



FREE STATE PROVINCE

# PROVINCIAL GAZETTE

## PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

*Published by Authority*

*Uitgegeef op Gesag*

No. 79

BLOEMFONTEIN, 21 OCTOBER/OKTOBER 2016

### GENERAL NOTICE 8 OF 2016

#### PUBLICATION OF THE FREE STATE GAMBLING AND LIQUOR AMENDMENT BILL, 2016

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 149 of the Rules and Orders of the Free State Legislature.

Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach him not later than **4 November 2016**.

**ADV T MOKOENA**  
**SECRETARY: FREE STATE LEGISLATURE**

### ALGEMENE KENNISGEWING 8 VAN 2016

#### PUBLIKASIE VAN DIE VRYSTAATSE WYSIGINGSWETSONTWERP OP DOBBEL EN DRANK, 2016

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van Reël 149 van die Reëls en Orders van die Vrystaatse Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, 9300 om hom nie later as **4 November 2016** te bereik nie.

**ADV T MOKOENA**  
**SEKRETARIS: VRYSTAATSE WETGEWER**

**GENERAL EXPLANATORY NOTE:**

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

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

**BILL**

To amend the Free State Gambling and Liquor Act, 2010, to incorporate the Tourism Authority; to amend the objects of the Authority; to amend the membership and powers of the board; to repeal the Free State Tourism Authority Act, 2005 and subsequent Free State Tourism Authority Amendment Act, 2011; to provide for transitional provisions regarding the incorporation of the Tourism Authority; and to provide for matters connected therewith.

**BE IT ENACTED** by the Provincial Legislature of the Free State Province as follows:-

**Amendment of section 2 of Act No. 6 of 2010**

1. Section 2 of the Free State Gambling and Liquor Act, 2010 (Act No. 6 of 2010) (hereinafter referred to as the “Principal Act”) is amended by the addition of subsection (3): 5
- “(3) in relation to tourism to – 10
- (i) market tourism;
- (ii) promote tourism;
- (iii) develop sustainable tourism within the Province;
- (iv) promote major tourism related events; and
- (v) promote the development and marketing of tourism products.” 15

**Amendment of section 4 of Act No. 6 of 2010**

2. Section 4 of the Principal Act is amended by the substitution for the section of the following section: 20
- “(1) There is hereby established an entity called the Free State Gambling [and], Liquor and Tourism Authority as juristic person. 25
- (2) The Authority consists of the board, chief executive officer and administration. 25
- (3) The powers and functions of the [Free State Gambling and Liquor] Authority are managed and controlled by a board appointed by the responsible Member, in consultation with the Executive Council.” 30

**ALGEMENE VERDUIDELIKENDE NOTA:**

[ ] Woorde in vetdruk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

\_\_\_\_\_ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WETSONTWERP**

Om die Vrystaatse Wet op Dobbels en Drank, 2010, te wysig om die Toerisme Owerheid te inkorporeer; om die doelwitte van die Owerheid te wysig; om die lidmaatskap en magte van die raad te wysig; om die Vrystaatse Wet op Toerisme Owerheid, 2005 en daaropvolgende Wysigingswet op die Vrystaatse Toerisme Owerheid, 2011 te herroep; om voorsiening te maak vir oorgangsbepalings met betrekking tot die inkorporasie van die Toerisme Owerheid; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

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

5 **Wysiging van artikel 2 van Wet No. 6 van 2010**

1. Artikel 2 van die Vrystaatse Wet op Dobbels en Drank, 2010 (Wet No. 6 van 2010) (hierna verwys as die "Hoofwet") word gewysig deur subartikel (3) by te voeg:

10 "(3) \_\_\_\_\_ met betrekking tot toerisme –

(i) \_\_\_\_\_ bemaking van toerisme;

(ii) \_\_\_\_\_ bevordering van toerisme;

(iii) \_\_\_\_\_ ontwikkeling van volhoubare toerisme binne die Provinsie;

15 (iv) \_\_\_\_\_ bevordering van groot toerisme byeenkomste; en

(v) \_\_\_\_\_ die ontwikkeling en bemaking van toerisme produkte te bevorder."

**Wysiging van artikel 4 van Wet No. 6 van 2010**

- 20 2. Artikel 4 van die Hoofwet word gewysig deur die artikel met die volgende artikel te vervang:

25 "(1) Daar word hiermee 'n regs persoon as entiteit gestig wat bekend sal staan as die Vrystaat Dobbels [en], Drank[owerheid] en Toerisme Owerheid.

(2) Die Owerheid bestaan uit die raad, hoof uitvoerende beampte en administrasie.

30 (3) Die bevoegdhede en funksies van die [Vrystaat Dobbels en Drankowerheid] Owerheid word bestuur en beheer deur 'n raad wat aangestel word deur die verantwoordelike Lid, met raadpleging van die Uitvoerende Raad."

