



# Government Gazette

REPUBLIC OF SOUTH AFRICA  
REPHABLIKI YA AFRIKA BORWA

Vol. 586 Cape Town,  
Kaapstad, 7 April 2014

**No. 37538**

## THE PRESIDENCY

No. 268 7 April 2014

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

**Act No. 3 of 2014: Tourism Act, 2014**

## MO-PRESIDENTE

No. 268 7 April 2014

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretso:—

**Nmr 3 ya 2014: Molao wa tša Boeti, 2014**



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

*(English text signed by the President)  
(Assented to 3 April 2014)*

# ACT

**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; 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.**

## PREAMBLE

**SINCE** tourism in South Africa has grown considerably since the country's first democratic election;

**AND SINCE** inadequate, uncoordinated, inconsistent and fragmented tourism planning and information provision is the most pervasive challenge facing the development and growth of tourism in the Republic;

**AND SINCE** transformation is vital to ensure the sustainable growth and development of the tourism sector;

**AND SINCE** these challenges are best addressed through a concerted effort by all spheres of government and the private sector to work together to create an environment that is conducive to the sustainable growth, development and transformation of tourism,

**P**ARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA therefore enacts as follows:—

## ARRANGEMENT OF SECTIONS

### *Sections*

## CHAPTER 1 5

### INTERPRETATION AND OBJECTS

1. Definitions
2. Objects of Act
3. Conflict with other laws and binding force of Act

## CHAPTER 2 10

### NATIONAL TOURISM SECTOR STRATEGY, NORMS AND STANDARDS, CODES OF GOOD PRACTICE

4. National tourism sector strategy
5. National tourism information and monitoring system
6. Information on tourism businesses 15

*(Engelse teks deur die President geteken)  
(Goedgekeur op 3 April 2014)*

# MOLAO

Go phethagaletša tlhabollo le kgodišo ya tša boeti tša go ya go ile bakeng sa kholego ya Rephabliki, badudi ba yona le baeti ba yona; go phethagaletša tšwetšopele ya go ba goba ga Boto ya tša Boeti ya Afrika Borwa; go phethagaletša hlango ya Khansele ya Tekanyetšo ya maemo ya tša Boeti; go laola profeshene ya dihlahli tša baeti; go phumola melao ye mengwe; mme le go phethagaletša merero ye malebana.

## KETAPELE

**KA GE** boeti mo Afrika Borwa bo godile kudu go tloga dikgethong tša mathomo tša temokrasi;

**MME LE KA GE** boeti bjo bo sa lekanelago, rulaganyetšwago, fapogago mme le thulaganyo ye aroganego ga mmogo le phethagaletšo ya tshedimošo e le mathata a magolo a malebana le tlhabollo le kgodišo ya tša boeti mo Rephabliki;

**MME LE KA GE** phetošo e le bohlokwa go netefatša kgodišo le tlhabollo ya go ya go ile lekaleng la tša boeti;

**MME LE KA GE** mathata a a šomega botse ka maikemišetšo a makala ka moka a mmušo le makala a poraebete go šoma mmogo go dira tikologo ye swanetšego kgolo ya go ya go ile, tlhabollo le phetogo go tša boeti,

**P**ALAMENTE YA REPHABLIKI YA AFRIKA BORWA ka moo, e dira molao ka mo go latelago:—

## DITHULAGANYO TŠA DIKAROLO

*Dikarolo*

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**CHAPTER 1**

**INTERPRETATION AND OBJECTS**

**Definitions**

|    |                                                                                                                                    |    |
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| 1. | In this Act, unless the context indicates otherwise—                                                                               | 35 |
|    | “ <b>Board</b> ” means the South African Tourism Board contemplated in section 9;                                                  |    |
|    | “ <b>Consumer Protection Act</b> ” means the Consumer Protection Act, 2008 (Act No. 68 of 2008);                                   |    |
|    | “ <b>Council</b> ” means the Tourism Grading Council established by section 29;                                                    |    |
|    | “ <b>Department</b> ” means the national Department responsible for tourism;                                                       | 40 |
|    | “ <b>Director-General</b> ” means the Director-General of the Department;                                                          |    |
|    | “ <b>MEC</b> ” means the member of the executive council of a province who is responsible for tourism in that province;            |    |
|    | “ <b>Minister</b> ” means the Cabinet member responsible for tourism;                                                              |    |
|    | “ <b>National Registrar</b> ” means the National Registrar of Tourist Guides contemplated in section 48(1);                        | 45 |
|    | “ <b>national tourism sector strategy</b> ” means the national tourism sector strategy contemplated in section 4;                  |    |
|    | “ <b>organ of state</b> ” has the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996; | 50 |
|    | “ <b>prescribed</b> ” means prescribed by regulation;                                                                              |    |

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## ŠETULE YA 1

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- |    |                                                                                                |    |
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| 2. | Maloko a Boto ya tša Boeti ya Afrika Borwa                                                     | 25 |
| 3. | Dikeme tša tekanyetšo le magoro tše hlanngwego ka tlase ga Molao wo phumotšwego                |    |
| 4. | Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti le Mongwadiši wa Profense wa Dihlahli tša Baeti |    |
| 5. | Dihlahli tša baeti                                                                             | 30 |
| 6. | Magato a kgalemo, boipelaetšo, ditshekaseko le ditshepetšo tša bosenyi                         |    |
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## KGAOLO YA 1

### HLATHOLLO LE MAIKEMIŠETŠO

|                   |    |
|-------------------|----|
| <b>Ditlhalošo</b> | 35 |
|-------------------|----|

1. Mo Molaong wo, ntle le ge tshwaraganyo e laetša ka tsela ye nngwe—  
“**Boto**” e ra Boto ya tša Boeti ya Afrika Borwa go kaorolo 9;  
“**Consumer Protection Act**” e ra *the Consumer Protection Act, 2008 (Act No. 68 of 2008)*;  
“**Khansele**” e ra Khansele ya Tekanyetšo ya maemo go tša Boeti ye hlanngwego ka karolo 29;  
“**Kgoro**” e ra kgoro ya Bosetšhaba ye nago le maikarabelo go tša boeti;  
“**Molaodi-kakaretšo**” e ra Molaodi-Kakaretšo wa Kgoro;  
“**MEC**” e ra khansele kuduthamaga a profense ye nago le maikarabelo go tša boeti profenseng yeo;  
“**Tona**” e ra Leloko la kabinete leo le nago le maikarabelo go tša boeti;  
“**Mongwadiši wa Bosetšhaba**” e ra Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti wo hlalošitšwego go karolo 48(1);  
“**leano la bosetšhaba la lekala la tša boeti**” e ra leano la bosetšhaba la lekala la tša boeti le hlalošitšwego go karolo 4;

**“Provincial Registrar”** means a Provincial Registrar of Tourist Guides contemplated in section 49(1);  
**“Public Finance Management Act”** means the Public Finance Management Act, 1999 (Act No. 1 of 1999);  
**“regulation”** means a regulation made by the Minister under this Act; 5  
**“this Act”** includes the norms and standards contemplated in section 7 and the regulations;  
**“Tourism Complaints Officer”** means the Tourism Complaints Officer designated as such by the Minister under section 45; and  
**“tourist guide”** means any person registered as such under section 50 and who for 10  
reward accompanies any person who travels within or visits any place within the Republic and who furnishes such person with information or comments.

### Objects of Act

2. (1) The objects of this Act are to—
- (a) promote the practising of responsible tourism, contemplated in subsection (2), 15  
for the benefit of the Republic and for the enjoyment of all its residents and foreign visitors;
  - (b) provide for the effective domestic and international marketing of South Africa as a tourist destination;
  - (c) promote quality tourism products and services; 20
  - (d) promote growth in and development of the tourism sector; and
  - (e) enhance cooperation and coordination between all spheres of government in developing and managing tourism.
- (2) Responsible tourism is tourism which—
- (a) seeks to avoid negative economic, environmental and social impacts; 25
  - (b) generates greater economic benefits for local people, enhances the well-being of host communities and improves working conditions and access to the tourism sector;
  - (c) involves local people in decisions that affect their lives;
  - (d) makes positive contributions to the conservation of natural and cultural 30  
heritage and to the maintenance of the world’s diversity;
  - (e) provides enjoyable experiences for tourists through meaningful connections with local people and a greater understanding of local cultural, social and environmental issues;
  - (f) provides access for physically challenged people; and 35
  - (g) is culturally sensitive, engenders respect between tourists and hosts, and builds local pride and confidence.

### Conflict with other laws and binding force of Act

3. (1) In the event of any conflict between this Act and—
- (a) other national legislation in force immediately prior to the date of commence- 40  
ment of this Act, this Act prevails if the conflict specifically concerns the management and development of tourism;
  - (b) provincial legislation, the conflict must be resolved in terms of section 146 of the Constitution; and
  - (c) a municipal by-law, this Act prevails. 45
- (2) This Act binds all organs of state—
- (a) in the national and local spheres of government; and
  - (b) in the provincial sphere of government, subject to section 146 of the Constitution.

“lekala la mmušo” e na le hlalošo ye filwego go karolo 239 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996;  
“filwego” e ra ye filwego ka molawana;  
“Mongwadiši wa Profense” e ra Mongwadiši wa Dihlahli tša Profense yo hlalošitšwego go karolo 49(1); 5  
“*Public Finance Management Act*” e ra *the Public Finance Management Act, 1999 (Molao 1 wa 1999)*;  
“molawana” e ra molawana wo dirilwego ke Tona ka tlase ga Molao wo;  
“Molao wo” o akaretša ditlwaedi le maemo ao a hlalošitšwego go karolo 7 le melawana; 10  
“Mohlankedi wa Dingongorego tša Boeti” e ra Mohlankedi wa Dingongorego tša Boeti yo beilwego bjalo ka seo ke Tona ka tlase ga karolo 45; mme  
“hlahlali ya baeti” e ra motho ofe goba ofe yo ngwadišitšwego bjalo ka seo ka tlase ga karolo 50 mme yo a felegetšago, bakeng sa kholego, motho ofe goba ofe yo lego leetong mo gare ga goba a etelago lefelo lefe goba lefe mo gare ga Rephabliki mme 15  
yo neago motho yo tshedimošo goba diswayaswayo.

### Maikemišetšo a Molao

2. (1) Maikemišetšo a Molao wo ke go—
- (a) godiša tiragatšo ya tša boeti ye maikarabelo, ye hlalošitšwego go karolwana (2), bakeng sa go holega ga Rephabliki mme le go thabiša badudi ba yona ka moka le baeti ba go tšwa nntle; 20
  - (b) phethagaletša tša kgodišo ya Afrika Borwa bjalo ka lefelo la baeti le phethagetšego nageng ya rena le go boditšhabatšhaba;
  - (c) godiša ditšweletšwa tša boeti tša boleng le ditirelo;
  - (d) tšwetšapele kgodišo le tšhabollo ya lekala la tša boeti; gape le go 25
  - (e) kaonafatša tšhomišano le thulaganyo magareng ga makala a mmušo tšhabollong le taolong ya tša boeti.
- (2) Tša boeti tše maikarabelo ke tše di—
- (a) ikemišeditšego go phema ditlamoragompe tša ikonomi, tikologo le leago;
  - (b) dirago dikholego tša ikonomi tše golo go batho ba setšhaba, di kaonafatša boitekanelo bja ditikologo mme di kaonafatša le maemo a mošomo gammogo le phihlelelo go lekala la tša boeti; 30
  - (c) akaretšago batho ba selegae go dipheto tše amago maphelo a bona;
  - (d) dirago ditseka tše lokilego go poledišano ya bohwa le hlokomelo ya pharorologano ya lefase; 35
  - (e) phethagaletšago boitemogelo bjo thabišago go baeti ka dikgokagano le batho ba selegae le kwešišo ye kaone ya merero ya selega ya Setšo, leago le tikologo;
  - (f) phethagaletšago phihlelelo go batho bao ba sa itekanelago mmeleng; mme
  - (g) elago hloko ditšo tša batho, di hlohleletša hlomphe magareng ga baeti le bao 40  
ba etetšwego mme le go godiša boikgantšho le boitshepo.

### Thulano le melao ye mengwe mme le maatla a go šoma ga Molao

3. (1) Bakeng sa thulano efe goba efe magareng ga Molao wo le—
- (a) molao wo mongwe wo šomago pele ga go thoma go šoma ga Molao wo, go tla šoma Molao wo ge thulano e ama bolaodi le tšhabollo ya tša boeti; 45
  - (b) molao wa seprofense, thulano e swanetše go rarabolwa go ya ka karolo 146 ya Molaotheo; mme
  - (c) molao ya masepala, go šoma Molao wo.
- (2) Molao wo o tlama makala a mmušo—
- (a) go makala a mmušo a bosetšhaba le a selegae; mme 50
  - (b) go makala a seprofense a mmušo, go ya ka karolo 146 ya Molaotheo.

## CHAPTER 2

### NATIONAL TOURISM SECTOR STRATEGY, NORMS AND STANDARDS, CODES OF GOOD PRACTICE

#### National tourism sector strategy

4. (1) The Minister must by notice in the *Gazette* and after following the consultation process contemplated in subsection (3), adopt a national tourism sector strategy to promote the objects of this Act. 5

(2) The national tourism sector strategy must at least make provision for strategies, objectives, indicators, targets, plans, guidelines, procedures and institutional arrangements and intergovernmental coordination with provincial and local spheres of government relating to the promotion, development and transformation of tourism. 10

(3) Before adopting the national tourism sector strategy in terms of subsection (1), the Minister must—

- (a) give notice of the proposed national tourism sector strategy in the *Gazette*;
- (b) invite members of the public to submit to the Minister, within the period determined in the notice, written representations regarding the proposed national tourism sector strategy; 15
- (c) take such further steps as may be necessary to bring the contents of the proposed national tourism sector strategy to the attention of interested persons; and 20
- (d) consider any written representations received.

(4) (a) The Minister may review and, if necessary, adjust the national tourism sector strategy.

(b) Before adjusting the national tourism sector strategy the Minister must follow a consultative process and for that purpose subsection (3) applies with the changes required by the context. 25

(5) The Minister and relevant organs of state must give effect to the national tourism sector strategy when performing any function in terms of this Act.

#### National tourism information and monitoring system

5. The Minister must establish a national tourism information and monitoring system for— 30

- (a) collecting, recording, managing, analysing and disseminating information and data on tourism; and
- (b) monitoring developments and trends in tourism.

#### Information on tourism businesses 35

6. (1) The Minister may for purposes of planning, and with a view to the development and growth in the tourism sector, establish and maintain a database of information on tourism businesses.

(2) The Minister may for the purposes of subsection (1), by notice in the *Gazette*, determine the categories of tourism businesses that may provide information, and may in this regard determine— 40

- (a) the period within which information is to be provided;
- (b) the form and manner for providing information;
- (c) the information which must be provided, which must, in relation to each tourism business, at least include— 45
  - (i) the name and form of the tourism business;
  - (ii) the geographical area of operation;
  - (iii) the nature of services, facilities or products it provides;
  - (iv) particulars relating to the classification and grading of the tourism business; 50
  - (v) statistics and information of the services, facilities or products it offers; and
  - (vi) information as to the extent it provides facilities which are accessible to people with disabilities, children and the aged;
- (d) the place and manner for the submission of information, which may include submitting the information to any organ of state; 55
- (e) any other information which may be required for the purpose of the database; and

## KGAOLO 2

### LEANO LA LEKALA LA BOSETŠHABA LA TŠA BOETI, DITLWAELO LE MAEMO, MELAO YA MAITSHWARO A MABOTSE

#### Leano la lekala la bosetšhaba la tša boeti

4. (1) Tona e swanetše go, ka tsebišo *Kuranteng ya Mmušo* mme morago ga therišano ye hlalošitšwego go karolwana (3), loga leano la lekala la tša bosetšhaba la boeti go godiša maikemišetšo a Molao wo. 5

(2) Leano la lekala la bosetšhaba la tša boeti le swanetše go phethagaletša maano, maikemišetšo, ditšhupetšo, diphihleleo, dithulaganyo, methalohlahli, ditshepetšo le thulaganyo tša dihlolongwa le dithulaganyo tša magareng a mebušo ka makala a mmušo a seprofense le selegae malebana le kgodišo, tlhabollo le phetošo ya tša boeti. 10

(3) Pele go ka thoma go šomišwa leano la bosetšhaba la tša boeti go ya ka karolwana (1), Tona e swanetšwe go—

(a) nea tsebišo ya leano la lekala la bosetšhaba la tša boeti le šišintšwego *Kuranteng ya Mmušo*; 15

(b) laletša maloko a setšhaba go romela go Tona, mo nakong ye laelwago ke tsebišo, diswayaswayo ka tsela ya lengwalo malebana le leano la bosetšhaba la lekala la tša boeti le šišintšwego; 20

(c) tšea magato a go ya pele a hlokegago go tliša merero ya leano la lekala la tša boeti le šišintšwego bathong bao ba na nago le dikgahlegelo; mme 20

(d) sekaseka diswayaswayo dife goba dife tše hweditšwego.

