



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 377

CAPE TOWN, 27 NOVEMBER 1996

No. 17614

KAAPSTAD, 27 NOVEMBER 1996

PRESIDENT'S OFFICE

No. 1903.

27 November 1996

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 105 of 1996: Tourism Amendment Act, 1996.

KANTOOR VAN DIE PRESIDENT

No. 1903.

27 November 1996

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 105 van 1996: Wysigingswet op Toerisme, 1996.

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.
-
-

ACT

To amend the Tourism Act, 1993, relating to the definitions; in order to restate the object of the board established by that Act; to provide for the representation of the provinces on that board; to make further provision with regard to the circumstances which shall constitute disqualifications from membership of that board; to withdraw certain powers of that board which relate to matters which have in terms of the Constitution been assigned to the provinces; to provide that the Act shall apply throughout the Republic; and to circumscribe the relationship of the said board with the Department of Environmental Affairs and Tourism with regard to the promotion of tourism; and to make provision for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 12 November 1996.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 72 of 1993

1. Section 1 of the Tourism Act, 1993 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of “committee” of the following definition:

“ ‘Department’ means the Department of Environmental Affairs and Tourism; ”; and

- (b) by the substitution for the definition of “Minister” of the following definition: 10
“ ‘Minister’ means the Minister **[for]** of Environmental Affairs and Tourism; ”.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit
bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in be-
staande verordenings aan.
-
-

WET

Tot wysiging van die Wet op Toerisme, 1993, met betrekking tot die woordomskrywings; ten einde die oogmerk van die raad deur daardie Wet ingestel te herformuleer; voorsiening te maak vir die verteenwoordiging van die provinsies in daardie raad; verdere voorsiening te maak met betrekking tot die omstandighede wat onbevoegdheid vir lidmaatskap van daardie raad uitmaak; sekere bevoegdhede van daardie raad wat betrekking het op aangeleenthede wat ingevolge die Grondwet aan die provinsies opgedra is, in te trek; te bepaal dat die Wet oor die hele Republiek van toepassing is; en om die verhouding van daardie raad met die Departement van Omgewingsake en Toerisme met betrekking tot die bevordering van toerisme, te omlin; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 12 November 1996.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 72 van 1993

1. Artikel 1 van die Wet op Toerisme, 1993 (hieronder die Hoofwet genoem), word
5 hierby gewysig—
- (a) deur na die omskrywing van “boekjaar” die volgende omskrywing in te
voeg:
“ ‘Departement’ die Departement van Omgewingsake en Toerisme;”;
- (b) deur die omskrywing van “Minister” deur die volgende omskrywing te
10 vervang:
“ ‘Minister’ die Minister [**vir**] van Omgewingsake en Toerisme;”.

Substitution of section 3 of Act 72 of 1993

2. The following section is hereby substituted for section 3 of the principal Act:

“Object of board

3. The object of the board shall be, with due regard to the sustainability of environmental resources, to promote tourism by encouraging persons to undertake travels to and in the Republic and with a view thereto— 5
 (a) to take measures in order to **[attempt to]** ensure that services which are rendered and facilities which are made available to tourists comply with the highest attainable standards;
 (b) to manage information and conduct research relating to tourism; and 10
 (c) to advise the Minister on tourism policy, either of its own volition or when requested to do so by the Minister.”.

Substitution of section 4 of Act 72 of 1993

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

“Constitution of Board

4. (1) The board shall consist of not fewer than **[11] 15** and not more than **[15] 20** members, who shall be appointed by the Minister in terms of subsection (2).
 (2)(a) The Minister shall appoint as members of the board not fewer than **[11] 15** persons who **[in his opinion]** are, by virtue of their knowledge of **[and] or present or potential** active involvement in the tourism industry, fit to serve on the board and shall **[appoint as a member of the board the Administrator designated in terms of paragraph (b) to represent the provinces mentioned in the Provincial Government Act, 1986 (Act No. 69 of 1986), on the board]** ensure that the interests of the key parties involved in tourism, including the business, community and labour sectors, are equitably represented on the board. 25
 (b) **[The Administrators of the said provinces shall designate one of their number in order to be appointed in terms of paragraph (a)]** The Minister shall appoint as members of the board— 30
 (i) one representative from each province, nominated with the concurrence of the premier of the province in question by the member of the provincial executive council who is responsible for tourism; and
 (ii) not fewer than six and not more than 11 other persons to represent the interests referred to in paragraph (a). 35
 (c) The Minister may appoint one officer of the Department to represent the Department on the board.
 [(c)](d) The Minister shall, before he appoints a member of the board (except the member referred to in **[paragraph (b)]** paragraphs (b)(i) and (c)), by notice in the *Gazette* invite all interested persons to submit to him, within the period mentioned in the notice, the names of persons who in the opinion of such interested persons are fit to be so appointed, stating the grounds upon which such opinion is based. 40
 (3) The Minister shall appoint one member of the board as **[chairman] chairperson** and another member as **[vice-chairman] vice-chairperson** of the board. 45
 (4) If the **[chairman] chairperson** is for any reason unable to act as **[chairman] chairperson** the **[vice-chairman] vice-chairperson** shall perform the functions of the **[chairman] chairperson**.
 (5) It shall be the function of each member referred to in subsection (2)(b)(i) to communicate on a regular basis the deliberations and decisions of the board to the member of the provincial executive council who is responsible for tourism.”. 50