### Amendment of section 5 of Act No. 6 of 2010

#### 3. Section 5 of the Principal Act is amended by –

- |     |  |    |
|-----|--|----|
| (1) | the substitution for paragraph (f) of subsection (1) of the following paragraph:   | 5  |
|     | “(f) exercise any power necessary to conduct the business, manage the administration and finances of the [Free State Gambling and Liquor] Authority, which includes, amongst others, entering into agreements, attend to litigation, lease property for the operations of the Authority;”; | 10 |
| (2) | amending the Afrikaans text to correct the numbering of paragraph (i) of subsection (1);   | 15 |
| (3) | the addition of the following paragraphs in subsection (1):  |    |
|     | <del>“(i) investigate and make recommendations to the responsible Member regarding any matter relating directly or indirectly to the gambling, liquor and tourism industries;</del>  | 20 |
|     | (j) determine fees regarding hearings, investigations and inquiries;   |    |
|     | (k) determine minimum internal controls for the board, registrants and licencees regarding, amongst others, but not limited to, accounting, reporting procedures, whether computerized or otherwise;   | 25 |
|     | (l) execute the powers and perform the functions regarding tourism as envisaged in Chapter 4A;   | 30 |
| (m) | at least annually advise the responsible Member on –   |    |
|     | (i) new tourism trends;  |    |
|     | (ii) new tourism initiatives, strategies or policy matters;  | 35 |
|     | (iii) the environmental, socio-economic and developmental impact of tourism trends or strategies as well as financial implications of such trends and strategies;  | 40 |

**Wysiging van artikel 5 van Wet No. 6 van 2010****3. Artikel 5 van die Hoofwet word gewysig deur –**

5 (1) die vervanging van paragraaf (f) van subartikel (1) deur die volgende paragraaf:

10 “(f) enige bevoegdheid uitoefen wat nodig is om die sake te bedryf, die administrasie en finansiële bestuur van die [Vrystaat Dobbel en Drankowerheid] Owerheid te beheer, wat onder meer insluit die sluiting van ooreenkomste, aandag gee aan litigasie, huur van eiendom vir die werksaamhede van die Owerheid;”;

15 (2) die vervanging van paragraaf (i) van subartikel (1) deur die volgende paragraaf:

20 “[i] (2) [o]ngeag enigiets tot die teendeel in hierdie Wet, kan ‘n interim raad verwys na in artikel 6(5) tydens die afwesigheid van ‘n raad, bevoegdhede uitoefen en funksies uitvoer van die Owerheid, behalwe die toestaan en terugtrekking van lisensies of registrasies.”;

(3) die toevoeging van die volgende paragrawe in subartikel (1):

25 “(i) die ondersoek en maak van aanbevelings aan die verantwoordelike Lid met betrekking tot enige aangeleentheid wat direk of indirek verband hou met die dobbel-, drank- en toerismebedrywe;

30 (j) bepaling van gelde met betrekking tot verhore, ondersoekte en navrae;

35 (k) bepaling van minimum interne kontroles vir die raad, registrante en lisensiehouers met betrekking tot, onder andere, maar nie beperk tot, rekeningkunde, verslagleweringprosedures, welke gerekenariseerd of andersins;

(l) die bevoegdhede uitvoer en funksies verrig met betrekking tot toerisme soos bedoel in Hoofstuk 4A;

40 (m) ten minste jaarliks die verantwoordelike Lid adviseer ten opsigte van –

(i) nuwe toerisme neigings;

45 (ii) nuwe toerisme inisiatiewe, strategieë of beleidsrigtings;

(iii) die omgewings-, sosio-ekonomiese en ontwikkelingsimpak van toerisme neigings of strategieë asook finansiële implikasies van sodanige neigings of strategieë;

- |      |   |   |
|------|---|---|
| (iv) | specific measures to promote, foster and develop tourism for the benefit of previously disadvantaged communities and how their participation in tourism may be broadened; |   |
| (v)  | matters pertaining to tourism safety and security as well as <u>tourism protection</u> .”.  | 5 |

**Amendment of section 6 of Act No. 6 of 2010 as amended by Act No. 3 of 2011**

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|------|--|----------|
| 4.   | Section 6 of the Principal Act is amended by the substitution for subsection (1) of the following subsection:  | 10       |
| “(1) | The board consists, together with persons contemplated in subsection (2), of –   |          |
| (a)  | 1 member who is qualified to be admitted to practice as a legal practitioner in the Republic and has, for a cumulative period of at least 5 years after having so qualified, practised as a legal practitioner or performed service related to the application or administration of the law; | 15<br>20 |
| (b)  | 1 member who [is an accountant or auditor in the Republic and has, for a cumulative period of at least 5 years after having so qualified, practised as such] <u>has financial, economic and/or related experience of at least five years;</u>  | 25       |
| (c)  | .....;   |          |
| (d)  | .....;   |          |
| (e)  | not more than [4] <u>2</u> members who must have proven business acumen or knowledge of the gambling or liquor industry, who are suitable for appointment to the board;  | 30       |
| (f)  | [one] <u>1</u> representative of the South African Police Service designated by the Free State Provincial Commissioner;  | 35       |
| (g)  | <u>1 member who has knowledge of or experience in tourism;</u>   |          |
| (h)  | <u>1 member who has knowledge of or experience in welfare, socio-economic development or social services.</u> ”.   | 40       |