(4) (a) Tona a ka sekaseka mme, ge go hlokega, a ka beakanyetša leano la lekala la tša boeti la bosetšhaba.

(b) Pele a beakanya leano la lekala la boeti la bosetšhaba, Tona o swanetše go latela tshepetšo ya therišano mme bakeng sa mohola woo karolwana (3) e phethagaletša le diphetošo tše hlokegago go tshwaraganyo. 25

(5) Tona le makala a mmušo a maleba ba swanetše go diragatša leano la lekala la tša boeti bja bosetšhaba ge ba diragatša mešomo go ya ka Molao wo.

#### Tsela ya Bosetšhaba ya tshedimošo ya tša boeti le tekolo

5. Tona o swanetše go hlama tsela ya bosetšhaba ya tshedimošo ya tša boeti le tekolo bakeng sa— 30

(a) go koleka, rekhota, laola, sekaseka le go phatlalatša tshedimošo le datha ka tša boeti;

(b) go lekola ditlhabollo le ditlwaedi go tša boeti.

#### Tshedimošo ka tša boei le dikgwebo

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6. (1) Bakeng sa maikemišetšo a go dira dithulaganyo mme le ka kgopolo ya tlhabollo le kgodišo ya lekala la tša boeti, Tona a ka hlama mme le go hlokomela dathabeise ya tshedimošo ka tša dikgwebišano go tša boeti.

(2) Bakeng sa maikemišetšo a karolwana (1), ka tsebišo *Kuranteng ya Mmušo*, Tona a ka laola magoro a dikgwebo tša boeti tšeo di ka abelago tshedimo, mme ka tsela yeo di ka laola— 40

(a) nako yeo tshedimošo e swanetšego go abelwa;

(b) tsela le mokgwa wa go abela tshedimošo;

(c) tshedimošo ye swanetšego go abelwa, yeo e swanetšego go, malebana le kgwebišano ya tša boeti, akaretša— 45

(i) leina le mohuta wa kgwebišano ya tša boeti;

(ii) lefelo le kgwebo e direlwago go lona;

(iii) seemo sa ditirelo, didirišwa goba ditšweletšwa tšeo e di abelwago;

(iv) dintlha malebana le magoro le maemo a kgwebo ya tša boeti;

(v) dipalo le tshedimošo ya ditirelo, didirišwa goba ditšweletšwa tšeo e di abelago; mme 50

(vi) tshedimošo ya bogolo bjoo e phethagaletšago didirišwa tšeo di fihlelelwago ke batho bao ba sa itekanelago, bana le bagolo;

(d) lefelo le mokgwa wa thomelo ya tshedimošo, woo o ka akaretšago thomelo ya tshedimošo, go lekala la mmušo lefe goba lefe; 55

(e) tshedimošo efe goba efe yeo e ka hlokegago bakeng sa dathabeilse; mme

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- (f) the type of recognition and incentives that may accrue to tourism businesses which may provide information in terms of this section.

(3) The Minister may make different determinations under subsection (2) in respect of different categories of tourism services, facilities and products.

(4) A determination that information be submitted to an organ of state must be made with the concurrence of the organ of state concerned. 5

(5) For purposes of a comprehensive database of information, nothing in this section prevents the Minister from collecting information about tourism businesses from any other source.

#### **Norms and standards for tourism 10**

7. (1) The Minister may, by notice in the *Gazette* and after following the consultation process contemplated in subsection (2), determine—

- (a) norms and standards for—  
(i) practising responsible tourism contemplated in section 2(2);  
(ii) achieving service excellence in the tourism sector; 15  
(iii) promoting the objects of this Act; and  
(iv) the provisioning of tourism information services to the public; and  
(b) indicators to measure compliance with such norms and standards.

(2) Before determining norms and standards under subsection (1), the Minister must— 20

- (a) consult with the MEC's on the norms and standards;  
(b) give notice of the proposed norms and standards in—  
(i) the *Gazette*;  
(ii) at least two newspapers published and circulating nationally; and  
(iii) a newspaper published and circulating in each province; 25  
(c) invite members of the public to submit to the Minister, within the period determined in the notice, written representations regarding the proposed norms and standards; and  
(d) consider any written representations received.

(3) Organs of state, including any institution established by government to exercise tourism functions, must apply the norms and standards determined under subsection (1) in the performance of their functions. 30

(4) The norms and standards contemplated in subsection (1)(a)(iv) may relate to matters such as—

- (i) the form of business and management that must be applied; 35  
(ii) business hours;  
(iii) facilities that must be available;  
(iv) staff and training requirements;  
(v) information and displays that must be offered; and  
(vi) signage and identification that must be used. 40

#### **Codes of good practice for tourism**

8. The Minister may, by notice in the *Gazette*, issue codes of good practice to—

- (a) guide conduct relating to tourism services, facilities and products;  
(b) guide conduct of organs of state responsible for developing and managing tourism; and 45  
(c) promote the achievement of the objects of this Act.

### **CHAPTER 3**

#### **SOUTH AFRICAN TOURISM BOARD**

##### **Continued existence of South African Tourism Board**

9. The South African Tourism Board, established by section 2 of the Tourism Act, 1993 (Act No. 72 of 1993), continues to exist as a juristic person despite the repeal of that Act by section 62. 50

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- (f) temogo le hlohleletšo yeo e ka golago kgwebong ya tša boeti yeo e ka abelago tshedimošo go ya ka karolo ye; mme
- (3) Tona e ka dira dikhwetšo tše farologanego ka tlase ga karolwana (2) malebana le magoro a farologanego a ditirelo tša boeti, didirišwa le ditšweletšwa.
- (4) Taelo ya gore tshedimošo e romelwe go lekala la mmušo e swanetše e dirwe ka therišano le lekala la mmušo le malebana. 5
- (5) Bakeng sa dathabeise ya tshedimošo ye phathagetšego, ga go selo karolong ye seo se thibelago Tona go koleka tshedimošo ka dikgwebo tša boeti gotšwa kae goba kae.

#### Ditlwaelo le maemo a tša boeti

7. (1) Tona a ka, ka tsebišo *Kuranteng ya Mmušo* mme morago ga go latela tshepetšo ya therišano ye hlalošitšwego go karolwana (2), laola— 10
- (a) ditlwaedi le maemo bakeng sa—
- (i) go diragatša tša boeti tše maikarabelo ka ge go hlalošitšwe go karolo 2(2);
- (ii) go fihlelela ditirelo tše phethagetšego go lekala la tša boeti; 15
- (iii) go godiša maikemišetšo a Molao wo; mme go
- (iv) phethagaletšo ya ditirelo tša tshedimošo ya tša boeti setšhabeng; mme
- (b) ditšhupetšo bakeng sa go lekola kobamelo le go ditlwaedi le maemo.
- (2) Pele go ka laolwa ditlwaedi le maemo ka tlase ga karolwana (1), Tona o swanetše go— 20
- (a) lebelela ditlwaedi le maemo a MEC;
- (b) nea tsebišo ka ga ditlwaedi le maemo a šišintšwego—
- (i) *Kuranteng ya Mmušo*;
- (ii) dikuranteng tše pedi tše gatišitšwego mme le go phatlalatšwa bosetšhaba; mme le 25
- (iii) kuranteng ye gatišitšwego mme ye phatlaladitšwego profenseng ye nngwe le ye nngwe;
- (c) laletša maloko a setšhaba go romela go Tona, mo nakong ye laelwago ke tsebišo, diswayaswayo ka tsela ya lengwalo malebana le ditlwaedi le melao ye šišintšwego; mme le go 30
- (d) elelwa diswayaswayo dife goba dife tše ngwadilwego tše hweditšwego.
- (3) Makala a mmušo, go akaretšwa sehlongwa sefe goba sefe se hlanngwego ke mmušo go dira mešomo ya tša boeti, di swanetše go diriša ditlwaedi le maemo ao a beilwego ka tlase ga karolwana (1) tiragatšong ya mešomo ya bona.
- (4) Ditlwaelo le maemo a hlalošitšwe go karolwana (1)(a)(iv) a ka sepelelana le merero ye swanago le— 35
- (i) mohuta le kgwebo le bolaodi bjoo bo swanetšego go diragatšwa;
- (ii) dinako tša kgwebo;
- (iii) didirišwa tše swanetšego go ba gona;
- (iv) dinyakwa tša bašomi le tlhako; 40
- (v) tshedimošo le ditlhagišwa di swanetše go newa; mme
- (vi) leswao le boitsebišo tše di swanetšego go šomišwa.

#### Melao ya maitshwaro a mabotse go tša boeti

8. Tona e ka, ka tsebišo *Kuranteng ya Mmušo*, nea melao ya maitshwaro a mabotse go— 45
- (a) tlhahli malebana le ditirelo tša boeti, didirišwa le ditšweletšwa;
- (b) tlhahli go maitshwaro a makala a mmušo ao a nago le maikarabelo go tlhabollo le taolo ya tša boeti; mme
- (c) godiša phihlelelo ya maikemišetšo a Molao wo.

#### KGAOLO 3

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#### BOTO YA AFRIKA BORWA YA TŠA BOETI

#### Tšwetšopele ya Boto ya Afrika Borwa ya tša Boeti

9. Boto ya Afrika Borwa ya tša Boeti, ye hlanngwego ka karolo 2 ya Molao wa tša Boeti 1993 (Molao 72 wa 1993), e tšwelapele ka go ba ya molao go sa kgathalatšege phumolo ya Molao woo ka karolo 62. 55

### Functions of Board

- 10.** (1) The functions of the Board are to—
- (a) market South Africa as a domestic and international tourist destination;
  - (b) market South African tourism products and facilities internationally and domestically; 5
  - (c) develop and implement a marketing strategy for tourism that promotes—
    - (i) the objects of this Act; and
    - (ii) the national tourism sector strategy.
  - (d) advise the Minister on any other matter relating to tourism marketing;
  - (e) with the approval of the Minister, establish a National Conventions Bureau to 10 market South Africa as a business tourism destination by—
    - (i) coordinating bidding for international conventions; and
    - (ii) liaising with other organs of state and suitable bodies to promote South Africa as a business tourism destination; and
  - (f) report to the Minister on the work performance of the National Conventions 15 Bureau.
- (2) The Board must perform any function imposed upon it in accordance with a policy direction not in conflict with this Act issued by the Minister.

### Powers of Board

- 11.** Without derogating from its power generally to perform legal acts as a juristic 20 person, the Board may—
- (a) with the approval of the Minister open and operate such offices within or outside the Republic which may be necessary for the effective performance of its functions;
  - (b) with the approval of the Minister, granted with the concurrence of the Cabinet 25 member responsible for finance, borrow money from a money lending institution in the Republic;
  - (c) insure the Board against—
    - (i) any loss, damage or risk;
    - (ii) any liability it may incur in the application of this Act; 30
  - (d) employ persons who are necessary for the performance of the functions of the Board;
  - (e) conclude agreements with organs of state and other persons.

### Delegations and assignments by Board

- 12.** (1) The Board may in writing and subject to such conditions as it may determine, 35 delegate or assign any of its powers or duties in terms of this Act—
- (a) to any committee of the Board;
  - (b) to an employee of the Board; or
  - (c) with the concurrence of the Minister, to any other suitable body.
- (2) A delegation or assignment under subsection (1)— 40
- (a) must be in writing;
  - (b) does not divest the Board of the power delegated or duty assigned;
  - (c) does not prevent the Board from exercising the power or performing the duty so delegated or assigned; and
  - (d) may at any time be withdrawn by the Board. 45

### Composition of Board

- 13.** (1) The Board consists of—
- (a) at least nine and no more than 13 members appointed by the Minister on the basis of their knowledge, experience or qualifications relating to the functions of the Board; and 50
  - (b) one officer of the Department appointed by the Minister to represent the Department.
- (2) The member of the Board contemplated in subsection (1)(b)—
- (a) is a non-voting member of the Board; and
  - (b) may not be appointed as chairperson or deputy chairperson of the Board. 55

### Mešomo ya boto

**10. (1)** Mešomo ya boto ke go—

- (a) bapatša Afika Borwa bjalo ka lefelo la tša boeti la selegae le boditšhabathaba;
- (b) bapatša ditšweletšwa le didirišwa tša Afrika Borwa go boditšhabatšhaba le selegae; 5
- (c) hlama le go tsenyatirišong leano la go maketa bakeng sa tša boeti tše godišo go—
  - (i) maikemišetšo a Molao wo; le
  - (ii) leano la bosetšhaba la lekala la tša boeti.
- (d) eletša Tona ka merero efe goba efe ye malebana le go bapatša tša boeti; 10
- (e) ka tumelo ya Tona, hlama Biro ya Dikopano ya Bosetšhaba go bapatša Afrika Borwa bjalo ka lefelo la kgwebišano ya tša boeti ka go—
  - (i) rulaganya go bita bakeng sa dikopano tša boditšhabatšhaba; le go
  - (ii) rerišana le makala a mangwe a mmušo le mekgatlo ye malebana go godiša Afrika Borwa bjalo ka lefelo la kgwebišano la tša boeti; le go 15
- (f) bega go Tona ka ga phethagatšo ya mošomo wa Biro ya Dikopano ya Bosetšhaba.

(2) Boto e swanetše go phethagatša mešomo efe goba efe ye e filwego go ya ka taelo ya pholisi yeo e sa tlolego Molao wo filwego ke Tona.

### Maatla a Boto

**11.** Ntle le go tloga go maatla a yona a go phethagatša ditiro tša molao ka kakaretšo bjalo ja mokgatlo wa molao, Boto e ka—

- (a) ka tumelelo ya Tona bula mme le go šomiša dikantoro tše mo gare ga goba ka ntle ga Rephabliki ka moo go ka hlokegago bakeng sa go phethagatša mešomo ya yona; 25
- (b) ka tumelo ya Tona ye newago ka therišano therišano le leloko la kabinete le nago le maikarabelo a ditšhelete, go kadima tšhelete sehlolongweng sa go kadimiša tšhelete mo Rephabliki;
- (c) netefatša Boto kgahlanong le—
  - (i) tahlegelo efe goba efe, tshenyagalelo goba kotsi; 30
  - (ii) sekoloto sefe goba sefe seo e ka se hwetšago tiragatšong ya Molao wo;
- (d) go thwala batho bao ba hlokegago bakeng sa phethagatšo ya mošomo wa Boto;
- (e) phethagatša ditumellano le makala a mmušo le batho ba bangwe.

### Phetišetšo ya maatla le mešomo ka Boto

**12. (1)** Boto e ka, ka tsela ya lengwalo mme le go ya ka dipeelano ka moo e ka laolago, romela goba go nea maatla afe goba afe a yona goba mešomo go ya ka Molao wo—

- (a) go komiti ya Boto;
  - (b) go mošomi wa Boto; goba
  - (c) ka therišano le Tona, go mokgatlo ofe goba ofe wo swanetšego. 40
- (2) Thomelo goba neo ka tlase ga karolwana (1)—
- (a) e swanetše go ba ka tsela ya lengwalo;
  - (b) ga e kgahlanong le Boto ya maatla a filwego goba mošomo wo filwego;
  - (c) ga e ganetše Boto go diragatša maatla goba go phethagatša mošomo wo e o neilwego; mme 45
  - (d) ka nako efe goba efe, e ka tlošwa go Boto.

### Hlamego ya Boto

**13. (1)** Boto e hlangwa ka—

- (a) maloko a senyane mme e sego a go feta a 13 a thwetšwego ke Tona go ya ka tsebo ya ona, boitemogelo goba boithutelo bjo malebana le mešomo ya Boto; 50 mme le
  - (b) mohlankedi o tee wa Kgoro yo thwetšwego ke Tona go emela Kgoro.
- (2) Leloko la Boto le hlalošitšwego go karolwana (1)(b)—
- (a) ke leloko le sa kgethego la Boto; mme
  - (b) le ka se thwalwe bjalo ka modulasetulo goba motlatša modula setulo wa Boto. 55

(3) (a) Before appointing the members of the Board contemplated in subsection (1)(a), the Minister must, by notice in the *Gazette* and in two newspapers published and circulating nationally, invite nominations for membership of the Board.

(b) The notice must specify a period of at least 30 days for nominations to be submitted to the Minister. 5

(4) When appointing the members of the Board, the Minister must ensure that the Board is broadly representative of society, with due regard to race, gender and disability.

(5) After appointing the members of the Board the Minister must, by notice in the *Gazette* and in two newspapers published and circulating nationally, publish the names of the persons appointed and the dates of commencement of their terms of office. 10

(6) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the invitation, the Minister may, subject to subsections (4) and (5), appoint the required number of persons.

(7) The Minister must appoint one member of the Board as chairperson and another as deputy chairperson of the Board. 15

#### **Term of office of members of Board**

**14.** (1) A member of the Board contemplated in section 13(1)(a) holds office for a period of three years from the date of his or her appointment.

(2) Despite subsection (1), the Minister may by notice in the *Gazette* extend the period of office of any member of the Board for a maximum period of 12 months. 20

(3) Any person whose period of office has expired is eligible for reappointment.

(4) No person may be appointed as chairperson of the Board for more than two consecutive terms.

