumphumela futhi esaphazayo
- (e) kubhekene nayo ukuba ifake yonke imibiko, izimali ezibuyayo (returns), izaziso kanye neminye imininingwane eLungeni elibhekene nalokho, iprovincial treasury noma iprovincial legislature, njengoba kungadingwa yiPublic Finance Management Act, yango 1999.
- (f) kufanele ithobele, futhi iqinisekise ukuthotshelwa kwebhodi, ngezibonelelo zePublic Finance Management Act, yango 1999 kanye futhi noma namuphi umthetho osebenzayo
- (7) Uma ibhodi noma lowo ogunyazwe amandla okubika engaphumeleli ukuthobela noma yikuphi okubhekene futhi kwabekelwa ibhodi noma ogunyazwe amandla okubika ngokwezimiselo zezibonelelo zePublic Finance Management Act, yango 1999, kufanele kubikwe ngokushesha ukungaphumeleli futhi kanye nezizatho zalokho eLungeni elibhekene nalokho kanye nakuprovincial treasury.”

Ukufakwa kwesigaba 18A kuMthetho No. 4 wango 1995

6. Le sigaba esilandelayo sifakwa kuprincipal Act ngemuva kwesigaba 18:

“Imibiko yanjalo ngonyaka kanye nezitatimende zemali

18A (1) Ibhodi -

- (a) kufanele ligcine amarekhodi agcwele kanye nalungile azo zonke izindaba zalo zezezimali
- (b) lilungise izitatimende zezezimali zonyaka ngamunye ngokuhambisana nenqubo jikelele evunyiwe, ngaphandle kokuthi I-Accounting Standard Board ivumele ibhodi ukuba kusetshenziswe indlela evunyiwe jikelele;
- (c) kufanele ifake lezo zitatimende zezezimali ku-Auditor General, ezinyangeni ezimbili ngemuva kokuphela konyaka wemali ukuze

zihlolwe, ngokwezimiso zezibonelelo zePublic Finance Management Act, yango 1999;

(d) kufanele ifake kuprovincial treasury kanye neLunga elibhekene nalokho, ezinyangeni ezinhlanu –

(i) umbiko wanjalo ngonyaka ngezinto ezenziwa yibhodi ngalonyaka wemali kanye

(ii) izitatimende ezihloliwe zalowo nyaka wemali

(2) Umbiko wanjalo ngonyaka kanye nezitatimende zezezimali obekubhekiswe kuzo kusigatshana esingaphansi (1) (d) kufanele –

(a) sethule ngokulungile isimo sezinto zebhodi, amabhizinisi ayo, imiphumela yayo kwezezimali, iphefomensi yayo uma kuqathaniswa nezinhloso ezibekiwe kanye futhi nesimo sayo sezimali njengoba sinjalo ekupheleni konyaka wezimali okubhekene nawo

(b) zize zifake imininingwane –

(i) yokulahleka kwezimpahla ngobugebengu kanye nokusetshenziswa kwemali ngendlela engalungile, enganamphumela futhi nesaphazayo ngalowo nyaka wemali

(ii) izinyathelo noma yiziphi zokujezisa ezithathiwe njengomphumela ohambisana nalokhu kulahlekelwa noma ukusetshenziswa ngokungalungile kwezimali, ukusetshenziswa kwemali okungenamphumela futhi nokusaphazwa kwemali;

(iii) noma yikuphi ukulahlekelwa okutholakele noma kwacinywa;

(iv) noma yiluphi usizo lwezimali olutholakele oluvele kumbuso kanye nokuphathiswa okwenziwe wumbuso egameni lawo; kanye

(v) noma yiziphi ezinye izindaba ezingamiswa

(3) ILunga elibhekene nalokho kufanele liyothulela iprovincial legislature uhlu lwemibiko kanye nezitatimende zezezimali obekubhekiswe kuzo kusigatshana esingaphansi (1) (d) ngokushesha

(4) Iprovincial treasury ingakuqondisa lokho, kunokuthi kwethulwe umbiko ohlukene, izitatimende ezihloliwe zebhodi kufanele zifakwe njengengxenye yalezo zomnyango.

(5) Unyaka wezezimali webhodi uphela ngomhlaka 31 March unyaka ngamunye.”

Ukuguqulwa kwesigaba 20 soMthetho No. 4 wango 1995

8. Isigaba 20 seprincipal Act siyagulwa ngokuba kufakwe esigatshaneni (4) isigatshana esingaphansi esilandelayo:

“(4) IChief Executive Officer izothumela kulowo ofake isicelo, ezinsukwini ezingu 7 emva kokufakwa kwesicelo sokumelwa okunamandla ngenothi ngokwesekwa yisigatshana esingaphansi (1), [esithunyelwe ngeposi elibhalisiwe noma esithunyelwe mathupha], ngokumiswa yisigaba 24 (2) (b), ikhophi lalokho kumelwa.”

Ukuguqulwa kwesigaba 23 soMthetho No. 4 wango 1995

9. Isigaba 23 seprincipal Act siyaguqulwa ngokuba kufakwe esigatshaneni (3) isigatshana esingaphansi esilandelayo:

“(3) Ayikho imininingwane ezodingeka ngokumiswa yisigatshana esingaphansi (1), futhi azikho izicelo ezizovunyelwa ngokumiswa yisigatshana esingaphansi (2), lapho imininingwane noma ukumelwa lokho kuzolingana nokunqatshelwa okujikelele ngokuphathelele nokugembula [kanye nokubheja] noma nokulawulwa kwakho.”

Ukuguqulwa kwesigaba 25 soMthetho No. 4 wango 1995

10. Isigaba 25 seprincipal Act siyaguqulwa ngokuba kufakwe esigatshaneni (3) isigatshana esingaphansi esilandelayo:

“(3) Ichief Executive Officer izothumela ofake isicelo [ngeposi elibhalisiwe noma mathupha] ikhophi lombiko onjalo.”

Ukuguqulwa kwesigaba 30 soMthetho No. 4 wango 1995

11. Isigaba 30 seprincipal Act siyaguqulwa –

- (a) ngokuba kufakwe indima (c) yesigatshana esingaphansi (1) salendima elandelayo:

“(c) uma waboshelwa futhi walahlawa yicala, noma yilapha eRiphabliki noma kwenye indawo, lokuntshontsha, lokuhwabanisa, lokumbumbuza (forgery) noma ukhulume ngedokhumenti embumbuluziwe, lokwaphula isifungo sokukhuluma iqiniso, icala elenziwe ngaphansi kwalo Mthetho noma uMthetho wenkohlalakalo (Corruption Act), wango 1992 (Act No. 94 wango 1992) noma yiliphi icala elifaka ukungethembeki, futhi lanqunyelwa ukuba lowo onile agqunywe ejele ngaphandle kokuba akhethe ukukhokha inhlawulo noma inhlawulo engaphezu kuka R500 R100];”;

- (b) ngokuba kufakwe izindima (a) kanye no (b) wesigatshana esingaphansi (1A) lezindima ezilandelayo:

“(a) uma lowo ofake isicelo noma ngubani onenzuzo ethile elindelekile kwezokulawula noma anenzuzo ngokwezemali engapha ngu 5% noma ngaphezulu, noma engamaphesenti angaphansi njengoba kumisiwe, uma ofake isicelo eyilunga lomndeni okucatshangwa ngaye endimeni (e) (g), (gA) noma (gB) esigatshaneni esingaphansi (1); noma

(b) uma ofake isicelo noma ngubani onenzuzo njengoba kucatshangiwe endimeni (a) noma yiyiphi imenenja yebhizinisi okuqondene nalo kuthe ezinyangeni ezingu 12 ezedlule waba ngumuntu okucatshangwe ngaye endimeni (e) (g), (gA) noma (gB) esigatshaneni esingaphansi (1).”; futhi

- (c) ngokuba kwesulwe isigatshana esingaphansi (4)

Ukuguqulwa kwesigaba 31 soMthetho No. 4 wango 1995

12. Isigaba 31 seprincipal Act siyaguqulwa –

- (a) ngokuba kufakwe esigatshaneni esingaphansi (1) salendima elandelayo:

“(1) Ibhodi, ngokusekelwa yizimiso zesigaba 30 futhi emva kokuba kucatshangwe kabanzi ngesicelo selayisensi, noma ukumelwa okwenziwe ngokuhambisana nesicelo, incwadi ebhalwe ngofake isicelo ephendula lokho, noma yiyiphi eminye imininingwane etholiwe noma efakiwe ngokwezimiso zesigaba 23, ukuhlolwa kanye nemibiko yamaphoyisa ecatsangelwe kusigaba 25 kanye no26, kanye futhi nanoma yibuphi ubufakazi obunikwe ibhodi ngokwesekwa yisigaba 29 noma ngenye indlela, izosivuma isicelo esifakiwe, [ngokubhekisa kusigaba esingaphansi (2),] ezimweni ezinjengalezi ezingabhekelwa yibhodi, noma lisichithe leso sicelo.”; futhi

(b) ngokuba kwesulwe isigatshana esingaphansi (2)

Ukuguqulwa kwesigaba 33 soMthetho No. 4 wango 1995

13. Isigaba 33 seprincipal Act siyaguqulwa –

(a) ngokuba kufakwe indima (c) yesigatshana esingaphansi (2) salendima elandelayo:

“(c) Ibhodi, lingathi ngokuba kufakwe isicelo ngophethe ilayisensi lesikhashana, noma ngasiphi isikhathi emva kokuba likhishiwe, ngenxa yokuthile okuhle okukhonjisiwe, likhuphule isikhathi leso esinqunyiwe ngaphansi kwendima (b);” futhi

(b) ngokuba kufakwe indima (d) yesigatshana esingaphansi (2) salendima elandelayo:

“(d) Isikhathi esinqunyiwe ngaphansi kwendima (b), noma enqunye kanjalo noma esikhushuliwe ngaphansi kwendima (c), ayizikuba yinde ukwedlula [iminyaka emithathu] iminyaka eyisithupha.”

Ukuguqulwa kwesigaba 34 soMthetho No. 4 wango 1995

14. Isigaba 34 seprincipal Act siyaguqulwa –

(a) ngokuba kufakwe esigatshaneni esingaphansi (2) lesigatshana esilandelayo:

“(2) Izibonelelo zesigaba 19 kuya ku 24, 25 kanye no26 (b) kangangoko zinokusetshenziswa, kanye futhi no27 kuya ku 32 zizosetshenziswa ngokuguququka ngokudingekile (mutatis mutandis) ngokuhambisana nokusetshenziswa okucatshangelwe kusigatshana esingaphansi (1) enguqukweni ibhodi ezolibheka [, ngokubhekisa kusigatshana esingaphansi (2A),] njengephathekayo.”; futhi

(b) ngokuba kwesulwe isigatshana esingaphansi (2A)

Ukuguqulwa kwesigaba 37 soMthetho No. 4 wango 1995

15. Isigaba 37 seprincipal Act siyaguqulwa –

(a) ngokuba kufakwe indima (a) yesigatshana esingaphansi (1) salendima elandelayo:

“(a) izogodla ilayisensi isikhathi esibekiwe noma ingachitha ilayisensi, noma ingathwesa noma yisiphi isijeziso eyisibona sifanelekile, kuze kufakwe isijeziso esigodliwe –“;

(b) ngokuba kufakwe endimeni (b) yesigatsana esingaphansi (1) lendima elandelayo:

“(b) ingathwesa kumphathi welayisensi inhlawulo engeqi ku [200 000] R10,000,000 (izigidi eziyishumi zamarandi) noma inani elinjalo eliphezulu njengoba kuzomiswa, noma kugodlwe isikhathi esinqunyiwe noma kuchithwe ilayisensi uma umphathi welayisensi ehlulekile ukuthobela noma weqe noma yisiphi isiseko noma isimo selayisensi noma isibonelelo/izibonelelo zaloMthetho

(c) ngokuba kufakwe endimeni (a) yesigatshana esingaphansi (2) lendima elandelayo:

“(a) Ikomidi eliqondisa izigwegwe elimiswe ngaphansi kwesigaba 14(2) lingathwesa icala noma ngomuphi umuntu osolakala sengathi weqa uMthetho futhi lizophenya noma yisiphi isimo esicatshangelwe kusigatshana esingaphansi (1);” futhi

(d) ngokuba kufakwe endimeni (c) yesigatshana esingaphansi (20 lendima elandelayo:

“(c)Ikomidi lizobamba umhlangano ophathelene nanoma yiliphi icala noma uphenyo, futhi lomhlangano, ngokwesekwa izibonelelo eziguquguqakayo njengoba kudingekile zesigaba 28(2) ezizofundwa nesigaba 24(2), uzotholwa ngumphakathi;”.

Ukufakwa kwesigaba 43 soMthetho No. 4 wango 1995, njengoba uguqulwe yisigaba 35 soMthetho 6 wango 1996

16. Isigaba esilandelayo sifakwa kusection 43 yeprincipal Act:

“Izinto ezigunyazwe yilayisensi yecasino”

43. (1) Ukuvunywa kwelayisensi yecasino, ngokumiswa yinoma yisiphi isimo esethweswe ngaphansi kwesigaba 32 sigunyaza ukuhanjiswa futhi nokuqhutshwa kwalemidlalo yasecasino, njengoba izobekwa elayisensini enjalo, endaweni enelayisensi.

(2) Lowo onikwe ilayisensi akafanele axhumanise imishini yokugembula esizindeni esibanzi esibizwa ngokuthi yiwide area progressive jackpot ngaphambi kokuba athole imvume ebhodini.

(3) Ibhodi ngokuqondiswe emishinini yokugembula exhunyaniswe kuwide area progressive jackpot ecatsangelwe esigatshaneni esingaphansi (2) lingangena ezivumelwaneni namanye amagatsha okuphatha nahambisa ngokomthetho angaphandle kweProvince ukuqinisekisa ukulawulwa okufanele kwalezi zindawo ezaziwa ngokuthi yiwide area progressive jackpot.”.

Ukuguqulwa kwesigaba 44 soMthetho No. 4 wango 1995

17. Isigaba 44 seprincipal Act siyaguqulwa ngokuba kufakwe indima (b) yesigatshana esingaphansi (1) salendima elandelayo:

“(b) lizokwenza ukuthi kutholakale ukuze kuhlolwe lapho kunesicelo sanoma yiliphi ikhasimende ikhophi lemithetho [yebhodi] elibhekele indlela umdlalo wanoma yiyiphi icasino ezodlalwa ngayo;”.

Ukuguqulwa kwesigaba 46 soMthetho No. 4 wango 1995

18. Isigaba 46 seprincipal Act siyaguqulwa ngokuba kugaxelwe emva kwesigatshana (2) lesigatshana esingaphansi (2) esilandelayo:

“(3) Ibhodi ngokuqondiswe ekuxhunyanisweni okucatshangelwe esigabeni esingaphansi (2) lingangena ezivumelwaneni namanye amagatsha okuphatha nahambisa ngokomthetho angaphandle kweProvince ukuqinisekisa ukulawulwa okufanele kumabingo games axhunyanisiwe.”.

Ukuguqulwa kwesigaba 49 soMthetho No. 4 wango 1995

19. Isigaba 49 seprincipal Act siyaguqulwa ngokuba kufakwe esigatshaneni (1A) lesigatshana esingaphansi esilandelayo:

“(1A) Ilayisensi engaphezulu yemishini yokugembula, ngokwesekwa yinoma yisiphi isimo esethweswe ngaphansi kwesigaba 32, egunyaza ukugcinwa kwenani elinjengalolu, elingedluli u100, yemishini yokugembula endaweni enelayisensi njengoba ibhodi [ngemvume ye-Executive Council] lingakubhekela kunoma yisiphi isehlo.”.

