

PROVINCE OF WESTERN CAPE

**WESTERN CAPE
SIXTEENTH GAMBLING AND
RACING AMENDMENT BILL**

(As introduced)

(MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM)

[B 6—2009]

PROVINSIE WES-KAAP

**WES-KAAPSE SESTIENDE
WYSIGINGSWETSONTWERP OP
DOBBELARY EN WEDRENNE**

(Soos ingedien)

(MINISTER VAN FINANSIES, EKONOMIESE ONTWIKKELING EN TOERISME)

[W 6—2009]

IPHONDO LENTSHONA KOLONI

**UMTHETHO OSAYILWAYO
WOLUNGISO WESHUMI
ELINESITHANDATHU
WOMDYARHO NONGCAKAZO**

(Njengoko wazisiwe)

(UMPHATHISWA WEZEMALI, UPHUHLISO IWEZOQOQOSHO NEZOKHENKETHO)

[B 6—2009]

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 BILL

To amend the Western Cape Gambling and Racing Act, 1996; to provide for an increase in new licence application, annual licence and investigation fees; and to provide for matters connected therewith.

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

Amendment of Schedule II to Act 4 of 1996 as substituted by section 70 of Act 4 of 1997 and amended by section 18 of Act 11 of 1997, by section 4 of Act 5 of 1999, by section 4 of Act 10 of 2000 and by section 1 of Act 9 of 2001 5

1. Schedule II to Act 4 of 1996 is amended—

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

“1. The fees payable in terms of section 32 are as follows:

Kinds of licences	New licence application fee		
		R	
Casino operator licence	[240 000,00]	345 340,00	
Limited gambling machine operator licence	[120 000,00]	172 670,00	
Limited gambling machine premises licence	[6 000,00]	8 630,00	
Bingo licence	[60 000,00]	86 340,00	15
Bingo premises licence	[6 000,00]	8 630,00	
Junket agent licence	[6 000,00]	8 630,00	
Manufacturer licence	[6 000,00]	8 630,00	
Distributor licence	[6 000,00]	8 630,00	
Totalisator operator licence	[120 000,00]	172 670,00	20
Totalisator premises licence	[6 000,00]	8 630,00	
Bookmaker licence	[6 000,00]	8 630,00	
Bookmaker premises licence	[6 000,00]	8 630,00	
Key employee licence	[240,00]	350,00	
Gambling employee licence	[60,00]	90,00”;	25

and

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

“2. The fees payable in terms of section 44 are as follows:

Kinds of licences	Annual licence fee R		Investigation fee R		
Casino operator licence	[120 000,00]	<u>172 670,00</u>	[3 600,00]	<u>5 180,00</u> per gambling table plus [2 400,00] <u>3 450,00</u> per slot machine	5
Limited gambling machine operator licence	[60 000,00]	<u>86 340,00</u>	[1 200,00]	<u>1 730,00</u> per limited gambling machine	10
Limited gambling machine premises licence	[600,00]	<u>860,00</u>	[2 400,00]	<u>3 450,00</u>	
Bingo licence	[2 400,00]	<u>3 450,00</u>	[6 000,00]	<u>8 630,00</u>	15
Bingo premises licence	[600,00]	<u>860,00</u>	[2 400,00]	<u>3 450,00</u>	
Junket agent licence	[240,00]	<u>350,00</u>	[600,00]	<u>860,00</u>	
Manufacturer licence	[2 400,00]	<u>3 450,00</u>	[12 000,00]	<u>17 270,00</u>	
Distributor licence	[2 400,00]	<u>3 450,00</u>	[12 000,00]	<u>17 270,00</u>	
Totalisator operator licence	[2 400,00]	<u>3 450,00</u>	[60 000,00]	<u>86 340,00</u>	20
Totalisator premises licence	[240,00]	<u>350,00</u>	[600,00]	<u>860,00</u>	
Bookmaker licence	[1 200,00]	<u>1 730,00</u>	[4 800,00]	<u>6 910,00</u>	
Bookmaker premises licence	[240,00]	<u>350,00</u>	[600,00]	<u>860,00</u>	25
Key employee licence	[60,00]	<u>90,00</u>	[240,00]	<u>350,00</u>	
Gambling employee licence	[60,00]	<u>90,00</u>	[60,00]	<u>90,00</u> ”.	

Short title

2. This Act is called the Western Cape Sixteenth Gambling and Racing Amendment Act, 2009. 30

EXPLANATORY MEMORANDUM

1. PURPOSE AND SUMMARY OF THE AMENDMENT BILL

The Amendment Bill seeks to amend the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) in order to increase new licence application, annual licence and investigation fees.

2. AIMS AND OBJECTIVES OF CLAUSES

The aims and objectives of the various clauses are set out below.