#### **Disqualification from membership of Board**

**15.** (1) A person may not be appointed as a member of the Board if that person— 25

(a) is not a South African citizen and ordinarily resident in the Republic;

(b) is an unrehabilitated insolvent;

(c) is disqualified under any law from practising that person's profession;

(d) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both; 30

(e) subject to subsection (2), has been convicted of an offence in a foreign country and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both; or 35

(f) has at any time been removed from an office of trust on account of breach of a fiduciary duty.

(2) An offence contemplated in subsection (1)(e) must constitute an offence in the Republic. 40

#### **Vacation of office and filling of vacancies**

**16.** (1) A member of the Board must vacate office if the member—

(a) resigns by written notice addressed and delivered to the Minister and the chairperson of the Board;

(b) ceases to hold any qualification necessary for that member's appointment to the Board; 45

(c) is unable to perform his or her functions due to mental illness or severe or profound intellectual disability contemplated in the Mental Health Act, 2002 (Act No. 17 of 2002);

(d) becomes subject to any disqualification contemplated in section 15; or 50

(e) is removed from office by the Minister, after consulting the Board, on good cause shown.

(2) If for any reason the office of a member of the Board becomes vacant before the member's term of office expires, the Minister may appoint any suitably qualified person to fill the vacancy for the unexpired portion of the period for which such member was appointed. 55

(3) (a) Pele go ka thwalwa maloko a Boto ao a hlalošitšwego go karolwana (1)(a), Tona o swanetše go, ka tsebišo *Kuranteng ya Mmušo*, mme le dikuranteng tše gatišitšwego mme di phatlalatšwago ka bosetšhaba, laletša bonkgetheng bja boloko bja Boto.

(b) Tsebišo e swanetše go tsebiša botelele bja nako ya matšatši a 30 bakeng sa gore dikgetho di romelwe go Tona. 5

(4) Ge go thwalwa maloko a Boto, Tona o swanetše go netefatša gore Boto e emetše setšhaba ka mahlokore ohle, ka go elela morafe, bong le bogole.

(5) Morago ga go thwala maloko a Boto Tona o swanetše go, ka tsebišo *Kuranteng ya Mmušo* mme le dikuranteng tše pedi tše gatišitšwego le go phatlalatšwa bosetšhaba, gatiša maina a batho bao ba thwetšwego le matšatšikgwedi a go thoma go šoma a bona. 10

(6) Ge Tona a sa kgethwa goba a hweditše palo ye tlase ya dikgetho mo nakong ye hlalošitšwego taletšong, Tona a ka, go ya ka karolwana (4) le (5), thwala palo ya batho ba hlokegago.

(7) Tona o swanetše go thwala leloko le tee la Boto bjalo ka modulasetulo mme yo mongwe bjalo ka motlatša modulasetulo wa Boto. 15

#### **Botelele bja nako ya go šoma ga maloko a Boto**

**14.** (1) Leloko la Boto le hlalošitšwego go karolo 13(1)(a) le šoma kantorong nako ya mengwaga ye meraro go tloga letšatšikgweding la thwalo ya gagwe.

(2) Ntle le karolwana (1), Tona a ka, ka tsebišo *Kuranteng ya Mmušo*, oketša nako ya leloko lefe goba lefe la Boto botelele bja nako ya dikgwedi tše 12. 20

(3) Motho ofe goba ofe yo nako ya gagwe ya kantorong e fedilego a ka thwalwa gape.

(4) Gago motho yo a ka thwalwago bjalo ka modulasetulo wa Boto nako ya go feta makgetlo a mabedi.

#### **Go tlošwa bolokong bja Boto**

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**15.** (1) Motho a ka se thwalwe bjalo ka leloko la Boto ge motho yo—

(a) a se moagi wa Afrika Borwa gape modudi fela wa mo Rephabliki;

(b) a na le sekoloto mme a sa tšošološwa;

(c) a tlošitšwe ka tlase ga molao ofe goba ofe gore a dire profesheneng yeo;

(d) a tšhotšhisitšwe ka molato mo Rephabliki, ntle le molato wo diragaditšwego pele ga 27 Aporele 1994 yo malebana le maikemišetšo a sepolotiki, mme a išitšwe kgolegong ntle le kgetho ya faene goba, ka lebaka la bofora goba molato ofe goba ofe wo akaretšago go hloka nnete, go faene goba go išwa kgolegong goba ka bobedi bja tšona; 30

(e) go ya ka karolwana (2), o ile a tšhotšhišetšwa molato nageng ya ka ntle mme a išwa kgolegong ntle le kgetho ya faene goba, ka lebaka la bofora goba molato ofe goba ofe wo akaretšago go hloka nnte, go faene go išwa kgolegong goba ka bobedi bja tšona; goba 35

(f) a na le nako a tlošitšwe kantorong ya trasete ka lebaka la tlolo ya tswanelo ya trasete. 40

(2) Molato wo dirilwego go ya ka karolwana (1)(e) o swanetše go bonwa bjalo ka molato mo Rephabliki.

#### **Go tlogela mošomo le go tlatša dikgoba**

**16.** (1) Leloko la Boto le swanetše go tloga sekgobeng ge leloko le—

(a) tlogela mošomo ka tsebišo ya lengwalo ye lebišitšwego le go romelwa go Tona le modulasetulo wa Boto; 45

(b) hloka boithutelo bjo hlokegago bakeng sa thwalo ya leloko leo go Boto;

(c) palelwa ke go phethagatša mošomo wa lona ka lebaka la bolwetši bja monagano goba bjo bo golo goba bja bogole bja bohlae bja bohloodi bjo hlalošitšwego go *Mental Health Act, 2002 (Act No. 17 of 2002)*; 50

(d) tlošwa go ka mo go hlalošitšwego go karolo 15; goba

(e) tlošitšwe ke Tona kantorong, morago ga go boledišana le Boto, ka mabaka a laeditšwego.

(2) Ge kantoro ya leloko e ba le sekgoba ka lebaka lefe goba lefe pele nako ya leloko kantorong e fela, Tona a ka thwala motho ofe goba ofe yo nago le maswanedi go tlatša sekgoba sa nako ye e bego e sa fela yeo leloko le bego le thwetšwe go yona. 55

(3) (a) The Minister may on good cause shown dissolve the Board by way of notice in the *Gazette* and appoint a new Board in accordance with section 13.

(b) If the Board is dissolved in terms of paragraph (a) the Minister may defer the reconstitution of the Board and, in the notice by which the Minister has so dissolved the Board or by any subsequent notice in the *Gazette*, appoint one or more persons, on such conditions as the Minister may deem necessary, to manage the affairs of the Board until the appointment of the new Board. 5

### Remuneration of members of Board

17. A member of the Board who is not in the full-time employment of the State may be paid such remuneration and allowances as may be determined by the Minister with the approval of the Cabinet member responsible for finance. 10

### Board meetings

18. (1) The Board must hold at least four ordinary meetings every year.

(2) The chairperson of the Board—

(a) may convene a special meeting of the Board; and 15

(b) must convene a special meeting within 14 days of receiving a written request to do so, signed by a majority of the members.

(3) The request contemplated in subsection (2)(b) must clearly state the reason for the request, and only that matter may be discussed at the special meeting.

(4) The Minister may at any time request a meeting with the Board, should the need arise. 20

(5) If the chairperson and deputy chairperson are not present at any meeting of the Board the members present must appoint another member to preside at the meeting.

(6) The quorum for any meeting of the Board is a majority of the voting members of the Board in office at the time. 25

(7) (a) A decision of the majority of the voting members of the Board at any quorate meeting constitutes a decision of the Board.

(b) In the event of an equality of votes the chairperson has a casting vote in addition to his or her deliberative vote.

(8) A member of the Board who has any personal or financial interest in any matter before the Board must disclose that interest and withdraw from the proceedings of the Board when that matter is considered. 30

(9) No decision taken by or act performed on the authority of the Board shall be invalid merely because of a casual vacancy on the Board or because any person who was not entitled to sit as a member of the Board, sat as a member at the time when the decision was taken or the act was authorised, provided the decision was taken or the act was authorised by a majority of the members of the Board who were then present and were entitled to sit as members. 35

### Conduct of meetings

19. (1) The Board may make rules to regulate its proceedings. 40

(2) Minutes of proceedings of every meeting of the Board must be—

(a) recorded and kept in a manner that cannot be altered or tampered with; and

(b) submitted to the next meeting of the Board for consideration and, if adopted, signed by the chairperson.

(3) The Board may— 45

(a) permit members to participate in a particular meeting by means of a conference call or audio-visual technology and a member who participates in this manner is regarded as being present at the meeting; and

(b) invite a person to attend a meeting for the purpose of advising or informing the Board on any matter. 50

(3) (a) Tona ka lebaka le kwagalago a ka fediša boto ka mokgwa wa tsebišo *Kuranteng ya Mmušo* mme a thwala Boto ye mpsha go ya ka karolo 13.

(b) Ge Boto e fedišitšwe go ya ka tema (a) Tona a ka emiša go bopa ka leswa ga Boto mme, ka tsebišo yeo e lego gore Tona o fedišitše Boto goba ka tsebišo *Kuranteng ya Mmušo*, thwala motho o tee goba ba ba ntši, ka dipeelano tše ka moo Tona a ka bonago hlokego, go laola merero ya Boto go fihlela kgetho ya Boto ye mpsha. 5

### Tefelo ya Maloko a Boto

17. Leloko la Boto leo le sa šomelego mmušo ka botlalo le ka lefelwa ditefelo tše le ditshwalenelo ka moo go ka laelwa go ke Tona ka tumello ya leloko la Kabinete le nago le maikarabelo a tša ditšhelete. 10

### Dikopano tša Boto

18. (1) Boto e swanetše go ba le dikopano tše nne ngwageng wo mongwe le wo mongwe.

(2) Modulasetulo wa Boto—

(a) a ka dira kopano ye kgethegilego ya Boto; mme 15

(b) o swanetše go dira kopano ye kgethegilego mo matšatšing a 14 a go hwetša kgopelo ya go dira se ka tsela ya lengwalo, le nago le mosaeno wa bontšhi bja maloko.

(3) Kgopelo ye hlalošitšwego go karolwana (2)(b) e swanetše go laetša lebaka la kgopelo, mme ditherišano tša morero wo di diragatšwe kopanong ye kgethegilego. 20

(4) Tona aka dira kopano ka nako efe goba efe le Boto, ge go hlokega.

(5) Ge Modulasetulo goba motlatša modulasetulo a se gona kopanong efe goba efe, maloko a Boto a swanetše go kgetha leloko le lengwe go sepetša kopano.

(6) Tekanyetšo ya maloko a go swara kopano kopanong ye nngwe le ye nngwe ke bontšhi bja maloko a kgethago ao a lego gona ka nako ye a Boto. 25

(7) (a) Sephetho sa bontšhi bja maloko ao a lekanetšego go swara kopano se emela sephetho sa Boto.

(b) Mo tiragalong ya gore diboutu di lekane, modulasetulo o tla kgetha gape godimo ga kgetho ya gagwe ya mathomo.

(8) Leloko la Boto leo le nago le kgahlegelo ya bolona goba ya ditšhelete morerong ofe goba ofe pele ga Boto le swanetše go bolela kgahlegelo ye mme le tloge ditshepetšong tša Boto ge go bolelwa ka morero woo. 30

(9) Gago sephetho sa Boto goba tiragatšo ye diragaditšwego ka maatla a Boto yeo e ka se šomego ka lebaka la sekgoba seo se sego sa semmušo Botong goba ka lebaka la motho ofe goba ofe yo a bego a sa swanela go dula bjalo ka leloko la Boto, o dutše bjalo ka leloko ka nako yeo go bego go dirwa sephetho goba ge tiragalo e dumelelwa, ge fela sephetho se tšerwe goba tiragalo e diragaditšwe ke bontšhi bja maloko a Boto ao a bego a le gona mme a bego a swanetše go dula bjalo ka maloko. 35

### Go swarwa ga dikopano

19. (1) Boto e ka dira melao go phethagatša ditshepetšo. 40

(2) Metsotso ya ditshepetšo tša kopano efe le efe ya Boto e swanetše go—

(a) ngwalwa mme le go lotwa ka tsela yeo e ka se fetošwego goba senywego; mme

(b) romelwa kopanong ye latelago ya Boto bakeng sa go elelwa mme, ge e amogelwa, e swaenwe ke modulasetulo 45

(3) Boto e ka—

(a) dumelela maloko go tšea karolo dikopanong tše dingwe ka mokgwa wa teletšo ya batho bantši ka nako ye tee goba theknolotši ya tša go kwa mme leloko le tšeago karolo ka mokgwa wo le tšewa bjalo ka leo le lego gona kopanong; gape 50

(b) laletša motho go tla kopanong bakeng sa morero wa go eletša goba go tsebiša Boto ka morero ofe goba ofe.

### **Resolution without meeting**

**20.** (1) The Board may adopt a resolution without a meeting if at least a majority of the members in office at the time indicate their support for the resolution in accordance with a procedure previously established by the Board.

- (2) A resolution in terms of subsection (1)— 5
- (a) has the same status as if it were adopted at a meeting; and
  - (b) must be regarded as having been adopted on a day determined in accordance with the procedure contemplated in subsection (1).

### **Funds of Board**

- 21.** (1) The funds of the Board consist of— 10
- (a) monies appropriated by Parliament for that purpose;
  - (b) any money paid to the Board for services rendered;
  - (c) any money received by way of donation; and
  - (d) any other amounts to which the Board is or may become entitled.

(2) The Board may use its funds for defraying expenditure incurred in performing its functions in terms of this Act. 15

- (3) The Board may invest any of its funds not immediately required—
- (a) subject to any investment policy that may be prescribed in terms of the Public Finance Management Act; and
  - (b) in such manner as the Minister may approve. 20
- (4) The Board may charge and recover fees for any services rendered.

### **Application of Public Finance Management Act to Board**

**22.** The Public Finance Management Act applies to the Board.

### **Committees of Board**

**23.** The Board may establish any committee to assist the Board in the performance of its functions and must determine its composition and terms of reference. 25

### **Appointment and responsibilities of chief executive officer of Board**

**24.** (1) The Board, acting with the concurrence of the Minister, must appoint a suitably qualified person as chief executive officer. 30

- (2) The chief executive officer—
- (a) is appointed for a period not exceeding five years; and
  - (b) may be reappointed by the Board with the concurrence of the Minister.

(3) The chief executive officer holds office on such terms and conditions, including those relating to remuneration and allowances, as the Board may determine in accordance with the policy contemplated in section 27(1). 35

(4) The chief executive officer is responsible for the efficient management of the business and affairs of the Board and must perform any function delegated or assigned by the Board.

### **Employment contract and performance agreement of chief executive officer**

**25.** (1) The Board and the chief executive officer must conclude a written contract of employment which must incorporate in an appropriate form the provisions of section 57 of the Public Finance Management Act. 40

- (2) The Board and the chief executive officer must conclude a performance agreement—
- (a) as soon as reasonably practicable but within three months after the appointment of the chief executive officer; and 45
  - (b) thereafter, annually within one month of the commencement of each financial year.

### Tharollo ntle le kopano

**20.** (1) Boto e ka diragatša tharabollo ntle le kopano ge bontšhi bja moloko a kantorong ka nako yeo a laetša thekgo ya tharollo yeo go ya ka tshepetšo ye e hlangwego ke Boto mo nakong ye fetilego.

(2) Tharollo go ya ka karolwana (1)—

- (a) e na le seemo se swanago le ge e dirilwe kopano; mme
- (b) e swanetše go bonwa bjalo ka yeo e diragaditšwego ka letšatši le kgethwago go ya ka tshepetšo ye hlalošitšwego go karolwana (1).

### Sekhwama sa Boto

**21.** (1) Sekhwama sa Boto se na le—

- (a) ditšhelete tše lekanyeditšwego ke Palamente ka lebaka leo;
- (b) tšhelete efe goba efe ye lefetšwego Boto bakeng sa ditirelo tše abetšwego;
- (c) tšhelete efe goba efe ye hweditšwego ka mokgwa wa moneelo; mme le
- (d) ditšhelete dife goba dife tšeo e lego tša goba e kabago tša Boto.

(2) Boto e ka diriša tšhelete go lefela ditshenyagalego tše hlotšwego ke go phethagatša ditirelo tša yona go ya ka Molao wo.

(3) Boto e ka beeletša ditšhelete dife goba dife tša yona tšeo e ka se dihlokego ka nako yeo—

- (a) go ya ka pholisi ya dipeeletšo yeo e ka fiwago go ya ka *Public Finance Management Act*; mme
- (b) ka mokgwa woo Tona a ka dumelago ka gona.

(4) Boto e ka lefiša mme ya hwetša ditefelo tša ditirelo dife goba dife tše di abetšwego.

### Tiragatšo ya *Public Finance Management Act* go Boto

**22.** *Public Finance Management Act* e a šoma go Boto.

### Dikomiti tša Boto

**23.** Boto e ka hlama komiti go thuša Boto ka phethagatšo ya mošomo wa yona mme e swanetše go laola hlamego ya yona le ditaello.

