NO. 105 OF 1996: TOURISM AMENDMENT ACT, 1996.

PRESIDENT'S OFFICE

No. 1903.
27 November 1996

NO. 105 OF 1996: TOURISM AMENDMENT ACT, 1996.

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

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

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

(Afrikaans text signed by the President.)

(Assented to 12 November 1996.)

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

Amendment of section 1 of Act 72 of 1993

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

(a) by the insertion after the definition of " committee" of the following definition:

" 'Department' means the Department of Environmental Affairs and Tourism;"; and

(b) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister for of Environmental Affairs and Tourism;".

Substitution of section 3 of Act 72 of 1993

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

"Object of board

3. The object of the board shall be, with due regard to the sustainability of environmental resources, to promote tourism by encouraging persons to undertake travels to and in the Republic and with a view thereto-

(a) to take measures in order to attempt to ensure that services which are rendered and facilities which are made available to tourists comply with the highest attainable standards

(b) to manage information and conduct research relating to tourism; and

(c) to advise the Minister on tourism policy, either of its own volition or when requested to do so by the Minister.".

Substitution of section 4 of Act 72 of 1993

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

"Constitution of Board

4. (1) The board shall consist of not fewer than 11 15 and not more than 15 20 members, who shall be appointed by the Minister in terms of subsection (2).

(2)(a) The Minister shall appoint as members of the board not fewer than 11 15 persons who in his opinion are, by virtue of their knowledge of and or present or potential active involvement in the tourism industry, fit to serve on the board and shall appoint as a member of the board the Administrator designated in terms of paragraph (b) to represent the provinces mentioned in the Provincial Government Act, 1986 (Act No. 69 of 1986), on the board ensure that the interests of the key parties involved in tourism, including the business, community and labour sectors, are equitably represented on the board.

(b) The Administrators of the said provinces shall designate one of their number in order to be appointed in terms of paragraph (a) The Minister shall appoint as members of the board-

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

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

(3) The Minister shall appoint one member of the board as chairman chairperson and another member as vice-chairman vice-chairperson of the board.

(4) If the chairman chairperson is for any reason unable to act as chairman chairperson the vice-chairman vice-chairperson shall per- form the functions of the chairman chair-person.

(5) It shall be the function of each member referred to in subsection (2)(b)(i) to communicate on a regular basis the deliberations and decisions of the board to the member of the provincial executive council who is responsible for tourism.".

Amendment of section 5 of Act 72 of 1993

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

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

Amendment of section 8 of Act 72 of 1993

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

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

Amendment of section 13 of Act 72 of 1993

6. Section 13 of the principal Act is hereby amended by the deletion of paragraph (1).

Insertion of section 13A in Act 72 of 1993

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

"Relationship of board with Department

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

(a) co-operate closely with the Department in order to realise the object of the board and to promote efficiency by eliminating a duplication of their functions and activities; and

(b) through the agency of the Department, liaise with other State departments.".

Insertion of section 17A in Act 72 of 1993

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

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

17A. The board may, in consultation with the Minister and with the concurrence of the Minister of Finance, transfer such of its assets to bodies responsible for tourism in the provinces as may, with regard to the reasonable requirements of those bodies, be necessary$

to establish or improve their capacity to promote tourism to and within their respective provinces.".

Amendment of Act 72 of 1993

9. The principal Act is hereby amended-

(a) by the substitution for the word "chairman", wherever it occurs, of the word "chairperson";

(b) by the substitution for the expression "Minister of State Expenditure", wherever it occurs, of the expression "Minister of Finance"; and

(c) by the substitution for the expression "vice-chairman", wherever it occurs, of the expression "vice-chairperson".

Insertion of section 28A in Act 72 of 1993

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

"Application of Act

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

Short title

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