5 (iv) bepaalde stappe ten einde toerisme te bevorder, aan te wakker en te ontwikkel tot voordeel van voorheen benadeelde gemeenskappe en hoe deelname aan toerisme verbreed kan word;

(v) aangeleenthede wat verband hou met toerisme veiligheid en sekuriteit asook beskerming van toerisme.”.

10 **Wysiging van artikel 6 van Wet No. 6 van 2010 soos gewysig deur Wet No. 3 van 2011**

4. Artikel 6 van die Hoofwet word gewysig deur die vervanging van subartikel (1) deur die volgende subartikel:

15 “(1) Die raad bestaan, **[onderhewig aan subartikel (3)]** tesame met persone beoog in subartikel (2), uit –

20 (a) 1 persoon wat gekwalifiseer is om as regspraktisyn in die Republiek toegelaat te word en wat, vir ‘n opgehoopte tydperk van minstens vyf jaar nadat so gekwalifiseer is, as regspraktisyn gepraktiseer het of dienste verrig het wat verband hou met die aansoek of administrasie van die reg;

25 (b) 1 lid wat **[‘n rekenmeester of ouditeur is in die Republiek en wat, vir ‘n opgehoopte tydperk van minstens 5 jaar, nadat gekwalifiseer is, as sodanig gepraktiseer het]** finansiële, ekonomiese en/of verwante ondervinding van ten minste vyf jaar het;

(c) .....

30 (d) .....

(e) hoogstens [4] 2 lede met bewese sakevernuf of kennis van die dobbelbedryf of drankbedryf wat geskik is vir aanstelling op die raad;

35 (f) **[een] 1** verteenwoordiger van die Suid-Afrikaanse Polisie diens soos aangewys deur die Vrystaat Provinsiale Kommissaris;

(g) 1 lid wat kennis of ervaring het in toerisme;

40 (h) 1 lid wat kennis of ervaring het in welsyn, sosio-ekonomiese ontwikkeling of maatskaplike dienste.”.

## Insertion of Chapter 4A in relation to tourism

5. Chapter 4A is inserted after Chapter 4 of the Principal Act:

<b>“CHAPTER 4A</b>	5
<b>TOURISM</b>	
<b>108A. Developing and marketing of tourism</b>	10
The Authority may –	
(i) monitor, evaluate and ensure the implementation of, and compliance with, all tourism marketing policies, programmes and regulations by those tourism stakeholders to which such policies, programmes and regulations are applicable;	15
(ii) develop and implement a focused international, regional and domestic marketing strategy in collaboration with the South African Tourism Board; and	20
(iii) co-ordinate and facilitate Provincial tourism marketing initiatives and strategies.	
<b>108B. Responsibilities of Department in relation to tourism</b>	25
The Department must –	
(i) monitor, evaluate and ensure the implementation of, and compliance with, all tourism research and information compilation policies, programmes and regulations by those tourism stakeholders to which such policies, programmes and regulations are applicable;	30
(ii) conduct cost-effective and focused research pertaining to tourism in the Province;	35
(iii) co-ordinate integrated tourism research;	
(iv) establish and maintain a comprehensive database consisting of information pertaining to, <i>inter alia</i> , -	40
(aa) existing tourism attractions, infrastructure, facilities, services and the location thereof and access thereto, within the Province;	45
(bb) natural and cultural attractions that could potentially be developed as tourism attractions within the Province;	
(cc) new areas of tourism activity and potential sites where these activities could be carried out within the Province;	50



**Invoeging van Hoofstuk 4A met betrekking tot toerisme**

5. Hoofstuk 4A word na Hoofstuk 4 van die Hoofwet ingevoeg:

5

**“HOOFSTUK 4A****TOERISME**

10

**108A. Ontwikkeling en bemaking van toerisme**

Die Owerheid mag –

15

(i) alle bemerkingsbeleide, programme en regulasies monitor, evalueer en sorg vir die implementering en nakoming daarvan deur daardie belanghebbendes in toerisme op wie sodanige beleide, programme en regulasies van toepassing is;

20

(ii) van ‘n samevattende internasionale, streeks en binnelandse bemakingstrategie in samewerking met die Suid-Afrikaanse Toerismeraad ontwikkel en implementeer; en

(iii) van bemerkingsinisiatiewe en strategieë vir Provinsiale toerisme koördineer en fasiliteer.

