

DEPARTMENT OF TOURISM

NOTICE 146 OF 2017

TOURISM ACT, 2014 (ACT NO.3 OF 2014)

**PUBLICATION OF DRAFT REGULATIONS FOR THE MANNER AND PROCEDURE FOR
DEALING AND LODGING TOURISM COMPLAINTS FOR PUBLIC COMMENTS**

I, DEREK ANDRE HANEKOM, Minister of Tourism, acting in in terms of section 61(1) (b) of the Tourism Act, 2014 thereby give notice of my intention to make Regulations for the Manner and Procedure for Dealing with and Lodging of Tourism Complaints, set out in the Schedule hereto.

Interested parties are invited to submit within sixty (60) days of publication of this Notice in the Gazette, written representations on the draft Regulations to the following:

By post:

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

Attention: Ms MM Setwaba

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

By email: msetwaba@tourism.gov.za ; or

By fax: 012-444-7101.

Any inquiries in connection with the draft regulations can be directed to Ms M M Setwaba at 012-444-6313.

Comments received after the closing date may not be considered.



Derek Hanekom, MP
Minister of Tourism

No.

GOVERNMENT GAZETTE,

2016

**DEPARTMENT OF TOURISM
DEPARTEMENT VAN TOERISME**

No. R....

2016

TOURISM ACT, 2014 (Act No. 3 of 2014)

**REGULATIONS ON THE PRESCRIBED MANNER AND PROCEDURE FOR DEALING AND LODGING
TOURISM COMPLAINTS WITH THE TOURISM COMPLAINTS OFFICER**

The Minister of Tourism has under section 61(1) (b) and (c) of the Tourism Act, 2014 (Act No. 3 of 2014), made the regulations in the Schedule.

SCHEDULE

1. DEFINITIONS

In these regulations a word or an expression defined in the Tourism Act, 2014, has that meaning, unless the context indicates otherwise-

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

“**Complainant**” means a tourist or a person who lodges a tourist complaint against a perpetrator;

“**Tourism complaint**” means any complaint in respect of any tourism services, facilities or products as contemplated in section 47; and

“**Respondent**” means a person against whom a tourism complaint is lodged.

2. MANNER OF LODGING COMPLAINTS

Any person who wishes to lodge a tourism complaint must submit-

(a) information concerning the alleged contravention or instance of non-compliance in terms of or under these regulations in writing to the Tourism Complaints Officer.

(b) a tourism complaint in respect of an alleged contravention or instance of non-compliance in terms of or under these regulations, to the Tourism Complaints Officer, in the form substantially similar to Annexure “A”, together with copies of any supporting document the Tourism Complaints Officer should consider, by-

- (i) mailing it to The Office of the Tourism Complaints Officer, Private Bag X424, Pretoria, 0001;
- (ii) delivering the documents by hand to Tourism House, 17 Trevenna Street, Sunnyside, Pretoria;
- (iii) filing it electronically at www.tourism.gov.za (Website);
- (iv) e-mailing it to complaints@tourism.gov.za (e-mail address); or
- (v) any other manner acceptable to the Tourism Complaints Officer.

3. PROCEDURE FOR LODGING COMPLAINTS

- 3.1 Upon receipt of the tourism complaint, the Tourism Complaints Officer must record the complaint, give a reference number of the tourism complaint to the complainant, and investigate the tourism complaint as soon as possible.
- 3.2 The Tourism Complaints Officer must upon receiving the tourism complaint, acknowledge receipt of the tourism complaint from the complainant, in writing.
- 3.3 The Tourism Complaints Officer must, on receipt of the tourism complaint, refer the tourism complaint to the relevant institution, indicated in section 47 of the Act, for resolution.
- 3.4 The Tourism Complaints Officer must make regular follow-ups on the tourism complaint with the resolving institution, until the tourism complaint is resolved.
- 3.5 The Tourism Complaints Officer must, upon resolution of the tourist complaint by the relevant institution, as indicated in section 47 of the Act, inform the complainant of the outcome thereof in writing.

4. MANNER OF DEALING WITH TOURISM COMPLAINTS

- 4.1 Prior to dealing with a tourism complaint, the complainant may in certain instances have to show that he or she attempted to resolve the dispute with the respondent and that such an attempt was fruitless.
- 4.2 The Tourism Complaints Officer may deal with minor tourism complaints in the following manner-
 - (a) Upon receiving a tourism complaint, the Tourism Complaints Officer must acknowledge receipt of the tourism complaint.
 - (b) The Tourism Complaints Officer must first analyse and evaluate the tourism complaint to identify minor tourist complaints he/she can deal with, from those that should be referred to the authorised institutions for resolution.

- (c) The Tourism Complaints Officer must, upon receiving a tourism complaint, write and send a letter to the respondent by hand or registered mail –
 - (i) informing the respondent of the nature of the tourism complaint;
 - (ii) inviting the respondent to respond to the alleged tourism complaint and provide supporting documents, if any;
 - (iii) inviting the respondent to suggest a way in which the tourism complaint may be resolved;
 - (iv) request any other information that the Tourism Complaint Officer may deem relevant or necessary; and
 - (v) inform the respondent to respond within 14 days of the date of receipt the letter.
- 4.3 After receiving the response from the perpetrator, the Tourism Complaints Officer must write a letter to the complainant, and afford him/her an opportunity to reply, , to the response of the perpetrator.
- 4.4 Should the complainant be satisfied with the response and the proposed solution from the respondent, then the tourism complaint will be considered to be finalised.
- 4.5 The Tourism Complaints Officer must, upon resolution of the tourist complaint, inform both the complainant and the relevant institution empowered to deal with the tourism complaint of the outcome thereof, in writing.
- 4.6 However, should the complainant be not satisfied with the response or the proposed solution, the tourism complaint must be referred by the Tourism Complaints Officer to the institution empowered to deal with it for resolution.

5. SHORT TITLE AND COMMENCEMENT

These regulations are called Regulations on the Prescribed Manner and Procedure for Dealing and Lodging Tourism Complaints with the Tourism Complaints Officer and shall commence on....

ANNEXURE "A"


tourism

 Department:
 Tourism
 REPUBLIC OF SOUTH AFRICA

Tourism House, 17 Trevena Street, Sunnyside. Private Bag X 424, PRETORIA · 0001

Tel (+ 2712) 444 6000· Fax (+ 2712) 444 7000. Call Center: 0860 121 929

TOURISM COMPLAINT FORM

Full names of complainant	
ID number of complainant	
Postal Address	
Physical Address	
Cell phone number	
Landline number	
Fax number	
E-mail address	
Name of company or Supplier (Respondent)	
Sector	
Address of company/ person against whom the complaint is made	
Company/ person Landline number	
Company / person Fax number	
Company / person E-mail address	
Nature of complaint, (e.g.) (Poor service by service provider, Refund for travelling cancellation, Enquiry on registering travelling agencies, false advertisement, any other complaint on complaint in respect of any tourism services, facilities or products.	

Details of the complaint

Steps taken by complainant to resolve the complaint

List of supporting documents relevant to the complaint attached to this form	
What outcome do you propose for this complaint?	
Date	
Place	
Complainant Signature	
Office use only	
Reference Number	

The category of sector in which the complaint falls	Tick
Accommodation	
Travel	
Transport	
Safety and Security	
Unfair treatment/ discrimination	
Inquiry on how to register a tourism business	
Any other/s	
Resolution suggested	
Status of the complaint	