Ukuchithwa kwesigaba 53B soMthetho No. 4 wango 1995

20. Isigaba 53B seprincipal Act siyachithwa.

Ukuchithwa kwesigaba 58 soMthetho No.4 wango 1995

21. Isigaba 58 seprincipal Act siyachithwa.

Ukuguqulwa kwesigaba 61 soMthetho No. 4 wango 1995

22. Isigaba 61 seprincipal Act siyaguqulwa –

(a) ngokuba kwesulwe indima engaphansi (a) (ii) yesigatshana esingaphansi (2);

(b) ngokuba kufakwe endimeni engaphansi (a) (iii) yesigatshana esingaphansi (2) lendima engaphansi elandelayo:

“(a) (iii) isijeziso esimisiwe senkokhelo yanoma yiyiphi intela [noma inkokhelo] edlulelwe yisikhathi, isijeziso esingezukwedlula

inani lenteli uma seliphindwe kabili [**noma inkokhelo**] ngokuqondaniswe nesijeziso esikhokhwayo;"; futhi

- (c) ngokuba kugaxelwe ngemuva kwendima engaphansi (b) (ii) yesigatshana esingaphansi (2) lendima engaphansi elandelayo:

"(b) (iii) inkokhelo yanjalo ngonyaka emisiwe eqondaniswe nelayisensi."

Ukuchithwa kwesigaba 65 soMthetho No. 4 wango 1995

23. Isigaba 65 seprincipal Act siyachithwa.

Ukuguqulwa kwesigaba 66 soMthetho No. 4 wango 1995

24. Isigaba 66 seprincipal Act siyaguqulwa ngokuba kufakwe esigatshaneni (3) lesigatshana esingaphansi esilandelayo:

"(3) Lapho indlela yokuhlola ingakavunyelwa ngaphansi kwesigatshana esingaphansi (2), futhi kukhona isizathu sokuba kukholwe ukuthi ophethe ilayisensi –

(a) ngaphandle kokuthi imishini yakhe yokugembula ngokuba ixhunyaniswe nezindlela ezinjalo zokuhlola, ayikwazi -

- (i) ukunika ibhodi izimbuyiselo mali ezimisiwe eziphathelene namalayisensi ezinto ezenzekayo; noma**
(ii) ukuthobela noma yiziphi izibonelelo zaloMthetho noma imigomo kanye nezimo zelayisensi; noma

(b) ngesizathu sanoma yisiphi isimo esingavamile, kufanele anqatshelwe ekusebenziseni umshini noma ekuqhubekeni naleso senzo esinelayisensi

ibhodi, [ngemvume yelunga elibhekene nalokho] lingenqabela umphathi lowo ekusebenziseni lowo mshini noma ekuqhubekeni naleso senzo esinelayisensi, kuze kube isikhathi lapho indlela yokuhlola seyize yavunyelwa futhi yabhaliswa ngokusemthethweni, kanti futhi nalowo mshini usuxhunyaniswe nayo."

Ukuguqulwa kwesigaba 84 soMthetho No. 4 wango 1995

25. Isigaba 84 seprincipal Act siyaguqulwa –

- (a) ngokuba kufakwe emva kwendima (f) yesigatshana esingaphansi (2) lendima elandelayo:

“(fA) umthetho kanye nokulawulwa kwemishini yokuzijabulisa; kanye”; futhi

- (b) ngokuba kufakwe esigatshaneni (4) lesigatshana esingaphansi esilandelayo:

“(4) (a) Kungabi ngaphansi kwenyanga eyodwa ngaphambi kokuba umthetho wenziwe ngaphansi kwalesisigaba, iLunga elibhekene nalokhu lizokwenza ukuthi okulotshiwe kwalokhu kushicilelwe kuProvincial Gazette kanye nesazizo esiveza ukuzimisela kwakhe ukwenza lowo mthetho kanti futhi ameme abantu abanentshisekelo ukuba bamnikeze noma yiziphi izithasiselo zabo noma ukumelwa abangafisa ukukwenza okuhambelana

[-

- (a) kwiLunga elibhekene nalokho, esimweni somthetho ocatshangelwe esigatshaneni esingaphansi (1); kanye

- (b) kwibhodi, esimweni somthetho ocatshangelwe esigatshaneni (2)].”

Ukuguqulwa kwesigaba 85 soMthetho No. 4 wango 1995

26. Isigaba 85 seprincipal Act siyaguqulwa ngokuba kugaxelwe emva kwendima (d) yesigatshana (1) lendima elandelayo:

“(e) ngokujikelele noma yiyiphi indaba ekucatshangwa ukuthi ibalulekile noma iyafuneka ukubhekela ukuzuza izinhloso zaloMthetho.”.

Ukufakwa kwesigaba 86 soMthetho No. 4 wango 1995

27. Isigaba esilandelayo sifakwe esigabeni 86 seprincipal Act:

“Ukushicilelwa kwemininingwane noma kwezibalo zokubonisa ngezinto ezenzekayo kwezokugembula

86. Ibhodi lingashicilela imininingwane ejikelele noma izibalo ezibonisa ngezinto ezenzekayo kwezokugembula kuProvince .”.

Ukuguqulwa kwesigaba 88 soMthetho No. 4 wango 1995

28. Isigaba 88 seprincipal Act siyaguqulwa ngokuba kufakwe endimeni (a) yesigatshana esingaphansi (2) lendima elandelayo:

“(a) lapho inkantolo ithola ukuthi obekwe icala wenze lelo cala ngaphansi kwezimo ezimbi, ngaphandle kokuthi izimo lezo eziyisipesheli ziyaqinisekiswa, ngaphezu kwanoma yisiphi isijezo, izothwesa lowo onecala inhlawulo eyinani elingezuba ngaphansi kwamaphesenti ayishumi futhi elingezukweqa amaphesenti ayikhulu emalini eyenziwa yibhizinisi ngonyaka (turnover), izinyanga eziyisithupha ngaphambi kokuba icala lenziwe, lebhizinisi lonke elihanjiswa esizindeneni noma lapho icala lenzeke khona futhi elitholakale ngezinhloso zezenzo zokugembula othweswe icala agwetshelwe lona, elingedluli [2000 000] R10, 000, 000 (izigidi eziyishumi zamarandi): Uma kungaba nobufakazi obugwele kwezimo eziyisipesheli ezingatholakala ukuthi abanye abantu abathintene nalebhizinisi elithintekayo ngalendlela bathathe zonke izinyathelo ezixwayisayo zokuvimbela ukwenzeka kwecala, futhi nenkantolo ingakhipha isexwayiso kulabantu labo;”.

Ukuchithwa kwesigaba 89C soMthetho No. 4 wango 1995

29. Isigaba 89C seprincipal Act siyachithwa.

Ukuguqulwa kwesigaba 91 soMthetho No. 4 wango 1995

30. Isigaba 91 seprincipal Act siyaguqulwa –

(a) ngokuba kufakwe endimeni (a) yesigatshana esingaphansi (1) lendima elandelayo:

“(a) Ibhodi [; ngemvume yeLunga elibhekene nalokho], ngesicelo esibhaliwe futhi lapho isinikwe imininingwane enjalo njengoba ingakubona kufanelekile, linganika [ikilabhu yomjaho] ofake isicelo ilayisensi ukuze abambe izinhlango zomjaho eziyinani elithize ngonyaka njengoba kukhonjiwe elayisensini yesizinda ephethwe ngokomthetho [ikilabhu lomjaho] ofake isicelo futhi ngokunjalo likhonjisiwe;”;

(b) ngokuba kufakwe esigatshaneni (2) le sigatshana esingaphansi esilandelayo:

“(2) imithetho ehambelana nokubanjwa komhlangano womjaho ngophethe ilayisensi izovunywa yibhodi.”; futhi

(c) ngokuba kufakwe emva kwesigaba esingaphansi (8) lesi sigatshana esingaphansi esilandelayo:

“(9) (a) Ibhodi ngezimo ezinjalo elizibhekele lingagunyaza ngokubhala umphathi welayisensi yomhlangano womjaho – (i) ukuba abonise ngethelevishini, nganoma yiyiphi indlela esemthethweni, umhlangano womjaho obuphethwe yilowo mphathi welayisensi; futhi

(ii) akwamukela ukuboniswa ngethelevishini noma yimuphi umhlangano womjaho oboniswa ngokusemthethweni futhi awubukise ebantwini abasenkudleni yomjaho esemthethweni yomphathi lowo welayisensi okubhekiswe kuye;

(b) ngokwezinjongo zaloMthetho, kuzothathwa sengathi umphathi welayisensi lomhlangano womjaho, othola noma abukise umhlangano womjaho ngokumiswa yindima (a), ngokwayo uphethwe umhlangano womjaho ngalolo suku.”.

Ukuguqulwa kwesigaba 92 soMthetho No. 4 wango 1995

31. Isigaba 92 seprincipal Act siyaguqulwa –

(a) ngokuba kufakwe ezindimeni (a) kanye no(b) le sigatshana esingaphansi (1) ngezindima ezilandelayo:

“(a) kukhishwe wonke [amakilabhu omjaho] abaphathi bamalayisensi wemihlangano yomjaho ekuthobeleni nanoma yiziphi izibonelelo; kanti futhi

(b) ngesaziso esibhaliwe esibhekiswe [kumakilabhu omjaho] kubaphathi bamalayisensi omjaho okufakiwe kunoma yisiphi isibonelelo esinjalo isibonelelo esisha esizobopha bonke [amakilabhu omjaho] abaphathi bamalayisensi omjaho abanjalo.”;

(b) ngokuba kufakwe esigatshaneni (2) isigatshana esingaphansi esilandelayo:

“(2) Ilayisensi yomhlangano womjaho izokwesekwa yisimo sokuthi [**ikilabhu yomjaho**] ophethe ilayisensi osenqume ukuhlehlisa umhlangano womjaho ngenxa yezizathu ezingaphezu kokwenza kuzofanele azise ibhodi ngalokho, nokuthi umhlangano womjaho lowo ohlehlisiwe uzoba khona noma uzoqhutshwa noma ngaluphi usuku elizobhekelwa [**ikilabhu yomjaho lowo ngokuthi libonisane neRacing Authority**] ngophethe ilayisensi.”; futhi

(c) ngokuba kufakwe esigatshaneni 930 lesigatshana esingaphansi esilandelayo:

“(3) Ibhodi [, **ngemvume yeLunga elibhekene nalokho**], ngaphezu kwezimo ekubhekisiwe kuzo kusigatshana esingaphansi (1) kanye no(2), lingathwesa noma ngasiphi isikhathi isimo esingaphezulu esisibona sifunekile futhi singaguqula noma sibuyisele muva noma yisiphi isimo esinjalo.”.

Ukuguqulwa kwesigaba 93 soMthetho No. 4 wango 1995

32. Isigaba 93 seprincipal Act siyaguqulwa ngokuba kufakwe esigatshaneni (1) lesigatshana esingaphansi esilandelayo:

“(1) Ibhodi [, **ngemvume yeLunga elibhekene nalokho**], lingagodla noma ngasiphi isikhathi ilayisensi lomhlangano womjaho isikhathi esizobhelwa yilo; noma”.

Ukufakwa kokunye esigabeni 94 soMthetho No. 4 wango 1995

33. Isigaba esilandelayo sifakwa esigabeni 94 seprincipal Act:

“**Ukupheliswa kwelayisensi yomhlangano womjaho 94.** Ibhodi [, **ngemvume yeLunga elibhekene nalokho**], ngokungamelani nezibonelelo zesigaba (91(5), lingakhipha isimemezelo sokuthi ilayisensi lomhlangano womjaho lizopheliswa ngosuku oluzobhekelwa yiyo.”.

Ukuchithwa kwezigaba 96, 98 kanye no 99 zoMthetho No. 4 wango 1995

34. Izigaba 96, 98 kanye no 99 zeprincipal Act ziyachithwa.

Isihloko ngokufinyeziwe kanye nokuqaliswa

35. (1) Lo Mthetho ubizwa ngokuthi yiGauteng Gambling Amendment Act, 2000 futhi uzoqalisa ukuba semthethweni ngosuku oluzobhekela yiPremier ngokuthi imemezele (proclamation) kuProvincial Gazette

(2) Izinsuku ezehlukene zingabhekela ngendlela ezohambisana nezibonelelo ezahlukene zaloMthetho.

IMEMORANDAMU ECHAZAYO

1. INJONGO YOMTHETHOSIVIVINYWA

Izizathu zokuba kuguqulwe uMthetho waseGauteng wokugembula (Gauteng Gambling Act) wango 1995, ukuba kufakwe, kuchazwe noma kuchazwe kabanzi izisho (expressions) ezithile; kususwe ezinye izincazelo ezithile ezingasetshenziswa kanye nezibonelelo; kususwe imvume etholakala kuleyo MEC ebhekene nokuthile lapho kudingekile ukuba kunikwe imvume ekwenzeni izinto ezithile ezinganqunywa yibhodi; kuthuthukiswe indlela evunyiwe yokuxhumana; kubuyekwezwe izimiselo zokwephucwa kwamalaysense; kunikwe ibhodi amandla okwedlulisela isikhathi esingaphezulu kulawo malaysense wesikhashana ngenxa yezinto ezithile ezenzekayo ezibukeka zilungile; kususwe okulayeliwe kulokho okuqukethe izinguquko ezingenakho okuphathekayo (non-material) emalaysensini; kunikezwe ibhodi amandla ngokubonakalayo okuba libeke icala noma yimuphi umuntu oweqa uMthetho; kunikezwe ibhodi amandla okuba livumele ukuxhunyaniswa kwemishini yamagemu okugembula; kususwe ukulayeza okungadingekile kuzibonelelo zamalaysensi ebookmaker; kunikezwe iMEC ebhekene nalokho amandla abonakalayo okwenza imithetho yokuqhuba ehambisana nemishini okudlalwa kuyo; kubonelelwe ibhodi ukuba linqume imithetho yezinhlango zemijaho; kunikezwe ibhodi amandla okuba linike imvume yokuba kukhonjiswe kwezokusakaza imijaho; kususwe amandla kwabanikezwe amalaysensi okuvimba ukuba kungenwe emijahweni; kubuyekwezwe izibonelelo ezithile zezezimali ngokuhambisana nePublic Finance Management Act, 1999 (Act No. 1 of 1999); futhi kubonelelwe nezinye izindaba ezihambelana nalokhu.

2. IMIPHUMELA EKHONA EZINDAWENI OKUHLALWA KUZONA

Ayikho

3. UKUCHAZA NGAMAZWI ANGAMABINZANA (CLAUSE-BY-CLAUSE DESCRIPTION)

Izinguquko ezihlongozwayo kuMthetho wokugembula waseGauteng (Gauteng Gambling Act No. 4 of 1995) zimi ngalendlela elandelayo:

3.1 isigaba 1:

Lesi sigaba siphathelene nezinguquko, ukwesulwa noma ukugaxelwa kwezincazelo ezithile esigabeni 1 seprincipal Act.

3.2 Isigaba 2:

Isusa imvume etholakala kuMEC ekunikezweni ukukhishwa okuthile esigabeni 13 seprincipal Act. Ibhodi yilona elingcono ekucabangeleni ngabfanele ukukhishwa

3.3 Isigaba 3:

Lesi sigaba siguqula isigaba 15 seprincipal Act ngokususa imvume kanye nokugunyazwa kweLunga elibhekene nalokho nebhodi ekubhekeleni izimo zosizo lezingcweti ebhodini kanye nokunqunyelwa imisebenzi yibhodi

3.4 Isigaba 4:

Lesi sigaba siguqula isigaba 15A seprincipal Act ngokuthi sibuyekeze izibonelelo ngezinkokhelo (izimali) zebhodi ngokuvumelana nePublic Finance Management Act yango 1999

3.5 Isigaba 5:

Lesi sigaba siguqula isigaba 17 ngokuthi sibuyekeze izibonelelo ngokubika kwebhodi ngokuvumelana nePublic Finance management Act yango 1999.