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**108B. Verantwoordelikheid van Departement met betrekking tot toerisme**

Die Departement moet –

30

(i) alle toerismenavorsing- en inligtingsamestellingsbeleide, programme en regulasies monitor, evalueer en sorg vir die implementering en nakoming daarvan deur daardie belanghebbendes in toerisme op wie sodanige beleide, programme en regulasies van toepassing is;

35

(ii) lonende en gekonsentreerde navorsing uitvoer wat verband hou met toerisme in die Provinsie;

(iii) geïntegreerde toerisme navorsing koördineer;

40

(iv) ‘n omvattende databasis vestig en onderhou wat bestaan uit inligting wat verband hou met, onder andere,

(aa) bestaande toerisme aantreklikhede, infrastruktuur, geriewe, dienste en die ligging en toegang dartoe, binne die Provinsie;

45

(bb) natuurlike en kulturele aantreklikhede wat die potensiaal het om as toerisme aantreklikhede binne die Provinsie ontwikkel te word;

50

(cc) nuwe gebiede van toerismebedrywighede en moontlike terreine binne die Provinsie waar hierdie bedrywighede uitgevoer kan word;

- (v) develop a tourism information service and disseminating information to tourists and relevant tourism stakeholders.

**108C. Communication strategies**

5

The Authority may –

- (i) monitor and evaluate the implementation of, and compliance with, all tourism related communication policies; and
- (ii) develop and implement public relations initiatives and communication programmes to, *inter alia*, promote a tourism culture and tourism awareness among inhabitants of the Province.

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**108D. General powers**

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The Authority may –

- (i) present or promote major tourism related events or bid for such events to be held in the Province;
- (ii) negotiate, enter into and vary agreements in relation to the objects of the Authority;
- (iii) establish the necessary infrastructure and supporting facilities for major tourism related events;
- (iv) do all other things necessary for or in connection with the conduct, financial and commercial management of each event presented or promoted by the Authority;
- (v) establish supporting facilities, services and activities in connection with the holding of major tourism related events;
- (vi) carry on advertising and promotional activities;
- (vii) publish or produce books, programmes, brochures, maps or any other printed material, films, videotapes, souvenirs, apparel or other things relating to events that are presented or promoted by the Authority;
- (viii) display, exhibit, sell or supply food and beverages, books, programmes, brochures, maps or any other printed material, films, videotapes, souvenirs, apparel or any other goods or services;

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- (v) 'n toerisme inligtingsdiens ontwikkel en inligting versprei onder toeriste en die betrokke toerisme belanghebbendes,

#### 108C. Kommunikasiestrategieë

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Die Owerheid mag –

10

- (i) alle kommunikasiebeleide wat met toerisme verband hou monitor en die implementering en nakoming daarvan evalueer; en
- (ii) openbare skakelinisiatiewe en kommunikasieprogramme ontwikkel en implementeer om, onder andere, 'n toerismekultuur en toerismebewustheid onder inwoners van die Provinsie te bevorder.

15

#### 108D. Algemene bevoegdhede

Die Owerheid mag –

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- (i) groot toerisme verwante byeenkomste aanbied of bevorder of 'n bod maak om sodanige byeenkomste in die Provinsie te hou;

- (ii) ooreenkomste met betrekking tot die doelwitte van die Owerheid onderhandel, aangaan en wysig;

25

- (iii) die nodige infrastruktuur en ondersteunende geriewe vir groot toerisme verwante byeenkomste daarstel;

30

- (iv) alle ander dinge doen wat nodig is vir of in verband staan met die hou, finansiële en kommersiële bestuur van elke groot sportbyeenkoms wat deur die Owerheid aangebied of bevorder word;

35

- (v) ondersteunende geriewe, dienste en aktiwiteite in verband met die hou van groot toerisme verwante byeenkomste daarstel;

- (vi) advertensie- en reklame-aktiwiteite bedryf;

40

- (vii) boeke, programme, brosjures, kaarte of enige ander gedrukte materiaal, films, videobande, aandenkings, monderings of ander dinge in verband met groot byeenkomste wat deur die Owerheid aangebied of bevorder word, publiseer of vervaardig;

45

- (viii) voedsel en drank, boeke, programme, brosjures, kaarte of enige ander gedrukte materiaal, films, videobande, aandenkings, monderings of enige ander goedere of dienste uitstal, vertoon, verkoop of voorsien;

