

REPUBLIC OF SOUTH AFRICA

TOURISM AMENDMENT BILL

(As introduced in the National Assembly as a section 76(1) Bill; explanatory summary of Bill published in Government Gazette No. 20869 of 7 February 2000) (The English text is the official text of the Bill)

(MINISTER OF ENVIRONMENTAL AFFAIRS AND TOURISM)

[B 3—2000]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP TOERISME

(Soos ingedien in die Nasionale Vergadering as 'n artikel 76(1)-wetsontwerp; verduidelikende opsomming van Wetsontwerp in Staatskoerant No. 20869 van 7 Februarie 2000 gepubliseer) (Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)

(MINISTER VAN OMGEWINGSAKE EN TOERISME)

[W 3—2000]

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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, so as to further regulate the composition of the South African Tourism Board; to further regulate the convening of an extraordinary meeting of the board; and 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, as 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 paragraph (a) of subsection (2) of the following paragraph:
“(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 equitably represented on the board]**.”;
- (c) by the deletion of paragraph (b) of subsection (2);
- (d) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
“(d) The Minister shall, before he or she appoints a member of the board (except the member referred to in **[paragraphs (b)(i) and] paragraph (c)**), by notice in the *Gazette* invite all interested persons to submit to him or her, 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
- (e) 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 chairperson.”. 5

Insertion of section 13B in Act 72 of 1993

3. The following section is hereby inserted in the principal Act after section 13A: 10

“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 in every province responsible for tourism.

(2) The board shall in consultation with every member of the executive council contemplated in subsection (1) determine procedures and programmes to promote and maintain a sound working relationship between the board and the various provinces.”. 15

Short title

4. This Act is called the Tourism Amendment Act, 2000. 20

MEMORANDUM ON THE OBJECTS OF THE TOURISM AMENDMENT BILL, 2000

1. The Bill seeks to amend the Tourism Act, 1993 (Act No. 72 of 1993) ("the Act"), in order to change the composition of the South African Tourism Board ("the Board") established by the Act. It is proposed that the maximum number of members be reduced from twenty to fifteen and the minimum number from fifteen to nine. The provisions requiring representation by the business, community and labour sectors and provinces are removed.

2. The reason for the reduction is that the Board as it is composed at present has proved to be unwieldy, ineffective and costly. The representation of the business, community and labour sectors as required by the Act has an unduly restrictive effect on the making of suitable appointments to the Board. It is felt that the Minister should have a free hand in finding the very best talent from whatever walk of life to appoint to the Board. It is further proposed that alternative arrangements be made to liaise with provincial governments. The provinces support this proposal.

3. In view of the proposed reduced membership of the Board, it is also proposed that section 8(2) of the Act be amended to reduce the number of members required to request an extraordinary meeting of the Board from eight to five.

4. PERSONS CONSULTED

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

5. FINANCIAL IMPLICATIONS FOR STATE

There will be no increased expenditure caused by the Bill. The amendments would result in a reduction of the cost needed to maintain the Board.

6. PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Environment Affairs and Tourism are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by section 76(1) or (2) of the Constitution since it falls within a functional area listed in Schedule 4 to the Constitution, namely "Tourism".