

**DEPARTMENT OF TOURISM
NOTICE 146 OF 2017**

TOURISM ACT, 2014 (ACT NO.3 OF 2014)

**PUBLICATION OF DRAFT REGULATIONS FOR THE MANNER AND PROCEDURE FOR
DEALING AND LODGING TOURISM COMPLAINTS FOR PUBLIC COMMENTS**

I, DEREK ANDRE HANEKOM, Minister of Tourism, acting in in terms of section 61(1) (b) of the Tourism Act, 2014 thereby give notice of my intention to make Regulations for the Manner and Procedure for Dealing with and Lodging of Tourism Complaints, set out in the Schedule hereto.

Interested parties are invited to submit within sixty (60) days of publication of this Notice in the Gazette, written representations on the draft Regulations to the following:

By post:

The Director-General
Department of Tourism
Private Bag X424
PRETORIA
0001

Attention: Ms MM Setwaba

By hand: Ground Floor (Reception), Tourism House, 17 Trevenna Street, Sunnyside;

By email: msetwaba@tourism.gov.za ; or

By fax: 012-444-7101.

Any inquiries in connection with the draft regulations can be directed to Ms M M Setwaba at 012-444-6313.

Comments received after the closing date may not be considered.



Derek Hanekom, MP
Minister of Tourism

No.

GOVERNMENT GAZETTE,

2016

**DEPARTMENT OF TOURISM
DEPARTEMENT VAN TOERISME**

No. R....

2016

TOURISM ACT, 2014 (Act No. 3 of 2014)

**REGULATIONS ON THE PRESCRIBED MANNER AND PROCEDURE FOR DEALING AND LODGING
TOURISM COMPLAINTS WITH THE TOURISM COMPLAINTS OFFICER**

The Minister of Tourism has under section 61(1) (b) and (c) of the Tourism Act, 2014 (Act No. 3 of 2014), made the regulations in the Schedule.

SCHEDULE

1. DEFINITIONS

In these regulations a word or an expression defined in the Tourism Act, 2014, has that meaning, unless the context indicates otherwise-

“**Act**” means the Tourism Act, 2014 (Act No. 3 of 2014);

“**Complainant**” means a tourist or a person who lodges a tourist complaint against a perpetrator;

“**Tourism complaint**” means any complaint in respect of any tourism services, facilities or products as contemplated in section 47; and

“**Respondent**” means a person against whom a tourism complaint is lodged.

2. MANNER OF LODGING COMPLAINTS

Any person who wishes to lodge a tourism complaint must submit-

(a) information concerning the alleged contravention or instance of non-compliance in terms of or under these regulations in writing to the Tourism Complaints Officer.

(b) a tourism complaint in respect of an alleged contravention or instance of non-compliance in terms of or under these regulations, to the Tourism Complaints Officer, in the form substantially similar to Annexure “A”, together with copies of any supporting document the Tourism Complaints Officer should consider, by-

- (i) mailing it to The Office of the Tourism Complaints Officer, Private Bag X424, Pretoria, 0001;
- (ii) delivering the documents by hand to Tourism House, 17 Trevenna Street, Sunnyside, Pretoria;
- (iii) filing it electronically at www.tourism.gov.za (Website);
- (iv) e-mailing it to complaints@tourism.gov.za (e-mail address); or
- (v) any other manner acceptable to the Tourism Complaints Officer.

3. PROCEDURE FOR LODGING COMPLAINTS

- 3.1 Upon receipt of the tourism complaint, the Tourism Complaints Officer must record the complaint, give a reference number of the tourism complaint to the complainant, and investigate the tourism complaint as soon as possible.
- 3.2 The Tourism Complaints Officer must upon receiving the tourism complaint, acknowledge receipt of the tourism complaint from the complainant, in writing.
- 3.3 The Tourism Complaints Officer must, on receipt of the tourism complaint, refer the tourism complaint to the relevant institution, indicated in section 47 of the Act, for resolution.
- 3.4 The Tourism Complaints Officer must make regular follow-ups on the tourism complaint with the resolving institution, until the tourism complaint is resolved.
- 3.5 The Tourism Complaints Officer must, upon resolution of the tourist complaint by the relevant institution, as indicated in section 47 of the Act, inform the complainant of the outcome thereof in writing.

4. MANNER OF DEALING WITH TOURISM COMPLAINTS

- 4.1 Prior to dealing with a tourism complaint, the complainant may in certain instances have to show that he or she attempted to resolve the dispute with the respondent and that such an attempt was fruitless.
- 4.2 The Tourism Complaints Officer may deal with minor tourism complaints in the following manner-
 - (a) Upon receiving a tourism complaint, the Tourism Complaints Officer must acknowledge receipt of the tourism complaint.
 - (b) The Tourism Complaints Officer must first analyse and evaluate the tourism complaint to identify minor tourist complaints he/she can deal with, from those that should be referred to the authorised institutions for resolution.