### Thwalo le maikarabelo a mohlankedi kuduthamaga mogolo wa Boto

**24.** (1) Boto, ka go dira ka therišano le Tona, e swanetše go thwala mohlankedi kuduthamaga mogolo yo swanetšego.

(2) Mohlankedi kuduthamaga mogolo—

- (a) o thwalwa nako ya mengwaga ye sa fetego ye mehlano; mme
- (b) a ka thwalwa gape ke Boto ka tumelo ya Tona.

(3) Mohlankedi kuduthamaga mogolo o šoma ka mabaka le dipeelano tše, go akaretšwa tše lebanego le moputso le ditshwanelo, ka moo Boto e ka laolago go ya ka pholisi ye hlalošitšwego go karolo 27(1).

(4) Mohlankedi kuduthamaga mogolo o na le maikarabelo a bolaodi bjo farologanego bjo phethagetšego bja kgwebo le merero ya Boto mme o swanetše go phethagatša mešomo efe goba efe ye a e filwego ke Boto.

### Tumellano ya thwalo le ya phethagatšo ya mošomo ya mohlankedi kuduthamaga mogolo

**25.** (1) Boto le mohlankedi kuduthamaga mogolo ba swanetše go dira tumellano ya thwalo ka tsela ya lengwalo yeo e swanetšego go akaretša ditaello tša karolo 57 ya *Public Finance Management Act*.

(2) Boto le mohlankedi kuduthamaga mogolo ba swanetše go dira tumellano ya phethagatšo ya mošomo—

- (a) ka bonako bjo bo kgonegago efela mo dikgweding tše tharo tša go thwalwa ga mohlankedi kuduthamaga mogolo; mme
- (b) morago ga moo, ngwaga le ngwaga mo kgweding ye tee ya go thoma ga ngwaga wa ditšhelete.

- (3) The performance agreement must include—
- (a) measurable work performance objectives and targets that must be met by the chief executive officer, and the time frames within which those performance objectives and targets must be met;
  - (b) standards and procedures for evaluating the work performance of the chief executive officer and intervals for evaluation; and
  - (c) the consequences for substandard work performance.

#### **Resignation and dismissal of chief executive officer and appointment of acting chief executive officer**

26. (1) The Board, after giving the chief executive officer an opportunity to be heard, and acting with the concurrence of the Minister, may dismiss the chief executive officer for any lawful reason. 10
- (2) The chief executive officer may resign by notice in writing to the Minister and the Board.
- (3) If the chief executive officer is for any reason absent or unable to carry out his or her duties, or if a vacancy in the office of the chief executive officer occurs, the Board may, with the concurrence of the Minister, appoint a suitably qualified person to act as chief executive officer until the chief executive officer is able to resume his or her duties or until the vacant position is filled. 15
- (4) An acting chief executive officer— 20
- (a) may exercise all the powers and must carry out all the duties of the chief executive officer; and
  - (b) is appointed on terms and conditions, including those relating to remuneration and allowances, as the Board may determine in accordance with the policy contemplated in section 27(1). 25

#### **Employment and remuneration policy of Board and appointment of staff**

27. (1) (a) The Board must determine an employment and remuneration policy applicable to personnel of the Board.
- (b) The determination must be made with the approval of the Minister acting with the concurrence of the Cabinet member responsible for finance. 30
- (2) The chief executive officer—
- (a) after consulting the Board, must determine the staff establishment necessary to assist the Board in carrying out its functions; and
  - (b) appoint persons in posts on the staff establishment.
- (3) An employee of the Board is employed subject to terms and conditions determined by the Board in accordance with the employment policy contemplated in subsection (1). 35

### **CHAPTER 4**

#### **GRADING SYSTEM**

##### **National grading system for tourism**

28. (1) The Minister may develop a national grading system for tourism with a view to maintaining or enhancing the standards and quality of tourism services, facilities and products. 40
- (2) The grading system must promote—
- (a) the objects of this Act;
  - (b) the national tourism sector strategy; and
  - (c) excellence in the provision of tourism services, facilities and products. 45
- (3) (a) The grading system contemplated in subsection (1) must provide for the establishment of one or more schemes in terms of which tourism services, facilities and products are graded or classified.
- (b) Such a scheme may— 50
- (i) apply any basis of differentiation in respect of tourism services, facilities and products;
  - (ii) classify tourism services, facilities and products into different classes on the ground of, amongst others, their nature, extent, variety, availability and quality; 55

(3) Tumellano ya phethagatšo ya mošomo e swanetše go akaretša—

- (a) maikemišetšo a mošomo a lekanyetšegago le diphihlelelo tšeo di swanetšego go fihlelelwa ke mohlankedi kuduthamaga mogolo, mme le dinako tšeo maikemišetšo le diphihlelelo tša phethagatšo ya mošomo di swanetšego go phethagatšwa ka yona;
- (b) maemo le ditshepetšo tša go lekola phethagatšo ya mošomo wa mohlankedi kuduthamaga mogolo le nako ya ditekolo.
- (c) ditlamorago tša mošomo wo sa kgahlišego.

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**Go tlogela mošomo le go rakwa ga mohlankedi kuduthamaga mogolo le thwalo ya motswaoswere wa mohlankedi kuduthamaga mogolo**

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**26.** (1) Boto, morago ga go fa mohlankedi kuduthamaga mogolo monyetla wa go theeletšwa, mme le ka go dira ka tumellano ya Tona, e ka tloša mohlankedi kuduthamaga mogolo ka lebaka lefe goba lefe lee le lego molaong.

(2) Mohlankedi kuduthamaga mogolo a ka rola modiro ka tsebišo ka tsela ya lenwgalo go Tona le Boto.

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(3) Ge mohlankedi kuduthamaga mogolo a se gona ka lebaka lefe goba lefe goba a palelwa ke go phethagatša ditshwanelo tša gagwe, goba ge go ba le sekgoba kantorong ya mohlankedi kuduthamaga mogolo, ka tumello ya Tona, Boto e ka thwala motho yo swanetšego go dira bjalo ka mohlankedi kuduthamaga mogolo go fihlela mohlankedi kuduthamaga mogolo a kgona go tšwelapele ka mošomo wa gagwe goba go fihlela motho a hwetšwa go tlatša sekgoba.

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(4) Motswaoswere wa mohlankedi kuduthamaga mogolo—

- (a) a ka diragatša maatla ka moka mme o swanetše go phethagatša mešomo ka moka ya mohlankedi kuduthamaga mogolo; mme
- (b) o thwalwa ka mabaka le dipeelano, go akaretšwa tše malebana le tša moputšo le ditshwanelo, ka moo Boto e ka laolago go ya ka pholisi ye hlalošitšwego go karolo 27(1).

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**Pholisi ya thwalo le tefelo ya Boto le thwalo ya bašomi**

**27.** (1) (a) Boto e swanetše go laola pholisi ya thwalo le tefelo ye swanetšego go bašomi ba Boto.

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(b) Taolo ye e swanetše go dirwa ka tumelo ya Tona ka therišano ya maloko a Kabinete ao a nago le maikarabelo a tša ditšhelete.

(2) Mohlankedi kuduthamaga mogolo—

- (a) morago ga go rerišana le Boto, o swanetše go laola hlango ya bašomi ye hlokegago go thuša Boto ka go diragatša mešomo ya yona; mme a
- (b) thwale batho dikgobeng tša hlango ya dikgoba tša bašomi.

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(3) Mošomedi wa wa Boto go thwalwa go ya ka mabaka le dipeelano tše laelwago ke Boto go ya ka pholisi ya thwalo ye hlalošitšwego go karolwana (1).

**KGAOLO 4**

**TSELA YA TEKANYETŠO YA MAEMO**

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**Tsela ya bosetšhaba ya tekanyetšo ya maemo go tša boeti**

**28.** (1) Tona a ka dira tsela ya bosetšhaba ya tekanyetšo ya maemo bakeng sa tša boeti ka pono ya go hlokomela goba go kaonafatša maemo le boleng bja ditirelo tša boeti, didirišwa le ditšweletšwa.

(2) Tsela ya tekanyetšo ya maemo e swanetše go godiša—

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- (a) Maikemišetšo a Molao wo;
- (b) leano la bosetšhaba la lekala la tša boeti; mme le
- (c) phethagatšo kabelong ya ditirelo tša boeti, didirišwa le ditšweletšwa.

(3) (a) Tsela ya tekanyetšo ya maemo ye hlalošitšwego go karolwana (1) e swanetše go phethagatša hlango ya sekeme se tee goba tše mmalwa go ya ka ditirelo tša boeti, didirišwa le ditšweletšwa di a lekanyetšwa goba go bewa ka magoro.

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(b) Sekeme se se ka—

- (i) diragatša motheo ofe goba ofe wa pharologanyo malebana le ditirelo tša boeti, didirišwa le ditšweletšwa;

- (iii) make provision for the acquisition, continuation and termination of membership of the scheme; and
- (iv) make provision for the use and display of the prescribed insignia, which may include a depiction of a star or number of stars indicating the grading awarded in terms of the scheme.

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### **Establishment of Tourism Grading Council**

**29.** The Tourism Grading Council is hereby established.

### **Main function of Council and oversight and accountability**

**30.** (1) The Council must implement and manage the national grading system for tourism contemplated in section 28.

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(2) The Minister must oversee the functioning of the Council and the Council is in this respect accountable to the Minister for the proper implementation and management of the national grading system.

### **Composition of Council**

**31.** (1) The Council consists of—

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- (a) at least nine and not more than 13 members appointed by the Minister on the basis of their knowledge, experience or qualifications relating to the functions of the Council; and
- (b) one officer of the Department appointed by the Minister to represent the Department.

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(2) Section 13(2) to (7) applies to the Council with the changes required by the context.

### **Term of office of members of Council**

**32.** (1) A member of the Council contemplated in section 31(1)(a) holds office for a period of three years from the date of his or her appointment.

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(2) Section 14(2) to (4) applies to a member of the Council with the changes required by the context.

### **Disqualification from membership of Council**

**33.** Section 15 applies to a member of the Council with the changes required by the context.

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### **Vacation of office and filling of vacancies**

**34.** (1) Section 16(1) and (2) applies to a member of the Council with the changes required by the context.

(2) The Minister may on good cause shown dissolve the Council by way of notice in the *Gazette* and appoint a new Council in accordance with section 31.

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### **Remuneration of members of Council**

**35.** Section 17 applies to a member of the Council with the changes required by the context.

### **Council meetings**

**36.** (1) Meetings of the Council must be held on such dates, times and places as the chairperson may determine.

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(2) The Council may make rules to regulate its proceedings.

(3) Section 18(4) to (9) applies to the Council with the changes required by the context.

- (ii) bea ditirelo tša boeti ka magoro, le ditšweletšwa go magoro a farologanego ka lebaka la, gare ga amangwe, seemo sa tšona, bogolo, pharologano, go ba gona le bontši bja tšona;
- (iii) dira diphethagaletšo tša khwetšo, tšwetšopele le phedišo ya boloko bja sekeme; le 5
- (iv) go dira diphethagaletšo tša tirišo le tšweletšo ya leswao le beilwego, leo le ka akaretšago taetšo ya naledi ye laetšago tekanyetšo ye filwego go ya ka sekeme.

#### **Hlango ya khansele ya Tekanyetšo ya maemo ya Boeti**

29. Khansele ya Tlekanyetšo ya Maemo ya Boeti e a hlangwa. 10

#### **Mošomokgolo wa Khansele le tekolo le go rwala maikarabelo**

30. (1) Khansele e swanetše go tsenyatirišong le go laola tsela ya bosetšhaba ya tekanyetšo ya maemo bakeng sa tša boeti ka mo go hlalošitšwego go karolo.
- (2) Tona o swanetše go lebelela go šoma ga Khansele mme Khansele ka tsela ye e na le maikarabelo go Tona bakeng sa tsenyatirišong ye swanetšego le taolo ya tsela ya bosetšhaba ya tekanyetšo ya maemo. 15

#### **Hlamego ya Khansele**

31. (1) Khansele e hlangwa ke—
- (a) maloko a senyane ge e le a go se fete a 13 ao a thwetšwego ke Tona go lebeletšwe tsebo ya bona, boitemogelo goba boithutelo bjo malebana le mešomo ya Khansele; mme 20
  - (b) mohlankedi o tee wa Kgoro yo thwetšwego ke Tona go emela Kgoro.
- (2) Karolo 13(2) go ya go (7) e šoma go khansele ka diphetolo tše nyakegago go tshwaraganyo.

#### **Botelele bja nako ya šoma bja maloko a Khansele 25**

32. (1) Leloko la khansele le hlalošitšwego go karolo 31(1)(a) le šoma nako ya mengwaga ye meraro go tloga letšatšikgwedi la thwalo ya lona.
- (2) Karolo 14(2) go fihla go (4) e šoma go leloko la Khansele ka diphešo tše hlokegago go tshwaraganyo.

#### **Go tlošwa go boloko bja Khansele 30**

33. Karolo 15 e šoma go leloko la Khansele ka diphešo tše hlokegago tshwaraganyong.

#### **Go tlogela mošomo le go tlatša dikgoba**

34. (1) Karolo 16(1) le (2) e šoma go leloko la Khansele ka diphetogo tše hlokegago go tshwaraganyo. 35
- (2) Tona a ka fediša Khansele ka tsela ya tsebišo *Kuranteng ya mmušo* mme a thwala Khansele ye mpsha go ya ka karolo 31, ka mabaka a laeditšwego a kwagalago.

#### **Tefelo ya maloko a Khansele**

35. Karolo 17 e šoma go leloko la Khansele ka diphetolo tše hlokegago tshwaraganyo ye hlokegago. 40

#### **Dikopano tša Khansele**

36. (1) Dikopano tša Khansele di swanetše go diragatšwa ka matšatšikgwedi, dinako le mafelo ao a laelwago ke modulasetulo.
- (2) Khansele e ka dira melao go laola ditshepetšo.
- (3) Karolo 18(4) go fihla go (9) e šoma go Khansele ka diphetolo tše hlokegago go tshwaraganyo. 45

### **Funds of Council**

37. Section 21 applies to the Council with the changes required by the context.

### **Application of Public Finance Management Act to Council**

38. The Public Finance Management Act applies to the Council.

### **Committees of Council**

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39. The Council may establish any committee to assist the Council in the performance of its functions and must determine its composition and terms of reference.

### **Appointment and functions of chief quality assurance officer of Council**

40. (1) The Council, acting with the concurrence of the Minister, must appoint a suitably qualified person as chief quality assurance officer. 10

(2) The chief quality assurance officer—

(a) is appointed for a period not exceeding five years; and

(b) may be reappointed by the Council with the concurrence of the Minister.

(3) The chief quality assurance officer holds office on terms and conditions, including those relating to remuneration and allowances, as the Council may determine in accordance with the policy contemplated in section 43(1). 15

(4) (a) The chief quality assurance officer is responsible for the efficient management of the business and affairs of the Council and must perform any function delegated or assigned by the Council.

(b) The chief quality assurance officer is furthermore responsible for— 20

(i) supervising the processes involved in the grading of tourism services, facilities and products; ensuring that such grading conforms to the national grading system for tourism contemplated in section 28; and ensuring that standards set in terms of the grading system are maintained;

(ii) the implementation and strategic management of the national grading system; 25

(iii) strategic management of the resources and funds of the Grading Council; and

(iv) assisting the Grading Council in developing strategic plans.

### **Employment contract and performance agreement of chief quality assurance officer**

41. (1) The Council and the chief quality assurance officer must conclude a written contract of employment which must incorporate in an appropriate form the provisions of section 57 of the Public Finance Management Act. 30

(2) Section 25(2) and (3) applies to the chief quality assurance officer of the Council with the changes required by the context.

### **Resignation and dismissal of chief quality assurance officer and appointment of acting chief quality assurance officer**

35

42. Section 26 applies to the chief quality assurance officer and an acting chief quality assurance officer of the Council with the changes required by the context, except that the reference in section 26(4)(b) to section 27(1) must be read as a reference to section 43(1). 40

### **Employment and remuneration policy of Council and appointment of staff**

43. (1) (a) The Council must determine an employment and remuneration policy applicable to personnel of the Council.

(b) The determination must be made with the approval of the Minister, acting with the concurrence of the Cabinet member responsible for finance. 45

## **Sekhwama sa Khansele**

37. Karolo 21 e šoma go Khansele ka diphetolo tše hlokegago tshwaraganyong.

## **Tiragatšo ya *Public Finance Management Act* go Khansele**

38. *Public Finance Management Act* e šoma go Khansele.

## **Dikomiti tša Khansele**

5

39. Khansele e ka hlama komiti go thuša Khansele ka tiragatšo ya mošomo wa yona mme e swanetše go laola hlamego ya yona le ditaelo tša yona tša mošomo mme e swanetše go laola hlamego le ditaelo tša mošomo.

## **Thwalo le mešomo ya mohlankedi mogolo wa netefatšo ya boleng bja Khansele**

40. (1) Khansele ka go dira ka tumellano le Tona, e swanetše go thwala motho wo swanetšego bjalo ka mohlankedi mogolo wa netefatšo ya boleng. 10

(2) Mohlankedi mogolo wa netefatšo ya boleng—

- (a) o thwalwa lebaka la mengwaga ye sa fetego mengwaga ye mehlano; mme
- (b) a ka thwalwa gape ke Khansele ka tumellano ya Tona.

(3) Mohlankedi mogolo wa netefatšo ya boleng o šoma ka mabaka le dipeelano, go akaretšwa tše malebana le moputso le ditshwanelo, bjalo ka moo Khansele e ka laelago ka gona go ya ka pholisi ye hlalošitšwego go karolo 43(1). 15

(4) (a) Mohlankedi mogolo wa netefatšo ya boleng o na le maikarabelo a Bolaodi bjo phethagetšego bja kgwebo le merero ya Khansele mme o swanetše go diragatša mošomo ofe goba ofe wo a o filwego ke Khansele. 20

(b) Mohlankedi mogolo wa netefatšo ya boleng gape o na le maikarabelo a go—

- (i) laola tshepetšo ye šomišwago tekanyetšong ya maemo a ditirelo tša boeti, didirišwa le ditšweletšwa; go netefatša gore tekanyetšo ye e sepelelanago le tsela ya bosetšhaba ya tekanyetšo ya maemo ye hlalošitšwego go karolo 28; mme le go netefatša gore maemo ao a dirilwego go ya ka tsela ya tekanyetšo a hlokomelwa;” . 25
- (ii) tsenyotirišong le taolo ya leano ya tsela ya bosetšhaba ya tekanyetšo ya maemo;
- (iii) bolaodi bja leano bja methamo le ditšhelete tša Khansele ya bosetšhaba ya tekanyetšo ya maemo; le 30
- (iv) go thuša tlhabollo ya dipeakanyetšo tša maano a Khansele ya tekanyetšo ya maemo.

## **Tumellano ya thwalo le tumellano ya phethagatšo ya mošomo ya mohlankedi mogolo wa netefatšo ya boleng**

41. (1) Khansele le mohlankedi mogolo wa netefatšo ya boleng ba swanetše go dira tumellano tša thwalo tše ngwadilwego tše swanetšego go akaretša ka mokgwa wo swanetšego ditaelo tša karolo 57 ya *Public Finance Management Act*. 35

(2) Karolo 25(2) le (3) e šoma go mohlankedi mogolo wa netefatšo ya boleng wa Khansele ka diphetolo tše hlokegago go tshwaraganyo.

## **Go tlogela mošomo le go rakwa ga mohlankedi mogolo wa netefatšo ya boleng le thwalo ya motswaoswere wa mohlankedi mogolo wa netefatšo ya boleng**

40

42. Karolo 26 e a šomišwa go mohlankedi mogolo wa netefatšo ya boleng le mohlankedi wa motswaoswere wa mogolo wa netefatšo ya boleng wa Khansele ka diphetolo tše hlokegago tshwaraganyong, ntle le gore tšhupetšo go karolo 26(4)(b) go ya go karolo 27(1) e swanetše go balwa bjalo ka tšhupetšo go karolo 43(1). 45

## **Pholisi ya thwalo le tefelo ya Khansele le thwalo ya bašomi**

43. (1) (a) Khansele e swanetše go laola pholisi ya thwalo le tefelo ye šomišwago go bašomi ba Khansele.

(b) Taolo ye e swanetše go diragatšwa ka tumelelo ya Tona, ka go dira ka tumellano le leloko la Kabinete le nago le maikarabelo a tša ditšhelete. 50

28

- (2) The chief quality assurance officer—  
    (a) after consulting the Council, must determine the staff establishment necessary to assist the Council in carrying out its functions; and  
    (b) must appoint persons in posts on the staff establishment, including persons to assist the chief quality assurance officer in performing the functions contemplated in section 40(4)(b)(i). 5  
(3) An employee of the Council is employed subject to the terms and conditions determined by the Council in accordance with the employment policy contemplated in subsection (1).

**Assignment of oversight and functions of Council** 10

- 44.** (1) The Minister may in writing and subject to such conditions as the Minister may determine, assign oversight of the Council, contemplated in section 30(2), and the performance of any function of the Council contemplated in this Chapter to—  
    (a) the Department;  
    (b) the Board; or 15  
    (c) any other suitable body which is subject to the Public Finance Management Act.  
(2) The Minister may at any time—  
    (a) amend or revoke an assignment made under subsection (1); and  
    (b) review, amend or set aside any decision made under such assignment, 20 provided that a decision may not be withdrawn where it confers a right or an entitlement on a person.  
(3) An assignment under this section does not prevent the Minister from performing the function himself or herself.

**CHAPTER 5** 25

**TOURISM PROTECTION**

**Designation of Tourism Complaints Officer**

- 45.** (1) The Minister may designate a suitably qualified officer of the Department as Tourism Complaints Officer and publish his or her name in the *Gazette*.  
(2) The Tourism Complaints Officer must— 30  
    (a) perform the functions referred to in section 46; and  
    (b) deal with any complaint received in respect of tourism services, facilities or products in the manner provided for in section 47.

**Accreditation of scheme**

- 46.** (1) (a) The Tourism Complaints Officer may on his or her own initiative or in response to a proposal from persons conducting business within a particular tourism sector, recommend to the Minister— 35  
    (i) the accreditation of a particular scheme or arrangement established by or for a particular tourism sector to resolve tourist complaints; and  
    (ii) the person responsible for the implementation of the scheme or arrangement. 40  
(b) Before making the recommendation the Tourism Complaints Officer, must—  
    (i) consult persons conducting business within the particular tourism sector;  
    (ii) publish particulars of the proposed scheme or arrangement and of the proposed accreditation for public comments;  
    (iii) consider any comments received; and 45  
    (iv) where appropriate, make any adjustments to the proposed scheme or arrangement.  
(2) A scheme or arrangement contemplated in subsection (1) must—  
    (a) be consistent with the objects of this Act;  
    (b) be consistent with the Consumer Protection Act; and 50  
    (c) comply with such requirements as may be prescribed.  
(3) The Minister may, by notice in the *Gazette*—  
    (a) accredit a scheme or arrangement contemplated in subsection (1); and

- (2) Mohlankedi mogolo wa netefatšo ya boleng—
- (a) morago ga go boledišana le Khansele, o swanetše go laela hlango ya bašomi ye hlokegago bakeng sa go thuša Khansele go phethagatša mešomo ya yona; mme
  - (b) o swanetše go thwala batho dikgobeng bakeng sa hlango ya bašomi, go akaretšwa batho ba go thuša mohlankedi mogolo wa netefatšo ya boleng bakeng sa go diragatša mešomo ye hlalošitšwego go karolo 40(4)(b)(i)”. 5
- (3) Mošomi wa Khansele o thwalwa go ya ka mabaka le dipeelano tše laelwago ke Khansele go ya ka pholisi ya thwalo ye hlalošitšwego go karolwana (1).

**Phethagatšo ya tekolo le mešomo ya Khansele** 10

44. (1) Tona, ka tsela ya lengwalo mme le go ya ka dipeelano ka moo Tona a ka bonago ka gona, a ka phethagaletša tekolo ya khansele, ye hlalošitšwego go karolo 30(2), le phethagatšo ya mošomo ofe goba ofe wa Khansele wo hlalošitšwego go Kgaolo ye go—
- (a) Kgoro; 15
  - (b) Boto; goba
  - (c) mokgatlo ofe goba ofe wa go ya ka *Public Finance Management Act*.
- (2) Tona, ka nako efe goba efe, a ka—
- (a) fetoša goba a emiša tiragatšo ye dirilwego ka tlase ga karolwana (1); mme
  - (b) sekaseka, fetoša goba go kgapela thoko dipheto tše dirilwego ka tlase ga tiragatšo ye, ge fela sepheto se ka se fedišwe moo se neago tokelo goba borui go motho. 20
- (3) Tiragatšo ka tlase ga karolo ya ga e thibele Tona go phethagatša mošomo ka boyena.

**KGAOLO 5** 25

**TŠHIRELETŠO YA TŠA BOETI**

**Dikgoba tša Mohlankedi wa Dingongorego tša Boeti**

45. (1) Tona a ka bea mohlankedi yo swanetšego wa Kgoro bjalo ka Mohlankedi wa Dingongorego tša Boeti mme a gatiša leina la gagwe *Kuranteng ya Mmušo*. 30
- (2) Mohlankedi wa Dingongorego tša Boeti o swanetše go—
- (a) phethagatša mešomo ye hlalošitšwego go karolo 46; mme
  - (b) šomana le ngongorego efe goba efe ye hweditšwego malebana la ditirelo tša boeti, didirišwa goba ditšweletšwa ka tsela ye phethagaleditšwego go karolo 47.

**Netefatšo ya sekeme** 35

46. (1) (a) Mohlankedi wa Dingongorego tša Boeti, ka boithomelo bja gagwe goba ka phetolo go tšhišinyo go tšwa go batho bao ba dirago kgwebišano gare ga lekala la tša boeti, a ka dira swayaswayo go Tona gore—
- (i) netefatšo ya sekeme se rilego goba thulaganyo ye hlanngwego ke goba bakeng sa lekala le rilego la tša boeti go rarabolla dingongorego tša baeti; mme 40
  - (ii) motho yo nago le maikarabelo a tsenyotirišong ya sekeme goba thulaganyo.
- (b) pele go dirwa diswayaswayo, Mohlankedi wa Dingongorego tša Boeti o swanetše go—
- (i) rerišana le batho ka go dira kgwebo mo gare ga lekala la tša boeti;
  - (ii) gatiša ditlabakelo tša sekeme se šišintšwego goba dithulaganyo le tša netefatšo ye šišintšwego bakeng sa diswayaswayo tša setšhaba; 45
  - (iii) lebelela diswayaswayo dife goba dife tše gweditšwego; mme
  - (iv) moo go kgonegago, a dire dipeakanyetšo go sekeme se šišitšwego goba thulaganyo.
- (2) Sekeme goba peakanyo ye hlalošitšwego go karolwana (1) e swanetše go— 50
- (a) sepelelana se maikemišetšo a Molao wo;
  - (b) sepelelana le *Consumer Protection Act*; mme le
  - (c) go obamela dinyakwa tše ka laelwago.
- (3) Tona a ka, ka tsebišo *Kuranteng ya mmušo*—
- (a) netefatša sekeme goba peakanyo go karolwana (1); mme 55

- (b) amend or withdraw the accreditation on the recommendation of the Tourism Complaints Officer.
- (4) The Tourism Complaints Officer—
  - (a) must monitor the effectiveness of any accredited scheme or arrangement; and
  - (b) may require the person responsible for the implementation of an accredited scheme or arrangement to provide such information as may be reasonably necessary for the purposes of such monitoring. 5

#### **Duties of Tourism Complaints Officer in respect of tourists' complaints**

47. Upon receiving a complaint in respect of any tourism services, facilities or products the Tourism Complaints Officer must— 10
- (a) for the purpose of resolving the complaint, refer the complaint to an accredited scheme or arrangement contemplated in section 46;
  - (b) refer the complaint to the National Consumer Commission, provincial consumer protection authority or consumer court contemplated in the Consumer Protection Act if the Tourism Complaints Officer believes that the issues raised by the complaint can be dealt with expeditiously and fully by the body concerned; 15
  - (c) refer the complaint to the South African Police Service, if the complaint alleges that a person has committed an offence;
  - (d) refer the complaint to the equality court referred to in section 16 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), if the complaint alleges unfair discrimination against a tourist; 20
  - (e) refer the complaint to another regulatory authority with jurisdiction over the matter; or 25
  - (f) deal with the matter in the prescribed manner.

### **CHAPTER 6**

#### **TOURIST GUIDES**

##### **National Registrar of Tourist Guides**

48. (1) The Minister must appoint a suitably qualified officer in the Department as the National Registrar of Tourist Guides and publish his or her name in the *Gazette*. 30
- (2) The National Registrar must—
- (a) maintain a central database of all tourist guides registered by Provincial Registrars in terms of section 50;
  - (b) prepare a code of conduct and ethics for tourist guides in accordance with section 52; 35
  - (c) hear and determine appeals and review irregularities under section 56;
  - (d) monitor trends in the tourist guiding sector by conducting research and analysis;
  - (e) publish or otherwise disseminate information about tourist guides, associations of tourist guides and any other information to promote and develop the tourist guiding sector nationally; and 40
  - (f) liaise with the Board, the Council, Provincial Registrars, tourist guides, associations of tourist guides, education and training authorities, organs of state, the South African Police Service, provincial consumer affairs bodies and any other person or organisation to— 45
    - (i) facilitate the growth and development of the tourist guiding sector;
    - (ii) improve and maintain standards in the tourist guiding sector; and
    - (iii) cooperate on matters of mutual interest in the tourist guiding sector.

- (b) fetoša goba fediša netefatšo ka swayaswayo ya Mohlankedi wa Dingongorego tša Boeti.
- (4) Mohlankedi wa Dingongorego tša Boeti—
  - (a) o swanetše go lekola phethagalo ya sekeme se netefaditšwego goba peakanyetšo; le 5
  - (b) a ka kgopela motho yo nago le maikarabelo a tsenyotirišong ya sekeme se netefaditšwego goba peakanyo go abela tshedimošo ye ka moo go ka hlokegago bakeng sa mabaka a tekolo.

**Ditshwanelo tša Mohlankedi wa Dingongorego tša Boeti malebana le dingongorego tša baeti** 10

47. Morago ga go hwetša ngongorego malebana le ditirelo dife goba dife tša boeti, didirišwa goba ditšweletšwa Mohlankedi wa Dingongorego tša Boeti o swanetše go—
- (a) bakeng sa morero wa go rarabolla bothata, iša ngongorego go sekeme se netefaditšwego goba pekanyetšo ye hlalošitšwego go karolo 46;
  - (b) iša ngongorego go Khomišene ya Bosetšhaba ya Bareki, bolaodi bja tšhireletšo ya bareki goba kgorotsheko ya bareki ye hlalošitšwego go *Consumer Protection Act* ge Mohlankedi wa Dingongorego tša Boeti a dumela gore merero ye mongongoregi a boletšego ka yona e ka rarabollwa ke mokgatlo wo malebana ka bonako mme le ka phethagalo; 15
  - (c) iša ngongorego go Tirelo ya Maphodisa ya Afrika Borwa, ge ngongorego e belaeša gore motho yoo o dirile molato; 20
  - (d) iša ngongorego kgorotsheko ya tekatekano ye hlalošitšwego go karolo 16 ya *Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000)*, ge ngongorego e belaeša kgethollo ye sa lokago kgahlanong le moeti; 25
  - (e) iša ngongorego go Bolaodi bjo bongwe bja tshepetšo bjo bonago le maatla a molao morerong wo; goba
  - (f) šomana le morero ka tsela ye laeditšwego.

**KGAOLO 6**

**DIHLAHLI TŠA BAETI** 30

**Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti**

48. (1) Tona o swanetše go thwala mohlankedi yo swanetšego Kgorong bjalo ka Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti mme a gatiše leina la gagwe *Kuranteng ya mmušo*.
- (2) Mongwadiši wa Bosetšhaba o swanetše go— 35
- (a) hlokomela dathabeise ya bogareng ya dihlahli ka moka tša baeti tše ngwadiitšwego ke Bangwadiši ba Diprofense go ya ka karolo 50;
  - (b) beakanyetša melao ya maitshwaro le maitshwaro a mabotse bakeng sa dihlahli tša baeti go ya ka karolo 52;
  - (c) theeletša le go laola boipelaetšo le go sekaseka tše sa sepelego ka tsela ka tlase ga karolo 56; 40
  - (d) lekola ditlwaello lekaleng la hlahlo ya baeti ka go dira dinyakišišo le tshekatsheko;
  - (e) gatiša goba phatlalatša tshedimošo mabapi le dihlahli tša baeti, mekgatlo ya dihlahli tša baeti mme le tshedimošo efe goba efe go godiša le go tlihabolla lekala la hlahlo ya baeti ka bosetšhaba; mme 45
  - (f) boledišana le Boto le Khansele, Bangwadiši ba Seprofense, dihlahli tša baeti, balaodi ba thuto le katišo, makala a mmušo, Tirelo ya Maphodisa ya Afrika Borwa, mekgatlo ya merero ya bareki ya diprofense le motho ofe goba ofe goba mokgatlo go— 50
    - (i) nolofatša kgolo le tlihabollo ya lekala la hlahlo ya baeti;
    - (ii) kaonafatša le go hlokomela maemo lekaleng la hlahlo ya baeti; mme le
    - (iii) tšhomišano mererong ya kgahlegelo ye tee lekaleng la hlahlo ya baeti.

### Provincial Registrars of Tourist Guides

- 49.** (1) The MEC in each province must appoint a suitably qualified officer in the province as the Provincial Registrar of Tourist Guides for that province and publish his or her name in the *Provincial Gazette*.
- (2) A Provincial Registrar must— 5
- (a) for the purposes of section 50, keep a register of tourist guides within the province concerned and must—
    - (i) record in the register the prescribed particulars with regard to each registered tourist guide;
    - (ii) delete from the register the particulars of any tourist guide whose registration has been withdrawn; 10
    - (iii) make the prescribed endorsement against the name of any tourist guide whose registration has been suspended; and
    - (iv) inform the National Registrar of anything done in terms of subparagraphs (i), (ii) or (iii); 15
  - (b) publish or otherwise disseminate information about registered tourist guides within the province and associations of tourist guides and any other information to promote and develop the tourist guiding sector within the province;
  - (c) promote and develop the tourist guiding sector within the province in any manner other than as contemplated in paragraph (b); 20
  - (d) deal with complaints lodged under section 53;
  - (e) act in accordance with section 54 when a tourist guide becomes subject to any disqualification referred to in section 50(3);
  - (f) exercise disciplinary powers in accordance with section 55; and 25
  - (g) if he or she has reason to believe that any person, company or close corporation contravenes section 57, lay a charge with the South African Police Service.

### Procedure relating to registration of tourist guides

- 50.** (1) (a) Any person who wishes to be registered as a tourist guide must apply to a Provincial Registrar in the prescribed manner. 30
- (b) The application must be accompanied by the prescribed registration fee.
- (2) No person may be registered as a tourist guide in terms of this Act unless he or she shows proof of the competence contemplated in section 51.
- (3) No person may be registered as a tourist guide in terms of this Act if he or she— 35
- (a) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both;
  - (b) subject to subsection (4), has been convicted of an offence in a foreign country and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both; 40
  - (c) loses his or her South African citizenship or right of permanent residence or work permit in the Republic; 45
  - (d) has failed to pass the prescribed quality assurance process that a tourist guide must complete not later than two years after the date of his or her last registration as a tourist guide.
- (4) An offence contemplated in subsection (3)(b) must constitute an offence under South African law. 50
- (5) If the Provincial Registrar is satisfied that the applicant complies with the competence for registration as a tourist guide and that the applicant is not subject to any disqualification mentioned in subsection (3), he or she must register the applicant as a tourist guide.
- (6) When the Provincial Registrar registers any person as a tourist guide, he or she must issue to that person a registration certificate and a badge, which must be in the prescribed form. 55

### Bangwadiši ba Profense ba Dihlahli tša Baeti

49. (1) MEC mo profenseng ye nngwe le ye nngwe bjalo ka Mongwadiši wa Profense wa Dihlahli tša Baeti wa profense yeo o swanetšo go thwala motho yo swanetšego mo profenseng bjalo ka Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti wa profense yeo mme a gatiše leina la gagwe mo *Kuranteng ya mmušo ya profense*. 5

(2) Mongwadiši wa profense o swanetše go—

- (a) bakeng sa merero ya karolo 50, a lota retšisetara ya dihlahli tša baeti mo profenseng ye malebana mme o swanetše go—
  - (i) rekhota mo retšisetareng dintlha tše laeditšwego ka go elelwa hlahli ye nngwe le ye nngwe ye nngwadišitšwego; 10
  - (ii) phumola mo retšisetareng dintlha tša hlahli efe goba efe yeo ngwadišo ya yona e tlošitšwego;
  - (iii) dira thekgo ye beilwego malebana le leina la hlahli efe goba efe yeo ngwadišo ya gagwe e emišitšwego; mme
  - (iv) tsebiša Mongwadiši wa Bosetšhaba ka selo sefe goba sefe se dirilwego go ya ka ditemana (i), (ii) goba (iii); 15
- (b) gatiša goba phatlalatša tshedimošo ka ga dihlahli tše ngwadišitšwego mo profenseng mme le mekgatlo ya dihlahli tša baeti mme le tshedimošo efe goba efe go godiša le go tlabolla lekala la hlahlo ya baeti mo profenseng;
- (c) godiša le go tlabolla lekala la dihlahli tša baeti mo profenseng ka tsela efe goba efe ntle le ka mo go hlalošitšwego go tema (b); 20
- (d) šomana le dingongorego tše dirilwego ka tlase ga karolo 53;
- (e) dira go ya ka karolo 54 ge hlahli ya baeti e tlošwa go ya ka karolo 50(3);
- (f) diragatša magala a kgalemo go ya ka karolo 55; mme
- (g) ge a na le lebaka la go dumela gore motho ofe goba ofe, khamphani goba koporasi e tlola molao wa karolo 57, a bege molato le Tirelo ya Maphodisa ya Afrika Borwa. 25

### Tshepetšo malebana le ngwadišo ya dihlahli tša baeti

50. (1) (a) Motho ofe goba ofe yo a lakatšago go ngwadišwa bjalo ka hlahli ya baeti o swanetše go dira kgopelo go Mongwadiši wa Profense ka tsela ye beilwego. 30

(b) Kgopelo e swanetše go sepela le tefelo ye beilwego ya ngwadišo.

(2) Ga go motho yo tla ngwadišwago bjalo ka hlahli ya baeti go ya ka Molao wo ntle le ge a hlatsela phethagalo ye hlalošitšwego go karolo 51.

(3) Ga go motho yo a ka ngwadišwago bjalo ka hlahli ya baeti go ya ka Molao wo ge a— 35

- (a) ile a latofatšwa ka molato mo Rephabliki, ntle le Molato wo dirilwego pele ga la 27 Aporele 1994 wo malebana le maikemišetšo a sepolotiki, mme a ile a išwa kgolegong ntle le kgetho ya faene goba, mabapi le bofora goba molato ofe goba ofe wo akaretšago go se tshepagale, go tefelo ya faene goba go išwa kgolegong goba ka bobedi ba tšona; 40
- (b) go ya ka karolwana (4), o tšhotšhišeditšwe molato nageng ye šele mme a išwa kgolegong ntle le kgetho ya faene goba, mabapi le bofora goba molato ofe goba ofe wo akaretšago go se tshepagale, go tefelo ya faene goba go išwa kgolegong goba ka bobedi ba tšona;
- (c) a felelwa ke go ba moagi wa mo Afrika Borwa goba tokelo ya bo ba moagi wa go ya go ile goba tumelelo ya go šoma mo Rephabliki; 45
- (d) a paletšwe ke go atlega go tshepetšo ya netefatšo ya boleng yeo e swanetšego ke go phethagatša ke hlahli ya baeti mo mengwageng ye mebedi morago ga letšatši la mafelelo la ngwadišo ya gagwe bjalo ka hlahli ya baeti.

(4) molato wo hlalošitšwego go karolwana (3)(b) o swanetše go ba molato ka tlase ga molao wa Afrika Borwa. 50

(5) Ge Mongwadiši wa Profense a kgotsofala gore mkgopedi o sepelelana le phethagatšo ya ngwadišo bjalo ka hlahli ya baeti mme le gore mkgopedi ga a na tše di mo ganetšago tše hlalošitšwego go karolwana (3), o swanetše go ngwadiša mkgopedi bjalo ka hlahli ya baeti. 55

(6) Ge Mongwadiši wa Profense a ngwadiša motho ofe goba ofe bjalo ka hlahli ya baeti, o swanetše go nea motho yoo setifikeiti sa ngwadišo le petše, tšeo di swanetšego go ba ka tsela ye beilwego.

(7) Registration as a tourist guide is valid—

(a) for a period of three years, reckoned from the date of issue of the registration certificate; and

(b) in all the provinces of the Republic.

(8) (a) Any person registered as a tourist guide may before the end of the period for which he or she has been registered, apply to the Provincial Registrar on the prescribed form for the renewal of his or her registration as a tourist guide in respect of the ensuing period of three years. 5

(b) If the person so applies for the renewal of his or her registration, his or her registration must upon payment of the prescribed fee be renewed, unless he or she has become subject to any disqualification referred to in subsection (3) since the previous registration or renewal of registration. 10

(9) If a tourist guide has since his or her registration acquired a competence contemplated in section 51 in a prescribed field of specialisation or an additional competence within a prescribed field of specialisation, the Provincial Registrar must, on the application of the tourist guide made in the prescribed manner, accompanied by the prescribed fee, issue to the tourist guide a new registration certificate reflecting that competence and also a new badge, which must be in the prescribed form. 15

(10) Subject to subsections (11) and (12), the Provincial Registrar may refuse to approve an application for registration as a tourist guide if the applicant's registration was withdrawn on the grounds of misconduct in terms of section 55 at any time within a period of three years preceding the date of application. 20

(11) Before the Provincial Registrar refuses to approve an application for registration under subsection (10), he or she must, by notice sent by registered post or any other effective method, inform the applicant of the possible refusal and the reason therefor and call upon the applicant to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice. 25

(12) Before the Provincial Registrar decides on an application under this section, he or she must consider the representations, if any, made by the applicant in accordance with subsection (11). 30

### Competence

51. The competence referred to in section 50 must be determined 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). 35

### Code of conduct and ethics

52. (1) The National Registrar must in the prescribed manner, after consultation with the MEC, the Provincial Registrars and stakeholder groupings, prepare and publish a code of conduct and ethics with which every registered tourist guide must comply. 40

(2) The code of conduct and ethics must include provisions requiring a tourist guide—

(a) to take all reasonable steps to ensure the safety of a tourist whom the tourist guide is accompanying; and

(b) to render services which comply with any norms and standards determined under section 7.

### Reporting of contraventions and lodging of complaints 45

53. (1) (a) Any person may report a contravention of section 57(1), (2) or (3) with a Provincial Registrar.

(b) The Provincial Registrar must, if the complaint discloses an offence, lay a charge with the South African Police Service.

(c) In the case of a contravention of section 57(2), the Provincial Registrar must act in accordance with section 54. 50

(2) (a) Any person may lodge a complaint with a Provincial Registrar regarding the misconduct of a tourist guide.

(7) Ngwadišo bjalo ka hlahli ya baeti e šoma—

(a) mengwaga ye meraro, go tloga letšatšikgwedi leo e filwego ka lona la setifikeiti sa ngwadišo; mme

(b) mo diprofenseng ka moka tša Rephabliki.

(8) (a) Motho ofe goba ofe yo ngwadišitšwego bjalo ka hlahli ya baeti, pele nako ye a ngwadišitšwego ka yona e fela, a ka dira kgopelo go Mongwadiši wa Profense mo foromong ye beilwego ya ya mpshafatšo ya ngwadišo ya gagwe bjalo ka hlahli ya baeti malebana le nako ye latelago ya mengwaga ye meraro. 5

(b) Ge motho a dira kgopelo ya go mpshafatša ngwadišo ya gagwe, ngwadišo ya gagwe, ka tefelo ya tshetele ya ngwadišo, e swanetše go mpshafatšwa, ntle le ge a amega mabakeng a go se dumelelwe ao a hlalošitšwego go karolwana (3) go tloga ngwadišong ye filego goba mpshafatšong ya ngwadišo. 10

(9) Ge hlahli ya baeti go tloga ngwadišong ya gagwe a hweditše phethagatšo ye hlalošitšwego go karolo 51 mo boitemogelong bjo bo rilego goba bokgoni bjo okeditšwego mo boitemogelong bjo itšego, Mongwadiši wa Profense o swanetše go, mo kgopelong ya hlahli ya baeti, yeo e dirilwego ka tsela ye beilwego, ye sepelago le tefelo ye beilwego, nea hlahli ngwadišo ye setifikeiti sa ngwadišo ya mpsha se laetšago gore bokgoni gape le petše ye mpsha, tšeo di swanetšego go ba ka tsela ye beilwego. 15

(10) Go ya ka dikarolwana (11) le (12), Mongwadiši wa Profense a ka gana go dumelela kgopelo ya ngwadišo ya hlahli ya baeti ka lebaka la maitshwarompe go ya ka karolo 55 ka nako efe goba efe mo makong ya mengwaga ye meraro ya go latela letšatšikgwedi la kgopelo. 20

(11) Pele Mongwadiši wa Profense a gana go dumela kgopelo ya ngwadišo ka tlase ka karolwana (10), o swanetše go, ka tsebišo ye rometšwego ka poso ye ngwadišitšwego goba tsela efe goba efe ye šomago, tsebiša mkgopedi ka ga kgonagalo ya kganetšo le lebaka la gona mme le go botša mkgopedi gore a romele dikemedi tše malebana le se ka moo a ka nyakago go dira ka gona, mo nakong ye hlalošitšwego tsebišong, yeo e lego gore, e ka se be ye nnyane ga matšatši a 30 go tloga letšatšikgwedding la tsebišo. 25

(12) Pele Mongwadiši wa Profense a ka dira sephetho ka ga kgopelo ka tlase ga karolo ye, o swanetše go akanya dikemedi, ge di le gona, tše dirilwego ke mkgopedi go ya ka karolwana (11). 30

### Bokgoni

51. Bokgoni bjo hlalošitšwego go karolo 50 bo swanetše go laetšwa ke Bolaodi ba Boitemogelo bja Afrika Borwa go ya ka tlhako ya bosetšhaba ya boithutelo ye hlalošitšwego go *National Qualifications Framework Act, 2008 (Act No. 67 of 2008)*. 35

### Molao wa maitshwaro le maitshwaro a mabotse

52. (1) Mongwadiši wa Bosetšhaba, ka tsela ye beilwego, morago ga go rerišana le MEC, Bangwadiši ba Profense le sihlpha tša bakgathatema, o swanetše go beakanya le go gatiša molao wa maitshwaro le maitshwaro a mabotse ao hlahli ye nngwe le ye nngwe e swanetšego go a latela. 40

(2) Molao wa maitshwaro le maitshwaro a mabotse o swanetše go akaretša ditaelo tše hlokago gore hlahli ya baeti e—

(a) e tšee magato ka moka a hlokegago go netefatša bolokego ya moeti yoo a sepelago le hlahli ya baeti; mme

(b) go abela ditirelo tšeo di sepelelanago le ditlwaedi dife goba dife le maemo ao a laelwago ka tlase ga karolo 7. 45

### Go bega ditlolo tša molao le go dira dingongorego

53. (1) (a) Motho ofe goba ofe a ka bega tlolo ya karolo 57(1), (2) goba (3) go Mongwadiši wa Profense.

(b) Mongwadiši wa Profense o swanetše, ge ngongorego e laetša molato, a bega molato go Tirelo ya Maphodisa ya Afrika Borwa. 50

(c) Bakeng sa tlolo ya karolo 57(2), Mongwadiši wa Profense o swanetše go dira go ya ka karolo 54.

(2) (a) Motho ofe goba ofe a ka bega ngongorego go Mongwadiši wa Profense malebana le maitshwarompe a hlahli ya baeti. 55

- (b) The Provincial Registrar must, if the complaint discloses—
- (i) a contravention of this Act or any other law constituting an offence, lay a charge with the South African Police Service and act in accordance with section 54;
  - (ii) misconduct not constituting an offence, including a contravention of the code of conduct and ethics contemplated in section 52, act in accordance with section 54.
- (3) A Provincial Registrar concerned must within 14 days report to the National Registrar in writing the result of any case dealt with in terms of this section.

**Action by Provincial Registrar regarding disqualification of tourist guides** 10

- 54.** (1) (a) If a Provincial Registrar has reason to believe that a tourist guide has become subject to any disqualification referred to in section 50(3), the Provincial Registrar must by notice, sent by registered post or any other effective method, inform the tourist guide of the allegation against him or her and call upon that tourist guide to submit such representations in connection therewith as he or she may wish to make. 15
- (b) The representations must be submitted to the Provincial Registrar within the period specified in the notice, which may not be fewer than 30 days from the date of the notice.
- (2) The notice must direct the attention of the tourist guide to the possibility of his or her registration as a tourist guide being withdrawn. 20
- (3) The tourist guide may present his or her case personally before the Provincial Registrar or through an adviser of his or her choice.
- (4) If, after considering the allegations against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that one or more of the disqualifications referred to in section 50(3) are applicable, the Provincial Registrar must withdraw the registration as a tourist guide. 25
- (5) (a) The Provincial Registrar may, by the notice referred to in subsection (1), suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (4).
- (b) The Provincial Registrar must, before the decision to suspend the registration of the tourist guide is taken, afford the tourist guide an opportunity to make representations to show why the registration should not be suspended.
- (6) Subsection (3) applies to any proceedings for the suspension of the registration of a tourist guide under subsection (5).
- (7) If the registration of a tourist guide is suspended in terms of subsection (5), the Provincial Registrar must make the prescribed endorsement in the register of tourist guides referred to in section 49(2), against the name of the tourist guide. 35
- (8) The Provincial Registrar must cause the names of any person whose registration has been withdrawn under this section to be published in the *Gazette* and in at least one newspaper that circulates in the province concerned. 40

**Disciplinary measures**

- 55.** (1) (a) A Provincial Registrar must institute an investigation or cause an investigation to be instituted if he or she has reason to believe that a tourist guide is guilty of misconduct by—
- (i) contravening a provision of this Act or any other law; 45
  - (ii) contravening the code of conduct and ethics referred to in section 52; or
  - (iii) failing to comply with any condition subject to which he or she has been registered.
- (2) (a) A Provincial Registrar who institutes an investigation or causes an investigation to be instituted contemplated in subsection (1) must by notice, sent by registered post or any other effective method, inform the tourist guide of the charge against him or her. 50
- (b) The notice must call upon that tourist guide to submit such representations in connection with the charge as he or she may wish to make, within a period specified in the notice, which may not be fewer than 30 days from the date of the notice. 55

(b) Mongwadiši wa Profense o swanetše, ge ngongorego e hlaloša—

- (i) tlolo ya Molao wo goba molao ofe goba ofe wo o laetšago molato, a bege molato go Tirelo ya Maphodi a Afrika Borwa mme a dire go ya ka karolo 54;
- (ii) maitshwarompe ao e sego molato, go akaretšwa tlolo ya molao wa maitshwaro le maitshwaro a mabotse ye hlalošitšwego go karolo 52, go dira go ya ka karoro 54. 5

(3) Mongwadiši wa Profense yo malebana o swanetše mo matšatšing a 14 go bega go Mongwadiši wa Bosetšhaba ka tsela ya lengwalo, poelo ya molato ofe goba ofe wo o sepeditšwego go ya ka karolo ye.

#### **Magato ka Mongwadiši wa Profense malebana le go tlošwa ga dihlahli tša baeti 10**

**54.** (1) (a) Ge Mongwadiši wa Profense a na le lebaka la go dumela gore hlahli ya baeti e swanelwa ke kgethollo efe goba efe ye e hlalošitšwego go karolo 50(3), Mongwadiši wa Profense o swanetše go, ka tsebišo, ye rometšwego ke poso ye ngwadišitšwego goba tsela efe goba efe ye šomago, tsebiša hlahli ya baeti ka ga dipelaelo kgahlanong le ena mme a bitšwa go romela dikemedi tše malebana tšeo a ka nyakago go di diragatša. 15

(b) dikemedi di swanetše go romelwa go Mongwadiši wa Profense mo nakong ye laeditšwego tsebišong, tšeo di ka se bego bonnyane ba matšatši a 30 go tloga letšatšikgwedi la tsebišo.

(2) Tsebišo e swanetše go llaetša hlahli ya baeti ka kgonagalo ya gore ngwadišo ya gagwe e ka tlošwa. 20

(3) Hlahli ya baeti e ka araba molato wa yona ka bo yona go Mongwadiši wa Profense goba ka moeletši wa boikgethelo bja gagwe.

(4) Ge e le gore, morago ga go elelwa dipelaelo kgahlanong le hlahli ya baeti le dikemedi tša gagwe, ge di le gona, Mongwadiši wa Profense a kgotsofala gore go tlošwa go ngwadilwego go karolo 50(3) go swanetše, Mongwadiši wa Profense o swanetše go tloša ngwadišo ya hlahli ya baeti. 25

(5) (a) Mongwadiši wa Profense a ka, ka tsebišo ye hlalošitšwego go karolwana ye (1), emiša, nako ye sa fetego matšatši a 30, ngwadišo ya hlahli ya baeti ye amegago, go sa emetše sephetho sa Mongwadiši wa Profense ka tlase ga karolwana (4). 30

(b) Mongwadiši wa Profense o swanetše go, pele sephetho sa go emiša ngwadišo ya hlahli ya baeti se dirwa, nea hlahli ya baeti monyetla wa go phethagaletša dikemedi go laetša gore ke ka eng ngwadišo e sa swanela go emišwa.

(6) Karolwana (3) e šoma go ditshepetšo dife goba dife bakeng sa go emišwa ga ngwadišo ya hlahli ya baeti ka tlase ga karolwana (5). 35

(7) Ge ngwadišo ya hlahli ya baeti e emišitšwe go ya ka karolwana (5), Mongwadiši wa Profense o swanetše go phethagaletša thekgo retšisetareng ya dihlahli ye hlalošitšwego go karolo 49(2), kgahlanong le leina la hlahli ya baeti.

(8) Mongwadiši wa Profense o swanetše go netefatša gore maina batho bafe goba bafe ao dingwadišo tša bona di emišitšwego ka tlase ga karolo ye gore a gatišwe *Kuranteng ya Mmušo* mme le gare ga kuranta le ge e ka ba ye tee ye phatlalatšwago mo profenseng ye malebana. 40

#### **Magato a kgalemo**

**55.** (1) (a) Mongwadiši wa Profense o swanetše go rulaganya dinyakišišo goba go diragatša dinyakišišo ge a na le lebaka la go dumela gore hlahli ya baeti e na le molato wa maitshwarompe ka— 45

- (i) go tlola taelo ya Molao wo goba molao ofe goba ofe;
- (ii) go tlola molao wa maitshwaro le maitshwaro a mabotse ao a hlalošitšwego go karolo 52; goba
- (iii) go palelwa ke go latela dipeelano dife goba dife tšeo a ngwadišitšwego go tšona. 50

(2) (a) Mongwadiši wa Profense yo a rulaganyago nyakišišo goba yo a diragatšago nyakišišo ye hlalošitšwego go karolwana (1) o swanetše go, ka tsebišo, ye rometšwego ka poso ye ngwadišitšwego goba tsela efe goba efe ye šomago, tsebiša hlahli ya baeti ka ga tefelo kgahlanong le yena. 55

(b) Tsebišo e swanetše go bitša hlahli ya baeti go romela dikemedi tše malebana le molato wo a nyakago go o dira, mo nakong ye laetšwego tsebišong, mme yeo e ka se bego matšatši a ka tlase go a 30 go tloga letšatšikgweding la tsebišo.

(c) The notice must direct the attention of the tourist guide to the possible penalties referred to in subsection (4).

(3) The tourist guide may present his or her case personally before the Provincial Registrar or through an adviser of his or her choice.

(4) If, after considering the charge against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that the tourist guide is guilty of the charge of which he or she is accused, the Provincial Registrar may—

- (a) issue a warning to the tourist guide;
- (b) impose the prescribed fine, which may not exceed R10 000, on the tourist guide; or
- (c) withdraw the registration as a tourist guide for such period, not exceeding five years, as the Provincial Registrar may determine.

(5) (a) The Provincial Registrar may, by notice contemplated in subsection (2)(a), suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (4).

(b) The Provincial Registrar must, before the decision to suspend the registration of the tourist guide is taken, afford the tourist guide an opportunity to make representations to show why the registration should not be suspended.

(6) Subsection (3) applies to any proceedings for the suspension of the registration of a tourist guide under subsection (5).

(7) If the registration of a tourist guide is suspended in terms of subsection (5), the Provincial Registrar must make the prescribed endorsement in the register of tourist guides referred to in section 49(2), against the name of the tourist guide.

### Appeals and reviews

56. (1) Any person who is aggrieved by a decision of a Provincial Registrar may appeal against the decision in question to the National Registrar in the prescribed manner, within the prescribed period and upon payment of the prescribed fee.

(2) The appellant may argue his or her appeal personally before the National Registrar, or through an adviser of his or her choice.

(3) The National Registrar may confirm, set aside or amend the decision.

(4) The power to determine an appeal in terms of this section is not restricted to the merits of the decision appealed against, but includes the power to review any irregularity alleged regarding the decision.

### Prohibitions

57. (1) No person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn, may for reward, whether monetary or otherwise, act as a tourist guide.

(2) No person who has become subject to any disqualification referred to in section 50(3) may for reward, whether monetary or otherwise, act as a tourist guide.

(3) No person, company or close corporation may for the promotion of any business undertaking conducted by him, her or it, employ or continue to employ as a tourist guide any person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn or who has become subject to a disqualification contemplated in subsection (2).

### Disputes

58. Any dispute or disagreement between the National Registrar and a Provincial Registrar concerning the performance of any of the functions contemplated in sections 49, 50, 52, 53, 54, 55 or 56 must—

- (a) be dealt with in accordance with the principles of cooperative government and intergovernmental relations referred to in section 41 of the Constitution of the Republic of South Africa, 1996, and the provisions of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005); and
- (b) whenever necessary, be settled in accordance with Chapter 4 of the Intergovernmental Relations Framework Act, 2005.

(c) Tsebišo e swanetše go laetša hlahli ya baeti go dikotlo tša kgonagalo tše go bolelwago ka tšona go karolwana (4).

(3) Hlahli ya baeti e ka arabela molato wa yona ka boyona go Mongwadiši wa Profense goba moeletši wa boikgethelo bja gagwe.

(4) Ge e le gore, morago ga go elelwa molato wa hlahli ya baeti le dikemedi tša gagwe, ge di le gona, Mongwadiši wa Profense a kgotšofetše gore hlahli ya baeti e na le molato wo e belayetšwego ka ona, Mongwadiši wa Profense a ka—

(a) nea temošo go hlahli ya baeti;

(b) lefiša hlahli ya baeti faene ye beilwego, yeo e ka se fetego R10 000; goba

(c) tloša ngwadišo bjalo ka hlahli ya baeti bakeng sa botelele bja nako ye sa fetego mengwaga ye mehlano ka moo Mongwadiši wa Profense a ka laolago ka gona.

(5) (a) Mongwadiši wa Profense a ka, ka tsebišo ye hlalošitšwego go karolwana (2)(a), emiša, botelele bja nako ye fetego matšatši a 30, ngwadišo ya hlahli ya baeti ye malebana, go sa emetšwe sepheto sa Mongwadiši wa Profense ka tlase ga karolwana (4).

(b) Mongwadiši wa Profense o swanetše go, pele sepheto sa go emišwa ngwadišo ya hlahli ya baeti, nea hlahli ya baeti monyetla wa go phethagaletša dikemedi go laetša gore ke ka eng ngwadišo e swanela go emišwa.

(6) Karolwana (3) e šoma go ditshepetšo dife goba dife bakeng sa kemišo ya ngwadišo hlahli ya baeti ka tlase ga karolwana (5).

(7) Ge ngwadišo ya hlahli ya baeti e emišitšwe go ya ka karolwana (5), Mongwadiši wa Profense o swanetše go phethagatša tsenyo ye beilwego go retšisetara ya dihlahli tša baeti ye hlalošitšwego go karolo 49(2), kgahlanong le leina la hlahli ya baeti.

### Boipelaetšo le ditshekaseko

56. (1) Motho ofe goba ofe yo nago le ngongorego ya sepheto sa Mongwadiši wa Profense a ka dira boipelaetšo kgahlanong le sephetho seo go Mongwadiši wa Bosetšhaba ka tsela ye beilwego, mme mo nakong ye beilwego le ka tefelo ye hlokegago.

(2) Mongongoregi a ka ikarabela boipelaetšo bja gagwe ka boyena pele ga Mongwadiši wa Bosetšhaba, goba ka moeletši wa boikgethelo bja gagwe.

(3) Mongwadiši wa Bosetšhaba a ka netefatša, a beyela thoko goba a fetoša sepheto se.

(4) Maatla a go laola boipelaetšo go ya ka karolo ye felele go phethagalo ya sepheto se se tšerwego kgahlanong le yona, efela a akaretša maatla a sekaseko ya go sepele ka tsela gofe goba gore malebana le sepheto.

### Dithibelo

57. (1) Motho yo e sego hlahli ya baeti ye ngwadišitšwego goba yo nwadišo ya gagwe e tlošitšwego ga se a swanela go dira bjalo ka hlahli ya baeti ka lebaka la kholego, le ge e ka ba tšhelete.

(2) Motho yo a tlošitšwego mabaka a laeditšwego go karolo 50(3) ga se a swanela go dira bjalo ka hlahli ya baeti bakeng sa kholego goba tšhelete.

(3) Ga go motho, khamphani goba koporasi ye, bakeng sa papatšo ya kgwebo efe goba efe yeo e diragatšwago ke yena goba yona, e ka thwalago motho yo a sa ngwadišwago bjalo ka hlahli ya baeti goba yoo ngwadišo ya gagwe e emišitšwego goba e tlošitšwego goba yoo a tlošitšwego go ya ka mabaka a hlalošitšwego go karolwana (2).

### Dithulano

58. Thulano efe goba efe goba ngangišano magareng ga Mongwadiši wa Bosetšhaba le Mongwadiši wa Profense malebana le phethagatšo ya mešomo efe goba efe ye hlalošitšwego go dikarolo 49, 50, 52, 53, 54, 55 goba 56 e swanetše go—

(a) rarabollwa go ya ka dikokwane tša mmušo wa tirišano le ditswalano tša mebušo tše hlalošitšwego go karolo 41 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996, mme le ditaelo tša *the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005)*; mme

(b) ge go hlokega, rarabollwa go ya ka Kgaolo 4 ya *the Intergovernmental Relations Framework Act, 2005*.

## CHAPTER 7

### GENERAL

#### Offences and penalties

- 59.** (1) A person is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year if he or she— 5
- (a) professes to be a member of a scheme contemplated in section 28(3), while he or she is not such a member. 15
  - (b) uses in relation to any tourism services, facilities or products offered by him or her any depiction or depictions of a star or stars, or any other prescribed insignia, unless he or she is a member of a scheme contemplated in section 28(3); 10
  - (c) uses in relation to any tourism services, facilities or products offered by him or her an insignia depicting a star or number of stars, or any other prescribed insignia, which is greater than the number which he or she is authorised to depict in terms of such tourism services, facilities or products; 15
  - (d) knowingly makes or assists in providing information or any document, required by this Act, that contains an untrue statement of a material fact; 20
  - (e) knowingly omits to state a material fact in or on any document referred to in paragraph (d); or
  - (f) contravenes section 57(1), (2) or (3). 20
- (2) Any company or close corporation that contravenes section 57(3) is guilty of an offence and liable on conviction to a fine not exceeding R100 000,00.

#### Delegations and assignments

- 60.** (1) The Minister may in writing and subject to such conditions as the Minister may determine, delegate or assign to the Director-General, any other officer of the Department or any organ of state any power or duty conferred on the Minister by this Act. 25
- (2) The Minister may not delegate the power—
- (a) to determine norms and standards in terms of this Act;
  - (b) to appoint a member of the Board; 30
  - (c) to appoint a member of the Council; or
  - (d) to make a regulation.
- (3) The Director-General may in writing and subject to such conditions as the Director-General may determine, delegate or assign to any other officer of the Department, any power or duty conferred on the Director-General in terms of this Act or delegated or assigned to the Director-General under subsection (1). 35
- (4) Any delegation or assignment under subsection (1) or (3)—
- (a) must be in writing;
  - (b) does not divest the person who made the delegation or assignment of the power delegated or duty assigned; 40
  - (c) does not prevent the person who made the delegation or assignment from exercising the power or performing the duty so delegated or assigned; and
  - (d) may at any time be withdrawn by the person who delegated the power or assigned the duty.

#### Regulations 45

- 61.** (1) The Minister may, by notice in the *Gazette*, make regulations regarding—
- (a) in relation to the national tourism information and monitoring system contemplated in section 5— 50
    - (i) the nature and form of the system;
    - (ii) the categories, content and form of the data and information to be captured on the system;
    - (iii) the content, form and manner in which organs of state must provide the Minister with data and information and the intervals at which the information and data must be provided; and

## KGAOLO 7

### KAKARETŠO

#### Melato le dikotlo

- 59.** (1) Motho o na le molato mme ka go tšhotšhiswa, o tla swanela ke kotlo ya faene goba go išwa kgolegong nako ye fetego ngwaga wo tee ge a— 5
- (a) dumela go ba leloko la sekeme se hlalošitšwego go karolo 28(3), mme e se leloko.
  - (b) diriša malebana le ditirelo tša boeti, didirišwa goba ditšweletšwa tše abelwago ke ena goba taetšo efe goba efe goba ditaetšo tša naledi goba dinaledi, goba leswao le lengwe le lengwe, ntle le ge e le leloko la sekeme se hlalošitšwego go karolo 28(3); 10
  - (c) diriša ditirelo dife goba dife tša boeti, didirišwa goba ditšweletšwa tše fiwago ke yena leswao le laetšago naledi goba palo ya dinaledi, goba leswao lefe goba lefe le beilwego, tšeo di fetago palo ya tše a dumeletšwego go di laetša go ya ka ditirelo tše tša boeti, didirišwa goba ditšweletšwa; 15
  - (d) abela goba a thuša go abela tshedimošo ka go tseba goba tokomane efe goba efe ye hlokegago Molaong wo, yeo e nago le ditatamente tša ditlabakelo tša bofora;
  - (e) ka go tseba , ntša nnete ya ditlabakelo tokomaneng efe goba efe ye malebana le tema (d); goba 20
  - (f) a tlola ditaello tša karolo 57(1), (2) goba (3).
- (2) Khamphani efe goba efe goba koporasi ye tloago karolo 57(3) e na le molato mme ge e tšhotšhiswa e tla lefa faene ye sa fetego R100 000,00.

#### Phetišetšo ya maatla le mešomo

- 60.** (1) Tona, ka tsela ya lengwalo mme go ya ka dipeelano tše ka laelwago ke Tona, 25  
a ka laola, romela goba nea mošomo go Molaodi-Kakaretšo, mohlankedi ofe goba ofe wa Kgoro goba lekala la mmušo maatla afe goba afe goba mošomo we filwego Tona ke Molao wo.
- (2) Tona a ka se nee maatla a go— 30
- (a) laola ditlwaelo le maemo go ya ka Molao wo;
  - (b) thwala leloko la Boto;
  - (c) thwala leloko la Khansele; goba
  - (d) dira molawana.
- (3) Molaodi-Kakaretšo a ka, ka tsela ya lengwalo mme go ya ka dipeelano tše Molaodi-Kakaretšo a ka di laelago, romela goba nea mohlankedi ofe goba ofe wa Kgoro, maatla afe goba afe goba mošomo wo filwego Molaodi-Kakaretšo go ya ka Molao goba wo rometšwego goba wo filwego ka tlase ga karolwana (1). 35
- (4) Thomelo efe goba efe goba mošomo ka tlase ga karolwana (1) goba (3)—
- (a) o swanetše go ba ka tsela ya lengwalo;
  - (b) ga o tloše motho yo rometšwego goba yo filego maatla a go phethagatša goba mošomo wo neilwego; 40
  - (c) ga o thibele motho yo rometšwego goba yo neilego mošomo go diragatša maatla goba go phethagatša mošomo wo go rometšwego go ona goba wo neilwego.
  - (d) o ka emišwa ka nako efe goba efe ke motho yo neilego maatla goba a neilego mošomo. 45

#### Melawana

- 61.** (1) Tona a ka, ka tsebišo Kuranteng ya mmušo, dira Melawana malebana le—
- (a) tshedimošo ya bosetšhaba ya tša boeti le tsela ya ya tekolo ye hlalošitšwego go karolo 5— 50
    - (i) seemo le sebopego sa tsela ye;
    - (ii) magoro ka moka, tshwaraganyo le mohuta wa datha le tshedimošo yeo e tla lotwago mo sedirišweng se;
    - (iii) tshwaraganyo, mokgwa le ka moo makala a mmušo a swanetšwego go abela Tona ka datha le tshedimošo le dinako tšeo tshedimošo le data di swanetšwego go abelwa; mme 55

- (iv) any other matter necessary for the proper administration and functioning of the system;
  - (b) the manner and procedure for lodging complaints with the Tourism Complaints Officer;
  - (c) any matter which may or must be prescribed in terms of this Act; and 5
  - (d) generally, any ancillary or incidental administrative or procedural matter that it is necessary or expedient to prescribe for the proper implementation or administration of this Act.
- (2) A regulation made under this section may, for any contravention thereof, or failure to comply therewith, prescribe a fine or imprisonment for a period not exceeding 12 10 months or to both a fine and such imprisonment.

### Repeal of laws

- 62.** The following Acts are hereby repealed:
- (a) the Tourism Act, 1993 (Act No. 72 of 1993);
  - (b) the Tourism Amendment Act, 1996 (Act No. 105 of 1996); 15
  - (c) the Tourism Amendment Act, 2000 (Act No. 8 of 2000); and
  - (d) the Tourism Second Amendment Act, 2000 (Act No. 70 of 2000).

### Transitional provisions and savings

- 63.** The transitional provisions and savings contained in Schedule 1 must be read and applied as substantive provisions of this Act. 20

### Short title and commencement

- 64.** (1) This Act is called the Tourism Act, 2014, and takes effect on a date to be determined by the President by proclamation in the *Gazette*.
- (2) Different dates may be so determined in respect of different provisions of this Act.

- (iv) morero ofe goba ofe wo hlokegago bakeng sa tshepetšo le tšhomišo ye phethagetšego ya tsela ye;
  - (b) mokgwa le tshepetšo ya go dira dingongorego le Mohlankedi wa Dingongorego tša Boeti;
  - (c) morero ofe goba ofe wo o ka goba swanetše o laolwe go ya ka Molao wo; 5  
mme
  - (d) kakaretšo, morero ofe goba ofe wa thušo goba wo bohlokwa wa tshepetšo woo go nago le hlokego goba o phethagatšwe bakeng sa tsenyotirišong ya phethagalo goba tshepetšo ya Molao wo.
- (2) Molawana o dirilwego ka tlase ga karolo ye o ka, bakeng sa tlolo ya molao, goba 10  
palelo ya go obamela tše, laetša faene le go išwa kgolegong.

#### Phumolo ya melao

**62.** Melao ye latelago e a phumolwa—

- (a) Tourism Act, 1993 (Act No. 72 of 1993);
- (b) Tourism Amendment Act, 1996 (Act No. 105 of 1996); 15
- (c) Tourism Amendment Act, 2000 (Act No. 8 of 2000); le
- (d) Tourism Second Amendment Act, 2000 (Act No. 70 of 2000).

#### Ditaelo tša nakwana le dipoloko

**63.** Ditaelo tša nakwana le dipoloko tše lego go Šetule 1 di swanetše go balwa mme di diragatšwe bjalo ka ditaelo tše mo Molaong wo. 20

#### Thaetlele ye kopana le go thoma go šoma ga Molao

**64.** (1) Molao wo o bitšwa Molao wa tša Boeti, 2014, mme o thoma go šoma ka letšatšikgwedi leo le tla laelwago ke Mopresidente ka kgoeletšo *Kuranteng ya Mmušo*.

(2) Matšatšikgwedi a farologanego a ka laolwa go ya ka ditaelo tše farologanego tša Molao wo. 25

## SCHEDULE 1

### (Clause 63)

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### Definitions

1. In this Schedule, “repealed Act” means the Tourism Act, 1993 (Act No. 72 of 1993). 5

##### Members of South African Tourism Board

2. (1) Every person who is a member of the South African Tourism Board established by section 2 of the repealed Act immediately before this Act takes effect, remains a member of the Board until a date determined by the Minister by notice in the *Gazette*. 10

(2) Anything done or any decision or step taken by the South African Tourism Board in terms of the repealed Act which could have been done by the Board in terms of any provision of this Act, is regarded as having been done by the Board in terms of the last-mentioned provision.

##### Grading and classification schemes established under repealed Act 15

3. (1) Any grading and classification scheme established by the Minister under section 18 of the repealed Act in respect of accommodation establishments, and any scheme established by the Minister under section 19 of that Act in respect of a sector of the tourism industry other than accommodation establishments, remains of force and effect and must be regarded as a scheme established by virtue of section 28(3). 20

(2) Any person who is a member of a grading and classification scheme contemplated in section 18(1) of the repealed Act or a scheme contemplated in section 19(1) of that Act, remains such a member and must be regarded as a member of a grading and classification scheme established by virtue of section 28(3).

(3) Any differentiation applied and any classification made by the Minister under section 18(2) of the repealed Act in respect of accommodation establishments, or under section 19(2) in respect of a sector of the tourism industry other than accommodation establishments, remains of force and effect and must be regarded as having been applied or made, as the case may be, by virtue of a grading and classification scheme contemplated in section 28(3). 30

(4) Any grading awarded in respect of an accommodation establishment by virtue of a grading and classification scheme contemplated in section 18(1) of the repealed Act, and any authority granted under section 18(5) of that Act to use and display insignia indicating the grading awarded in respect of the establishment concerned, remains of force and effect and must be regarded as having been awarded or granted, as the case may be, by virtue of a grading and classification scheme contemplated in section 28(3). 35

(5) Until a date determined by the Minister by notice in the *Gazette*, the Tourism Grading Council of South Africa which existed immediately before the commencement of this Act as a business unit of the Board must be regarded as the Tourism Grading Council established by section 29. 40

##### National Registrar of Tourist Guides and Provincial Registrars of Tourist Guides

4. Any person who occupies the post of National Registrar of Tourist Guides or a post of Provincial Registrar of Tourist Guides immediately before this Act takes effect, remains in that post and is regarded as having been appointed under section 48 or section 49, as the case may be. 45

## ŠETULE 1

(Kgaolo 63)

### DITAELO TŠA NAKWANA LE DIPOLOKO

#### Dihlalošo

1. Mo Šetuleng ye, “Molao wo phumotšwego” o ra Molao wa tša Boeti, 1993 5  
(Molao. 72 ya 1993).

#### Maloko a Boto ya Baeti ya Afrika Borwa

2. (1) Motho ofe goba ofe yo e lego leloko la Boto ya tša Boeti ya Afrika Borwa ye hlanngwego ka karolo 2 ya Molao wo phumotšwego pele Molao wo o ka thoma go šoma, o tšwela pele ka go ba leloko la Boto go fihlela letšatšikgwedi le laelwago ke Tona 10  
ka tsebišo *Kuranteng ya Mmušo*.

(2) Selo sefe goba sefe se dirilwego goba sepheto se tšerwego goba legato le tšerwego ke Boto ya tša Boeti ya Afrika Borwa go ya ka Molao wo phumotšwego tšeo di kabego di dirilwe ke Boto go ya ka ditaelo tša Molao wo, di tšewa bjalo ka tše go phethagaditšwego ke Boto go ya ka taelo ya hlalošitšwego ya mafelelo. 15

#### Dikeme tša tekanyetšo le magoro tše hlanngwego ka tlase ga Molao wo phumotšwego

3. (1) Sekeme sefe goba sefe sa tekanyetšo le go beya ka magoro seo se hlanngwego ke Tona ka tlase ga karolo 18 ya Molao wo phumotšwego malebana le go hloma madulo, le sekeme sefe goba sefe se hlanngwego ke Tona ka tlase ga karolo 19 ya Molao woo 20  
malebana le lekala la indasteri ya tša boeti ntle le ntle le hlango ya madulo se tla šoma le go phethagatša mme se swanetše go bonwa bjalo ka sekeme se hlanngwego ka karolo ya 28(3).

(2) Motho ofe goba ofe yo e lego leloko la sekeme sa tekanyetšo le magoro se hlalošitšwego go karolo 18(1) ya Molao wo phumotšwego goba sekeme se 25  
hlalošitšwego go karolo 19(1) ya Molao woo, o tšwela pele ka go ba leloko mme o swanetše go bonwa bjalo ka leloko la sekeme sa tekanyetšo le magoro se hlanngwego ka karolo 28(3).

(3) Pharologanyo efe goba efe ye diragatšwego mme le magoro a dirilwego ke Tona ka tlase ga karolo 18(2) ya Molao wo phumotšwego malebana le hlango ya madulo, 30  
goba ka tlase ga karolo 19(2) malebana le lekala la indasteri ya tša boeti ntle le hlango ya madulo, di dula di šoma le go phethagatša mme di swanetše go tsewa bjalo ka tše diragaditšwego goba tše dirilwego, ka moo go ka bago ka gona, ka sekeme sa tekanyetšo le magoro se hlalošitšwego go karolo 28(3).

(4) Tekanyetšo efe goba efe ye filwego go ya ka hlango ya madulo ka sekeme sa 35  
tekanyetšo le magoro se hlalošitšwego go karolo 18(1) ya Molao wo phumotšwego, mme le Bolaodi bofe goba bofe bo filwego ka tlase ga karolo 18(5) ya Molao woo go diriša le go laetša leswao le hlagišago tekanyetšo malebana hlango ye malebana, e dula e dira le go diragatša mme e swanetše go tsewa bjalo ka ye dirilwego goba ye diragaditšwego, ka moo go lego ka gona, ka sekeme sa tekanyetšo le magoro se 40  
hlalošitšwego go karolo 28(3).

(5) Go fihlela letšatšikgwedi le laelwago ke Tona ka tsebišo *Kuranteng ya Mmušo*, Khansele ya Tekanyetšo ya maemo ya Afrika Borwa yeo e bego e le gona pele Molao wo o ka thoma go šoma bjalo ka yuniti ya kgwebo ya Boto e swanetše go bonwa bjalo ka Khansele ya Tekanyetšo ya maemo ye hlanngwego ka karolo 29. 45

#### Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti le Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti

4. Motho ofe goba ofe yo lego sekgobeng sa Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti goba sekgobeng sa Mongwadiši wa Profense wa Dihlahli tša Baeti pele Molao wo o thoma go šoma o dula sekgobeng seo mme o bongwa bjalo ka yo a thwetšwego ka 50  
tlase ga karolo 48 goba karolo 49, ka moo go lego ka gona.

### **Tourist guides**

**5.** (1) Any person registered as a tourist guide in terms of section 21A of the repealed Act immediately before this Act takes effect, remains registered as a tourist guide for the rest of the period of validity of his or her registration and must be regarded as having been registered in terms of section 50. 5

(2) Any tourist guide registered in a field of specialisation contemplated in section 21A(7) of the repealed Act immediately before this Act takes effect, remains so registered for the rest of the period of validity of his or her registration and must be regarded as having been registered in terms of section 50(9).

(3) Any application by a tourist guide for the renewal of his or her registration as a tourist guide, which has been lodged with a Provincial Registrar in terms of section 21A(6)(b) of the repealed Act but not yet finalised when this Act takes effect, must be dealt with, and a registration certificate issued, in terms of this Act. 10

### **Disciplinary measures, appeals, reviews and criminal proceedings**

**6.** Any disciplinary measure instituted in terms of section 21F of the repealed Act, any appeal or review lodged in terms of section 21G of that Act and any criminal proceedings instituted in terms of section 28 of that Act, but not yet finalised when this Act takes effect, must be dealt with and concluded in terms of the repealed Act as if that Act had not been repealed. 15

### **General**

20

**7.** The following matters authorised by or provided for in the repealed Act, remain of force and effect until amended, repealed or replaced in terms of this Act:

- (a) Any record of members of a grading and classification scheme and of establishments graded and classified in terms of such scheme, kept by the South African Tourism Board in terms of section 18(6) of the repealed Act; 25
- (b) any central database of all tourists maintained by the National Registrar in terms of section 20(2)(a) of the repealed Act;
- (c) any register of tourists, kept by a Provincial Registrar in terms of section 21(2)(a) of the repealed Act;
- (d) any code of conduct and ethics prepared and published by the National Registrar in terms of section 21C of the repealed Act; and 30
- (e) any regulation made by the Minister under the repealed Act.

**Dihlahli tša baeti**

5. (1) Motho ofe goba ofe yo ngwadišitšwego bjalo ka hlahli ya baeti go ya ka karolo 21A ya Molao o phumotšwego pele ga Molao wo o thoma go šoma, o tšwela pele bjalo ka yo ngwadišitšwego bjalo ka hlahli ya baeti go fihlela nako ye šetšego ya ngwadišo ya gagwe mme o swanetš go bonwa bjalo ka yo ngwadišitšwego ka tlase ga karolo 50. 5

(2) Hlahli efe goba efe ye ngwadišitšwego lekaleng mošomong wo hlalošitšwego go karolo 21A(7) ya Molao wo phumotšwego pele Molao wo o thoma go šoma, e dula e ngwadišitšwe nakong ka moka ya ngwadišo mme o swanetše go bonwa bjalo ka yo a bego a ngwaditšwe go ya ka karolo 50(9).

(3) Kgopelo efe goba efe ya hlahli ya baeti ya mpshafatšo ya ngwadišo bjalo ka hlahli ya baeti, yeo e dirilwego le Mongwadiši wa Profense go ya ka karolo 21A(6)(b) ya Molao wo phumotšwego efela e sa phethagatšwa ge Molao wo o thoma go šoma, e swanetše go rarabollwa, mme ngwadišo le setifikeiti se swanetše go fiwa, go ya ka Molao wo. 10

**Magato a kgalemo, boipelaetšo, ditshekaseko le ditshepetšo tša bosenyi 15**

6. Legato lefe goba lefe le diragatšwago go ya ka karolo 21F ya Molao wo phumotšwego, boipelaetšo bofe goba bofe goba tshekaseko ye dirilwego go ya ka karolo 21G ya Molao woo mme le ditshepetšo dife goba dife tše diragatšwago go ya ka karolo 28 ya Molao woo, efela di sa phethagatšwa ge Molao wo o thoma go šoma, di swanetše go šongwa mme di phethagatšwe go ya ka Molao wo phumotšwego eke Molao woo o be o sa phumulwa. 20

**Kakaretšo**

7. Merero ye latelago ye dumeletšwego ke goba e phethagaleditšwego Molaong wo phumotšwego, e tla tšwela pele ka go šoma go fihlela e fetošwa, phumolwa goba go bewa bakeng go ya ka Molao wo— 25

- (a) Rekhoto efe goba efe ya maloko a sekeme sa tekanyetšo le magoro mme le ya dihlango tša tekanyetšo le tše beilwego ka magoro go ya ka sekeme se, di lotilwe ke Boto ya tša Boeti ya Afrika Borwa go ya ka karolo 18(6) ya Molao wo phumotšwego;
- (b) dathabeise efe goba efe ya bogareng ya dihlahli ka moka ye hlokelwago ke Mongwadiši wa Bosetšhaba go ya ka karolo 20(2)(a) ya Molao wo phumotšwego; 30
- (c) retšiserata efe goba efe ya baeti, ye lotwago ke Mongwadiši wa Profense go ya ka karolo 21(2)(a) ya Molao wo phumotšwego;
- (d) molao ofe goba ofe wa maitshwaro le maitshwaro a mabotse tše rulagantšwego mme tše gatišitšwego ke Mongwadiši wa Bosetšhaba go ya ka karolo 21C ya Molao wo phumotšwego; mme 35
- (e) molawana ofe goba ofe wo dirilwego ke Tona ka tlase ga Molao wo phumotšwego.