- |         |  |    |
|---------|--|----|
| (ix)    | employ or engage staff or consultants;   |    |
| (x)     | provide consultancy, advisory and project management services;   |    |
| (xi)    | grant, for a fee or other consideration, advertising rights, sponsorship rights, broadcasting rights or television rights or any other rights, licence, or concessions in connection with events presented or promoted by the Authority; | 5  |
| (xii)   | take out policies of insurance;  | 10 |
| (xiii)  | acquire and hold any licence under any law;  |    |
| (xiv)   | enter into an agreement for the presenting, organising, managing and promoting of an event;  | 15 |
| (xv)    | accept money, property, gifts or grants accruing to the Authority by way of donation award or otherwise;   |    |
| (xvi)   | acquire or dispose of real assets;   | 20 |
| (xvii)  | enter into a joint venture with another person;  |    |
| (xviii) | <u>conduct any tourism related research.</u>   | 25 |

#### **Amendment of section 133 of Act No. 6 of 2010**

6. Section 133 of the Principal Act is amended by the insertion of subsection (6) after subsection (5):

“(6) The Authority must constitute industry stakeholders’ forums for liquor,

gambling and tourism, subject to the following –

- |     |   |    |
|-----|---|----|
| (a) | In constituting the stakeholders’ forums the Authority must, once every two years, invite nominations for recognition on the stakeholders forums in a manner the Authority considers fit and in line with criteria determined by the Authority. | 35 |
| (b) | The Authority must establish a stakeholders’ forum from the nominations submitted in terms of paragraph (a), on the conditions it considers appropriate and criteria set by the Authority.  | 40 |

- (ix) personeel of konsultante aanwend of in diens neem;
- (x) konsultasie-, advies- en projekbestuurdienste voorsien;
- 5 (xi) advertensieregte, borgskapregte, uitsaairegte of televisieregte of enige ander regte, lisensies of konsessies in verband met byeenkomste wat deur die Owerheid aangebied of bevorder word, teen betaling of 'n ander teenprestasie verleen;
- 10 (xii) versekeringspolisse uitneem;
- (xiii) enige lisensie kragtens enige wet verkry en hou;
- 15 (xiv) 'n ooreenkoms aangaan vir die aanbieding, organisering, bestuur en bevordering van 'n byeenkoms;
- (xv) geld, eiendom, geskenke of bydraes wat aan die Owerheid toeval by wyse van skenking, beloning of andersins, aanneem;
- 20 (xvi) vaste bates verkry en daaroor beskik;
- (xvii) 'n gesamentlike onderneming met 'n ander persoon aangaan;
- 25 (xviii) enige toerisme verwante navorsing doen."

**Wysiging van artikel 133 van Wet No. 6 van 2010**

6. Artikel 133 van die Hoofwet is gewysig deur die invoeging van subartikel (6) na subartikel (5):

30 "(6) Die Owerheid moet forums van belanghebbendes vir die drank-, dobbel en toerisme industrieë saamstel, onderhewig aan die volgende –

- 35 (a) In samestelling van die forums van belanghebbendes moet die Owerheid een keer elke twee jaar, nominasies aanvra vir erkenning op die forums van belanghebbendes op 'n wyse wat die Owerheid as geskik ag en in ooreenstemming met kriteria soos deur die Owerheid bepaal.
- 40 (b) Die Owerheid moet 'n forum van belanghebbendes saamstel uit die nominasies wat ingedien is ingevolge paragraaf (a), op die voorwaardes wat dit toepaslik ag en kriteria bepaal deur die Owerheid.

- |     |  |   |
|-----|--|---|
| (c) | The Authority must convene, at least once per year, a meeting of the stakeholders' forums.   |   |
| (d) | The chairperson of the board or a board member designated by the chairperson presides over the meetings of the stakeholders' forums.”. | 5 |

### **Incorporation of dissolved Free State Tourism Authority**

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|----|---|----|
| 7. | The Free State Tourism Authority is hereby incorporated into the Free State Gambling, Liquor and Tourism Authority. | 10 |
|----|---|----|

### **Repeal, savings and transitional provisions**

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|----|---|----------------|
| 8. | (1) Subject to the provisions of subsections (2) and (3), the laws referred to in the Schedule are hereby repealed.   | 15             |
|    | (2) At the commencement of this Act –   |                |
|    | (a) all assets, liabilities, rights and obligations of the dissolved Free State Tourism Authority shall vest in the Free State Gambling, Liquor and Tourism Authority: Provided that the responsible Member may by notice in the <i>Provincial Gazette</i> further regulate matters relating to the assets, liabilities, rights and obligations of the dissolved Free State Tourism Authority, including the transfer thereof to any entity, person or body: Provided further that such administrative records and other documents of the dissolved Free State Tourism Authority as may be determined by the responsible Member shall be transferred to the Free State Gambling, Liquor and Tourism Authority or such entity, person or body; | 20<br>25<br>30 |
|    | (b) employees of the Free State Tourism Authority is transferred to the Free State Gambling, Liquor and Tourism Authority, subject to relevant labour legislation;  | 35             |
|    | (c) any person, except for the Chairperson and Deputy Chairperson of the Free State Tourism Authority, who immediately before such commencement was a member of the board of the dissolved Free State Tourism Authority shall retire: Provided that the Chairperson and Deputy Chairperson of the Free State Tourism Authority will be members of the Free State Gambling, Liquor and Tourism Authority until such time as the responsible Member appoints a new board;   | 40             |

- (c) Die Owerheid moet ten minste een keer per jaar 'n vergadering van die forums van belanghebbendes reël.
- 5 (d) Die voorsitter van die raad of 'n raadslid aangewys deur die voorsitter dien as voorsitter by vergaderings van die forums van belanghebbendes."

