

PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE NINETEENTH
GAMBLING AND RACING
AMENDMENT ACT REPEAL BILL**

(As introduced)

(MINISTER OF FINANCE AND ECONOMIC OPPORTUNITIES)

[B 3—2023]

PROVINSIE WES-KAAP

**WETSONTWERP OP DIE
HERROEPING VAN DIE
WES-KAAPSE NEËNTIENDE
WYSIGINGSWET OP DOBBELARY
EN WEDRENNE**

(Soos ingedien)

(MINISTER VAN FINANSIES EN EKONOMIESE GELEENTHEDE)

[W 3—2023]

IPHONDO LENTSHONA KOLONI

**UMTHETHO OSAYILWAYO
WOKUBHANGISA UMTHETHO
WOLUNGISO WONGCAKAZO
NEMIDYARHO WESHUMI
ELINESITHOBA WENTSHONA
KOLONI**

(Njengoko wazisiwe)

(NGUMPHATHISWA WEZEMALI NAMATHUBA EZOQOQOSHO)

[B 3—2023]

ISBN 978-1-991231-16-1

BILL

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

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

Repeal of Act 3 of 2021

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 The Western Cape Nineteenth Gambling and Racing Amendment Act, 2021, is repealed.

5

Short title

2. This Act is called the Western Cape Nineteenth Gambling and Racing Amendment Act Repeal Act, 2023.

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

1. BACKGROUND

- 1.1 The legislative drafting process of the Draft Western Cape Nineteenth Gambling and Racing Amendment Bill of 2018 (the Draft Amendment Bill) began in 2016. A shorter version of the Draft Amendment Bill became the Western Cape Nineteenth Gambling and Racing Amendment Bill of 2019, which was introduced in the Western Cape Provincial Parliament on 21 February 2019. The legislative process was interrupted by the provincial elections. The Western Cape Nineteenth Gambling and Racing Amendment Bill of 2020 was then introduced in the Western Cape Provincial Parliament on 30 January 2020.
- 1.2 On 20 May 2021 the Western Cape Nineteenth Gambling and Racing Amendment Bill [B 1–2020] (the Amendment Bill) was adopted by the Western Cape Provincial Parliament. It was assented to by the Premier of the Western Cape on 17 June 2021 and became the Western Cape Nineteenth Gambling and Racing Amendment Act, 2021 (Act 3 of 2021) (the Amendment Act). The Amendment Act was then published under Provincial Notice 69/2021 in *Provincial Gazette* 8450 dated 23 June 2021. The Amendment Act was not brought into operation.
- 1.3 The objective of the Amendment Act is to amend the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), in order to promote and facilitate the financial self-sufficiency of the Western Cape Gambling and Racing Board (the Board). The Amendment Act provides for certain fees to be payable to the Board, the charging of casino operator fees, amendments to provisions relating to limited gambling machine operator fees and matters incidental thereto.
- 1.4 A pandemic of the scale of COVID-19 was not foreseen. The pandemic had far-reaching consequences for, and exposed the practical realities and challenges faced by, the gambling and racing industries and the Board. It has since become apparent that there is a need for a renewed consideration of the gambling and racing environment as a whole. This includes a renewed assessment of the economic landscape, taking into account lessons learnt from the COVID-19 pandemic and insights gained from stakeholders in the gambling industry since the Amendment Bill was assented to. Gambling and racing are dynamic environments, and it is important that provincial policy is updated in the light of developments in these industries.
- 1.5 The Provincial Treasury of the Western Cape is in the process of undertaking a comprehensive review of the gambling and racing environment in the Western Cape. Promoting and facilitating the financial self-sufficiency of the Board remains an important objective of the Western Cape Government and will be revisited in due course. However, it is imperative that a comprehensive policy-review process first be undertaken, which will include a renewed assessment of the economic aspects of the gambling and racing environment.
- 1.6 If the Amendment Act were to be brought into operation, it would be outdated and incompatible with the developments in the gambling and racing industries, the lessons learnt from the COVID-19 pandemic and the policy-review process. In the circumstances, it is prudent to repeal the Amendment Act.

2. OBJECT OF BILL

The object of the Western Cape Nineteenth Gambling and Racing Amendment Act Repeal Bill of 2023 (the Bill) is to repeal the Amendment Act.

