

DEPARTMENT OF TOURISM
NOTICE 543 OF 2018
TOURISM ACT, 2014 (ACT NO. 3 OF 2014)

REGULATIONS IN RESPECT OF THE NATIONAL TOURISM INFORMATION AND MONITORING SYSTEM

I, DEREK ANDRE HANEKOM, Minister of Tourism, intends under section 61(1)(a) and (2), read with section 5 of the Tourism Act, 2014 (Act No. 3 of 2014), to make the Regulations in the Schedule.

Interested and affected persons are invited to submit within one (1) month from the date of publication of this notice, written representation on the proposed Regulations to the following:

By Post:

The Director-General
Department of Tourism
Private Bag X424
Pretoria
0001

Attention: Ms Nonkqubela Silulwane

By Hand: Ground Floor (Reception) Tourism House, 17 Trevenna Street, Sunnyside;

By email: nsilulwane@tourism.gov.za

Enquiries in connection with the Draft Regulations can be directed to Ms Silulwane at (012) 444-6402

Comments received after the closing date may not be considered.



Derek Hanekom, MP
Minister: Tourism

No.

GOVERNMENT GAZETTE

2018

SCHEDULE

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PART 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Definitions

1. In these Regulations a word or expression to which a meaning has been assigned in the Tourism Act, 2014 (Act No. 3 of 2014), has the meaning so assigned and, unless the context indicates otherwise—

“**Department**” means the national Department responsible for the management and growth of tourism;

“**System**” means the national tourism information and monitoring system established in terms of section 5 of the Tourism Act, 2014 (Act No. 3 of 2014); and

“**the Act**” means the Tourism Act, 2014 (Act No. 3 of 2014).

Purpose of Regulations

2. The purpose of these Regulations is to regulate the collection, recording, management, analysis and dissemination of information and data on tourism to monitor developments and trends in tourism.

Application of Regulations

3. These Regulations apply uniformly in all provinces of the Republic of South Africa.

PART 2

TOURISM AND MONITORING SYSTEM

Nature and form of the System

4. The System must be a set of processes and procedures designed to capture, store, disseminate and analyse tourism information.

Categories, content and form of data and information to be captured on the System

5. (1) Categories of data and information to be captured on the System include—
- (a) all tourism related information, such as Tourism Satellite Account ("TSA") classifications and categories;
 - (b) accommodation;
 - (c) meetings, exhibitions, conferences and special events;
 - (d) attractions and activities;
 - (e) tour operators and tourist guide services;
 - (f) restaurants and similar services;
 - (g) tourism information services;
 - (h) hiring and leasing;
 - (i) passenger transport and related services;
 - (j) travel agencies and other reservation services;
 - (k) cultural services;
 - (l) sports and recreational services; and
 - (m) tourism related infrastructure.

Content and form of data and information which must be captured on the System

6. The content and form of data and information which must be captured on the system includes, but is not limited to, the following:

- (a) legal name of business;
- (b) trading name;
- (c) CIPC registration number;
- (d) years of operation;
- (e) physical and postal address;
- (f) type of business or company;
- (g) business structure;
- (h) franchise information;
- (i) ownership type;
- (j) classification and category of business;
- (k) classification of business;
- (l) Broad-Based Black Economic Empowerment (BBBEE) information;
- (m) tourism grading and levy information;
- (n) universal accessibility;
- (o) member association;
- (p) number and type of rooms;
- (q) number of beds;
- (r) type of amenities providers;
- (s) number of conference rooms and total seating capacity;
- (t) total parking capacity;
- (u) dietary restrictions, liquor license information and smoking facilities;
- (v) type of travel services, number of vehicles and carrying capacity;
- (w) type of cultural and recreational services offered;

- (x) amenities (wellness spa, swimming pool and others); and
- (y) contact information;

Submission of databases by organs of state

7. The Director-General shall implement systems to ensure that organs of state submit databases with complete information.

Submission of data and information

8. (1) Data and information may be provided in hard copies or electronically.
- (2) Data and information must be provided at least once a year.
- (3) Data and information must be provided within 30 days where there are changes to the information or upon request.

Record keeping

9. (1) A person must keep a record of the information submitted to the Department.
- (2) The records contemplated in sub-regulation (1) must be—
- (a) retained for a period of at least five years; and
 - (b) made available for inspection by a representative of the Department, upon request.

Verification of data and Information

10. (1) The Department may notify a person who submitted information or data that verification of information will be conducted within a period determined by the Department.

(2) If the Department reasonably believes that the information provided during the verification process is incorrect or misleading, the Department must, in writing and within a reasonable period, afford a person who the information belongs to an opportunity to correct the information.

PART 3

GENERAL PROVISIONS

Offences and penalties

11. (1) A person commits an offence if a person provides incorrect or misleading information knowing it to be incorrect or misleading.

(2) A person who commits an offence contemplated in sub-regulation (1) is liable on conviction to—

- (a) imprisonment for a period not exceeding 12 months;
- (b) an appropriate fine; or
- (c) both a fine and imprisonment.

Short title and commencement

12. These Regulations are called the National Tourism Information and Monitoring System Regulations, and take effect on the date of publication thereof.