

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 is 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*.

MOLAOKAKANYWAPHETOŠWA WA TŠA BOETI WA 2019**TALETŠO GO SETŠHABA GO FA DITSHAOTSHWAO KA GA SETHALWA SA
MOLAOKAKANYWAPHETOŠWA WA TŠA BOETI**

Nna, Derek Andre Hanekom, Tona ya Kgoro ya Boeti, ke phatlalatša Molaokakanywaphetošwa wa tša Boeti gore setšhaba se fe ditshwaotshwao ka ga ona.

Batho le mekgatlo yeo e nago le kgahlego e laletšwa gore mo matšatšing a masometshela (60) ka morago ga go phatlalatšwa ga tsebišo ye ka gare ga kuranta ya mmušo, e romele maikutlo a tšona ao a ngwadilwego ka ga Molaokakanywa wo o šišintšwego go atereše ye e latelago:

Ka poso: The Director General
Department of Tourism
Private Bag x424
PRETORIA
0001

Go: Mohumagadi MM Setwaba

Ka letsogo: Ground Floor (Reception), Tourism House, 17 Trevenna Street Sunnyside.

Ka emeile: msetwaba@tourism.gov.za

Ge o na le dipotšišo dife goba dife mabapi le sethalwa sa Molaokakanywaphetošwa wa tša Boeti o ka letšetša Mohumagadi Mmaditlonki Setwaba go 012 444 6312.

Ditshwaotshwao tšeo di amogelwago ka morago ga letšatšikgwedi la go tswalela di ka no se hlokomelwe.

Derek Hanekom, Leloko la Palamente
Tona: Kgoro ya Boeti

REPABLIKI YA AFRIKA BORWA**MOLAOKAKANYWAPHETOŠWA WA TŠA BOETI**

(Ka ge o tsebagaditšwe ka Palamenteng (karolo ya 76 ye e šišintšwego); kakaretšo ye e hlalošago ya Molaokakanywa wo o phatlaladitšwego ka gare ga Kuranta ya Mmušo ya nomoro ya bo ya) (Sengwalwa sa Seisemane ke sengwalwa sa semmušo sa Molaokakanywa)

(TONA YA KGORO YA BOETI)**[B — 2019]**

- (a) ke tlogelo ya tlhalošo ya "Lekgotla"; le
- (b) ke tsenyo ka morago ga tlhalošo ya "taolo" ya tlhalošo ye e latelago:
" 'go renta ntlo lebaka le lekopana' go ra go renta goba go hiriša lebakanyana, bialo ka kabo, ya madulo goba ya karolo ya ona gonafao, go moeti;".

Phetošo ya karolo ya 7 ya Molao wa 3 wa 2014

2. Karolo ya 7 ya Molaomogolo e a fetošwa ka go phumola karolwana ya (1)(a) ya lentšu le "le" mafelelong a temana ya (iii), gomme gwa tsenywa temana ye e latelago:

"(v)___mellwane mabapi le go renta ntlo mmogo lebaka le lekopana; le".

Go tlošwa ga hlogwana ya Kgaolo ya 3 ya Molao wa 3 wa 2014

3. Hlogwana ye e latelago e a tlošwa ka go hlogwana ya Kgaolo ya 3 ya Molaomogolo:

"Sehlongwa sa tša Boeti sa Afrika Borwa [Lekgotlataolo]".

Go tlošwa ga karolo ya 9 ya Molao wa 3 wa 2014

4. Karolo ye e latelago e a tlošwa ka go karolo ya 9 ya Molaomogolo:

"Go tšwela pele go ba gona ga Lekgotlataolo la tša Boeti la Afrika Borwa"

"(2) **[Lekgotlataolo]** Sehlongwa sa tša Boeti sa Afrika Borwa se swanetše go dira mošomo ofe goba ofe wo se filwego ona go latela taelo ya melawana yeo e sa thulanego le Molao wo woo o phatlaladitšwego ke Tona."

Phetošo ya karolo ya 21 ya Molao wa 3 wa 2014

8. Karolo ya 21 ya Molaomogolo e a fetošwa—

(a) ke tlogelo ya hlogwana ya:

"Ditšhelete tša [Lekgotlataolo] Sehlongwa sa tša Boeti sa Afrika Borwa";

(b) ke tlogelo ka go karolwana ya (1) ya mantšu ao a tlogo pele ga temana ya (a) gwa tsenywa mantšu ao a latelago:

"Ditšhelete tša [Lekgotlataolo] Sehlongwa sa tša Boeti sa Afrika Borwa se bopilwe ke—";

(c) ke tlogelo ka go karolwana ya (1) ya temana ya (b) gwa tsenywa temana ye e latelago:

"(b) tšhelete efe goba efe ye e lefetšwego [Lekgotlataolo] Sehlongwa sa tša Boeti sa Afrika Borwa go ditirelo tšeo di abilwego;"

(d) ke tlogelo ka go karolwana ya (1) ya temana ya (d) gwa tsenywa temana ye e latelago:

"(d) ditšhelete dife goba dife tšeo [Lekgotlataolo] Sehlongwa sa tša Boeti sa Afrika Borwa se nago le maswanedi goba se ka bago le maswanedi go tšona."