Clause 1

- (a) This clause provides for an increase in new licence application fees payable for the various licences listed in the left column of the Schedule in accordance with the Consumer Price Index (CPIX) increases over the preceding six years.

Effecting this amendment would therefore primarily ensure that fees do not remain outdated, and on a secondary level, ensure increased revenue to the Board.

- (b) This clause provides for an increase in the annual licence fee and investigation fee payable for the various licences listed in the left column of the Schedule in accordance with the Consumer Price Index (CPIX) increases over the preceding six years.

Effecting this amendment would therefore primarily ensure that fees do not remain outdated, and on a secondary level, ensure increased revenue to the Board and Province.

Clause 2

This clause provides for the short title.

3. DEPARTMENTS/BODIES CONSULTED:

Department of the Premier: Chief Directorate: Legal Services

Western Cape Gambling and Racing Board

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hakies dui skrappings uit bestaande wetgewing aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande wetgewing aan.

WYSIGINGSWETSONTWERP

Tot wysiging van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996; om voorsiening te maak vir die verhoging in nuwe lisensieaansoekgeld, jaarlikse lisensie- en ondersoekgeld; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

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

Wysiging van Bylae II tot Wet 4 van 1996 soos vervang deur artikel 70 van Wet 4 van 1997 en gewysig deur artikel 18 van Wet 11 van 1997, deur artikel 4 van Wet 5 van 1999, deur artikel 4 van Wet 10 van 2000 en deur artikel 1 van Wet 9 van 2001 5

1. Bylae II tot Wet 4 van 1996 word gewysig—

(a) deur die vervanging van paragraaf 1 met die volgende paragraaf:

“1. Die gelde wat ingevolge artikel 32 betaalbaar is, is soos volg:

Soorte lisensies	Nuwe lisensieaansoekgeld R	
Casino-operateurlisensie	[240 000,00] 345 340,00	
Beperkte dobbelmasjien-operateurlisensie	[120 000,00] 172 670,00	
Beperkte dobbelmasjien-perseellisensie	[6 000,00] 8 630,00	
Bingolisensie	[60 000,00] 86 340,00	15
Bingoperseellisensie	[6 000,00] 8 630,00	
Plesiertoeg-agentlisensie	[6 000,00] 8 630,00	
Vervaardigerlisensie	[6 000,00] 8 630,00	
Verspreiderlisensie	[6 000,00] 8 630,00	
Totalisator-operateurlisensie	[120 000,00] 172 670,00	20
Totalisator-perseellisensie	[6 000,00] 8 630,00	
Boekmakerlisensie	[6 000,00] 8 630,00	
Boekmakerperseellisensie	[6 000,00] 8 630,00	
Sleutelwerknemerlisensie	[240,00] 350,00	
Dobbelarywerknemerlisensie	[60,00] 90,00”;	25

en

(b) deur die vervanging van paragraaf 2 met die volgende paragraaf:

“2. Die gelde wat ingevolge artikel 44 betaalbaar is, is soos volg:

Soorte lisensies	Jaarlikse lisensiegeld R		Ondersoekgeld R		
Casino-operateur lisensie	[120 000,00]	<u>172 670,00</u>	[3 600,00]	<u>5 180,00</u> per dobbeltafel en	5
			[2 400,00]	<u>3 450,00</u> per muntoutomaatmasjien	
Beperkte dobbelmasjien- operateurlisensie	[60 000,00]	<u>86 340,00</u>	[1 200,00]	<u>1 730,00</u> per	10
Beperkte dobbelmasjien- perseellisensie	[600,00]	<u>860,00</u>	[2 400,00]	<u>3 450,00</u>	
Bingolisensie	[2 400,00]	<u>3 450,00</u>	[6 000,00]	<u>8 630,00</u>	15
Bingoperseellisensie	[600,00]	<u>860,00</u>	[2 400,00]	<u>3 450,00</u>	
Plesiertoeg-agentlisensie	[240,00]	<u>350,00</u>	[600,00]	<u>860,00</u>	
Vervaardigerlisensie	[2 400,00]	<u>3 450,00</u>	[12 000,00]	<u>17 270,00</u>	
Vespreiderlisensie	[2 400,00]	<u>3 450,00</u>	[12 000,00]	<u>17 270,00</u>	
Totalisator- operateurlisensie	[2 400,00]	<u>3 450,00</u>	[60 000,00]	<u>86 340,00</u>	20
Totalisator-perseellisensie	[240,00]	<u>350,00</u>	[600,00]	<u>860,00</u>	
Boekmakerlisensie	[1 200,00]	<u>1 730,00</u>	[4 800,00]	<u>6 910,00</u>	
Boekmakerperseellisensie	[240,00]	<u>350,00</u>	[600,00]	<u>860,00</u>	
Sleutelwerknemerlisensie	[60,00]	<u>90,00</u>	[240,00]	<u>350,00</u>	25
Dobbelary- werknemerlisensie	[60,00]	<u>90,00</u>	[60,00]	<u>90,00</u> ”.	