### **Inkorporasie van ontbinde Vrystaat Toerisme Owerheid**

- 10 7. Die Vrystaat Toerisme Owerheid word hierby geïnkorporeer in die Vrystaat Dobbels, Drank en Toerisme Owerheid.

### **Herroeping, voorbehoud- en oorgangsbepalings**

- 15 8. (1) Onderhewig aan subartikel (2) en (3), word die wette wat in die Bylae na verwys word, hierby herroep.
- (2) Tydens die inwerkingtreding van hierdie Wet –
- 20 (a) moet alle bates, laste, regte en verpligtinge van die ontbinde Vrystaat Toerisme Owerheid berus by die Vrystaat Dobbels, Drank en Toerisme Owerheid: Met dien verstande dat die Lid van die Uitvoerende Raad sake wat verband hou met bates, laste, regte en verpligtinge van die ontbinde Vrystaat Toerisme Owerheid, met
- 25 inbegrip van die oordrag daarvan aan enige entiteit, persoon of liggaam, by wyse van kennisgewing in die *Provinsiale Koerant* verder kan reguleer: Met dien verstande ook dat sodanige administratiewe rekords en ander dokumente van die ontbinde Vrystaat Toerisme Owerheid soos wat deur die Lid van die Uitvoerende Raad bepaal
- 30 kan word oorgedra sal word aan die Vrystaat Dobbels, Drank en Toerimse Owerheid of sodanige entiteit, persoon of liggaam;
- (b) personeel van die Vrystaat Toerisme Owerheid word oorgedra aan
- 35 die Vrystaat Dobbels, Drank en Toerisme Owerheid, onderhewig aan die betrokke arbeidswetgewing;
- (c) enige persoon, behalwe die Voorsitter en Adjunk-Voorsitter van die Vrystaat Toerisme Owerheid, wat onmiddellik voor sodanige
- 40 inwerkingtreding 'n lid van die raad van die ontbinde Vrystaat Toerisme Owerheid was moet uit diens tree: Met dien verstande dat die Voorsitter en Adjunk-Voorsitter van die Vrystaat Toerisme Owerheid lede van die Vrystaat Dobbels, Drank en Toerisme Owerheid sal wees totdat die verantwoordelike Lid 'n nuwe raad aangestel het;

(d) any person who immediately before such commencement of this Act was a member of the board of the Free State Gambling and Liquor Authority remain a member of the board of the Free State Tourism, Gambling and Liquor Authority until his or her term of office expire or until the responsible Member has appointed a new board for the Free State Gambling, Liquor and Tourism Authority, whichever period is the shortest: Provided that in the instance where the board of the Free State Gambling and Liquor Authority may function it would be deemed to be validly constituted until such time as the responsible Member has appointed a new board. 5  
10

(3) Anything which could have been done under the laws repealed by subsection (1) and which may be done under the provisions of this Act and the Principal Act is deemed to have been done under this Act or the Principal Act. 15

(4) The Registrar of Deeds concerned shall, as soon as may be practicable after the commencement of this Act and upon a request of the Free State Gambling, Liquor and Tourism Authority, make such entries or endorsements in or on any relevant register, title deed or other document in his or her office or submitted to him or her, as he or she may deem necessary in order to give effect to the provisions of subsection (2)(a). 20

#### **Substitution of short title of Act No. 6 of 2010**

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9. The short title is hereby substituted for the following short title and commencement of the Principal Act:

“143. This Act is called the Free State Gambling, [and] Liquor and Tourism Act, 2010, and comes into operation on a date to be determined by the Premier by proclamation in the *Provincial Gazette*.” 30

#### **Short title and commencement**

10. This Act is called the Free State Gambling and Liquor Amendment Act, 2016 and commences on a date to be determined by the Premier by proclamation in the *Provincial Gazette*. 35