Vervanging van artikel 3 van Wet 72 van 1993

2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oogmerk van raad

- 5 3. Die oogmerk van die raad is om, met behoorlike inagneming van die volhoubaarheid van omgewingshulpbronne, toerisme te bevorder deur persone aan te moedig om reise na en in die Republiek te onderneem en met die oog daarop—
- 10 (a) maatreëls te tref ten einde te [probeer] verseker dat dienste wat gelewer word en fasiliteite wat beskikbaar gestel word aan toeriste aan die hoogste haalbare standarde voldoen;
- (b) inligting te bestuur en navorsing met betrekking tot toerisme te doen;
- en
- (c) die Minister oor toerismebeleid te adviseer, hetsy uit eie beweging of wanneer hy deur die Minister daartoe versoek word.”.

15 Vervanging van artikel 4 van Wet 72 van 1993

3. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

“Samestelling van Raad

- 20 4. (1) Die raad bestaan uit minstens [11] 15 en hoogstens [15] 20 lede wat deur die Minister ingevolge subartikel (2) aangestel word.
- (2)(a) Die Minister stel as lede van die raad aan minstens [11] 15 persone wat [na sy oordeel] uit hoofde van hul kennis van [en] of huidige of potensiële daadwerklike betrokkenheid in die toerismebedryf geskik is om in die raad te dien en [stel as lid van die raad aan die Administrateur wat ingevolge paragraaf (b) aangewys word om die provinsies vermeld in die Wet op Provinsiale Regering, 1986 (Wet No. 69 van 1986), in die raad te verteenwoordig] moet verseker dat die belange van die sleutel-
- 25 partye in toerisme, met inbegrip van die sake-, gemeenskap- en arbeidsektore, billik in die raad verteenwoordig word.
- (b) [Die Administrateurs van gemelde provinsies wys een uit hul geledere aan om ingevolge paragraaf (a) aangestel te word.] Die
- 30 Minister moet as lede van die raad aanstel—
- (i) een verteenwoordiger uit elke provinsie wat met die instemming van die premier van die betrokke provinsie deur die lid van die provinsiale uitvoerende raad wat vir toerisme verantwoordelik is, benoem is; en
- 35 (ii) minstens ses en hoogstens 11 ander persone om die belange in paragraaf (a) genoem te verteenwoordig.
- (c) Die Minister kan een beamppte van die Departement aanstel om die Departement in die raad te verteenwoordig.
- 40 [(c)](d) Die Minister moet, voordat hy 'n lid van die raad (uitgesonderd die lid in [paragraaf (b)] paragrafe (b)(i) en (c) vermeld) aanstel, by kennisgewing in die *Staatskoerant* alle belanghebbende persone uitnooi om binne die tydperk in die kennisgewing vermeld die name van persone wat na die oordeel van sodanige belangstellende persone geskik is om aldus aangestel te word, met vermelding van die gronde waarop sodanige
- 45 oordeel gegrond is, aan hom voor te lê.
- (3) Die Minister moet een lid van die raad as voorsitter, en 'n ander lid van die raad as ondervoorsitter, van die raad aanstel.
- (4) Indien die voorsitter om enige rede nie in staat is om as voorsitter op te tree nie, verrig die ondervoorsitter die werksaamhede van die voorsitter.
- 50 (5) Dit is die funksie van elke lid in subartikel (2)(b)(i) genoem om op 'n gereelde grondslag die beraadslagings en besluite van die raad aan die lid van die provinsiale uitvoerende raad wat vir toerisme verantwoordelik is, oor te dra.”.

