



NEGOTIATING MANDATE

TO: The Chairperson of the Select Committee on Trade and International Relations

Hon. A Makue

NAME OF BILL: National Gambling Amendment Bill

NUMBER OF BILL: [B27B-2018]

DATE OF DELIBERATION: 28 February 2019

VOTE OF THE LEGISLATURE: The Gauteng Provincial Legislature votes in favour of the Bill, with proposed amendments and mandates the Permanent Delegate to the NCOP to negotiate in favour of the Bill.

The proposed amendments are as follows:

1. Clause 3 - Inserting section 10A Page 3 Lines 15 -22

This section should clarify that it only applies to persons who engage in restricted gambling activities without holding the appropriate license. The said proposal is intended to avoid an argument that section 10A applies in circumstances where a licensed operator may be found to have contravened a provision of the Act, which is no doubt not the drafters intention as the sanction in section 10A(2) would be wholly disproportionate in such circumstances.

2. Clause 12(a): Amending section 27(1) (a) Page 5 Lines 10 - 15

The proposed extension of the NCEMS is rejected.

3. Clause 15(c) - Amending Section 33 Page 6 Lines 35 - 39

Clause 15 (c) provides for the insertion of the paragraph (l) in section 33 of the principal Act. It has been submitted that section 33 currently contains only paragraphs (a) to (c).

This should be rectified accordingly.

4. Clause 17 and 22: Amending Sections 35 and 57 respectively - Pages 7 Lines 46 to 53 and Page 9 lines 17 to 22

Serious consideration be given to include a provision in section 35 which obliges PLA's to access and to have recourse to the shared information when conducting probity investigations of this nature - "in order to ensure that this section does not remain a dead letter for all practical purposes".

5. Clause 26 inserting section 63A Page 10 Lines 10 to 17

The principles of corporate governance must be maintained in terms of the quorum of meetings of the national gambling policy council. The challenge brought about by non-Quorating National Gambling Policy Council meetings can easily be resolved by passing resolutions by way of round robin with at least two thirds of eligible voting members of the National Gambling Policy Council.

Clause must be deleted.

6. Clause 28 and 29 Amending section 64 (4) and 65 respectively - Page 10 Lines 32-33 and 35 to 46; and Page 11 Lines 1 to 16

Clauses must be deleted.

7. Clause 30 inserting section 65A Page 11 Lines 20 to 59 and Page 12 Lines 1 to 5

Clause must be deleted.

9. Clause 30 inserting Section 65B (3)(b) Page 12 Lines 23 to 26

Clause must be deleted.

10. Clause 31: Amending Section 66(6) - Page 12 Lines 54 to 59; and Page 13 Lines 1 to 2

Clause 31(e) intends to amend section 66(6) in circumstances in which there is no such subsection in the Act. This confusion appears to have arisen from the fact that the 2008 Amendment Act – which has never been brought into operation – contemplated the insertion of subsection (6) in section 66.

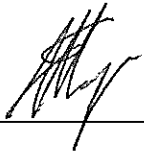
11. Clause 32: Inserting Section 66A (a) Lines 10 to 13

"(a) may enter into agreements with any other organ of state as contemplated in the Constitution, [to provide for the joint exercise or

performance of their respective powers and functions contemplated in this Act] to co-ordinate and harmonise the exercise or performance of their respective powers and functions with regard to gambling activities”

12. Clause 40 inserting section 76A Page 15 Lines 45 to 54 and Page 16 Lines 1 to 12

Clause must be deleted.



Date: 28/02/18

HON. E MAGERMAN

CHAIRPERSON: ECONOMIC, ENVIRONMENT, AGRICULTURE AND RURAL
DEVELOPMENT PORTFOLIO COMMITTEE

GAUTENG PROVINCIAL LEGISLATURE