3.6 Isigaba 6:

Lesi sigaba sifaka endaweni yesigaba 18 seprincipal Act ngokuba sisuse obekukhona bese sifaka izibonelelo ngokudingekayo lapho

kukhishwa imibiko yebhodi ngokuvumelana nePublic Finance Management Act yango 1999.

3.7 Isigaba 7

Lesi sigaba sigaxela isigaba 18A seprincipal Act ngokuba kubonelelwe ukuba kukhishwe imibiko yanjalo ngonyaka futhi nezitatimende wezezimali ngokuvumelana nePublic Finance management Act yango 1999

3.8 Isigaba 8

Lesi sigaba siguqula isigaba 20 seprincipal Act ngokuba sisuse indlela enqunyiwe yokuxhumana.

3.9 Isigaba 9

Lesi sigaba siguqula isigaba 23 seprincipal Act ngokususa amagama "kanye nokubheja" (and betting) njengoba engasasetshenziswa.

3.10 Isigaba 10

Lesi sigaba siguqula isigaba 25 seprincipal Act ngokuba sisuse indlela enqunyiwe yokuxhumana.

3.11 isigaba 11:

Lesi sigaba siguqula isigaba 30 seprincipal Act ngokuba kukhushulwe inani lomnyango wokujeziswa kusuka ku R100 kuya ku R500; ngokuba kufakwe amalunga omndeni wamalunga ebhodi kukhathegori yabantu abangavunyelwe ukuba bacatshangelwe ekunikweni ilayisensi yibhodi futhi nokuba kususwe okungavamile ekwephucweni kwamalayisensi okujikelele.

3.12 Isigaba 12:

Lesi sigaba siguqula isigaba 31 seprincipal Act ngokuba sisuse imvume etholakala kuLunga elibhekene nalokho ekunikezeni yibhodi amalayisensi okuhambelana nomthetho wesizwe (national legislation)

3. 13 Isigaba 13:

Lesi sigaba siguqula isigaba 33 seprincipal Act ngokuba sinike ibhodi amandla okwedlulisela ubukhulu besikhathi selayisensi yesikhashana uma kukhona izinto ezithile ezinhle ezikhonjwayo.

3. 14 Isigaba 14:

Lesi sigaba siguqula isigaba 34 seprincipal Act ngokuba kususwe lokho okumisiwe njengokuqukethe izinguquko zamalaysensi ezingenakho okuphathekayo (non-material).

3.15 Isigaba 15

Lesi sigaba siguqula isigaba 37 seprincipal Act ukuba sinikeze ibhodi yenze ngokuzibonela ekwethweseni isijezo eyisibona sifanelekile futhi sibonelele ngokuthe xaxa amandla ebhodi okuba libeke icala noma yimuphi umntu osolwa sengathi weqa uMthetho; futhi likwazi nokuba lengeze ubukhulu besijezo.

3.16 Isigaba 16:

Lesi sigaba sifaka isigaba 43 seprincipal Act ukuze kuthuthukiswe amagama asetshenziswe kulesi sigaba, ukubonelela ngezidingo zemvume yebhodi ngokuphathelele nokuxhunyaniswa kwemishini yokugembula futhi ukuze inikezwe amandla okungena ezivumelwaneni namanye amagatsha aqhuba ngomthetho ukuqinisekisa ukuqhutshwa ngokulungile kwemishini yokugembula exhunyiwe.

3.17 Isigaba 17:

Lesi sigaba siguqula isigaba 44 seprincipal Act ngokulungisa amagama asetshenzisiwe

3. 18 Isigaba 18:

Lesi sigaba siguqula isigaba 46 seprincipal Act ukubonelela ngezidingo zemvume yebhodi ngokuphathelele nokuxhunyaniswa kwemishini yokugembula futhi ukuze inikezwe amandla okungena ezivumelwaneni namanye amagatsha aqhuba ngomthetho ukuqinisekisa ukuqhutshwa ngokulungile kwemishini yokugembula exhunyiwe.

3. 19 Isigaba 19:

Lesi sigaba siguqula isigaba 49 seprincipal Act ngokuba kususwe imvume etholakala kuLunga elibhekene nalokho.

3. 20 Isigaba 20:

Lesi sigaba sichitha isigaba 53A seprincipal Act njengoba singasasetshenziswa.

3.21 Isigaba 21:

Lesi sigaba sichitha isigaba 51 seprincipal Act njengoba singasasetshenziswa.

3.22 Isigaba 22:

Lesi sigaba siguqula isigaba 61 seprincipal Act ngokuba silungise ukuhleleka kwaso.

3.23 Isigaba 23:

Lesi sigaba sichitha isigaba 65 seprincipal Act njengoba singasasetshenziswa.

3.24 Isigaba 24:

Lesi sigaba siguqula isigaba 66 seprincipal Act ukususa imvume etholakala kuLunga elibhekene nalokho esibonelelweni semithetho yemishini yokugembula.

3.25 Isigaba 25:

Lesi sigaba siguqula isigaba 84 seprincipal Act ukubonelela ngokuthe xaxa amandla eLunga elibhekene nalokho ukwenza imithetho ehambelana nokulawulwa kwemishini yokuzijabulisa.

3.26 Isigaba 26:

Lesi sigaba siguqula isigaba 85 seprincipal Act ukubonelela ibhodi amandla okwenza imithetho nganoma yiluphi udaba elubona lubalulekile noma lufanelekile ukuzuza izinjongo zoMthetho.

3.27 Isigaba 27:

Lesi sigaba sifaka esigabeni 86 seprincipal Act ukuze kubonelelwe ukushicilelwa kwemininingwane yibhodi.

3.28 Isigaba 28:

Lesi sigaba siguqula isigaba 88 seprincipal Act ukukhuphula isijezo esizothweswa yinkantolo ukuqinisekisa ukugwenywa (deterrence) okuyimpumelelo.

3.29 Isigaba 29:

Lesi sigaba sichitha isigaba 89C seprincipal Act njengoba singasasetshenziswa.

3.30 Isigaba 30:

Lesi sigaba siguqula isigaba 91 seprincipal Act ukususa imvume etholakala kuLunga elibhekene nalokho ekunikezweni kwamalayisensi; ukususa amagama athi "racing club" njengoba angasasetshenziswa; ukubonelela izidingo zebhodi ukuze zivumele imithetho ngokwesekwa noma yiyiphi imihlangano yomjaho ezobanjwa futhi ukubonelela amandla ebhodi ukunikeza abaphathi bamalayisensi emihlangano yomjaho imvume yokuba bakhombise kwezokusakaza futhi bathole ukusakaza kwemihlangano yemijaho.

3.31 Isigaba 31:

Lesi sigaba siguqula isigaba 92 seprincipal Act ukususa igama elithi "racing club" njengoba lingasasetshenziswa futhi kususwe imvume etholakala kuLunga elibhekene nalokho ekwethweseni izimo zamalayisensi.

3.32 Isigaba 32:

Lesi sigaba siguqula isigaba 93 seprincipal Act ngokususa imvume etholakala kuLunga elibhekene nalokho ekubekweni kwemithetho yamayisensi yemihlangano yomjaho yibhodi

3.33 Isigaba 33:

Lesi sigaba sifaka esigabeni 94 seprincipal Act ngokuba sibonelele ukupheliswa kwamalayisensi yemihlangano yomjaho.

3.34 Isigaba 34:

Lesi sigaba sichitha izigaba 96, 98 kanye no 99 seprincipal Act njengoba le zigaba zingasasetshenziswa.

3.35 Isigaba 35:

Lesi sigaba siqukethe isihloko ngokufinyeziwe kanye nokuqaliswa kwalomthetho. Ukubonelela kwenzelwe izinsuku ezahlukeni zokuqaliswa ngokuhambisana nezinguquko ezithile ezilindelwe kule-industry.

4. EMINYE IMINYANGO KANYE NAMALUNGA EKUBONISWANE NAWO

Le zinguquko ezijikelele ezihlongoziwe kuGauteng Gambling Act, 1995 zifezwe ngokubonisana nebhodi lokugembula (Gambling board). Ukubonisana neProvincial treasury kwenzeke ngokuhambisana nezibonelelo ezijikelele futhi nezibonelelo ezingaba nomphumela kuFinance Management Act, 1999.

5. IMIPHUMELA YEZEZIMALI

Inani lezinhlawulo elingethweswa yibhodi noma inkantolo ekuvumeleni (sanctioning) ukweqiwa koMthetho, liyakhushulwa.

NOTICE 1188 OF 2001

**KGORO YA GAUTENG YA MERERO YA
DITŠHELETE LE PABALELO****DIPHETHOŠO TŠA MOLAO KAKANYWA WA TŠA
DIPAPADIŠO 2001 GAUTENG****BJALO KA GE O TSWELEDITSWE****KE****(LETONA (MEC) LA MERERO YA DITSHELETE
LE PABALELO)**

DITLHALOSO TSA DITLHA KSA KAKARETŠO:

[] mantsu a nngwadillelwego ka boso ka ma masakaneng a ra gore a ntshitswe moalong w oleg gona

_____ Mantsu a thleditswego ka mothaladi a ra gore a ntshetswe molaong wo o lego goana

Molao kakanywa

Go fetola molao wa dipapadisowa Gauteng 1995(Act no. 4 of 1995) go lokela go hlalosa go ba go hlaloseša pele ditlhalošo tse dingwe go ntsha tse dingwe tsa ditlhaloso tse di sa lokago , le dithušo; go floša tumellano ya le tona le le amegago mo o swanelago fa tše dingwe tsa dikabelo ke lekgotla go kaonafatša mekgwa ye e ngwetswego ya tsa poledisano ; go lekola dithušo tsa laesense tse di sa somego; go fa lekgotla maatla ago katološa bontshi ba nako ya lebakanyanaba laesense mo mabakeng a mabotse a bontshwago; go ntšha taelelo ya dilo tše di sa akaretšego go dirišwa phetoso ya laesense; go fa lekgotlamatla a go lefiša motho yo a tselago molao ; go fa lekgotla maatla a go la fa tumelo ya tšomiso ya metšhene ya dipapadišo; go ntšha ditaelelo tse disego bohlokwa mo go lemogeng ga laesense ya bookmaker; go thuša letona le le amegago go fa matla go go dira melao ye e amanago le papadiso ya metšhene; go thuša lekgotla go dumella melao ya dikopano tša tša mekato; go fa lekgotla matla a go fa tumello ya phatlalatša dikopano tša mekato; go floša matla a gothibela motswara a laesense monyetla wa go tsenela dikopano tša tša mekato.go lekodišiš tse dingwe tša dithušo tša ditshelitemaelana le Public Finance MangementAct (Act no. 1 of 199); le go thusakadintlha tse dingewe tse di tsamaelanago le tse .

E BEWA TŠHOMISONG ke bahlomi baba molao ba Profense ya Gauteng ka mekgwa ye e latelago:

Phetošo ya karolo 1 ya Molao wa No .4 wa 1995

1. Karolo ya 1 ya Gauteng Gambling Act ,1995 Mo molaong wo o bitšwago (Sehlogo sa Molao (``Principal Act``)) se fetotswe.-

- (a) Kago ba legatong la tlhaloso ``Fixed odds bet`` ya hlaloso ye elatelago:

``Fixed odds bet`` e ra gore bet ye e tserego ka laesense ya bookmaker molebakeng goba mabaka a mabedigoba go batamela moo go odds di batametsego dumellana ge bet e beilwe feela esa akaretse bet ka moka [goba goba karolo yengwe lengwe yeo tshelete e tla arolwa goba e e phethwe ka mokgwa wo mongwewo o lebanego goba mokgwa wo mogwe wo o ikemego go wona ; bokamoka ba karolo ya muhuta ofe goba ofe;]“;

- (b) Kago tlosa tlhaloso ya ``tshelete``;

- (c) Ka go lokela ka morago ga tlhaloso ya Gambling ka hlaloso ye e latelago:

`` Dihlokwa tsa Gambling di ra ditlabakelo goba dilo tse di šomišwago malebana le dipapadiso goba betting gammogo le go se kalele go akaretša le electromechanical goba ditirišo tša electric, ditlabakalo goba motšhene goba motšhene wa dipapadišo go raloka dikarata goba di diriswa goba dilo tšeo lekgotla le ka laelago gore ebe dinyakwa tša dipapadišo

- (d) Ka go lokela ka morago gatema (h) ya hlalošo ya laesense ya temana ye e latelang:

`` (i) Laesense ya dipapadiso ye akantswego molaong 290 ; le

(j) `` dikopano tša tša mekatodi akantšwe temana ya 16 ``

- (e) Ka go lokela ka morago ga tlhaloso ya `` Profense``

“Public Finance Management Act ,1999e ra gore Public Finance Management Act, 1999(Act No. 1 of 1999) bjale ka ge e fetola nako le nako“

- (f) ka go tloša tlalošo ya ``molao wa mekato``
- (g) ka go tloša tlalošo ya ``racing club``
- (h) ka go tloša tlalošo ya ``Tab``

Phetoso ya karolo 13 ya Molao wa No. 4 wa 1995

2. Karolo ya 13 ya sehlogo sa molao e ipeletša gofetolwa ka go ema lekgatong la tema (b) karolwana (1) ya tema ye e latelang:

“(b) Go kgopela goba amogela mošomo go motswari walaesense, wa kgopela wa laesense ka tlasa molao mongwageng ka morao ga go fedisa lebaka la gagwe la mošomo , bjalo ka ge mabaka a ka ba bjang. Gotla ya ka gore leloko le la mošomo le la lekgotla le aka gopela le go amokgela mošomo wo ka go ngwalelwa ke ba ba lekgotla pele [A filwe mosomo ka mabaka a ikgethileng le ka tumellano ya leloko le le amegago]“

Phetošo ya karolo 15 ya Molao wa No. 4 wa 1995

3. Karolo ya sehlogo sa molao se ipeletsa go fetolwa ka go ba legatong la karolwana (2) ya karolwana ye e latelago:

“(2)Matsatsi, mabaka, ditefo le mophutso a amanago le sekgone goba motho yo a kgethilwgo goba a beditšwego ka tlasa karolwana (1), le mešomo goba diritile tse di swanetšego go dirwa ke leloko e tla laelwa ke lekgotla [ka tumello ya leloko le le amegago] go ka ba tumellanong ye e ngwetšwego ke mabaka magareng a lekgotla le le setsibi goba motho yo a lebanego.“

Phetošo ya karolo 15A ya Molao No. 4 of 1995

- 4.Karolo 15A ya sehlogo sa molao e ipeletša go fetolwa ka ba lekgatong la karolwana (1) ya karolwana ye e latelago:

“(1)Lekgotla [ka tumello ya leloko le le amegago le] go ya ka dithušo tša karolo ye, le ka somišo matla ditsomišo le mešomo go leloko le

lengwe le le lengwe la lekgotla goba mošomedi wa lekgotla goba komiti ya maloko a bjalo, mo mabakeng a ka bago a laetše ke lekgotla.”.