Amendment of section 5 of Act 72 of 1993

4. Section 5 of the principal Act is hereby amended by the addition thereto of the following paragraph:

“(d) if he or she holds any office of profit under the Republic or is a member or employee of any local government body: Provided that this paragraph shall not apply to the person referred to in section 4(2)(c).” 5

Amendment of section 8 of Act 72 of 1993

5. Section 8 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The [chairman] chairperson may at any time, either of his or her own volition or at the written request of not fewer than [five] eight members of the board, convene an extraordinary meeting of the board, which shall be held at the time and place determined by the [chairman] chairperson.” 10

Amendment of section 13 of Act 72 of 1993

6. Section 13 of the principal Act is hereby amended by the deletion of paragraph (l). 15

Insertion of section 13A in Act 72 of 1993

7. The following section is hereby inserted in the principal Act after section 13:

“Relationship of board with Department

13A. In the exercise of its powers, the performance of its functions and the carrying out of its duties the board shall— 20

- (a) co-operate closely with the Department in order to realise the object of the board and to promote efficiency by eliminating a duplication of their functions and activities; and
- (b) through the agency of the Department, liaise with other State departments.”. 25

Insertion of section 17A in Act 72 of 1993

8. The following section is hereby inserted in the principal Act after section 17:

“Powers of board to transfer assets to bodies responsible for tourism in provinces

17A. The board may, in consultation with the Minister and with the concurrence of the Minister of Finance, transfer such of its assets to bodies responsible for tourism in the provinces as may, with regard to the reasonable requirements of those bodies, be necessary to establish or improve their capacity to promote tourism to and within their respective provinces.”. 30 35

Amendment of Act 72 of 1993

9. The principal Act is hereby amended—

- (a) by the substitution for the word “chairman”, wherever it occurs, of the word “chairperson”;
- (b) by the substitution for the expression “Minister of State Expenditure”, wherever it occurs, of the expression “Minister of Finance”; and 40
- (c) by the substitution for the expression “vice-chairman”, wherever it occurs, of the expression “vice-chairperson”. 45

Wysiging van artikel 5 van Wet 72 van 1993

4. Artikel 5 van die Hoofwet word hierby gewysig deur die volgende paragraaf daarby te voeg:

- 5 “(a) indien hy of sy ’n winsbetrekking onder die Republiek beklee of ’n werknemer van ’n plaaslike regeringsliggaam is: Met dien verstande dat hierdie paragraaf nie op ’n persoon in artikel 4(2)(c) vermeld van toepassing is nie.”.

Wysiging van artikel 8 van Wet 72 van 1993

10 5. Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die voorsitter kan te eniger tyd, of uit sy of haar eie beweging of op die skriftelike versoek van minstens [vyf] agt lede van die raad, ’n buitengewone vergadering van die raad belê, wat gehou moet word op die tyd en plek deur die voorsitter bepaal.”.

15 Wysiging van artikel 13 van Wet 72 van 1993

6. Artikel 13 van die Hoofwet word hierby gewysig deur paragraaf (l) te skrap.

Invoeging van artikel 13A in Wet 72 van 1993

7. Die volgende artikel word hierby in die Hoofwet na artikel 13 ingevoeg:

“Verhouding van raad met Departement

- 20 **13A.** (1) By die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte moet die raad—
- (a) in noue verband met die Departement saamwerk ten einde die oogmerk van die raad te verwesenlik en om doeltreffendheid te bevorder deur ’n duplisering van hul werksaamhede en aktiwiteite uit te skakel; en
- 25 (b) met die tussenkoms van die Departement met ander Staatsdepartemente skakel.

Invoeging van artikel 17A in Wet 72 van 1993

8. Die volgende artikel word hierby in die Hoofwet na artikel 17 ingevoeg:

- 30 **“Bevoegdheid van raad om bates oor te dra na liggame verantwoordelik vir toerisme in provinsies**

35 **17A.** Die raad kan in oorleg met die Minister en met die instemming van die Minister van Finansies soveel van sy bates wat, met inagneming van die redelike behoeftes van die liggame verantwoordelik vir toerisme in die provinsies nodig mag wees om hul vermoë om toerisme na en in hul onderskeie provinsies te bevorder, oordra aan daardie liggame.”.

Wysiging van Wet 72 van 1993

9. Die Hoofwet word hierby gewysig—

- 40 (a) deur in die Engelse teks die woord “chairman”, oral waar dit voorkom, deur die woord “chairperson” te vervang;
- (b) deur die uitdrukking “Minister van Staatsbesteding”, oral waar dit voorkom, deur die uitdrukking “Minister van Finansies” te vervang; en
- (c) deur in die Engelse teks die uitdrukking “vice-chairman”, oral waar dit voorkom, deur die uitdrukking “vice-chairperson” te vervang.

Insertion of section 28A in Act 72 of 1993

10. The following section is hereby inserted in the principal Act, after section 28:

“Application of Act

28A. This Act shall apply throughout the Republic.”.

Short title

5

11. This Act shall be called the Tourism Amendment Act, 1996.

Invoeging van artikel 28A in Wet 72 van 1993

10. Die volgende artikel word hierby in die Hoofwet na artikel 28 ingevoeg:

“Toepassing van Wet

28A. Hierdie Wet is oor die hele Republiek van toepassing.”.

5 Kort titel

11. Hierdie Wet heet die Wysigingswet op Toerisme, 1996.