- 5 (d) enige persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet 'n Lid van die raad van die Vrystaat Dobbel en Drankowerheid was, bly sodanige lid van die raad van die Vrystaat Dobbel, Drank en Toerisme Owerheid totdat sy of haar ampstermyn verstryk, of totdat die verantwoordelike Lid 'n nuwe raad aangestel het vir die Vrystaat Dobbel, Drank en Toerisme Owerheid, welke ook die kortste is: Met dien verstande dat waar die raad van die Vrystaat Dobbel en Drankowerheid sou funksioneer sal dit geag wees geldig saamgestel te wees totdat die verantwoordelike Lid 'n nuwe raad aangestel het.
- 10
- 15 (3) Enige iets wat gedoen kon word kragtens die wette wat herroep word deur subartikel (1) en wat gedoen kan word kragtens die bepalings van hierdie Wet en die Hoofwet word geag gedoen te gewees het kragtens hierdie Wet of die Hoofwet.
- 20 (4) Die betrokke Registrateur van Aktes moet so gou as wat moontlik is na die inwerkingtreding van hierdie Wet en met 'n veroek van die Vrystaat Dobbel, Drank en Toerisme Owerheid, sodanige inskrywings of endossemente in of op enige relevante register, titelakte of ander dokument in sy of haar kantoor doen of wat by hom of haar ingedien is, soos wat hy of sy nodig mag ag ten einde uitvoering te gee aan die bepalings van subartikel (2)(a).

#### 25 **Vervanging van kort titel van Wet No. 6 van 2010**

9. Die kort titel word hierby vervang deur die volgende kort titel en inwerking treding van die Hoofwet:

30 “143. Hierdie Wet heet die Vrystaatse Wet op Dobbel, [en] Drank en Toerisme, 2010, en sal in werking tree op 'n datum soos vasgestel deur die Premier by wyse van kennisgewing in die *Provinsiale Koerant*.”.

#### **Kort titel en inwerkingtreding**

- 35 10. Hierdie Wet heet die Vrystaatse Wysigingswet op Dobbel en Drank, 2016 en tree in werking op 'n datum bepaal deur die Premier in die *Provinsiale Koerant*.

**SCHEDULE****Laws repealed**

<b>Title, No. and Year of Law</b>	<b>Extent of Repeal</b>
1. Free State Tourism Authority Act, 2005 (Act No. 3 of 2005)	The whole
2. Free State Tourism Authority Amendment Act, 2011 (Act No. 4 of 2011)	The whole

**BYLAE****Wette wat herroep word**

<b>Name en Jaar van Wet</b>	<b>Omvang van Herroeping</b>
1. Vrystaatse Wet op Toerisme Owerheid, 2005 (Wet No. 3 van 2005)	In geheel
2. Wysigingswet op die Vrystaatse Toerisme Owerheid, 2011 (Wet No. 4 van 2011)	In geheel

## MEMORANDUM

### 1. PURPOSE

The Bill gives effect to the intention to reduce the number of public entities, where possible, in order to save cost. It regulates the incorporation of Tourism into the Free State Gambling and Liquor Authority, to become the Free State Gambling, Liquor and Tourism Authority (the "Authority"). The Free State Gambling and Liquor Authority is an established entity with policies and procedures, which would require nominal amendments to incorporate Tourism function.

### 2. CLAUSE-BY-CLAUSE EXPLANATION

#### Clause 1

This clause broadens the specific objectives of the Authority to also include tourism.

#### Clause 2

This clause amends the name of the Authority.

#### Clause 3

In order to ensure that the Authority has the necessary powers and functions to execute all what is required from it, the relevant functions are expanded.

#### Clause 4

This clause regulates the number of Board members. It allows for appointment of a legal person, a financial person, 2 members with knowledge of the gambling and liquor industry, 1 person with knowledge of tourism, a representative of SAPS and 1 person who has knowledge or experience in welfare socio-economic development or social services.

#### Clause 5

This clause includes the function of Tourism setting out in more detail what functions the Authority and Department must and may perform in relation to Tourism.

#### Clause 6

This clause regulates the inclusion of stakeholders' forums for liquor, tourism and gambling. The intention is to use these forums to facilitate easier consultation with stakeholders. It provides that the Authority must invite nominations for recognition in accordance with criteria developed by the Authority.

## MEMORANDUM

### 1. DOEL

Die Wetsontwerp gee effek aan die doelstelling om die aantal openbare entiteite te verminder, waar moontlik, om koste te bespaar. Dit reguleer die inkorporasie van Toerisme tot die Vrystaat Dobbels en Drank Owerheid, om sodoende die Vrystaat Dobbels, Drank en Toerisme Owerheid (die "Owerheid") te word. Die Vrystaat Dobbels en Drank Owerheid is 'n bestaande entiteit met beleide en prosedures, wat die minimale wysiging sal nodig hê om die Toerisme funksie te inkorporeer.

### 2. KLOUSULE-VIR-KLOUSULE VERDUIDELIKING

#### Klausule 1

Hierdie klausule verbreed die spesifieke doelstellings van die Owerheid om ook toerisme in te sluit.

#### Klausule 2

Hierdie klausule wysig die naam van die Owerheid.

#### Klausule 3

Om te verseker dat die Owerheid die nodige magte en funksies het om dit wat verwag word uit te voer, word die relevante funksies uitgebrei.