Phetošo ya karolo 17 ya Molao No. 4 of 1995

3. Karolo 17 ya sehlogo sa molao e ipiletša go fetolwa –

(a) Ka go ba lekgatong la tema (a) ya karolwana (1) ya tema ye e latelago:

“(a) Tšhelete [lebantšwego polokelong ya matlotlo a naga] ebeakanywa gape e dumelletšwe ke leloko la maleba bjalo ka ga e akantšwe go karolwana (2) gore lekgotla le tle le kgone go šoma gabotse ka tlasa molao wo [, le].”;

(b) ka go tloša tema (b) ya karolwana (1);

(c) ka go ba lekgatong la karolwana (2) ya karolwana ye e latelago; “(2) lekgotla ka lebaka la [kamano] tumello ya go akanywa ga karolwana (1) [(a)], le tla tliša budget go leloko la maleba [kakanyo yeo ya ditsenyagalo le maitapišo a mangwe malebana le (budget) pheakanyo ya ditšhelete bjalo ka ge leloko le le amegago goba ba polokelo ya letlole ba Gauteng ba nyaka.] Tšhelete ye e akantšwego ditseno le ditshenyegelo tša financial year’ gore di tumello dikgwedi tše 6 pele go thoma financial year.

(a) ka go ba lekgatong la karolwana (3) la karolwana ye e latelago:

“(3) lekgotla le ka [diriša ditšhelete tša lona go lefa dikoloto tše ipeleditšego ke kgoro ge e be e dira mošomo wa yona go ya ka molao]. E sego budget ya ditefelo gape e ka se tšweletšwe mašeledi ntle le ge e Tumello go Ba polokelo ya Matlotlo a Setšhaba e hweditšwe.

(e) ka go ba lekgathong la karolwana (4) ya karolwana ye e latelago:

“(4) Kgoro e tla pula account [panka ye e ngwadisitšwego semmušo go akantšwe ba lekgotla ka tumellano ya leloko le le amegago] panka ye e ngwadisitšwego semmušo Afrika Borwa le gona e

dumelletšwe ka mokgwa wa go ngwalwa fase ke Ba pólókelo ya Matlotlo a Setšhaba ka morago ga go dumellana le tšhepedišo ya melao ye e ngwadilwego, e tla tšhentšha tšhelete go account ye e laelwego ke karolwana (1);” le

(e) ka go ba legatong la karolwana (6) ya karolwana ye e latelago:

“(6) Mašaledi a mangwe le a mangwe [tšhelete ye elego go karediti ya lekgotla] a tšhelete ka morago ga ditshenyegelo mafelong a financial year ya lekgotla ka gare ga account ye e laetšwego ke karolwana (4) goba yeo e polokilwego ka tlasa karolwana (5) [ntle le tšhelete yeo e dumeletšwego ke leloko le le amegago bjalo ka ge e le bohlokwa mo tsamaišong ya ditsenyegelo tša lekgotla] e tla lefišwa go ditšhelete tša motšhelo tša profense.

Go ba legating la karolong ya 18 Molao wa No .4 wa 1995

Liitem 6. Karolo ye e latelago e ipeletša go ba legatong la karolo 18 ya sehlogo sa molao:

18. (1) Molao o na le maikarabelo dintlhakgolo tša molao go thusa le molao wa ditšhelete tsa setshaba, 1999.

(2) Ba dipolokelo tša tšhelete/letlotlo ba Profense ka mabaka a sa tlwaelwago, ba ka dumella, goba go laela gore mošomo wo mongwe wa mmuso ba be ba lekodišiše molao, e bile ba ka o ntšha ditumellano goba ditaolo nako yengwe le yengwe.

(3) Bamolao ba swanetše go tsebiša Molekodi Phaphara wa tša matlotlo gabotse e bile ka lengwalo le lelaetšago tumellano goba taolo le go ntšhiwa go go itšego ga karolwana (2).

(4) Molao wa tsa go lekola ditšhelete/matlotlo o swanetše go –

- (a) Go Swanetše go tšewe karolo mošomong ka go bontšha hlokomelo ka go fetišiša go kgonthisisa mabaka a makaone a go hlokomela letlotlol le direkoto tša mmušo;
- (b) Molao wa botshepegi, bonnete, potego le ihula le goka moo mmuso o ka hulegang taolong ya merero ya ditšhelete tsa mmušo;
- (c) Ka kgopelo re tlisa go letona goba polokelo ya matlotlo ya mmuso ditlhao kamoka tša ditirišo go ntšha le tše di bohlokwa tše di bonwego tšeo ka tsela engwe di ka khuetšago diphetho goba makgato a Letona goba Bahlomi ba molao ba Prorofensele
- (d) Ka mogare ga ditutuetšo tsa lekgotla nyaka/ikemisetse, go thibela mekgwa ye e sa lokago (beba) hlokomelong ya ditšhelete tša Naga.

(5) Leloko la lekgotla goba motho wa molao yo a lekolago matlotlo a ka se

(a) šome ka mokgwa wo e sego wa maleba filwe maikarabelo a go lekola la matlotlo a mmušo go ya ka Public Finance Management Act 1999, goba

(b) a šomiše, leemo goba monyetla goba a botege go ditaba tše a di hweditšego, bjalo ka ge molekodi wa matlotlo wa mmušo goba leloko la lekgotla, go hula goba go hula batho ba bangwe ka mokgwa wo o sa lokago.

(6) Lekgotla goba balekodi ba letlotlo ba mmušo

(a) ba swanetše go kgonthišiša gore lekgotla le ba le -

(i) phetagatša, šoma ka mokgwa wo o hulago le ka mokgwa wo o bonakgatsago ditšela le maitekelo a mabotse a taolo ya ditšhelete;

(ii) mokgwa wa go bala/lekola ditšhelete tša ka gare di ba ka tlasa taolo le go bontšhwa ke komiti ya Balekodi ba letlotlo di tsamaelane le go ba malebana le melao le ditaello tše di ngwetswego go karolo 76 le 77 ya

Public Finance Management Act,
1999

- (iii) go swanetše ho kumanega le go fiwa mokgwa wa maleba wo o lokilego, wa toka, wo pontšhagalago, wo o kgonegago le go šomiša ditšhelete ka mokgwa wo o hulago; le
 - (iv) mokgwa wo mobotse wa go lekola diprojeke tše kgolo tša ditšhelete go fihlela go tšhewa sephetho sa mafelo sa projeke;
- (b) ba swanetše ba šome ka tsela ye e tlo dirago gore ba hulege ya maleba ka go -
- (i) kgobokanya ditseno go ya ka lekgotla
 - (ii) thibela ditshenyegelo tše e sego tša maleba, tše di sa hulego, ditshenyegelo tše di senyago, tše di lobišago dibakwa ke maitshwaro a bokgodu, bosenyi le ditshenyegelo tse di sa tsamaelanego le tšhepidiso ya ditšhitšhinyo tsa lekgotla; le
 - (iii) Bokgone ba go laola tšhelete ye e šomišwago ka mokgwa wo o hulago le wa bo ipabalelo.
- (c) a be le maikarabelo a bolaodi, go hlakantšha le tšhireletšo, ya matlotlo le bolaodi ba ditseno, ditshenyagelo le dikoloto tša lekgotla
- (d) swanetše go tsamaelana le motšhelo, levy, mošomo, pentshene le tše dingwe tša tekolo tša matlotlo bjalo ka ge di hlokwa ke molao;
- (e) swanetše go tšhea sephetho sa maleba sa go kgala kgahlanong le mošomi yo mongwe le yo mongwe wa lekgotla yo a -
- (i) tloago goba a phalwago ke go dumellana le tše di hulago Public Finance Management Act, 1999;
 - (ii) a bago kगतlanong le molao ka go nyatša molaodi wa letlole le internal control system of the board; goba

(iii) a dira goba a dumella tšhomišo ya tšhelete ka mokgwa wo o sa lokago, wo o sa hulego goba o senya tšhelete;

(f) o na le maikarabelo a go iša dipego, diboelo, ditsebišo le tše dingwe tša ditsebišo ka moka go leloko le le amegago, polokelo ya tsa matlotlo ya profense goba ba hlomo ya molao ba profense, bjale ka ge go hlokwa ke Public Finance Management Act, 1999;

(g) o swanetše go bonwa a dumellana le go ba malebana le molao ke ba lekgotla ka dithuso tša Public Finance Management Act, 1999 le ke molao wo mongwe le wo mongwe wo o lego gona.

(7) Ge lekgotla goba molao wa go lekola ditšhelete ba sa dumellane le ye ngwe ya maikarabelo a a laetšwego ke lekgotla goba molao wa go lekola matlotlo go ya ka Public Finance Management Act, 1999, o swanetše go pega bofokodi, gammogo le mabaka go leloko le le amegago le ba polokelo ya letlotlo ba profense.

Tokela ya karolo ya 18 A molao No. 4 of 1995

7. Karolo ye e latelago e ipeletša go lokelwa sehlogo sa molao ka maorago ga karolo 18:

“Pego ya ngwaga le Ditlhalošo tša letlole/ditšhelete

18A (1) Mmuso o swanetše go –

(a) Bea lenanethoto le lenepagetsego ka botlalola merero ya ditšhelete

(b) Lokiša distatamente tša letlole tša ngwaga le ngwaga malebana le ditirišo tše di dumelwago ka kakaretšo, ntle le ge Moalo wa accounting standard o dumellana le kgopelo ye e šomišwago ka kakaretšo accounting tirisong ya molao;

(c) Tliša Distatamente tša letlole lebaka la dikgwedi tše pedi morago ga Financial Year go molekodi paraphare wa tša ditšhelete gore a thuswe dihlopišong tša letlole tša molao wa tša ditšhelete, 1999;

(d) Iša distatamete go Ba tša matlo le le Letona kgwedding tše hlano ya Financial Year

(i) Pego ya ngwaga ya ditirišo tša mmušo lebakeng la Financial year; le

(ii) Distatamete tše di lekoletšego Financial Year; le

(2) Pego ya ngwaga le Setatamete sa Letlole tše di šomišwago go karolwana (1) (d) diswanetše-

(a) Go emela naga ka botshepegi ba (Mmuso), Dikgwebo Dipoelo tša ditšhelete Ditšweletšo kgatlanong le merero ye e bego e beilwe le leemo la tša ditšhelete byalo ka mafellong a Financial Year ye e lebanego;

(b) Go akaretša l tše dingwe tša bo –

(i) Go timela ga sediriswa sefe goba sefe ka baka la bokgodu le go se šomiše tšhelete ka maleba le go se kgolege le gosenya tšhelete tse di tšweletšego lebakeng la Financial Year

(ii) mokgwa wo mongwe le wo mongwe wa bohodu le kgalo wo tshewa bjalo ka moputso wa ditahlegelo goba gose šomiše tšhelete ka mokgwa wo wo lokilego goba wo o sa o le wa go senya ditšhelete;

(iii) Ditsenyegelo tše di lokisitšwego goba di pumutšwe

(vi) Thušo ya tšhelete ye e hweditšego ho tswa go naga le maitapiso dirilwego mo lehatong la yona; le

(v) Taba ye ngwe le ye ngwe ye ka ngwalago.

3. Leloko le le amegago le swanetše go bea pego tafoleng ga mmogo le disatamete go ya ka karolwana (1) (d) mo hlomong ya ya molao ya Profense ka bjako.

4. Polokelo ya tša matlotlo ya Profense e ka laola gore ntle le go aroganya dipego, distatamete tša ditšhelete tše di lekotšwego tša Moalo di swanetše go hlakantšwa le tšeo tša kgoro/Dipatimete.

5. Ngawaga wa Letlole (Financial Year) wa Mmuso o fela ka 31 March ngwaga ka ngwaga.``

Phethošo tša 20 tsa molao wa no. 4 wa 1995

8. Karolo ya 20 ya sehlogo sa molao e ipeletša go lokiša ka go ba lekgatong la karolwana (4) ya karolwana ye e latelago:

“(4) Letona paraphare ka matsatšing a supa kamorago ga go ipeletša ga yo mongwe wa ba emedi o hlomara go pega go ya ka karolwana ya (1), [ye e romelwago ka poso goba go tlišwa] go romelwa, go ya ka karolo 24(2)(b), o tla isa sengwallwa sa baemedi go mokgopedi yo a lebanwego.”

Phethošo ya karolo ya 23 ya molao wa No. 4 wa 1995

9. Karolo ya 23 ya kgopelo ya sehlogo sa molao e ipeletša go lokiša ka go ba le kgatong la karolwana (3) ya karolwana ye e latelago:

“(3) Ga go tsebišo e tla dumelwa go ya ka karolwana ya (1), gape ga go dikgopelo tse di tla fiwago go ya ka karolwana (2), moo tsebišo goba dikemedi tše di lebanego ba tla fihlago feela ge ka go akaretsa ditebo maelana le dipapadišo tša go kembula [le dipeeletšo] goba go laola mouwe.”

Phethošo tša karolo ya 25 ya Molao wa No .(4) wa 1995

10. Karolo ya 25 ya sehlogo sa molao se e peletša go lokiša ka go ba le kgatong la karolwana ya (3) ya karolwana ye e latelago:

“(3) Letona paraphare le romela pele sengwala sa mohuta wa pego go mokgopelwa [romelwa ka go poso e e ngwadisetswego ka molao goba ye e iswago bathong]

Phethošo tša karolo ya 30 ya Molao wa No.4 wa 1995

11. Karolo ya 30 ya sehlogo sa molao e ipeletša go lokiša –

(a) Ka go ema legatong la tema ya (c) ya karolwana (1) ya tema ye e latelago:

“(c) E nale nako engwe moo go ahlolago, e ka ba nageng goba go gongwe, ka bohodu, boradia goba go ntšha lengwalo la bofora,

kennollo, molato wo o tlogo ka tlasa molao woo goba molao wa bosenyi, 1992 (Act no. 94 of 1992.), goba go molato wo mongwe lewo mongwe wo o akaretšago go se tshepege, e bile o rometšwe kgolegong ntle le kgethoya tefo goba tefišo ye e fetago R500 [100],`

(b) Ka ba legatong la tema ya (a) le ya (b) ya karolwana tše dilatelago:

“(a) Ge mokgopelwa goba motho yo a nago le go laola ga kgalego goba tswalo ya letlole ya diperesente tse hlano goba go fetiša ,goba diperesente tše nyane go ya kamoo go ka ngwalago , mo go mokgopelwa go na le leloko le le akaneditšwego go tema ya (a) goba taolo yengwe ya kgwebo ye e swanetšego lebakeng la dikgwedi tše 12 motho, a akanetswe temeng ya (e) (g), (ga) goba (gb) ya karolwana ya (4).

(b) Ge mokgopela goba motho yo a nago le gahlego go ya ka kantšo ya temana ya (a) goba molaodi yo mongwe wa kgwebo ye e rilego ka morago ga dikgwedi tše 12 motho yo a akaneditšwego go ya ka tema (e) (g), (gA) goba (gB) ya karolwana (1).`;

(c) go ya ka go tlošwa ga karolwana (4)

Phetošo tša karolo ya 31 ya Molao No. 4 wa 1995

12. Karolo 31 ya sehlogo sa moalo se ipeletša go lukiša-

(a) Ka goba legatong la karolwana (1) ya karolwana ye e latelago:

“(1) Lekgotla go ya ka dithuso tša karolo 30 gape go ya kamoago ga ge go amogetse mokgopelw ka mokgwa wo mobotse lebakeng la lasense, dikemelo, tše di dirilwego malebanale le lengwalo la kgopelo malebana le molaetsa woo wa gona, ge ditsebišo tše dingwe di tšweleditšwe goba di heditšwego ya ka dikarolo tša 23, tekolo le pego ya maphodisa ye e akantšwego mo dikarolong tsa 25 le 26, le bohlati bo bongwe bo bo tšweleditšwego lekgotla

malebane karolwana 29 goba ka mokgwa wo mongwe, fana ka kgopelo, [malebana le karolwana (2),] mo mabakeng ao lekgotla le ka tlišago goba go kgana lengwalo la kgopelo.`, le
(b) ka go ntsha ga karolwana (2).