3. CONTENTS OF BILL

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

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

4. CONSULTATION

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

The Draft Western Cape Nineteenth Gambling and Racing Amendment Act Repeal Bill of 2022 was published for public comment under Provincial Notice 137/2022 in *Provincial Gazette* 8690 dated 2 December 2022.

5. PERSONNEL IMPLICATIONS

None.

6. FINANCIAL IMPLICATIONS

None.

7. LEGISLATIVE COMPETENCE

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

WETSONTWERP

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

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

Herroeping van Wet 3 van 2021

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

5

Kort titel

2. Hierdie Wet heet die Wet op die Herroeping van die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2023.

**MEMORANDUM OOR DIE OOGMERKE VAN DIE WETSONTWERP
OP DIE HERROEPING VAN DIE WES-KAAPSE NEËNTIENDE
WYSIGINGSWET OP DOBBELARY EN WEDRENNE**

1. AGTERGROND

- 1.1 Die wetgewende opstelproses van die Wes-Kaapse Neëntiende Konsepwetsontwerp op Dobbelary en Wedrenne van 2018 (die Konsepwysigingswetsontwerp) het in 2016 begin. 'n Korter weergawe van die Konsepwysigingswetsontwerp het die Wes-Kaapse Neëntiende Wysigingswetsontwerp op Dobbelary en Wedrenne van 2019 geword en is op 21 Februarie 2019 by die Wes-Kaapse Provinsiale Parlement ingedien. Die wetgewende proses is deur die provinsiale verkiesing onderbreek. Die Wes-Kaapse Neëntiende Wysigingswetsontwerp op Dobbelary en Wedrenne van 2020 is toe op 30 Januarie 2020 by die Wes-Kaapse Provinsiale Parlement ingedien.
- 1.2 Op 20 Mei 2021 is die Wes-Kaapse Neëntiende Wysigingswetsontwerp op Dobbelary en Wedrenne [W 1–2020] (die Wysigingswetsontwerp) deur die Wes-Kaapse Provinsiale Parlement aangeneem. Dit is op 17 Junie 2021 deur die Premier van die Wes-Kaap bekragtig en het die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne, 2021 (Wet 3 van 2021) (die Wysigingswet) geword. Die Wysigingswet is toe onder Provinsiale Kennisgewing 69/2021 in die *Provinsiale Koerant* 8450 gedateer 23 Junie 2021 gepubliseer. Die Wysigingswet is nie in werking gestel nie.
- 1.3 Die oogmerk van die Wysigingswet is om die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996), te wysig ten einde die finansiële selfstandigheid van die Wes-Kaapse Raad op Dobbelary en Wedrenne (die Raad) te bevorder en te fasiliteer. Die Wysigingswet maak voorsiening vir sekere gelde om aan die Raad betaalbaar te wees, die heffing van casino-operateurgelde, wysigings aan bepalings in verband met beperktedobbelmasjien-operateurgelde en aangeleenthede wat daarmee in verband staan.
- 1.4 'n Pandemie met die omvang van COVID-19 is nie verwag nie. Die pandemie het verreikende gevolge vir die dobbelary- en wedrenbedryf en die Raad gehad en het die praktiese werklikhede en uitdagings wat hulle in die gesig staar, aan die lig gebring. Dit het sedertdien duidelik geword dat daar 'n behoefte is vir 'n hernude oorweging van die dobbelary- en wedrenomgewing in die geheel. Dit sluit 'n hernude beoordeling van die ekonomiese landskap in, met inagneming van die lesse wat uit die COVID-19-pandemie geleer is en insigte wat van belanghebbendes ingewin is sedert die Wysigingswetsontwerp bekragtig is. Dobbelary en wedrenne is dinamiese omgewings, en dit is van belang dat provinsiale beleid in die lig van ontwikkelings in hierdie bedrywe bygewerk word.
- 1.5 Die Wes-Kaapse Provinsiale Tesourie onderneem tans 'n omvattende hersiening van die dobbelary- en wedrenomgewing in die Wes-Kaap. Die bevordering en fasilitering van die finansiële selfstandigheid van die Raad bly 'n belangrike oogmerk vir die Wes-Kaapse Regering en sal ter geleger tyd weer besoek word. Dit is egter van uiterste belang dat 'n omvattende beleidshersieningsproses eers onderneem word, wat 'n hernude beoordeling van die ekonomiese aspekte van die dobbelary- en wedrenomgewing sal insluit.
- 1.6 Indien die Wysigingswet in werking gestel sou word, sou dit verouderd en onversoenbaar wees met die ontwikkelings in die dobbelary- en wedrenomgewing, die lesse geleer uit die COVID-19-pandemie en die beleidshersieningsproses. In hierdie omstandighede is dit raadsaam om die Wysigingswet te herroep.