Kort titel

2. Hierdie Wet heet die Wes-Kaapse Sestiende Wysigingswet op Dobbelary en Wedrenne, 2009.

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VERKLARENDE MEMORANDUM

1. DOEL EN OPSOMMING VAN DIE WYSIGINGSWETSONTWERP

Die Wysigingswetsontwerp poog om die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996) te wysig ten einde nuwe lisensie-aansoek-, jaarlikse lisensie- en ondersoekgelde te verhoog.

2. DOELWITTE EN OOGMERKE VAN KLOUSULES

Die doelwitte en oogmerke van die verskillende klousules word hieronder uiteengesit.

Klousule 1

- (a) Hierdie klousule maak voorsiening vir 'n verhoging in nuwe lisensie-aansoekgelde betaalbaar vir die verskillende lisensies gelys in die linkerkantste kolom van die Bylae ooreenkomstig die Verbruikersprysindeks (VPIX)-verhogings oor die voorafgaande ses jaar.

Die inwerkingstelling van hierdie wysiging sou daarom primêr verseker dat gelde nie verouderd bly nie en, op 'n sekondêre vlak, verhoogde inkomste aan die Raad verseker.

- (b) Hierdie klousule maak voorsiening vir 'n verhoging in die jaarlikse lisensiegeld en ondersoekgeld betaalbaar vir die verskillende lisensies gelys in die linkerkantste kolom van die Bylae ooreenkomstig die Verbruikersprysindeks (VPIX)-verhogings oor die voorafgaande ses jaar.

Die inwerkingstelling van hierdie wysiging sou daarom primêr verseker dat gelde nie verouderd bly nie en, op 'n sekondêre vlak, verhoogde inkomste aan die Raad en Provinsie verseker.

Klousule 2

Hierdie klousule maak voorsiening vir die kort titel.

3. DEPARTEMENTE/LIGGAME GERAADPLEEG:

Departement van die Premier: Hoof Direkoraat: Regsdienste

Wes-Kaapse Raad op Dobbelary en Wedrenne

INQAKU ELICACISA NGOKUBANZI:

[] Amagama angqindilili nakoonobiyela abasikwele achaza okushiyelelo kwimithetho ekhoyo.

_____ Amagama akwelwe umgca ongaqhawu-qhawukanga achaza amagama afakelwe kwimithetho ekhoyo.

UMTHETHO OYILWAYO WOLUNGISO

Ukulungiswa koMthetho woMdyarho noNgcakazo weNtshona Koloni , 1996 (UMthetho 4 ka-1996); ukulungiselela ukunyuka kwezicelo zeelayisenisi ezintsha, ilayisenisi yonyaka nemirhumo yophengululo; nokulungiselela imiba enxulumene noko.

UZA KWENZIWA USEBENZE yiPalamente yePhondo leNtshona Koloni, ngolu hlobo:—

Ulungiso kweShedyuli II yoMthetho 4 ka-1996 ngokumelwa licandelo 70 loMthetho 4 ka-1997 kwaye lilungiswe ngecandelo 18 loMthetho 11 ka-1997, kwaye lilungiswe ngecandelo 4 loMthetho 5 ka-1999, ngecandelo 4 loMthetho 10 ka-2000 nangecandelo 1 loMthetho 9 ka-2001. 5

1. IShedyuli II yoMthetho 4 ka-1996 ilungiswe —

(a) ngokuthi kufakwe lo mhlathi ulandelayo endaweni yomhlathi 1:

“1. Imirhumo ehlawulwa ngokwemigaqo yecandelo 32 yile ilandelayo:

Intlobo zeelayisenisi	Umrhumo weelayisenisi ezintsha R	10
Ilayisenisi yokuqhuba uNgcakazo	[240 000,00] 345340,00	
Ilayisenisi yomqhubi woomatshini boNgcakazo olunyiniweyo	[120 000,00] 172 670,00	15
Ilayisenisi yeendawo zooMatshini boNgcakazo enyiniweyo	[6 000,00] 8 630,00	
Ilayisenisi yeBhingo	[60 000,00] 86 340,00	
Ilayisenisi yendawo yeBhingo	[6 000,00] 8 630,00	
Ilayisenisi yearhente yeJankethi	[6 000,00] 8 630,00	
Ilayisenisi yokuvelisa	[6 000,00] 8 630,00	20
Ilayisenisi yomabeli	[6 000,00] 8 630,00	
Ilayisenisi yomqhubi weTotalisator	[120 000,00] 172 670,00	
Ilayisenisi yendawo yeTotalisator	[6 000,00] 8 630,00	
Ilayisenisi yombhejisi	[6 000,00] 8 630,00	
Ilayisenisi yendawo yokubhejisa	[6 000,00] 8 630,00	25
Ilayisenisi yomqeshwa ophambili	[240,00] 350,00	
Ilayisenisi yomqeshwa woNgcakazo	[60,00] 90,00”;	

