

**DEPARTMENT OF TOURISM
NOTICE 228 OF 2019
TOURISM AMENDMENT BILL 2019**

INVITATION FOR THE PUBLIC TO COMMENT ON THE TOURISM AMENDMENT BILL

I, Derek Andre Hanekom, Minister of Tourism, hereby publish the Tourism Amendment Bill for public comment.

Interested parties and organisations are invited to submit within sixty (60) days of publication of the notice in the gazette, written representations on the proposed Bill to the following address:

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

Any inquiries in connection with the proposed Tourism Amendment Bill may be directed to Ms Mmaditlonki Setwaba at 012 444 6312.

Comments received after the closing may not be considered.



**Derek Hanekom, MP
Minister: Tourism**

REPUBLIC OF SOUTH AFRICA

TOURISM AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 76); explanatory summary
of Bill published in Government Gazette No. 42391 of 12 April 2019) (The English text
is the official text of the Bill)*

(MINISTER OF TOURISM)

[B — 2019]

" 'short-term home rental' means the renting or leasing on a temporary basis, for reward, of a dwelling or a part thereof, to a visitor;".

Amendment of section 7 of Act 3 of 2014

2. Section 7 of the principal Act is hereby amended by the deletion in subsection (1)(a) of the word "and" at the end of subparagraph (iii), and the addition of the following subparagraph:

"(v) thresholds with regard to short-term home rental; and".

Substitution of heading of Chapter 3 of Act 3 of 2014

3. The following heading is hereby substituted for the heading of Chapter 3 of the principal Act:

"South African Tourism [Board]".

Substitution of section 9 of Act 3 of 2014

4. The following section is hereby substituted for section 9 of the principal Act:

"Continued existence of South African Tourism Board

9. (1) The South African Tourism Board, established by section 2 of the Tourism Act, 1993 (Act No. 72 of 1993), continues to exist as

Amendment of section 11 of Act 3 of 2014

6. Section 11 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

"Powers of [Board] South African Tourism";

(b) by the substitution for the words preceding paragraph (a) of the following words:

"Without derogating from its power generally to perform legal acts as a juristic person, **[the Board] South African Tourism** may—";

(c) by the substitution in paragraph (c) for the words preceding subparagraph (i) of the following words:

"insure **[the Board] South African Tourism** against—"; and

(d) by the substitution for paragraph (d) of the following paragraph:

"(d) employ persons who are necessary for the performance of the functions of **[the Board] South African Tourism**; and".

Repeal of section 12 of Act 3 of 2014

7. Section 12 of the principal Act is hereby repealed.

"(4) [The Board] South African Tourism may charge and recover fees for any services rendered."

Substitution of section 22 of Act 3 of 2014

9. The following section is hereby substituted for section 22 of the principal Act:

"Application of Public Finance Management Act to [Board] South African Tourism

22. The Public Finance Management Act applies to [the Board] South African Tourism."

Insertion of section 22A in Act 3 of 2014

10. The following section is hereby inserted after section 22 of the principal Act:

"Delegations and assignments by the Board

22A. (1) The Board may in writing and subject to such conditions as it may determine, delegate or assign any of its powers or duties in terms of this Act—

(a) to a committee of the Board;

(b) to an employee of South African Tourism; or

(c) with the concurrence of the Minister, to any other suitable body.

(2) A delegation or assignment under subsection (1)—

(a) must be in writing;

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

"(a) The Board must determine an employment and remuneration policy applicable to personnel of **[the Board]** South African Tourism.";

(c) by the substitution in subsection (2) for paragraph (a) of the following paragraph:

"(a) after consulting the Board, must determine the staff establishment necessary to assist **[the Board]** South African Tourism in carrying out its functions; and"; and

(d) by the substitution for subsection (3) of the following subsection:

"(3) An employee of **[the Board]** South African Tourism is employed subject to terms and conditions determined by the Board in accordance with the employment policy contemplated in subsection (1)."

Amendment of section 28 of Act 3 of 2014

13. Section 28 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister **[may]** must develop a national grading system for tourism with a view to maintaining or enhancing the standards and quality of tourism services, facilities and products."

(ii) cooperate on matters of mutual interest in the tourist guiding sector."; and

(b) by the addition of the following subsection after subsection (2):

"(3) Whenever the Registrar—

(a) is to be absent from office, the Registrar must prior to his or her absence and in writing, designate an official in the Department to act as Registrar; or

(b) is for any other reason unable to act as Registrar, the Minister must, in writing, designate another official in the Department to act as Registrar."

Amendment of section 49 of Act 3 of 2014

17. Section 49 of the principal Act is hereby amended—

(a) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

"A Provincial Registrar must, in addition to any other duties or responsibilities that may be determined by the relevant MEC—"; and

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

"(g) if he or she has reason to believe that any person, company or close [corperation] corporation contravenes section 57, lay a charge with the South African Police Service."; and

(c) by the addition of the following subsection after subsection (2):

- (b) interpret the cultural heritage of an area for visitors or tourists;
- (c) assist or coach visitors or tourists in specific recreational activities they undertake; and
- (d) undertake any other activity determined by the Minister by notice in the Gazette."

Substitution of section 51 of Act 3 of 2014

19. The following section his hereby substituted for section 51 of the principal Act:

"Competence

51. The competence referred to in section 50—

- (a) must be [determined] registered by the South African Qualifications Authority in accordance with the national qualifications framework contemplated in the National Qualifications Framework Act, 2008 (Act No. 67 of 2008); and
- (b) may include any additional requirements prescribed by the Minister by notice in the Gazette."

Amendment of section 52 of Act 3 of 2014

20. Section 52 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The National Registrar must in the prescribed manner, after consultation with the MEC in each province, the

Amendment of section 59 of Act 3 of 2014

23. Section 59 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (f) of the following paragraph:

"(f) contravenes section 57(1), (2) **[or]** (3) or (4)."

Transitional provisions

24. (1) In this section—

"Amendment Act" means the Tourism Amendment Act, 2018; and

"principal Act" means the Tourism Act, 2014 (Act No. 3 of 2014).

(2) A person who is a member of the South African Tourism Board immediately before the Amendment Act takes effect, remains a member of the Board of South African Tourism for the remainder of his or her term of office or until the Minister appoints a new Board in terms of section 13 of the principal Act, whichever occurs first.

(3) Anything done or any decision or step taken by the Tourism Grading Council immediately before the Amendment Act takes effect, remains of force and effect and must be regarded as having been done or taken by South African Tourism.

(4) All the assets, liabilities, rights and obligations of the Tourism Grading Council immediately before the Amendment Act takes effect are hereby transferred to South African Tourism.

Substitution of long title of Act 3 of 2014

26. The long title of the principal Act is hereby substituted for the following long title:

"To provide for the development and promotion of sustainable tourism for the benefit of the Republic, its residents and its visitors; to provide for the continued existence of the South African Tourism Board as South African Tourism; [to provide for the establishment of the Tourism Grading Council;] to regulate the tourist guide profession; to repeal certain laws; and to provide for matters connected therewith."

Short title and commencement

27. This Act is called the Tourism Amendment Act, 2019, and takes effect on a date determined by the President by proclamation in the *Gazette*.