

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
TOURISM
AMENDMENT BILL**

[B 50—99]

*(As agreed to by the Portfolio Committee on Environmental Affairs and Tourism
(National Assembly))*

[B 50A—99]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP OP
TOERISME**

[W 50—99]

*(Soos goedgekeur deur die Portefeuljekomitee oor Omgewingsake en Toerisme (Nasionale
Vergadering))*

[W 50A—99]

ISBN 0 621 29497 7

AMENDMENTS AGREED TO**TOURISM AMENDMENT BILL
[B 50—99]****CLAUSE 2**

1. On page 2, in line 16, to omit “designate an” and to substitute “appoint a suitably qualified”.
2. On page 2, in line 21, after “conduct” to insert “and ethics”.
3. On page 2, in line 24, to omit “industry” and to substitute “sector”.
4. On page 4, in line 3, to omit “industry” and to substitute “sector”.
5. On page 4, in line 9, to omit “industry” and to substitute “sector”.
6. On page 4, in line 10, to omit “industry” and to substitute “sector”.
7. On page 4, in line 13, to omit “industry” and to substitute “sector”.
8. On page 4, from line 16, to omit subsection (3).

CLAUSE 3

1. On page 4, in line 25, to omit “designate an” and to substitute “appoint a suitably qualified”.
2. On page 4, in line 40, to omit “industry” and to substitute “sector”.
3. On page 4, in line 42, to omit “industry” and to substitute “sector”.
4. On page 4, after line 47, to add:

(3) The registration of a tourist guide by a Provincial Registrar in terms of subsection (2) shall be valid in all the provinces of the Republic.

CLAUSE 4

1. On page 4, from line 51, to omit “in a province shall apply to the” and to substitute “shall apply to any”.
2. On page 6, from line 1, to omit subsections (2) and (3).
3. On page 6, from line 11, to omit “prescribed qualifications, acquired through the training” and to substitute “competence”.

4. On page 6, in line 15, to omit paragraph (a).
5. On page 6, after line 19, to add:
 - (c) has failed to pass the prescribed quality assurance process that a tourist guide shall complete not later than two years after the date of his or her last registration.
6. On page 6, from line 20, to omit all the words after “Registrar” up to and including “(3),” in line 21.
7. On page 6, in line 22, to omit “prescribed qualifications” and to substitute “competence”.
8. On page 6, from line 29, to omit “next ensuing period of one year” and to substitute “ensuing period of two years”.
9. On page 6, in line 33, to omit “to be re-registered” and to substitute “for the renewal of his or her registration”.
10. On page 6, in line 34, to omit “one year” and to substitute “two years”.
11. On page 6, in line 35, to omit “to be re-registered, he or she” and to substitute “for the renewal of his or her registration, his or her registration”.
12. On page 6, in line 36, to omit “re-registered” and to substitute “renewed”.
13. On page 6, in line 38, after “registration” to insert “or renewal of registration”.
14. On page 6, after line 38, to insert:
 - (7) If a tourist guide has since his or her registration acquired a competence contemplated in section 21B in a prescribed field of specialisation or an additional competence within a field of specialisation the Provincial Registrar shall, 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 shall be in the prescribed form.
15. On page 6, from line 54, to omit the proposed new section 21B and to substitute:

Competence

21B. The competence mentioned in section 21A(2) shall be determined by the South African Qualifications Authority established by the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), in either unit standards or national qualifications, to meet the objectives of the National Qualifications Framework defined in the said Act.

16. On page 8, from line 3, to omit “and associations of tourist guides” and to substitute:

, stakeholder groupings and the Minister of Transport,

17. On page 8, in line 4, after “conduct” to insert “and ethics”.
18. On page 8, after line 5, to insert:
 - (2) The code of conduct and ethics shall include provisions requiring of a tourist guide to take all reasonable steps to ensure the safety of a tourist whom the tourist guide is accompanying and requiring the tourist guide to render to the tourist services of an acceptable standard.
19. On page 8, in line 9, to omit “or (2)” and to substitute “, (2) or (4)”.
20. In the English text, on page 8, in line 14, to omit “the” and to substitute “a”.
21. On page 8, in line 21, after “conduct” to insert “and ethics”.
22. On page 8, in line 23, to omit “the” and to substitute “a”.
23. On page 8, in line 24, after “21H(3)” to insert “or (5)”.
24. On page 8, in line 27, after “shall” to insert “within 14 days”.
25. On page 8, after line 41, to insert:
 - (3) If the tourist guide requests the Provincial Registrar to be allowed to present his or her case personally before the Provincial Registrar, the Provincial Registrar shall grant such request.
 - (4) Where the tourist guide personally presents his or her case in terms of subsection (3), he or she may be assisted by an adviser of his or her choice.
26. On page 8, in line 48, after “suspend” to insert “, for a period not exceeding 30 days,”.
27. On page 8, after line 52, to insert:
 - (7) The provisions of subsections (3) and (4) are applicable to any proceedings for the suspension of the registration of a tourist guide under subsection (6).
28. On page 8, after line 55, to add:
 - (9) The Provincial Registrar shall cause the names of persons whose registration has been withdrawn under this section to be published in the *Government Gazette* and in at least one newspaper that circulates in the province concerned.
29. On page 10, in line 5, after “conduct” to insert “and ethics”.
30. On page 10, in line 8, to omit paragraph (d).