Kananjalo

(b) ngokufaka lo mhlathi endaweni yomhlathi 2:

“2. imirhumo ehlawulwa ngokwemigaqo yecandelo 44 yile ilandelayo:

Iintlobo zeelayisenisi	Umrhumo welayisenisi ngonyaka R	Umrhumo wophengululo R	
Ilayisenisi yokuqhuba uNgcakazo	[120 000,00] 172 670,00	[3 600,00] 5 180,00	5
		ngetafile yoNgcakazo kunye	10
		[2 400,00] 3 450,00	
		nomatshini weSiloti	
Ilayisenisi yomqhubi woomatshini boNgcakazo olunyiniweyo	[60 000,00] 86340,00	[1 200,00] 1 730,00	15
		ngomatshini woNgcakazo onyiniweyo	
Ilayisenisi yeendawo zooMatshini boNgcakazo enyiniweyo	[600,00] 860,00	[2 400,00] 3 450,00	
Ilayisenisi yeBhingo	[2 400,00] 3 450,00	[6 000,00] 8 630,00	20
Ilayisenisi yendawo yeBhingo	[600,00] 860,00	[2 400,00] 3 450,00	
Ilayisenisi yearhente yeJankethi	[240,00] 350,00	[600,00] 860,00	
Ilayisenisi yokuvelisa	[2 400,00] 3 450,00	[12 000,00] 17 270,00	
Ilayisenisi yomabeli	[2 400,00] 3 450,00	[12 000,00] 17 270,00	
Ilayisenisi yomqhubi weTotalisator	[2 400,00] 3 450,00	[60 000,00] 86 340,00	25
Ilayisenisi yendawo yeTotalisator	[240,00] 350,00	[600,00] 860,00	
Ilayisenisi yombhejisi	[1 200,00] 1 730,00	[4800,00] 6910,00	
Ilayisenisi yendawo yokubhejisa	[240,00] 350,00	[600,00] 860,00	
Ilayisenisi yomqeshwa ophambili	[60,00] 90,00	[240,00] 350,00	
Ilayisenisi yomqeshwa woNgcakazo	[60,00] 90,00	[60,00] 90,00”.	30

Isihloko esifutshane

2. Lo Mthetho kuthiwa nguMthetho woLungiso weShumi elinesithandathu woMdyarho noNgcakazo weNtshona Koloni, 2009.

IMEMORANDAM ECACISAYO

1. INJONGO NESISHWANKATHELO SOMTHETHO OYILWAYO

UMthetho oYilwayo woLungiso ujolise ekulungiseni uMthetho womDyarho noNgcakazo weNtshona Koloni, 1996 (UMthetho 4 ka-1996) ukuze kunyuswe isicelo selayisenisi esitsha, neimirhumo yophengululo.

2. IINTSINGISELO NENJONGO YAMAGATYA

Iintsingiselo nenjongo yamagatya ahlukahlukeneyo ichazwe ngezantsi apha.

Igatya 1

- (a) Eli gatya libonelela ukunyuswa kwimirhumo nezicelo zeelayisenisi ezintsha ezihlawulelwa iintlobo ngeentlobo zeelayisenisi ezidweliswe ngasekhohlo kwishedyuli yekholamu ngokumayela nokunyuka kweConsumer Price Index (CPIX) kwiminyaka emithandathu edlulileyo.

Ukuphumeza olu lungiso ngoko ke okokuqala kuya kuqinisekisa ukuba imirhumo ayihlali ishiywe lixesha kananjalo ayihlali kwinqanaba lodidi lwesibini, ukuqinisekisa ukunyuka kwengeniso kwiBhodi.

- (b) Eli gatya libonelela ukunyuswa kwimirhumo nezicelo zeelayisenisi ezintsha ezihlawulelwa iintlobo ngeentlobo zeelayisenisi ezidweliswe ngasekhohlo kwishedyuli yekholamu ngokomayela nokunyuka kweConsumer Price Index (CPIX) kwiminyaka emithandathu edlulileyo.

Ngako oko ukusungulwa kwesi sihlomelo kuya kuqinisekisa ukuba imirhumo ayihlali ishiywe lixesha kananjalo ayihlali kwinqanaba lodidi lwesibini, ukuqinisekisa ukunyuka kwengeniso kwiBhodi nePhondo.

Igatya 2

Eli gatya linika isihloko esifutshane .

3. AMASEBE/AMAZIKO ACEBISILEYO:

ISebe leNkulumbuso: iCandelo loLawulo oluphezulu: IiNkonzo zoMthetho

IBhodi yoMdyarho noNgcakazo yeNtshona Koloni.