Phethošo tša karolo 33 ya molao no. 4 wa 1999

13. Karolo 33 ya sehlogo sa molao e ipeletša go lokiša-

(a) Ka go legatong la tema ya (c) ya karolwana (2) ya tema ye e latelago:

``(c) Lekgotla ka lebaka la go kgopelwa ga motswari wa laesense lebaanyana nakong ye ngwe le ye ngwe ka morago ga go lokolwa go fihla moo, ka mabaka a mabotse a bontšitšwego, go ya ka katološo ya nako ye e itšego e beilweka tlasa tema ya (b),``, le

(b) Ka go legatong la tema (d) ya karolwana (2) ya tema ye e laelago:

``(d) Lebaka le le beilwego ka tlasa (b), goba ka mokgwa wo go hlalosago ebile go katološwago ka tlasa tema ya (c), go ka se be lebaka le le telle go feta [mengwaga ye meraro] mengwaga ye e tšheletšgo,``.

Phethošo tša karolo 34 ya molao no. 4 wa 1995

14. Karolo ya 34 ya sehlogo sa molao e ipeletša go lokiša -

(a) Ka go legatong la karolwana (2) ya karolwana ye e latelago:

``(2) Go thuša ka dikarolo 19 go fihla go 24, 25 le 26 tše di setšego dika soma, le 27 go fihla go 32 go tla šomišwa mutatis mutandis malebana le go akantšwa go go šomišwago go karolwana(1) go dira phethošo tše tšeo lekgotla le tla di kgonthisago [malebana le karolwana (2a)], go ba go disomisa,``, le

(b) Ka go tloša ga karolwana (2A)

Phethošo ya karolo 37 ya Molao No. 4 wa 1995

15. Karolo 37 ya sehlogo sa molao e ipiletša go fetolwa –

(a) Ka go ba legatong la tema (a) ya karolwana (1) ye e latelago:

“(a) go fega laesense lebaka le le rilego, [goba] go fediša laesense, goba go fa kotlo ye e hlokegago, gammogo le go fega kotlo.”

(b) Ka go emele lebakeng la tema ya (b) ya karolwana (1) ya tema ye e latelago:

“(b) Go bewa molato ga moswari wa laesense ye e sa fetego [R200 000] R10,000,000 (dimilione tše lesome ta diranta) goba tšhelete ye ntšhi ye e ka ngwalwago ke lekgotla, goba go e fega lebakanyana le le beilwego goba go fediša laesense ge motsware wa laesense a sa aka pallwa go dumelana le goba go tlola molao goba mabaka a laesense goba taolo tša molao woo.”

(c) Ka go ba legatong la tema (a) ya karolwana (2) ya tema ye e latelago:

“(a) Ka go thea komiti ya go kgala ka tlasa arolo 14 (2) e ka lefisa mosolwa yo a hlotsego molao ebe e lekodisise mabaka a sodisago ka ge go akantswe go karolwana (1) ,” le

(d) Ka go ba legatong la tema ya (c) ya karolwana (2) ya tema ye e latelago:

“(c) Komiti e tla dira mokgwa wa gore go teeletšwe ka leba ka la tefišo ye ngwele e ngwe goba go nyakišiša , gape mokgwa woo wa go theetšwa, otlala ba malebana le thuo/taolo ya mutatis mutandis ya karolo 28(2) e e balwago le 24(2), ye o e ka tsenelago ke batho kamoka.”

Goba ba legatong la karolo 43 ya Molao No. 4 wa 1995 bjalo ka ge go lokisitšwe ke karolo 35 ya molao wa 6 wa 1996

16. Karolo ye e latelago e ipeletša go ema ba legatong la karolo 43 ya sehlogosa molao:

Mesomo ye e dumelwetšego ke molao ka ga laesense ya casino

43. (1) Go fiwa ga laesense ya casino go tla, ba malebana le mabaka a mangwe le a mgwe a a theilwe ka tlasa karolo 32 mmo go dumellwago tsepidišo le go tswarwa ga dipapadišo tša casino, bja go hlaloswa laesenseng, go ya ka mohuta wa laesense e itšego.

(2) Laesense e ka se amane le ye ngwe ya metšhene ya dipapadišo mo mabakeng a mangwe bjalo ka jackpot le go dumelwa ke, lekgotla.

(3) Lekgotla go ya ka metšhene ya dipapadišo yeo e amanago le jackpot go ya ka mabaka a mangwe, go akantšwe mo go karolwana (2) go tshentswa mo tumellanong le mekgatlo ye mengwe ya molao ka ntle go porofense go kgonthišiša mokgwa wo mobotse wa go laola mafelo a namilego a tsweletšago jackpot,`.

Phethošo tša karolo 44 ya Molao No. 4 wa 1995

17. Karolo 44 ya sehlogo sa molao e ipeletša go lokiša ka go ba legatong la tema (b) ya karolwana (1) ya tema e latelago:

“(b) E dira gore ditekolo tsa go kgopelo ya sengwala sa melao sa moreki se be kgona [melao ya lekgotla] Ye e tiišago mokgwa wo di casino di swanetšego go papalwa,`. Go akanya mokgwa woo papadi ye ngwe le nyengwe e ka ralokwago ka kgona.

Diphetošo tša karolo 46 ya Molao (Act No.4 of 1995)

18. Karolo 46 ya sehlogo sa Molao ipiletša ka go fetulwa klokelwa ka morago ga karolwana (2) ya karolwana ye e latelago:

“(3) Lekgotla le ka kopanya dikakanywa go ya ka karolwana (2) ka go dumellana le makgotla e mengwe ya molao ko ntle ga

Profense go kgonthišiša taolo ya maleba ya go kopanya dipapadi tša bingo (linked bingo games)."

Phetošo tša karolo 49 ya Molao (Act No.4 of 1995)

19. Karolo 49 ya sehlogo sa molao e ipiletša go fetolwa ka go ba legatong la karolwana (1A) ya karolwana ye e latelago:

“(1A) Koketšo ya laesense tša metšhene ya dipapadišo, malebana le mabaka afe goba afe a a filwego ka tlaša karolo 32, e laela go boloka ga nomoro yeo, e sego ye e fetago 100, ya papadi ya motšhene se lefelong le go filwego tumelo ke molao bjalo ka ga le kgotla [ka go dumellana le lekgotla khuduthamaga] ye e akantswego go ya ka mokgwa wo mongwe.”

Phedišo ya karolo 53B ya Molao No.4 of 1995

20. Karolo 53B ya sehlogo sa molao e ipiletša go fedišwa

Phedišo ya karolo 58 ya Molao No.4 of 1995)

21. Karolo ya sehlogo sa molao e ipiletša go fedišwa.

Phetošo ya karolo 61 ya Molao No. 4 of 1995

22. Karolo 61 ya sehlogo sa molao e ipiletša go (lokisa) fetolwa –

- (a) ka go ntšha ga temana (a)(iii) ya karolwana (2)
 (b) ka go ba legatong la temana (a)(iii) ya ditema tše di latelago

“(a) (iii) kotlo ye e ngwetšwego fase ya go lefella motšhelo ka morago ga nako [go ba tefo], kotlo yeo e ka se fete tego ya motšhelo gabedi [goba tefo] go sa hlokego gore kotlo yeo e tla kgonega go patelwa;” le

- (c) ka go lokelwa ka morago ga temana (b)(ii) ya karolwana (2) ya temana ye e latelago:

“(b) (iii) ditefelo tša ngwaga tše di ngwetšwego fase go sa hlokege gore ke tša laesense efe”.

Phedišo ya karolo 65 ya molao No. 4 of 1995

23. Karolo 65 ya sehlogo sa molao e ipiletša go fedišwa

Phethošo tša karolo 66 ya Molao No. 4 of 1995

24. Karolo ya 66 ya sehlogo sa molao e ipiletša go fetolwa ka go ba legatong la karolwana (3) ya karolwana ye e latelago:

“(3) Moo mokgwa wa go lebedišiša o sa dumelwago goba o sa e ngwadišago ka tlasa karolwana (2), go swanetšwe go dumelwa mabaka a motšwari wa laesense efe goba efe.

(a) ntle le gore motšhene wa gagwe wa papadišo o kopantšwe le mokgwa woo wa ditekolo, a ka se kgone go

(i) kgafela go ba lekgotla diboelo tše dilokegago tše ngwetšwego fase go ya ka dihlokwa tša laesense; goba

(ii) go dumellana le dithošo tša molao wo Goba tsepidišo le mabaka a laesense; goba

(b) ka mabaka a bohlokwa a a sa ikgethileng, go swanetše go šomišwa motšhene goba go dumelwa go ba le laesense lekgotla [ka tumellano ya leloko le lebanego] le ka thibela motšhene goba go swara laesense, go fihlela nako yeo (mokgwa) balebedišiši ba tla bang ba dumelletše e bile ba ngwadisitše, gape le metšhene e tla bang e kopantswe le mokgwa woo wa ditebedišišo.”

Phetošo tša karolo 84 ya Molao No. 4 of 1995

25. Karolo 84 ya sehlogo sa molao e ipiletša go fetolwa

(a) ka go lokelwa ka morago ga tema (f) ya karolwana (2) ya tema ye e latelago:

“(fA) molao le taolo ya metšhene ya papadišo; le” le

- (b) ka go ba lekgatong la karolwana (4) ya karolwana ye e latelago;
- “(4) (a) Lebakanyana le le sa fetego kgwedi pele ga ge molao o dirilwe ka tlasa karolo ye, leloko le le amegago le tla dira gore buka lephepha le phatlalatswe go kuranta ya mmuso ya Profense gammogo le tsepidiso yeo e kgonthišago maikemisetšo a gagwe a go dire molao le go mema batho ba ba nago le kganyogo ya go hlahla ka go mo swayaswaya goba tše dingwe tsa di kemedi tše di hlahlalago tše dingwe tše di amanago le tseo.
- [-
- (a) go leloko le le amegago, go ya ka molao wo o akantšwego go karolwana (1); le
- (b) go lekgotla, go ya ka molao wo o akantswego go karolwana (2)].”.

Phetošo ya karolo 85 ya molao No.4 of 1995

26. Karolo 85 ya sehlogo sa molao e ipiletša go fetolwa ka go lokelwa ka morago ga tema (d) ya karolwana (1) ya tema ye e latelago:

“(e) go akaretšwa ntlha yengwe le yengwe ye e ka bonwago e le bohlokwa goba e thušago go akanywa mo go huleng ga merero ya molao.”

Go ba legatong la karolo 86 ya Molao No. 4 of 1995

27. Karolo ye e latelago e ipiletša go eme lekgethong la karolo 86 ya sehlogo sa Molao:
- “Phatlatšo ya ditaba goba go balwa ga mehuta ya dipapadiso.**

86. Lekgotla le ka phatlalatša ditaba kakaretšo goba dipalo tsa dipapadišo profenseng.”

Phetošo ya karolo 88 ya Molao No. 4 of 1995

28. Karolo 88 ya sehlogo sa molao e ipiletša go fetolwa ka go ba legatong la tema (a) ya karolwana (2) ya tema ye e latelago:

“(a) Ge kgoro ya molao e latofatša motho e kgonthisiša gore molato wo o dirilwe ka tlasa mabaka a a šišago, ntle le ge mabaka a a ikgetileng a tšweleditšwe, go hlakantšwa le kotlo, ye e beilwego godimo ga molatofatšwa e ka ba tefišo ye e sego ka tlasa diperesente tše 10 ebile e sa fete diperesente tše 100 tša palomoka ya tekanyetšo, dikgweding tše tsheletšego ka bjaka pele ga kgoro tšhselete ya boka moka kgwebo yeo e bilego kgona mo ditefelong goba moo molato o dirilwego le mo go dirilwego gore o be kgona ka mabaka a ditiragalo tsa papadišo (gambling) tše di dirilego gore molatofatšwa a bonwe molato, ga e fete [2000 000] R10,000,000 (dimiliyone tše lesome): Go ya ka gore go tla ba le bohlati bo bo lekanego ba mabaka ao a ikgetilego mo go ka hwetšago gore mekgatlo ye mengwe ye e amanago ke taba ye e kgonthisiša go hlokomelo gore e thibele kgoro, le lekgotla la tshoko le ka dira pegu go mokgatlo wo.”

Phedišo ya karolo 89C ya molao No.4 of 1995

29. Karolo 89C ya sehlogo sa Molao e ipiletša go fediswa.

Phetošo tša karolo 91 ya molao No.4 of 1995

30. Karolo 91 ya sehlogo sa molao e ipiletša go fetolwa –

(a) Ka go ba legatong la tema (a) ya karolwana (1) ya tema ye e latelago:

“(a) Lekgotla [ka tumellano le leloko le le amegago] le ka ngwala lengwalo la kgopelo le ka go thuša ka ditsebišo go ka ba mo go lebanego go thuša kudu go fa [a racing club] mokgopelwa laesense gore a a kgone a be le dikopano tša mokato tše dintšhi ka ngwaga bjalo ka ge go hlaloswa laesenseng, mo lebaleng leo a le dumelletšwego ke semmušo goba

mošomo wa [racing-club] moo mokgopelwa a bontšhitšwego kgona.”

31. Ka go ba lekgatong la karolwana (2) ya karolwana ye e latelago:

“(2) Melao go ya ka moo dikopano tša tša mekatodi tla tswarwago ka kgona ke motshwara laesense, e tla kgonthišiša/dumellwa ke lekgotla.” le

32. Ka go lokela ka morago ga karolwana (8) ya karolwana ye e latelago:

“(9) (a) Lekgotla mo mabakeng a, bjale ka ge le rerile, le ka dumella motshwari wa laesense ya kopano ya tša mekato ka go mo ngwalla –
 (i) go phatlalatša pepeneneng, ka mabaka afe goba afe a semmušo, kopano ya tša mekato ye e biditšwego ke motshwara laesense; le
 (ii) Ho hwetša phatlatšo ya dikopano tša tša mekato tše diphatlatšwago semmušo, gape go di tsweletša go batho ka molao lebatlelong la tša mekato le le dumelletšwego ka motswara laesense yo a lebanwego;

(b) Morero wa molao wo, o tla kgonthiša motshwari wa laesense ya dikopano tša tša mekato, yo a hwetšago ebile a tsweletšago/bontšhago go ya ka tema (a), o tlo ba le kopano ya tša mekato ka tšatši lona leo.”

Phetošo tša karolo 92 ya Molao No. 4 of 1995

33. Karolo 92 ya sehlogo sa molao e ipiletša go fetolwa –

- (a) ka go ba lekgatong la ditema (a) le (b) ya karolwana (1) ya tema ye e latelago:

“(a) go lokolla [racing-clubs] batswari kamoka ba dilaesense tša dikopano tša mekato mo go dumellaneng le dithušo/dikakanywa dife goba dife; le

(b) ka go ngwalla [racing-clubs] batswari ba dilaesense tsa dikopona tša mekato lengwalo la tsebišo lekgatong la engwe ya di thušo/kakanywa, dithušo goba dikakanyo tše di mpsha di tla bofa/kgapeletša/ama [racing-clubs] batshwari ka moka ba dilaesense.”