2. OOGMERKE VAN WETSONTWERP

Die oogmerk van die Wetsontwerp op die Herroeping van die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne van 2023 (die Wetsontwerp) is om die Wysigingswet te herroep.

3. INHOUD VAN WETSONTWERP

3.1 **Klousule 1** van die Wetsontwerp maak voorsiening vir die herroeping van die Wysigingswet.

3.2 **Klousule 2** van die Wetsontwerp maak voorsiening vir die kort titel.

4. OORLEGPLEGING

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

Die Konsepherroepingswetsontwerp op die Wes-Kaapse Neëntiende Wysigingswet op Dobbelary en Wedrenne van 2022 is vir openbare kommentaar onder Provinsiale Kennisgewing 137/2022 in die *Provinsiale Koerant* 8690 gedateer 2 Desember 2022 gepubliseer.

5. PERSONEELIMPLIKASIES

Geen.

6. FINANSIËLE IMPLIKASIES

Geen.

7. WETGEWENDE BEVOEGDHEID

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

UMTHETHO OSAYILWAYO

Ukubhangiswa koMthetho woLungiso woNgcakazo neMidyarho weShumi eLineThoba weNtshona Koloni 2021, kwakunye nokunika imicimbi ehambelana noko.

WENZIWA USEBENZE yiPalamente yePhondo leNtshona Koloni, ngoluhlobo:—

Ukubhangiswa koMthetho 3 ka-2021

1. UMthetho woLungiso woNgcakazo neMidyarho weShumi eLineThoba weNtshona Koloni, 2021, ubhangisiwe. 5

Isihloko esifutshane

2. Lo Mthetho ubizwa ngokuba nguMthetho woBhangiso loMthetho woLungiso woNgcakazo neMidyarho weShumi eLineThoba weNtshona Koloni, 2023.

**IMEMORANDAM ENGENJONGO ZOMTHETHO OSAYILWAYO
WOKUBHANGISA UMTHETHO WOLUNGISO WONGCAKAZO
NEMIDYARHO WESHUMI ELINETHOBA WENTSHONA KOLONI**