- (c) The Tourism Complaints Officer must, upon receiving a tourism complaint, write and send a letter to the respondent by hand or registered mail –
- (i) informing the respondent of the nature of the tourism complaint;
 - (ii) inviting the respondent to respond to the alleged tourism complaint and provide supporting documents, if any;
 - (iii) inviting the respondent to suggest a way in which the tourism complaint may be resolved;
 - (iv) request any other information that the Tourism Complaint Officer may deem relevant or necessary; and
 - (v) inform the respondent to respond within 14 days of the date of receipt the letter.
- 4.3 After receiving the response from the perpetrator, the Tourism Complaints Officer must write a letter to the complainant, and afford him/her an opportunity to reply, to the response of the perpetrator.
- 4.4 Should the complainant be satisfied with the response and the proposed solution from the respondent, then the tourism complaint will be considered to be finalised.
- 4.5 The Tourism Complaints Officer must, upon resolution of the tourist complaint, inform both the complainant and the relevant institution empowered to deal with the tourism complaint of the outcome thereof, in writing.
- 4.6 However, should the complainant be not satisfied with the response or the proposed solution, the tourism complaint must be referred by the Tourism Complaints Officer to the institution empowered to deal with it for resolution.

5. SHORT TITLE AND COMMENCEMENT

These regulations are called Regulations on the Prescribed Manner and Procedure for Dealing and Lodging Tourism Complaints with the Tourism Complaints Officer and shall commence on....

ANNEXURE "A"



tourism

Department:
Tourism
REPUBLIC OF SOUTH AFRICA

Tourism House, 17 Trevena Street, Sunnyside. Private Bag X 424, PRETORIA · 0001
Tel (+ 2712) 444 6000· Fax (+ 2712) 444 7000. Call Center: 0860 121 929

TOURISM COMPLAINT FORM	
Full names of complainant	
ID number of complainant	
Postal Address	
Physical Address	
Cell phone number	
Landline number	
Fax number	
E-mail address	
Name of company or Supplier (Respondent)	
Sector	
Address of company/ person against whom the complaint is made	
Company/ person Landline number	
Company / person Fax number	
Company / person E-mail address	
Nature of complaint, (e.g.) (Poor service by service provider, Refund for travelling cancellation, Enquiry on registering travelling agencies, false advertisement, any other complaint on complaint in respect of any tourism services, facilities or products.	

List of supporting documents relevant to the complaint attached to this form	
What outcome do you propose for this complaint?	
Date	
Place	
Complainant Signature	
Office use only	
Reference Number	

The category of sector in which the complaint falls	Tick
Accommodation	
Travel	
Transport	
Safety and Security	
Unfair treatment/ discrimination	
Inquiry on how to register a tourism business	
Any other/s	
Resolution suggested	
Status of the complaint	

No.

USOMQULU KAHULUMENI,

2016

UMNYANGO WEZOKUVAKASHA

No. R....

2016

UMTHETHO WEZOKUVAKASHA, WEZI-2014 (uMthetho wesi-3 wezi-2014)

IMITHETOSIMISO NGENDLELA ENQUNYIWE KANYE NENQUBO YOKUBHEKANA KANYE NOKUFAKA IZIKHALAZO ZEZOKUVAKASHA NESIPHATHIMANDLA SEZIKHALAZO ZEZOKUVAKASHA.

UNgqongqoshe wezokuVakasha, wenze imithethosimiso kule Sheduli, ngaphansi kwesigaba sama-61(1) (b) kanye no (c) soMthetho wezokuVakasha, wezi-2014 (uMthetho wesi-3 wezi-2014).

ISHEDULI**1. IZINCAZELO**

Kule mithethosimiso igama noma into echaziwe kuMthetho wezokuVakasha, wezi-2014, unencazelo, ngaphandle uma leyonto iveza ngokunye-

“uMthetho” usho uMthetho wezokuVakasha, wezi-2014 (uMthetho wesi-3 wezi-2014).;

“uMkhalazi” usho umvakashi noma umuntu ofaka izikhalazo ngesephulamthetho,

“Isikhalazo sezokuvakasha” kusho noma yisiphi izikhalazo mayelana nezinsiza zezokuvakasha, izakhiwo kanye nemikhiqizo okukhulunywe ngakho esigabeni sama-47; kanye

“Ummangalelwa” kusho umuntu ofakelwe izikhalazo sezokuvakasha.