(b) ka go ba lekgatong la karolwana (2) ya karolwana ye e latelago:

“(2) laesense ya kopano ya tša mokato e tla ba mabapi le lebaka la gore [racing-club which] motshwari wa laesense yo a tšheyago sephetho sa go katolosa matsatši a kopano ya tša mokato ka lebaka la mabaka a sa kwišišagalego, ka lebaka leo o tla tšebisa ba lekgotla, kopano ya tša mekato ye e katolositšwego e tla ba tshwarwa/kgona goba e tšwelepele ka letšatši le lengwe le le laetšwego ke [Ga Poledisano ya Racing-club ye e lebanego le Ba molao wa tša mekato(Racing Authority)] batswari ba laesense.”; le

(c) ka go ba lekgatong la karolwana (3) ya karolwana ye e latelago:

“(3) Lekgotla [ka tumellano ya leloko le le amegago,] ka go tlaleletša mabaka a a lebisago go karolwana (1) le (2), nako ye ngwe le ye ngwe le ka mabaka a mangwe le ka hloma/thea thušo gape le ka feola goba go ntšha engwe ya mabaka ao.”

Phetošo tša karolo 93 ya Molao No.4 of 1995

34. Karolo 93 ya sehlogo sa molao e ipiletša go fetolwa ka go ba legatong la karolwana (1) ya karolwana ye e latelago:

“(1) Lekgotla [, ka tumellano le leloko le le amegago,] ka nako ye ngwe le ye ngwe le ka fega laesense ya kopano ya mokato go fihlela nako/lebaka leo lekgotla le tla le sisinyago; goba”.

Go ba lekgathong la karolo 94 ya Molao No. 4 of 1995

35. Karolo ye e latelago e ipiletša go ba lekgatong la karolo 94 ya sehlogo sa molao:

“Phedišo ya laesense ya kopano tša mokato

94. Lekgotla [, ka tumellano ya leloko le le amegago,] le ka no, se emelane le sithuso] dikakanyo tša karolo 91(5), ye e begago gore laesense ya kopano ya tša mekato e tla fedišwa ka lebaka/letšatši le le tla sisinywago ke lona (lekgotla)”.

Phedišo ya karolo 96, 98 le 99 ya molao No.4 of 1995

36. Karolo 96, 98 le 99 ya sehlogo sa molao e ipiletša go fediswa.

Sehlogo se se kopana le Thomo ya molao

35. (1) Molao wo o bitšwa Molao wa diphetošo tša dipapadišo wa Gauteng, 2000 (Gauteng Gambling Act, 2000) e tla thoma go šoma mo lebakeng le le šišintšwego ke Letona la profense (Premier) ka go tsebiša go kuranta ya mmušo.
 (2) Mabaka/matšatši a a fapanego a ka šišinywa maelana le dikakanyo tše di fapanego tša molao wo.

TLHATHOLLO YA MEMORANTAMO

1. MORERO WA MOLAOKAKANYWA

Lebaka la diphešo tša molao kakanywa ke go fetola Gauteng Gambling Act, 1995, gore go lokolwe, go hlaloswe goba go hlalosešwe pele ditaba tše dingwe, go tloswe dihlošo le dikakanyo tše di sa kwišišagalego, go tloswe kwano ya leloko le le amegago, mo go bilego mogola ka go fana ka tše dingwe tša di kabelo ke lekgotla, go kaonafatša mokgwa wo o ngwadilwelogo fase wa dipoledisano, go lekodišiša dišišinyo tše di sa lokago tša laesense, go fa lekgotla matla a go katološa bontšhi ba nako ya lebakanyana ya laesense mo mabakeng a a kwišišagalago; go tloša lengwalo la taelelo ye e nago le phešo ya laesense ye e se nago didirišwa. Go fa lekgotla matla a go lefiša motho yo mongwe le yo mongwe yo a tlolago molao. Go fa lekgotla maatla go dumella go kopantswa ga metšheme ya dipapadišo (linking of gaming machines), go tlosa ditaelo tse di sego bohloka mo keletšong ya bookmaker laesense. Go fa leloko le le amegago matla a go dira melao malebana le metšheme ya dipapadišo, go thuša lekgotla go dumella melao ya dikapono tša tša mekato, go fa lekgotla maatla a go fa tokelo ya go phatlalatša dikopano tša tša mokato, go lekodišiša tše dingwe tša dithušo tša letlotlo malebana le Public Finance Management Act, 1999 le go thuša ka tše dingwe tše di tsamaelanago le tše.

2. DIKHUETŠO GO TŠA TIKOLOGO

Ga di kgona.

4. TEMANA LE TEMANA YA DITAELELO TSE DINGWADILWEGO

Tshitshinyo tša diphešo go Gauteng Gambling Act, 1995 (Act No.4 of 1995) di ka mokgwa wo o latelago:

3.1 Karolo 1:

Karolo ye e šoma ka diphešo, go ntšha goba go lokelwa ga dihlahoso go karolo 1 ya sehlogo sa molao.

3.2 Karolo 2:

Tloša tumello ya letona mo go neeng tše dingwe tsa dithokelo go karolo 13 ya sehlogo sa molao. Lekgotla le swanetše go fana ka dithušo

3.3 Karolo 3:

Karolo ye e fetola karolo 15 ya sehlogo sa molao ka go tloša tumellano le tumello ya leloko le le amegago le lekgotla mo tšhitšhinyong ya mabaka a bathuši ba ditsibi go lekgotla le fana ka mošomo le malokelo ke lekgotla.

3.4 Karolo 4:

Karolo ye e fetola karolo 15A ya sehlogo sa molao ka go lekodišiša dikakanywa mo tsholeteng ya lekgotla malebana le Public Management Act, 1999.

3.5 Karolo 5:

Karolo ye e fetola karolo 17 ka go lekodišiša dikakanywa mo maitemogelong a lekgotla malebana le Public Finance Management Act, 1999.

3.6 Karolo 6:

Karolo ye e ba legatong la karolo 18 ya sehlogo sa molao ka go mphafatsa dikakanywa go dinyakwa tša dipego ke lekgotla malebana le Public Finance Management Act, 1999.

3.7 Karolo 7:

Karolo ye e lokela karolo 18A mo sehlogong sa molao ka go thuša go pego ya ngwaga le Financial Statement malebana le Public Finance Management Act 1999.

3.8 Karolo 8:

Karolo ye e fetola karolo 20 ya sehlogo sa molao ka go tloša mokgwa wo o theilwego wa dipoledišano.

3.9 Karolo 9:

Karolo ye e fetola karolo 23 ya sehlogo sa molao ka go tloša lentšu "and betting" bjalo ka ga le sa nyakege.

3.10 Karolo 10:

Karolo ye e fetola karolo 25 ya sehlogo sa molao ka go tloša mokgwa wo o theilwego wa dipoledišano.

3.11 Karolo 11:

Karolo ye e fetola karolo 30 ya sehlogo sa molao ka go oketša tšhelete ya ditero ye e bege e se kgona go tloga go R100 go fihla R500, ka go tšhentšwa le maloko a malapa a maloko a lekgotla mo lekgong la ba ba ba ntšhweditšwego go tloga ba dumelletšwego ke lekgotla go ba le laesense le go tloša dilo tše ikgetilego mo kakaretšong ya go hloka ditokelo tša laesense.

3.12 Karolo 12:

Karolo ye e fetola karolo 31 ya sehlogo sa molao ka go tloša tumellano ya leloko le le amegago mo go faneng ga dilaesense ke lekgotla le (National legislative) ba hlomo ya molao wa naga.

3.13 Karolo 13:

Karolo ye e fetola karolo 33 ya sehlogo sa molao gore e fe lekgotla matla a go katolosa botlalo/bontši ba matšatši a lebakanyana a laesense mo mabakeng a mabotse a a filwego.

3.14 Karolo 14:

Karolo ye e fetola karolo 34 ya sehlogo sa molao go tloša sengwalo sa taelo yeo e nago le dilo (tše di sa somiswang) disomisa tše ...

Phetošo ya laesense

3.15 Karolo 15:

Karolo ye e fetola karolo 37 ya sehlogo sa molao go fa lekgotla matla a fa kotlo ya maleba le go thuša lekgotla ka matla a go lefiša motho ofe goba ofe yo a solwago ka go tšhela molao gape le oketša bokamoka ba kotlo.

3.16 Karolo 16:

Karolo ye e ba legatong la 43 la sehlogo sa molao go kaonafatša motheo wa mantšu a karolo go thuša ka dinyakwa tša lekgotla tša go akanya malebana le linked gaming machines le go fa lekgotla maatla a go tsena ditumellanong le mekgatlo ye

mengwe ya molao go kgonthišiša melao ya maleba ya linked gaming machines.

3.17 Karolo 17:

Karolo ye e fetola karolo 44 ya sehlogo sa molao kago lokiša motheo wa mantšu.

3.18 Karolo 18:

Karolo ye e fetola karolo 46 ya sehlogo sa molao ka go thuša ka dinyakwa tša lekgotla tša go dumella malebana le linked gaming machines le go fa lekgotla maatla a go tsenela ditumellano le mekgatlo ya molao go kgonthišiša molao wa maleba wa linked gaming machines.

3.19 Karolo 19:

Karolo ye e fetola karolo 49 ya sehlogo sa molao ka go tloša kwano ya leloko le le amegago.

3.20 Karolo 20:

Karolo ye e fediša karolo 53B ya sehlogo sa molao bjale ka ge e sa kwišišege.

3.21 Karolo 21:

Karolo ye e fediša karolo 58 ya sehlogo sa molao bjale ka ge e sa kwišišege.

3.22 Karolo 22:

Karolo ye e fetola karolo 61 ya sehlogo sa molao ka go lokiša mokga wo e beilwego ka gona.

3.23 Karolo 23:

Karolo ye e fediša karolo 65 ya sehlogo sa molao bjalo ka ge e sa kwišišege.

3.24 Karolo 24:

Karolo ye e fetola karolo 66 ya sehlogo sa molao go tloša tumellano ya leloko le le amegago melao ye e filwego ya gaming machines.

3.25 Karolo 25:

Karolo ye e fetola karolo 84 ya sehlogo sa molao go thuša go fa matla leloko le le amegago go dira melao malebana le taolo ya metšhene ya dipapadišo.

3.26 Karolo 26:

Karolo ye e fetola karolo 84 ya sehlogo sa molao ka go thuša ka matla a lekgotla go dira melao go dilo ka moka malebana le lekgotla tše di bonwago di le bohlokwa goba di thušago go puna maitsitsinkelo a molao.

3.27 Karolo 27:

Karolo ye e ba lekgatong la karolo 86 ya sehlogo sa molao go thuša ka diphatlalatšo tša ditsebišo tša lekgotla.

3.28 Karolo 28:

Karolo ye e fetola karolo 88 ya sehlogo sa molao ka go oketša bokamoka ba kotlo gore kgoro ya tseko e kgonthiše kotlo ye e phethakgetsego.

3.29 Karolo 29:

Karolo ye e fediša karolo 89 ya sehlogo sa molao bjalo ka ge e sa kwisisagale.

3.30 Karolo 30:

Karolo ye e fetola karolo 91 ya sehlogo sa molao go tloša kwano ya leloko le le amegago mo fiweng ga laesense, go tloša mantšu "racing club" bjalo ka ga le sa kwišišege/šomi. Go thuša ka dinyakwa tša lekgotla go dumella molao go ya ka moo dikopano tša tša mokato di ka tshwarwa le go thuša lekgotla ka maatla a go fa batswari ba laesense ya kopano ya tša mekato monyetla wa go phatlalatša le ho hwetša bona phatlalatso ya dikopano tša tša mekato.

3.31 Karolo 31:

Karolo ye e fetola karolo 92 ya sehlogo sa molao go tloša lentšu "racing club" bjale ka ge e sa kwišišagele le go tloša kwano ya leloko le le amagego mo go direng ga melao ya laesense.

3.32 Karolo 32:

Karolo ye e fetola karolo 93 ya sehlogo sa molao go tloša kwano ya leloko le le amegago mo go melao ya kopano ya tša mekato ye e dumelletšwego ke lekgotla.

3.33 Karolo 33:

Karolo ye e ba lekgetong la karolo 94 ya sehlogo sa molao ka go thuša ka go fedišwa ga laesense ya kopano ya tša mokato.

3.34 Karolo 34:

Karolo ye e fediša karolo 96, 98 le 99 ya sehlogo sa molao bjalo ka ge karolo ye e se sa šoma.

3.35 Karolo 35:

Karolo ye e na le sehlogo sa se sekopana le go thoma ga molao. Go filwe ka mabaka goba matšatši a fapanego a go thoma go šomiša molao a lebisitšwe go diphetogo tše di bago kgona Indusiring (industry)

4. MAFAPHA LE MAKGORO A MANGWE AO A BONWEGO

Dikgoro tše dingwe le mekgatlo ye e boledisanego lekgotla le Badipapadišo (Gembling) ba tšhere sepheto sa dikakanywa kakaretšo tša phetošo dipoledisanong. Dipoledisano le ba polokelo ya letlotlo la Profense di bile gona malebana le dithušo ka kakaretso le dithušo/fiwa ga dikhuetšo a Public Management Act 1999.

5. DIKHUETŠO TŠA TŠHELETE

Tšhelete ya ditefelo ye e ka bewago ke lekgotla le kgoro ya molao go thibela tlolo ya molao di okeditšwe.

NOTICE 1189 OF 2001

GAUTENG PROVINCE**DEPARTMENT OF FINANCE AND
ECONOMIC AFFAIRS****GAUTENG GAMBLING ACT, 1995
(ACT NO. 4 OF 1995)****GAUTENG GAMBLING AMENDMENT REGULATIONS, 2001**

The Member of the Executive Council responsible for finance and economic affairs has, under section 84 of the Gauteng Gambling Act, 1995 (Act No. 4 of 1995), made the amendment regulations in the Schedule.

SCHEDULE**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.

Amendment of regulation 1 of the Gauteng Gambling Regulations

1. Regulation 1 of the Gauteng Gambling Regulations (in these regulations referred to as "the Regulations") is amended by the substitution for the definition of Act of the following definition:

"Act' means the Gauteng Gambling [**and Betting**] Act, No. 4 of 1995;"

Amendment of regulation 10 of the Regulations

2. The following regulation is substituted for regulation 10:

"10. [Reserved] Chapters 74 to 78 - The provisions of Chapters 74 to 78 shall apply only in respect of amusement machines."

Amendment of regulation 16 of the Regulations

3. Regulation 16 is amended by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) The board shall hold a hearing in respect of every application for a licence received by the board, [**not later than 30 days**] as soon as possible after the date of completion of the investigation contemplated in section 23(4) of the Act."

Repeal of regulation 20 of the Regulations

4. Regulation 20 is repealed.

Repeal of regulation 22 of the Regulations

5. Regulation 22 is repealed.

Amendment of regulation 29 of the Regulations

6. Regulation 29 is amended by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) The criteria to be applied by the board for inclusion of a person upon such list are –

- (a) contravention of the gambling laws of any country;
- (b) contravention or conspiracy to contravene the provisions of the Act or any similar Act;
- (c) non-payment of gambling debts; **[or]**
- (d) any court order prohibiting such person from entering any or specific licensed premises; or
- (e) Any conduct which in the opinion of the board is undesirable."

Insertion of regulation 36A

7. The following regulation is inserted after regulation 36:

"36A. Refusal of entry to licensed premises. –

- (1) A licensee may refuse any person entry to, or prohibit any person from remaining on, its licensed premises: Provided that such person –
 - (a) be afforded an opportunity to be heard; and
 - (b) is informed of his or her right to, within seven (7) days of such refusal or prohibition, appeal to an employee of the licensee with higher authority than the employee who effected the refusal or prohibition.
- (2) The licensee shall keep accurate records relating to the refusal, prohibition and appeal for a period of thirty (30) days following the outcome of the appeal.
- (3) Should a person be aggrieved with the outcome of an appeal as envisaged in sub regulation (1)(b), he or she may, within seven (7) days after the outcome of such appeal, approach the Chief Executive Officer of the board.
- (4) The provisions of sub regulations (1), (2) and (3) shall not be applicable to –
 - (a) a person who in terms of any law is prohibited from entering the licensed premises; or
 - (b) a person who has voluntarily requested the licensee to refuse him or her entry to the licensed premises;
or

(c) a person who has been refused entry to, or prohibited from remaining on, the licensed premises for twenty-four (24) hours or less."

Amendment of regulation 41 of the Regulations

8. Regulation 41 is amended-
- (a) by the addition in sub-regulation (1) of the following sub-regulation:
 "(d) e-mail."; and
 - (b) by the addition in sub-regulation (2) of the following sub-regulation:
 "(d) e-mail.".

Amendment of regulation 82 of the Regulations

9. The following regulation is substituted for regulation 82.

"82. Application fees. - Applications must be accompanied by the following non-refundable application fees -

<i>Type of application</i>		<i>Fee</i>	
1	Casino licence	[R570 000,00]	<u>R627 000,00</u>
2	Certificate of suitability	[R5 700,00]	<u>R6 270,00</u>
3	Transfer of licence / Consent for procurement of interest in licensee	[R5 700,00]	<u>R6 270,00</u>
4	Amendment of licence	[R5 700,00]	<u>R6 270,00</u>
5	Key employee registration	[R1 140,00]	<u>R1 254,00</u>
6	Casino employee registration	[R285,00]	<u>R313,50"</u>

Amendment of regulation 84 of the Regulations

10. Regulation 84 is amended -

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of a casino licence shall pay a licence fee of **[R57 000,00]** R62 700,00 plus -

- (a) **[R570]** R1 140,00 per registered gaming machine exposed for play to the public;
(b) **[R1 140]** R2 280,00 per licensed casino table; and
(c) **[R57]** R57,00 per licensed bingo seat,

for every year or part of a year ending on 31 March."; and

- (b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) If the licence fee payable in terms of sub regulation (1) is not paid in accordance with sub regulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation. "

Amendment of regulation 85 of the Regulations

11. Regulation 85 is amended by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) For each gaming machine, gross gaming revenue equals metered win or loss less any approved provision towards the wide area progressive jackpot. "

Amendment of regulation 88 of the Regulations

12. Regulation 88 is amended -

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, **[read with regulation 20]** shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary."; and

- (b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, **[read with regulation 20]** (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest."

Amendment of regulation 108B of the Regulations

13. Regulation 108B is amended by the substitution for paragraph (a) of sub-regulation (3) of the following paragraph:

- "(a) on-line, real-time monitoring and **[date] data** acquisition capability in the format and media approved by the Board; or"

Amendment of regulation 110 of the Regulations

14. Regulation 110 is amended -

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every licensee shall install, maintain and operate at all times a surveillance system comprised of cameras,

monitors, **[videotape]** video recorders, and a video printer, that provides the coverage required by this Chapter.";

- (b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) The surveillance system must include date and time generators that display on each **[videotape]** video recording the date and time of the recorded events and the displayed date and time must not obstruct the recorded view."; and

- (c) the deletion of sub-regulation (10).

Amendment of regulation 117 of the Regulations

- 15.** Regulation 117 is amended by the substitution for sub-regulation (4) of the following sub-regulation:

"(4) An applicant or a licensee shall submit to the board an amended plan reflecting any alteration of the surveillance system no later than thirty (30) days prior to the proposed alteration or such shorter period as the board may allow.".

Amendment of regulation 131 of the Regulations

- 16.** The following regulation is substituted for regulation 131:

"131. Application fees. - Applications must be accompanied by the following non-refundable application fees –

<i>Type of application</i>	<i>Fee</i>	
1 Bingo licence	[R114] R125,40 per seat with a maximum fee of [R57 000,00]	<u>R62 700,00</u>
2 Amendment of licence	[R2 850,00]	<u>R3 135,00</u>
3 Transfer of licence / Consent for procurement of interest in licensee	[R5 700,00]	<u>R6 270,00</u>
4 Key employee registration	[R1 140,00]	<u>R1 254,00</u>
5 Bingo employee registration	[R285,00]	<u>R313,50</u>
6 Certificate of suitability	[2 850,00]	<u>R3 135,00"</u>

Amendment of regulation 133 of the Regulations

- 17.** Regulation 133 is amended by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) If the licence fee payable in terms of sub regulation (1) is not paid in accordance with sub regulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation."

Amendment of regulation 137 of the Regulations

- 18.** Regulation 137 is amended -

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, [**read with regulation 20**] shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such further information as the board may deem necessary."; and

- (b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act [**, read with regulation 20**] (hereinafter referred to as the applicant) shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest."

Amendment of regulation 167 of the regulations

19. The following regulation is substituted for regulation 167:

"167. **Application fees.** - Applications must be accompanied by the following non-refundable application fees -

	<i>Type of application</i>	<i>Fee</i>
1	Route operator licence	[R114] <u>R125,40</u> per machine with a minimum of [R28 500,00] <u>R31 350,00</u> and a maximum of [R114 000,00] <u>R125 400,00</u>
2	Additional gaming machine licence	[R11 400,00] <u>R12 540,00</u>
3	Transfer of licence / Consent for procurement of interest in licensee	[R5 700,00] <u>R6 270,00</u>
4	Amendment of licence	[R2 850,00] <u>R3 135,00</u>
5	Key employee registration	[R1 140,00] <u>R1 254,00</u>
6	Gaming employee registration	[R285,00] <u>R313,50</u>
7	Certificate of suitability	[2 850,00] <u>R3 135,00"</u>

Amendment of regulation 169 of the Regulations

20. Regulation 169 is amended -

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

"(a) a route operator licence shall pay a licence fee of ~~[R28 500,00]~~ R57 000,00 plus ~~[R285]~~ R570,00 per gaming machine authorised in terms of the licence for every year or part of a year ending on 31 March;

(b) an additional gaming licence shall pay a licence fee of ~~[R11 400,00]~~ R17 100,00 plus ~~[R285]~~ R570,00 per registered gaming machine for every year or part of a year ending on 31 March."; and

(b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) If the licence fee payable in terms of sub regulation (1) is not paid in accordance with sub regulation (2), the licensee shall pay a penalty on the

amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable; Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation."

Amendment of regulation 173

21. Regulation 173 is amended -

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, **[read with regulation 20,]** shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such information as the board may deem necessary."; and

- (b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act **[read with regulation 20]** (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest."

Amendment of regulation 195 of the Regulations

22. The following regulation is substituted for regulation 195:

"195. Application fees. - Applications must be accompanied by the following non-refundable application fees –

Type of application	Fee
1 Gaming machine licence	[R5 700,00] <u>R6 270,00</u>
2 Amendment of licence	[R1 140,00] <u>R1 254,00</u>
3 Transfer of licence / Consent for procurement of interest in licensee	[R1 140,00] <u>R1 254,00</u>
4 Certificate of suitability	[R570,00] <u>R627,00"</u>

Amendment of regulation 196 of the Regulations

23. Regulation 196 is amended -

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of a gaming machine licence shall pay a licence fee of [R2 850,00] R6 270,00 plus [R285,00] R570,00 per registered gaming machine for every year or part of a year ending on 31 March."; and

(b) by the substitution for sub regulation (3) of the following sub-regulation:

"(3) If the licence fee payable in terms of sub regulation (1) is not paid in accordance with sub regulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable; Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer

may remit in whole or in part any penalty payable in terms of this regulation."

Amendment of regulation 200 of the Regulations

24. Regulation 200 is amended -

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act **[, read with regulation 20]** shall, as soon as is practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such information as the board may deem necessary."; and

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act **[, read with regulation 20]** (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest."

Amendment of regulation 220 of the Regulations

25. The following regulation is substituted for regulation 220:

"220. Application fees. - Applications must be accompanied by the following non-refundable application fees -

	<i>Type of application</i>	<i>Fee</i>
1	Manufacturer licence	[R57 000,00] R62 700,00
2	Maintenance or supplier licence	[R28 500,00] <u>R31 350,00</u>
3	Amendment of licence	[R2 850,00] <u>R3 135,00</u>

	<i>Type of application</i>	<i>Fee</i>
4	Consent for procurement of interest in licensee	[R5 700,00] R6 270,00
5	Key employee registration	[R1 140,00] R1 254,00
6	Service or manufacturing employee registration	[R285,00] R313,50
7	Certificate of suitability	[2 850,00] R3 135,00".

Amendment of regulation 222 of the Regulations

26. Regulation 222 is amended –

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"222. Licence Fees. –

- (1) *Licence fee for every year or part of a year ending on 31 March 2001*

1	Manufacturer licence	[R28500,00]	R31 350,00
2	Maintenance or supplier licence	[R28 50,00]	R31.35,00"; and

- (b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) If the licence fee payable in terms of sub-regulation (1) is not paid in accordance with sub-regulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation."

Amendment of regulation 223 of the Regulations

27. Regulation 223 is amended –

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, **[read with Regulation 20]** shall, as soon as practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such an interest, and shall furnish the board with such information as the board may deem necessary"; and

- (b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, **[read with Regulation 20]** (hereinafter referred to as the applicant), shall within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest."

Repeal of Regulation 233 of the Regulations

28. Regulation 233 is repealed.

Insertion of Chapter 59A in the Regulations

29. Chapter 59A is inserted after Chapter 59:

"CHAPTER 59A

INTERNAL CONTROLS

234A Minimum internal controls

- (1) Each licensee shall establish and maintain administrative and accounting procedures for the purpose of determining the licensee's liabilities for taxes and fees under the Act and for the purpose of exercising effective control over the licensee's internal financial affairs.

(2) The procedures must be designed to reasonably ensure that –

- (a) assets are safeguarded;
- (b) financial records are accurate and reliable;
- (c) transactions are performed only in accordance with management's general or specific authorisation;
- (d) transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes; and
- (e) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent and qualified personnel.

234B Board to adopt minimum standards for internal control procedures

The board shall adopt and make available to applicants and licensees minimum standards for internal control procedures with which licensees must comply.

234C Internal control system to be approved by board

- (1) Each licensee and each applicant for a licence shall describe in such manner as the board may approve or require, its administrative and accounting procedures in detail in a written system of internal control and shall submit a copy thereof to the board for the approval prior to implementation of the system.
- (2) Each system of internal control submitted for approval must include –
 - (a) an organisational chart depicting segregation of functions and responsibilities;
 - (b) a description of the duties and responsibilities of each position shown on the organisational chart;
 - (c) a detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of Regulation 103 (2) and 104;

- (d) a letter from an independent chartered accountant stating that the system of internal control has been reviewed by the accountant and complies with the requirements of this Chapter; and
- (e) such further information as the board may require.

(3) If the board determines that an applicant or licensee's system of internal control does not comply with the requirements of this Chapter, it shall so notify the applicant or licensee in writing.

(4) Within 30 days after receiving the notification contemplated in subregulation (3), the applicant or licensee shall amend its internal control system accordingly, and shall submit a copy of the amended system to the board for approval.

234D Amendment of system of internal control

(1) A licensee wishing to amend its system of internal control shall, prior to implementing such amended system, submit to the board a copy of the written internal control system as amended, for approval.

(2) The provisions of Regulation 105 (2) to 105 (4) shall *mutatis mutandis* apply to an application for approval contemplated in subregulation (1)

234E Approval of Equipment

The licensee may only use such equipment to operate the betting system as approved by the board."

Amendment of regulation 240 of the Regulations

30. The following regulation is substituted for regulation 240:

"**240. Application fees.** - Applications must be accompanied by the following non-refundable application fees –

	<i>Type of application</i>	<i>Fee</i>	
1	Totalizator licence	[R57 000,00]	<u>R62 700,00</u>
2	Amendment of licence / additional sites	[R1 140,00]	<u>R1 2540,00</u>
3	Special Totalizator licence	[R114,00]	<u>R125,40</u>
4	Transfer of licence / Consent for procurement of interest in licensee	[R5 700,00]	<u>R6 270,00</u>
5	Key employee registration	[R1 140,00]	<u>R1 254,00</u>
6	Certificate of suitability (mandatory for TAB agents)	[R1 140,00]	<u>R1 254,00</u> ".

Amendment of regulation 242 of the Regulations

31. Regulation 242 is amended –

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) A licensee who becomes aware of a procurement interest contemplated in section 38 of the Act, **[read with Regulation 20]** shall, as soon as practicable, notify the board in writing of the name and address of the person, (hereinafter referred to as the applicant) who procured such interest, and shall furnish the board with such information as the board may deem necessary."; and

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

"(2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, **[read with Regulation 20]** (hereinafter referred to as the applicant), shall within 14 days of the procurement of such interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest."

Amendment of regulation 263 of the of Regulations

32. Regulation 263 is amended by the deletion of paragraph (a) (iv) of sub-regulation (4).

Amendment of regulation 268 of the Regulations

33. The following regulation is substituted for regulation 268:

"268. Application fees. - Applications must be accompanied by the following non-refundable application fees –

	<i>Type of application</i>		<i>Fee</i>
1	Bookmaker's licence	[R57 00,00]	<u>R62 70,00</u>
2	Transfer of licence / consent for procurement of interest in licensee	[R2 280,00]	<u>R2 508,00</u>
3	Amendment of licence	[R570,00]	<u>R627,00</u>
4	Bookmaker's manager registration	[R285,00]	<u>R313,50</u>
5	Certificate of suitability	[570,00]	<u>R627,00"</u>

Amendment of regulation 269 of the Regulations

34. Regulation 269 is amended –

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"Every holder of a bookmaker's licence shall pay a licence fee of **[R1 140,00]** R6 270,00 for every year or part of a year ending on 31 August."; and

- (b) by the substitution of sub-regulation (3) of the following sub-regulation:

"(3) If the licence fee payable in term of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make payment of the fee within the

prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation."

Amendment of regulation 271 of the Regulations

35. The following regulation is substituted for regulation 271:

"271 A licensed bookmaker shall, not later than **[Tuesday]** Wednesday in each week or, if any **[Tuesday]** Wednesday is a public holiday, not later than the next working day submit to the board a return in the form and containing such information in respect of his or her betting transactions during the preceding week as may be determined by the board: Provided that if there were no transactions, he or she shall state that fact."

Amendment of regulation 277 of the Regulations

36. Regulation 277 is amended –

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) A licensee who becomes aware of a procurement of interest contemplated in section 38 of the Act, **[read with Regulation 20]** shall, as soon as practicable, notify the board in writing of the name and address of the person (hereinafter referred to as the applicant) who procured such interest, and shall furnish the board with such information as the board may deem necessary."; and

(b) by the substitution of sub-regulation (2) of the following sub-regulation:

"(2) Any person who, directly or indirectly, procures an interest contemplated in section 38 of the Act, **[read with Regulation 20]** (hereinafter referred to as the applicant), shall, within 14 days of the procurement of such an interest, or such longer period as the board may allow, apply to the board for consent for the holding of such interest."

Amendment of regulation 282 of the Regulations

37. The following regulation is substituted for regulation 282 of the Regulations:

"282. Application fees. - Applications must be accompanied by the following non-refundable application fees –

	<i>Type of application</i>		<i>Fee</i>
1	Race meeting licence	[R57 000,00]	R62 700,00
2	Special licence to hold race-meeting	[R114,00]	R125,40
3	Transfer of licence / consent for procurement of interest in licensee	[R2 850,00]	R3 135,00
4	Amendment of licence	[R2 850,00]	R3 135,00".