#### Klausule 4

Hierdie Klausule reguleer die aantal Raadslede. Dit maak voorsiening vir die aanstelling van 'n regs persoon, 'n finansiële persoon, 2 lede met kennis van die dobbel en drank industrie, 1 persoon met kennis van toerisme, 'n verteenwoordiger van SAPS en 1 persoon wat kennis of ervaring het in maatskaplike sosio-ekonomiese ontwikkeling of maatskaplike dienste.

#### Klausule 5

Hierdie klausule wys op die funksie van Toerisme wat in meer duidelikheid uiteensit watter funksies die Owerheid en die Departement moet en mag uitvoer met betrekking tot Toerisme.

#### Klausule 6

Hierdie klausule reguleer die insluiting van belanghebbendes se forums vir drank, toerisme en dobbel. Die doel is om hierdie forums te gebruik om konsultasie met belanghebbendes te vergemaklik. Dit voosien dat die Owerheid nominasies moet aanvra vir erkenning in ooreenstemming met kriteria wat ontwikkel is deur die Owerheid.

**Clause 7**

This clause incorporates the Free State Tourism Authority into the Free State Gambling and Liquor Authority.

**Clause 8**

This clause sets out savings and provides for the repeal of the Free State Tourism Authority laws. The transitional provisions which are included relates to liabilities, personnel, assets, term of office of Board and endorsement of Deeds Office in relation to immovable assets which belonged to the Free State Tourism Authority.

**Clause 9**

This clause changes the name of the Act to the Free State Gambling, Liquor and Tourism Act.

**Clause 10**

This clause sets out the short title and date of commencement of the Act.

**3. FINANCIAL IMPLICATIONS**

The incorporation of the Free State Tourism Authority into the Gambling and Liquor Authority contributes to streamlining of entities and shall promote better value for money.

**4. CONSULTATION**

The Bill will be published in terms of the Rules of the Provincial Legislature.

**Klousule 7**

Hierdie klousule inkorporeer die Vrystaat Toerisme Owerheid met die Vrystaat Dobbels en Drank Owerheid.

**Klousule 8**

Hierdie Klousule sit voorbehoudsbepalings uit een en maak voorsiening vir die herroeping van die Vrystaat Toerisme Owerheid se wette. Die oorgangsmatreëls wat ingesluit is hou verband met laste, bates, termyn van die Raad en endossement van Akte Kantoor met betrekking tot onroerende bates wat aan die Vrystaat Toerisme Owerheid behoort het.

**Klousule 9**

Hierdie klousule verander die naam van die Wet na die Vrystaatse Wet op Dobbels, Drank en Toerisme.

**Klousule 10**

Hierdie klousule sit die kort titel en die inwerkingstredingsdatum van die Wet uiteen.

**3. FINANSIËLE IMPLIKASIES**

Die inkorporasie van die Vrystaat Toerisme Owerheid in die Vrystaat Dobbels en Drank Owerheid dra by tot vaartbelyning van entiteite en sal beter waarde vir geld bevorder.

**4. KONSULTASIE**

Die Wetsontwerp sal gepubliseer word ingevolge die Reëls van die Provinsiale Wetgewer.

**PROVINCIAL GAZETTE**  
(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 403 3139. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.

**Subscription Rates (payable in advance)**

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

**SUBSCRIPTION: (POST)**

PRICE PER COPY	R 27.00
HALF-YEARLY	R678.00
YEARLY	R1 356.00

**SUBSCRIPTION: (OVER THE COUNTER / E-MAIL)**

PRICE PER COPY	R 19.00
HALF-YEARLY	R 470.00
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Stamps are not accepted

**Closing time for acceptance of copy**

All advertisements must reach the Officer in Charge of the Provincial Gazette not later than 16:00, three working days prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge not later than 08:00 on the Tuesday preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

**Advertisement Rates**

Notices required by Law to be inserted in the Provincial Gazette: R31.50 per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.

**NUMBERING OF PROVINCIAL GAZETTE**

You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.

Printed and published by the Free State Provincial Government

**PROVINSIALE KOERANT**  
(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.

**Intekengeld (vooruitbetaalbaar)**

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

**INTEKENGELD: (POS)**

PRYS PER EKSEMPLAAR	R 27.00
HALFJAARLIKS	R678.00
JAARLIKS	R1 356.00

**INTEKENGELD: (OOR DIE TOONBANK / E-POS)**

PRYS PER EKSEMPLAAR	R 19.00
HALFJAARLIKS	R 470.00
JAARLIKS	R 940.00

Seëls word nie aanvaar nie.

**Sluitingstyd vir die Aannee van Kopie**

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik nie later nie as 16:00 drie werksdae voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word nie later nie as 08:00 op die Dinsdag voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

**Advertensietariewe**

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R31.50 per sentimeter of deel daarvan, enkel-kolom.

Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.

**NOMMERING VAN PROVINSIALE KOERANT**

U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering