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GENERAL NOTICE

Notice 2622 of 1999

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

DRAFT TOURISM SECOND AMENDMENT BILL, 1999

The Draft Tourism Second Amendment Bill, 1999, is hereby published for public comment. The draft Bill is explained in the accompanying memorandum.

Comments should be submitted in writing to:

The Acting Director-General
Attention: Dr T Abrahamse or Ms L Colvin
Department of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001

Comments may also be faxed to (012) 320 4740 or sent by e-mail to one of the following addresses:

gis_ta@ozone.pwv.gov.za
gis_mo@ozone.pwv.gov.za
toe_dp@ozone.pwv.gov.za

Comments must be received not later than 31 January 2000.

Please note that this draft Bill is being handled as a separate measure solely for the purpose of obtaining comments. It is the intention to combine this Bill with the Tourism Amendment Bill 1999, which has also been published for public comment. See Notice 2609 of 23 November 1999 (Gazette No. 20663).

DRAFT TOURISM SECOND AMENDMENT BILL, 1999

GENERAL EXPLANATORY NOTE

[] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with a solid line indicate insertions in existing enactments

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BILL

To amend the Tourism Act, 1993, to change the constitution of the board established by that Act by removing the representation of the provinces and other sectors on that board; to reduce the minimum number of members of the board who may make a written request to the chairperson to convene an extraordinary meeting of the board; to provide for measures to promote and maintain a sound working relationship between the board and the provinces; and to provide for matters connected

therewith.

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

Amendment of section 4 of Act 72 of 1993 as amended by section 3 of Act 105 of 1996

1. Section 4 of the Tourism Act, 1993 (hereinafter referred to as the principal Act) is hereby amended -

- a. by the substitution for subsection (1) of the following subsection:

"(1) The board shall consist of not fewer than **[15] nine** and not more than **[20] 15** members, who shall be appointed by the Minister in terms of subsection (2).";

- b. by the substitution for subsection(23) of the following subsection:

"(2) (a) The Minister shall appoint as members of the board not fewer than **[15] nine** persons who are, by virtue of their knowledge of or present or potential active involvement in the tourism industry, fit to serve on the board, **[and shall ensure that the interests of the key parties involved in tourism, including the business, community and labour sectors, are equitable represented on the board.]**

(b) The Minister shall appoint as members of the board -

- i. **one representative from each province, nominated with the concurrence of the premier of the province in question by the member of the provincial executive council who is responsible for tourism; and**
- ii. **not fewer than six and not more than 11 other persons to represent the interests referred to in paragraph (a)].**

[(c)](b) The Minister may appoint one officer of the Department to represent the Department on the board.

[(d)](c) The Minister shall, before he appoints a member of the board (except the member referred to in **[paragraphs] paragraph** (b)**[(i) and (c)]**), by notice in the *Gazette* invite all interested persons to submit to him, within the period mentioned in the notice, the names of persons who in the opinion of such interested persons are fit to be so appointed, stating the grounds upon which such opinion is based; and

- c. by the deletion of subsection (5).

Amendment of section 8 of Act 72 of 1993 as amended by section 5 of Act 105 of 1996

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

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

Insertion of section 13B in Act 72 of 1993

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

"Relationship between board and provinces"

13B (1) The chairperson of the board shall submit a copy of the minutes of every meeting of the board to the member of the executive council who is responsible for tourism in each province.

(2) The board shall in consultation with to member of the executive council responsible for tourism in each province determine procedures and a programme to promote and maintain a sound working relationship between the board and the provinces.

Short title

4. This Act shall be called the Tourism Second Amendment Act, 1999.

MEMORANDUM ON THE OBJECTS OF THE TOURISM SECOND AMENDMENT BILL, 1999

Explanation of the Bill

1. The Tourism Second Amendment Bill seeks to amend the Tourism Act, 1993 (Act 72 of 1993, The principal Act.) mainly to change the constitution of the board established by that Act, by reducing the minimum number of members from fifteen to nine and the maximum number from twenty to fifteen and by removing the provincial representation and that calf the business. community and labour sectors. See clause 1 of the Bill.
2. The reason for the change mentioned in paragraph 1 is that the board as it is presently constituted has proved to be unwieldy, ineffective and copy. It is proposed that the provincial representation on the board be replaced by other arrangements for relationships between the board and the provinces. See clause 3 of the Bill and paragraph 4 below. These proposals have the full support of the provinces. The representation of the business, community and labour sectors as required by the principal Act has had an unduly restrictive effect on the making of suitable appointments to the board. It is felt that the Minister should be free to find the very best talent from whatever walk of life to appoint to the board.
3. Clause 2 of the Bill is connected to the proposed reduction of the membership of the board as set out above. At present section 8(2) of the principal Act provides *inter alia* that the chairperson may at the written request of not fewer than eight members of the board, convene an extraordinary meeting of the board. In view of the reduced membership proposed in clause 1, it is proposed that the figure in section 8(2) should be reduced from eight to five.
4. Clause 3 of the Bill provides for arrangements for relationships between the board and the provinces, for example that the board must provide the MEC responsible for tourism in each province with copies of minutes of all board meetings.
5. Clause 4 contains the short title.

Effect on provincial and local government

6. The Bill seeks to remove the provincial representatives from the board. In the place of such representation, clause 3 of the Bill seeks to provide for other measures to promote and maintain a sound working relationship between the board and the provinces.

The Bill will have no effect on local government.

Other departments consulted

7. The MECs responsible for tourism in each province were consulted through a MINMEC meeting.

The legislative process to be followed in Parliament

8. The Department of Environmental Affairs and Tourism and the State Law Advisers are of the opinion that the Bill should be dealt with in accordance with section 76 of the Constitution as it falls within the functional area listed in Schedule 4 to the Constitution, namely "tourism".

Financial implications for the State

9. There will be no increased expenditure caused by the Bill. On the contrary, the amendments should result in a reduction of the costs needed to maintain the board.