Amendment of regulation 284 of the Regulations

38. Regulation 284 is amended –

(a) by the substitution of sub-regulation (1) of the following sub-regulation:

"(1) A holder of a race-meeting licence which is not a special race-meeting licence as contemplated in section 97 of the Act, shall pay a licence fee of [R28 500,00] R31 350,00 for every year or part of a year ending 31 August."; and

(b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) If the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty amount of any licence fee outstanding at a rate of ten percent of the licence fee for each week or part of a week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect of which such licence fee is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make any payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief executive officer may remit in whole or in part any penalty payable in terms of this regulation."

Repeal of regulation 285 of the Regulations

39. Regulation 285 is repealed.

Amendment of the regulation 286 of the Regulations

40. Regulation 286 is amended –

(a) by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) No person shall –

(a) in any manner whatsoever, relay any contemporaneous commentary;

(b) by means of telephone or any similar instrument, disseminate or relay information,

provided by a **[licensed racing-club]** in respect of any race, unless he or she is authorised in writing by the **[club]** holder concerned to do so and, where applicable, is in possession of the necessary licence in terms of the Broadcasting Act, 1976 (Act No.73 of 1976).”; and

(b) by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) No person shall by means of any radio, television or loudspeaker apparatus, telephone or any similar instrument receive any commentary of information contemplated in subregulation (1) at any place other than at a Tattersalls or at a totalizer conducted by the **[TAB:]** holder of a totalizer licence: Provided that the provisions of this paragraph shall not apply to-

(a) any such commentary or information transmitted by any person licensed in terms of the Broadcasting Act, 1976, to transmit such commentary or information;

(b) such information disseminated by means of a telephone or any similar instrument by any person authorised in writing by the **[racing-club]** holder of

a totalizator licence concerned to so disseminate such information.”.

Amendment of regulation 289 of the Regulations

41. Regulation 289 is amended –

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

“(1) The oath of solemn affirmation to be made by members of the board shall be as follows:

I, (Full name) do hereby swear / solemnly affirm that I will hold my office as member of the Gauteng Gambling **[and Betting]** Board with honour and dignity; that I will not divulge directly or indirectly any matters which are entrusted to me under secrecy; and that I will perform the duties of my office conscientiously and to the best of my ability, without fear, favour or prejudice; and that I am not disqualified in terms of the Gauteng Gambling **[and Betting]** Act, No. 4 of 1995, from holding such office.

(In the case of an oath: So help me God).”;

- (b) by the substitution for sub-regulation (2) of the following sub-regulation:

“(2) The oath or affirmation to be made by members of the staff of the board shall be as follows:

I, (Full name) do hereby swear / solemnly affirm that I will hold my office as member of the Gauteng Gambling **[and Betting]** Board with honour and dignity; that I will not divulge directly or indirectly any matters which are entrusted to me under secrecy; and that I will perform the duties of my office conscientiously and to the best of my ability, without fear, favour or prejudice; and that I am not disqualified in terms of the Gauteng Gambling **[and Betting]** Act, No. 4 of 1995, from holding such office.

(In the case of an oath: So help me God).”.

Amendment of regulation 299 of the Regulation

42. The following regulation is substituted for regulation 299 of the Regulations:

"299. **Application fees.** - Applications must be accompanied by the following non-refundable application fees –

	<i>Type of application</i>	<i>Fee</i>	
1	Amusement machine licence	[R2 850,00]	<u>R3 135,00</u>
2	Amendment of licence	[R1 140,00]	<u>R1 254,00</u>
3	Transfer of licence / consent for procurement of interest in licence	[R1 140,00]	<u>R1 254,00</u>
4	Certificate of suitability	[R570,00]	<u>R627,00</u> ".

Amendment of regulation 301 of the Regulations

43. Regulation 301 is amended –

- (a) by the substitution for sub-regulation (1) of the following sub-regulation:

"(1) Every holder of an amusement machine licence shall pay a licence fee of [R285,00] R313,50 per registered amusement machine for every year or part of a year ending on 31 March"; and

- (b) by the substitution for sub-regulation (3) of the following sub-regulation:

"(3) if the licence fee payable in terms of subregulation (1) is not paid in accordance with subregulation (2), the licensee shall pay a penalty on the amount of any licence fee outstanding at the rate of ten percent of the licence fee for each week during which the licence fee remains unpaid: Provided that such penalty shall not exceed twice the amount of the licence fee in respect for which such penalty is payable: Provided further that where the chief executive officer is satisfied that the failure on the part of any licensee to make any payment of the fee within the prescribed period was not due to an intent to avoid or postpone liability for payment of the amount due, the chief

executive officer may remit in whole or in part any penalty payable in terms of this regulation."

Short title

44. These regulations are called the Gambling Amendment Regulations, 2001.

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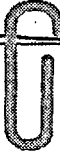
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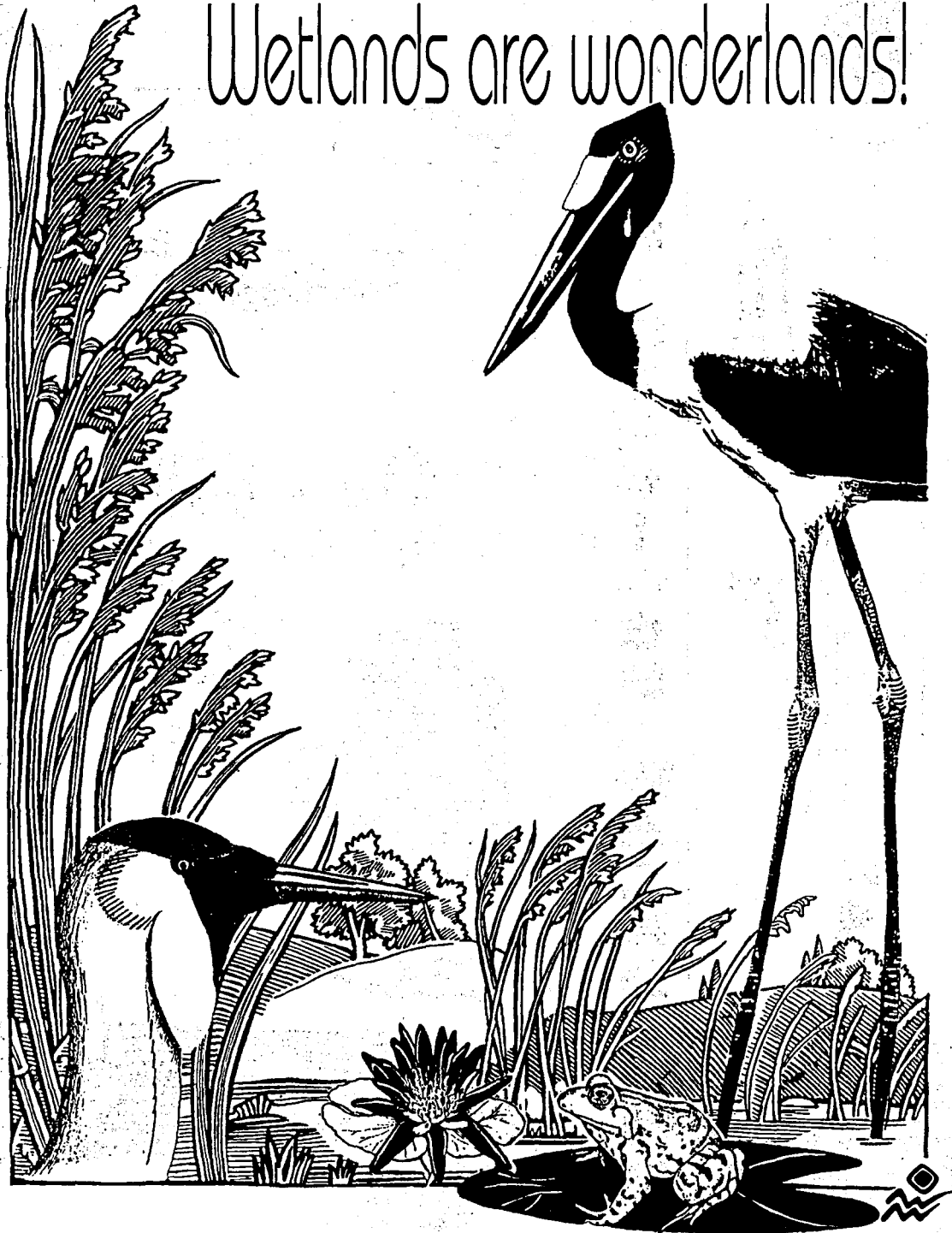
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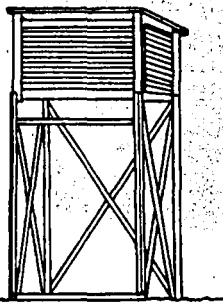
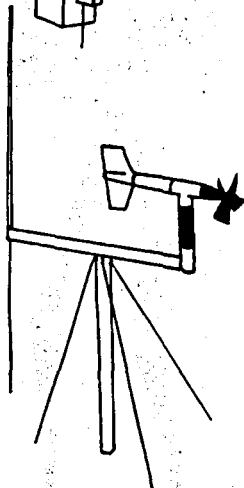
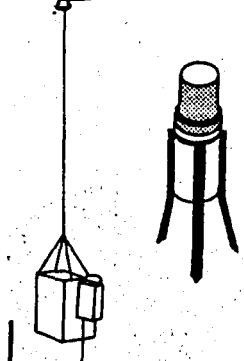
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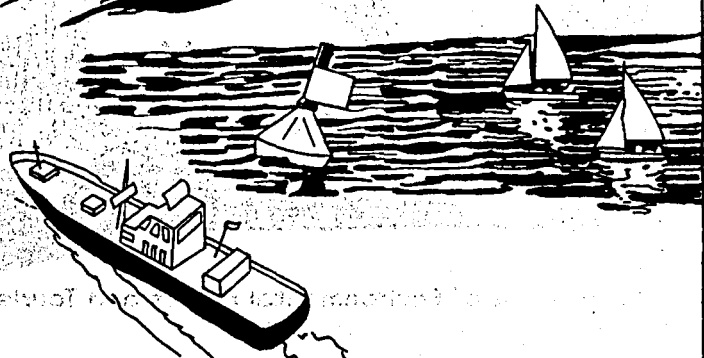
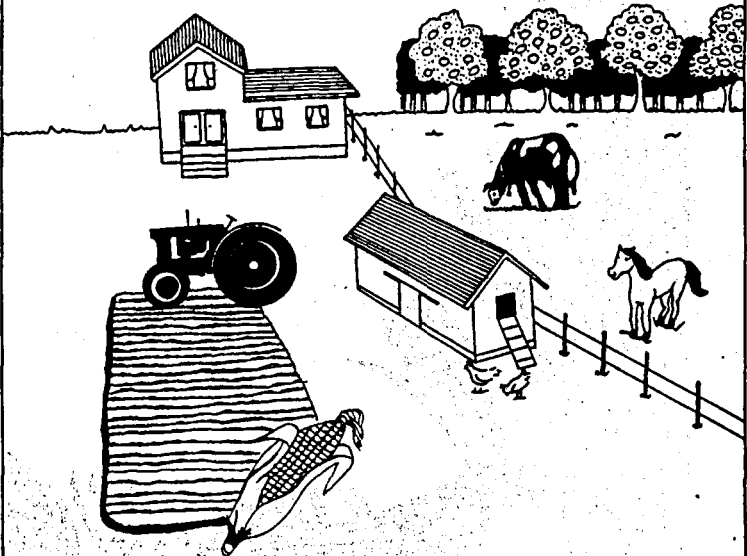
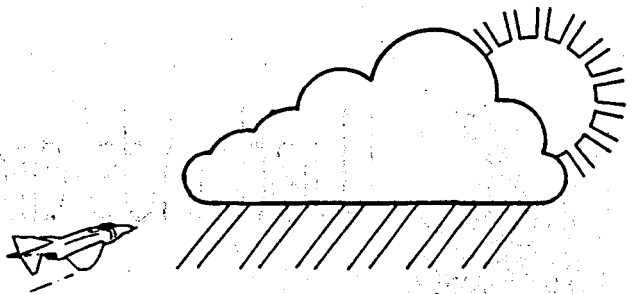


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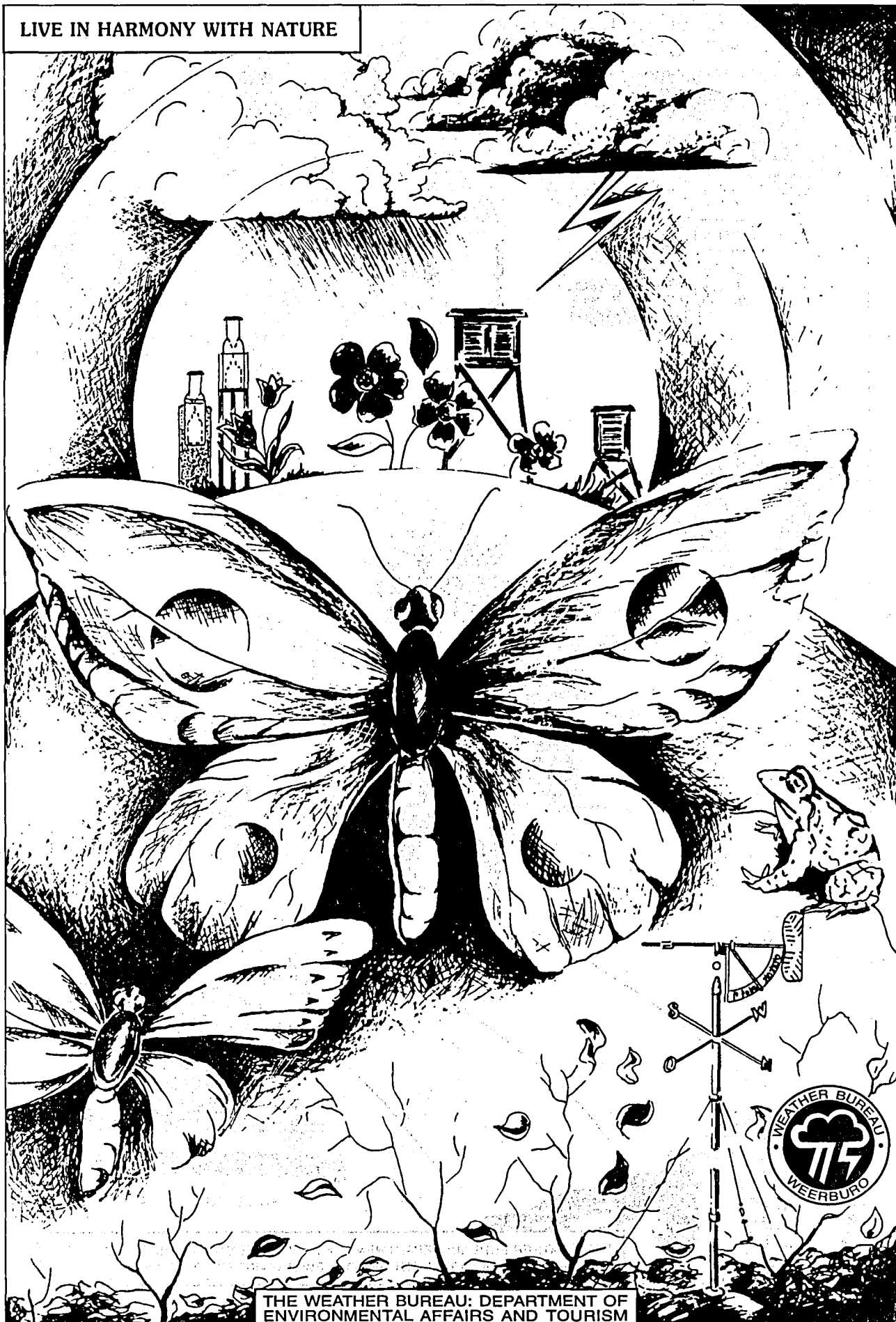
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