(e) ke tlogelo ka go karolwana ya (2) gwa tsenywa karolwana ye e latelago:

"(2) [Lekgotlataolo] Sehlongwa sa tša Boeti sa Afrika Borwa se ka šomiša ditšhelete tša sona gore di thuše ka go ditshenyegelo tšeo di hweditšwego ge se phethagatša mešomo ya sona go latela Molao wo."

22A. (1) Lekgotlataolo le ka no ngwala le go latela maemo ao go ya ka fao le ka tšeago sephetho, la romela, goba la fa maatla afe goba afe a yona goba mešomo go latela Molao wo—

(a) go komiti ya Lekgotlataolo;

(b) go mošomi wa Sehlongwa sa tša Boeti sa Afrika Borwa; goba

(c) ka tumelelano le Tona, go sehlongwa sefe goba sefe sa maleba.

(2) Thomelo goba mošomo wo o dirwago ka fase ga karolwana ya (1)—

(a) e swanetše go ngwalwa;

(b) ga e hlokiše Lekgotlataolo maatla ao a rometšwego goba a filwego yona;

(c) ga e thibele Lekgotlataolo go phethagatša maatla a goba go dira mošomo wo o rometšwego goba o filwego yona; le

(d) e ka re ka nako efe goba efe ya gomišwa ke Lekgotlataolo."

Phetošo ya karolo ya 24 ya Molao wa 3 wa 2014

11. Karolo ya 24 ya Molaomogolo e a fetošwa—

(a) ke tlogelo ya hlogwana ya hlogwana ye e latelago:

"Go thwala le maikarabelo a mohlankedimogolophethiši wa

[Lekgotlataolo] Sehlongwa sa tša Boeti sa Afrika Borwa"; le

(b) ke tlogelo ka go karolwana ya (4) gwa tsenywa karolwana ye e latelago:

"(4) Mohlankedimogolophethiši o rwele maikarabelo a

taolo ye kaone ya kgwebo le merero ya **[Lekgotlataolo] Sehlongwa sa**

tša Boeti sa Afrika Borwa ebile o swanetše go phethagatša mošomo

thwala bašomi mešomong yeo e hlagišitšwego ka go karolwana ya (1).".

Phetošo ya karolo ya 28 ya Molao wa 3 wa 2014

13. Karolo ya 28 ya Molaomogolo e a fetošwa ke tlogelo ya karolwana ya (1) gwa tsenywa karolwana ye e latelago:

"(1) Tona [a ka] o swanetše go hlama lenaneo la peakanyo ya maemo la bosetšhaba la tša boeti ka nepo ya go hlokomela goba ya go maatlafatša maemo le boleng bja ditirelo tša boeti, bja mafelo le ditšweletšwa.".

Go fediša ga dikarolo tša 29 go fihla go ya 44 ya Molao wa 3 wa 2014

14. Dikarolo tša 29 go fihla go ya 44 tša Molaomogolo di a phumolwa.

Phetošo ya karolo ya 47 ya Molao wa 3 wa 2014

15. Karolo ya 47 ya Molaomogolo e a fetošwa—

(a) ka go tsenya ga "(1)" pele ga mantšu ao a tlogo pele ga temana ya (a); le

(b) ka go tsenya karolwana ye e latelago:

"(2) Ga se gona ka mo karolong ye seo se thibelago Mohlankedi wa Dingongorego tša Boeti go, ka boyena, se romele taba

mohlankedi yo mongwe wa ka Kgorong go šoma bjalo ka Mongwadiši."

Phetošo ya karolo ya 49 ya Molao wa 3 wa 2014

17. Karolo ya 49 ya Molaomogolo e a fetošwa—

- (a) ke tlogelo ka go karolwana ya (2) ya mantšu ao a tlogo pele ga temana ya (a) gwa tsenywa mantšu ao a latelago:

"Mongwadiši wa Phrobentshe o swanetše, godimo ga mešomo efe goba efe ye mengwe goba maikarabelo ao a ka fiwago ke Molekgotlaphethiši wa maleba—"; le

- (b) ke tlogelo ka go karolwana ya (2) temaneng ya (g) gwa tsenywa karolwana ye e latelago:

"(g) ge e le gore o na le lebaka la go dumela gore motho ofe goba ofe, khamphani goba khamphani [koporase] ya mohlakanelwa e tshela karolo ya 57, a ka e bulela molato go Tirelo ya Mphodisa ya Afrika Borwa."; le

- (c) ka go tsenya ga karolwana ye e latelago ka morago ga karolwana ya (2):

"(3) Nako le nako ge Mongwadiši wa Phrobentshe—

(a) a ka se be gona ka kantorong, Mongwadiši wa Phrobentshe o swanetše gore pele ga ge a ka se be gona gomme a ngwale, a romele mohlankedi wa Kgoro go šoma bjalo ka Mongwadiši wa Phrobentshe; goba

- (c) thuša goba go hlahla baeng goba abeti ka mešomong ye itšego ya tša boitapološo yeo ba e dirago; le
- (d) dira mošomo ofe goba ofe o mongwe wo a filwego ke Tona ka tsebišo ka gare ga Kuranta ya Mmušo."

