

The Draft Tourism Bill, 2012 (Bill)

Topic: Tourism

IN A CALABASH

Introduction

The tourism industry is an important one for South Africa. In order to regulate and ensure that the industry is a top class one, certain standards have been laid down under an overarching law called the Tourism Act. This Act is currently under review and will in time be replaced by a new Act. This summary looks at this draft law referred to as the Tourism Bill.

Objectives of the Bill

The objectives of this Bill are to promote the practice of responsible tourism, so that the citizens, residents and tourists of South Africa will enjoy the benefits therefrom.

The Bill also provides for the effective domestic and international marketing of South Africa as a tourist destination. The Bill seeks to–

- promote quality tourism products and services;
 - promote growth in and development of the tourism sector; and
 - enhance co-operation and co-ordination between all spheres of government in developing and managing tourism;
 - avoid negative economic, environmental and social impacts;
 - generate greater economic benefits for local people, enhances the well-being of host communities and improves working conditions and access to the tourism sector;
 - involve local people in decisions that affect their lives;
 - make positive contributions to the conservation of natural and cultural heritage and to the maintenance of the world's diversity;
 - provide enjoyable experiences for tourists through meaningful connections with local people and a greater understanding of local cultural, social and environmental issues;
 - provide access for physically challenged people; and
 - be culturally sensitive, engender respect between tourists and hosts and build local pride and confidence.
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Application of the Bill and its implication to Tourism

The new law will, once brought into operation, apply to all persons who operate in the tourism industry, the Tourism Board and the regional Tourism Boards.

Summary of the provisions of the Bill

National Tourism Sector Strategy (NTSS)

A National Tourism Sector Strategy (the NTSS) has been published and adopted in order to further promote the objectives of the Tourism Acts.

The NTSS makes provision for strategies, objectives, indicators, targets, plans, guidelines, procedures and institutional arrangements relating to the promotion, development and transformation of tourism.

National tourism information and monitoring system

The Bill will ensure the establishment of a national tourism information and monitoring system which will be used to—

- collect, record, manage, analyse and disseminate information and data on tourism; and
- monitor developments and trends in tourism.

Information on tourism businesses

In order to promote planning, development and growth in the tourism sector, a database of information on the tourism businesses sector will be established and maintained.

Norms and standards for tourism

The Bill establishes certain norms and standards that will seek to ensure the practising of responsible tourism. The norms and standards will promote—

- service excellence in the tourism sector;
- the provision of tourism information services to the public; and
- indicators to measure compliance with such norms and standards.

National grading system and schemes for tourism

In order to enhance the standards and quality of tourism services, facilities and products, the Bill provides for a national grading system for tourism.

This grading system promotes

- the national tourism sector strategy; and
- excellence in the provision of tourism services, facilities and products.

The grading system also provides for the establishment of one or more schemes in terms of which tourism services, facilities and products are graded or classified. All these responsibilities are overseen by the Tourism Grading Council.

Appointment of a Tourism Protector

The Bill makes provision for the appointment of a Tourism Protector who will be tasked to deal with any complaint received in respect of tourism services, facilities or products.

Tourist guides

All tourist guides, as was the case under the old TA, have to be registered under the new Act. The Bill also establishes a complaint procedure and investigation procedure, as is the case under the TA.

Any registration as a tourist guide and application of the old TA concerning tour guides, including any complaint, action by a Provincial Registrar regarding disqualification of tourist guides, disciplinary measures, appeal and review or other proceedings commenced prior to the commencement date of the new law may be continued with as if they had been instituted in terms of this new law.

The National Registrar and the Provincial Registrars appointed in terms of the old TA must be regarded as the National Registrar and Provincial Registrars under the new law.

The new law will establish and publish tourist codes of practice. Any code of conduct and ethics published in terms of old TA must be regarded as a code of conduct and ethics published in terms of the new Act.

Regulations under Tourism Act 72 of 1993

Any regulations made by the Minister under the old TA remain in force and may be amended or repealed under the new law.



WHAT HAPPENS IF YOU DO NOT COMPLY?

Anyone who contravenes the Bill will be guilty of an offence and liable on conviction to a fine or imprisonment not exceeding one year.

Any company or close corporation who carries on the business as a tour guide and who is not registered as an accredited guide in terms of the new law will be guilty of an offence and liable to a fine not exceeding R100 000.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE BILL

In order to demonstrate compliance with this Bill, the following controls and measures must be in place:

- Register tourist guides;
- Display tourist guide and accommodation certification registration certificate(s);
- Tourist guide to wear designated badge;
- Name reflected in tourist guide register;
- Compliance with Code of Conduct and Ethics;
- Travel insurance sign in place;
- Safe travel guide procedures and practices; and
- Grading signage once establishment inspected and confirmation received that prescribed standards being complied with.

FURTHER INFORMATION

Regulator

National Department of Tourism

Website

www.tourism.gov.za