1. IMVELAPHI

- 1.1 Inkqubo yoqulunqo loMthetho woLungiso oSayilwayo weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni, 2018 (uMthetho woLungiso oSayilwayo), waqala ngo-2016. Inguqulelo emfutshane yoMthetho woLungiso oSayilwayo uye waba nguMthetho woLungiso oSayilwayo weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni, 2019, othe waziswa kwiPalamente yePhondo leNtshona Koloni ngomhla wama-21 kweyoMdumba 2019. Inkqubo yowisomthetho yaphazanyiswa lunyulo lwamaphondo. UMthetho woLungiso oSayilwayo weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni ka-2020, waziswa kwiPalamente yePhondo leNtshona Koloni ngomhla wama-30 kweyoMqungu 2020.
- 1.2 Ngomhla wama-20 kuCanzibe ka-2021 uMthetho woLungiso oSayilwayo weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni, 2020 [B 1–2020] (uMthetho weziLungiso oSayilwayo), wamkelwa yiPalamente yePhondo leNtshona Koloni. Yavunywa yiNkulumbuso yeNtshona Koloni ngomhla we-17 kweyeSilimela 2021 waza waba nguMthetho woLungiso woNgcakazo neMidyarho weNtshona Koloni, 2021 (uMthetho 3 ka-2021) (uMthetho oLungisiweyo). UMthetho woLungiso emva koko wapapashwa phantsi kweSaziso sePhondo 69/2021 *kwiGazethi yePhondo* 8450 yomhla wama-23 kweyeSilimela 2021. UMthetho woLungiso awuzange uqalise ukusebenza.
- 1.3 Injongo yoMthetho woLungiso kukulungisa uMthetho woNgcakazo neMidyarho weNtshona Koloni, 1996 (uMthetho 4 ka-1996), ukuze kukhuthazwe kwaye kuququzelelwe ukuzimela ngokwasezimalini kweBhodi yoNgcakazo neMidyarho yeNtshona Koloni (iBhodi). UMthetho woLungiso ubonelela ngeentlawulo ezithile ekufuneka zihlawulwe kwiBhodi, ukubizwa kweentlawulo zabaqhubi beekhasino, izilungiso kwizibonelelo eziphathelele kwimirhumo enyiniweyo yomatshini wongcakazo kunye nemiba ehambelana noko.
- 1.4 Ubhubhane wobungakanani beCOVID-19 awubonwanga kwangaphambili. Lo bhubhane ube neziphumo ezibi kakhulu, kwaye wabhentsisa iinyani ezisebenzayo kunye nemingeni ejongene nayo, ungcakazo nemizi mveliso yemidyarho kunye neBhodi. Ukususela ngoko kuye kwacaca ukuba kukho imfuneko yoqwalaselo ngokutsha kwemeko yongcakazo neyomdyarho xa iyonke. Oku kuquka uphononongo oluhlaziyiweyo lobume bezoqoqosho, kuthathelwa ingqalelo izifundo ezifunyenwe kubhubhane weCOVID-19 kunye neembono ezifunyenwe kwabachaphazelekayo kushishino longcakazo ukususela oko uMthetho woLungiso oSayilwayo wamkelwa. Ungcakazo kunye nemidyarho ziindawo eziguqakayo, kwaye kubalulekile ukuba umgaqonkqubo wephondo uhlaziywe ngenxa yophuhliso kula mashishini.
- 1.5 UNondyebo wePhondo: eNtshona Koloni ukwinkqubo yokwenza uphononongo olubanzi kwimeko yongcakazo nemidyarho eNtshona Koloni. Uku-khuthaza nokuququzelela ukuzimela ngokwasezimalini kweBhodi kuhlala kuyinjongo ebalulekileyo kuRhulumente weNtshona Koloni kwaye iya kuqwalaselwa kwakhona ekuhambeni kwexesha. Nangona kunjalo, kunyanzelekile ukuba kuqalwe kuqaliswe inkqubo yokuphonononga umgaqo-nkqubo obanzi, nto leyo eya kubandakanya uhlaziyo lovavanyo lwemiba yezoqoqosho kwindawo yongcakazo kunye nemidyarho.
- 1.6 Ukuba uMthetho woLungiso ubunokuqalisa ukusebenza, ubuya kuba uphelelwe lixesha kwaye ungahambelani nophuhliso kushishino longcakazo nemidyarho, izifundo ezifunyenwe kubhubhane weCOVID-19 kunye nenkqubo yophononongo lomgaqo-nkqubo. Kwiimeko, kububulumko ukubhangisa uMthetho woLungiso.

2. INJONGO ZOQULUNQO LOMTHETHO OSAYILWAYO

Injongo zoQulunqo loMthetho oSayilwayo woBhangiso woLungiso weShumi elineThoba woNgcakazo neMidyarho weNtshona Koloni, 2023 (uMthetho oSayilwayo), ubhangisa uMthetho woLungiso.

3. IZIQULATHO ZOQULUNQO LOMTHETHO OYILWAYO

3.1 **Igaty 1** loMthetho oSayilwayo libonelela ngokubhangiswa koMthetho woLungiso.

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

4. UTHETHWANO

ISebe leNkulumbuso: Iinkonzo zoMthetho
IBhodi yoNgcakazo neMidyarho yaseNtshona Koloni

ISiqulunqo soMthetho oSayilwayo sokuBhangisa uMthetho woLungiso woNgcakazo neMidyarho weShumi elineThoba weNtshona Koloni, 2022, sipapashelwa izimvo phantsi kweSaziso sePhondo 137/2022 *kwiGazethi yePhondo* 8690 yomhla we-2 kweyoMnga 2022.

5. UCHAPHAZELEKO LWEZIMALI

Akukho nanye.

6. UCHAPHAZELEKO LWABASEBENZI

Akukho nanye.

7. ISAKHONO SOWISO MTHETHO

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