Phetošo ya karolo ya 51 ya Molao wa 3 wa 2014

19. Karolo ye e latelago e a fetošwa ka go karolo ya 51 ya Molaomogolo:

"Bokgoni

51. Bokgoni bjo go boletšwego ka bjona ka go karolo ya 50—

- (a) bo swanetše [tšeelwa sephetho] ngwadišwa ke Setheo sa Mangwalo a Dithuto sa Afrika Borwa go latela tlhako ya mangwalo a dithuto ya bosetšhaba yeo e hlagišitšwego ka go Molao wa Tlhako ya Mangwalo a Dithuto wa Bosetšhaba, wa 2008 (Molao wa nomoro ya 67 wa 2008); le
- (b) e ka akaretša dinyakwa tša tlaleletšo tšeo di beilwego ke Tona ka tsebišo ka gare ga Kuranta ya Mmušo."

Phetošo ya karolo ya 52 ya Molao wa 3 wa 2014

20. Karolo ya 52 ya Molaomogolo e fetošwa ke tlogelo ka go karolwana ya (1) gwa tsenywa karolwana ye e latelago:

"(1) Mongwadiši wa Bosetšhaba o swanetše gore ka mokgwa wo o beilwego, ka morago ga go rerišana le Molekgotlaphethiši ka phrobentsheng ye nngwe le ye nngwe, le

baeti, go akaretšwa le go bea dikelo tšeo di dumelelegago tša bahlahli
ba baeti go baeti."

Phetošo ya karolo ya 59 ya Molao wa 3 wa 2014

23. Karolo ya 59 ya Molaomogolo e fetotšwa ke tlogelo ka go karolwana ya
(1) temaneng ya (f) gwa tsenywa temana ye e latelago:

"(f) o tshela karolo ya 57(1), (2) [goba] , (3) goba (4)."

Ditlhagišo tša lebakanyana

24. (1) Ka mo karolong ye—
"Molaophetošwa" o ra Molaophetošwa wa tša Boeti, wa 2018; le
"Molaomogolo" o ra Molao wa tša Boeti, wa 2014 (Molao wa nomoro ya 3 wa
2014).

(2) Motho yo e lego leloko la Lekgotlataolo la tša Boeti la Afrika
Borwa ka pela pele ga ge Molaophetošwa o tsenywa tirišong, o tšwela pele go ba
leloko la Lekgotlataolo la Sehlongwa sa tša Boeti sa Afrika Borwa go fihla
mafelelong a nako ya gago ya mošomo goba go fihla ge Tona e twala Lekgotlataolo
le leswa go latela karolo ya 13 ya Molaomogolo, go eya ka gore ke efe e tlogo pele.

(3) Selo sefe goba sefe seo se dirwago goba sephetho sefe goba
sefe seo se tšewago ke Lekgotla la Peakanyo ya Maemo la tša Boeti ka pele ga ge
Molaophetošwa o tsenywa tirišong, se tšwela pele go phethagatšwa goba go šoma
gomme se swanetše go tšewa gore se dirilwe goba se tšerwe ke Sehlongwa sa tša
Boeti sa Afrika Borwa.

(h) ke tlogelo ya ntlha ya 24 gwa tsenywa ntlha ye e latelago:

"27. Melawana ya go thwala bašomi mošomong le ya go ba lefela ya **[Lekgotlataolo] Sehlongwa sa tša Boeti sa Afrika Borwa** le go thwala bašomi"; le

(i) ke tlogelo ya dintlha tša 29 go fihla ka 44.

Tlogelo ya thaetlele ye telele ya Molao wa 3 wa 2014

26. Thaetlele ye telele ya Molaomogolo e a tlogelwa gomme gwa tsenywa thaetlele ye telele ye e latelago:

"Go hlagišetša gore go be le tihabollo le tšwetšopele ya boeti bja go ya go ile go hola Repabliki, badudi ba yona le baeti ba yona; go hlagišetša gore Lekgotlataolo la tša Boeti la Afrika Borwa le tšwela pele go ya go ile bjalo ka Sehlongwa sa tša Boeti sa Afrika Borwa; [go hlagišetša gore go hlangwe Lekgotla la Peakanyo ya Maemo la tša Boeti;] go laola phrofešene ya bahlahli ba baeti; go fediša melao ye itšego; le go hlagišetša merero ye e amanago le ditaba tša ka mo."

Thaetlele ye kopana le go thomiša ga yona

27. Molao wo o bitšwa Molaophetošwa wa tša Boeti, wa 2019, gomme o thoma go dirišwa ka letšatšikgwedi leo le beilwego ke Mopresidente ka kgoeletšo ka gare ga *Kuranta ya Mmušo*.