31. On page 10, after line 17, to insert:
- (3) If the tourist guide requests the Provincial Registrar to be allowed to present his or her case personally before the Provincial Registrar, the Provincial Registrar shall grant such request.
- (4) Where the tourist guide personally presents his or her case in terms of subsection (3), he or she may be assisted by an adviser of his or her choice.
32. On page 10, in line 23, to omit paragraph (b) and to substitute:
- (b) impose the prescribed fine, which may not exceed R1 000, on the tourist guide; or
33. On page 10, in line 27, after “suspend” to insert:
- , for a period not exceeding 30 days,
34. On page 10, after line 31, to insert:
- (7) The provisions of subsections (3) and (4) are applicable to any proceedings for the suspension of the registration of a tourist guide under subsection (6).
35. On page 10, after line 39, to insert:
- (b) If the appellant requests the National Registrar to be allowed to argue his or her appeal personally before the National Registrar, the National Registrar shall grant such request.
- (c) Where the appellant personally argues his or her appeal in terms of paragraph (b), he or she may be assisted by an adviser of his or her choice.
36. On page 10, in line 51, after “person” to insert “, company or close corporation”.
37. On page 10, in line 52, to omit “or her” and to substitute “, her or it”.
38. On page 10, after line 55, to add:
- (4) No tourist guide may drive a vehicle carrying more than nine persons and at the same time act as a tourist guide.
- (5) No person, company or close corporation employing a tourist guide may allow that tourist guide to drive a vehicle in contravention of subsection (4).
39. On page 12, from line 1, to omit the proposed new section 21I.
40. On page 12, after line 29, to add:
- (2) The Director-General shall make a decision within 60 days after the date on which the matter is referred to him or her in terms of subsection (1).

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 26 of Act 72 of 1993

- 5.** Section 26 of the principal Act is hereby amended by the

addition of the following subsection, the existing section becoming subsection (1):

“(2) The Minister shall, within 30 days after making any regulations under this Act, table the regulations in the National Assembly and the National Council of Provinces or, if Parliament is then not in session, within 30 days after the beginning of the ensuing session of Parliament.”

CLAUSE 5

1. On page 12, in line 33, to omit “or 21I(5)”.
2. On page 12, after line 33, to add:
 - (b) by the addition of the following subsection, the existing section becoming subsection (1):

“(2) Any company or close corporation that contravenes section 21H(3) or (5) shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000.”

CLAUSE 6

1. On page 12, in line 39, to omit “designated” and to substitute “appointed”.
2. On page 14, in line 10, after “21A(4)” to insert “or (5)(c)”.
3. On page 14, in line 11, to omit “three” and to substitute “two”.
4. On page 14, after line 11, to insert:
 - (6) Any person who acted as a tourist guide immediately before the commencement of this Act without being registered as a tourist guide in terms of the principal Act, may, subject to subsection (7), continue to so act for a period of two years from the date of commencement of this section and shall be exempt from sections 21A, 21H and 28 of the principal Act for that period.
 - (7) (a) Any person contemplated in subsection (5) or (6) who wishes to be registered as a tourist guide under the principal Act as amended by section 4 of this Act, shall, within a period of six months from the commencement of this Act, apply for provisional registration to any Provincial Registrar.
 - (b) The Minister may extend the period referred to in paragraph (a) if he or she deems it necessary.
 - (c) The Provincial Registrar may require the applicant to produce documentary or other proof that he or she acted as a tourist guide immediately before the commencement of this Act.
 - (d) In considering any application the Provincial Registrar shall have due regard to any measures and codes of practice made or developed by the State for the promotion of equality in accordance with Chapter 5 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000).
 - (e) A person whose application for provisional registration has been approved by the Provincial Registrar, shall within the period of two years referred to in subsection (5) or (6), for validation of

registration, prove competence as contemplated in section 21B of the principal Act.

(f) If the person fulfils the requirements for validation, he or she shall be deemed to have complied with and to have been registered in terms of section 21A of the principal Act.

5. On page 14, in line 18, to omit “Tourism Amendment Act, 1999” and to substitute “Tourism Second Amendment Act, 2000”.

LONG TITLE

1. On page 2, in the fourth line, after “conduct” to insert “and ethics”.
2. On page 2, from the seventh line, to omit “and to make provision for a duty to provide information;”.