2. INDLELA YOKUFAKA ISIKHALAZO

Noma imuphi umuntu ofisa ukufaka izikhalazo kumele ahambise-

(a) imininingwane emayelana nokusolakala kokwaphula umthetho noma isibonelo sokungahambisana ngokwale mithethosimiso noma ngaphansi kwayo ngokubhalela isiPhathimandla Sezikhalazo Zezokuvakasha.

(b) isikhalazo mayelana nokusolakala kokwaphula umthetho noma isibonelo sokungahambisana ngokwale mithethosimiso noma ngaphansi kwayo ngokubhalela

Isiphathimandla Sezikhhalazo Zezokuvakasha, ngendlela ecishe ifane nesiThasiselo "A", kuhambisana namakhophi asekelo umqulu isiPhathimandla Sezikhhalazo Zezokuvakasha kumele sibhekane naso,-

- (i) ngokusithumela ngemeyili siye eHhovisi lesiPhathimandla seziKhalazo zezokuVakasha, *Private Bag X424, Pretoria, 0001*;
- (ii) ngokuhambisa imiqulu ngesandla e-Tourism House, *17 Trevenna Street, Sunnyside, Pretoria*;
- (iii) ngokufayela ngobuchwepheshe ku- www.tourism.gov.za (kuwebhisayithi);
- (iv) ngokumeyila ku- complaints@tourism.gov.za (Ikheli lemeyili); noma
- (v) nganoma iyiphi indlela evumelekile kusiPhathimandla seziKhalazo zezokuVakasha

3. INQUBO YOKUFAKA ISIKHALAZO

- 3.1 Ekutholeni isikhhalazo sezokuvakasha, isiPhathimandla seziKhalazo zezokuVakasha kumele aqophe isikhhalazo, sinike inombolo yenkomba yesikhhalazo kumfaki wesikhhalazo, siphinde siphanye isikhhalazo sezokuvakasha ngokushesha.
- 3.2 IsiPhathimandla seziKhalazo zezokuVakasha kumele kuthi ekutholeni kwesikhhalazo sezokuvakasha, sisho ukuthi sisitholile isikhhalazo sezokuvakasha esisuka kumfaki wesikhhalazo, ngokubhala.
- 3.3 IsiPhathimandla seziKhalazo zezokuVakasha, ekutholeni isikhhalazo sezokuvakasha, kumele sidlulisele isikhhalazo esikhungweni esifanele, esiveziwe esigabeni wama-47 soMthetho, ukuze sisombululwe.
- 3.4 IsiPhathimandla seziKhalazo zezokuVakasha kumele silandelele udaba lwesikhhalazo esikhungweni elisisombululayo, kuze kube isikhhalazo sisombululiwe.
- 3.5 IsiPhathimandla seziKhalazo zezokuVakasha, ekusombululeni isikhhalazo sezokuvakasha yisikhungo esifanele, kumele sitshele umfaki wesikhhalazo ngomphumela ngokubhala, njengokuba kushiwo esigabeni sama-47 soMthetho.

4. INDLELA YOKUBHEKANA NEZIKHALAZO ZEZOKUVAKASHA

- 4.1 Ngaphambi kokubhekana nesikhhalazo sezokuvakasha, umfaki wesikhhalazo ngesikhathi ezithile kumele akhombise ukuthi uke wazama ukusombulula umbango nommangalelwa akwangaphumelela.
- 4.2 IsiPhathimandla seziKhalazo zezokuVakasha singabhekana nesikhhalazo ezincane zezokuvakasha ngendlela elandelayo-

- (a) Ekutholeni isikhalazo sezokuvakasha, IsiPhathimandla seziKhalazo zezokuVakasha kumele sibike ukuthi sisitholile isikhalazo sezokuvakasha.
- (b) IsiPhathimandla seziKhalazo zezokuVakasha kumele siqale sihlaziye siphinde sihlole isikhalazo sezokuvakasha ukubheka ukuthi isikhalazo esincane esingabhekana naso yini, noma yilezi okumele zidluliselwe esikhungweni ezigunyaziwe ukuze zisombululwe.
- (c) IsiPhathimandla seziKhalazo zezokuVakasha, ekutholeni isikhalazo sezokuvakasha, kumele sibhale siphinde sithumele Incwadi kummangalelwa ngesandla noma ngemeyili ebhalisiwe –
 - (i) ukwazisa ummangalelwa ngesimo sesikhalazo sezokuvakasha;
 - (ii) ukumemema ummangalelwa ukuthi aziphendulele ngesikhalazo sezokuvakasha futhi alethe imiqulu owubufakazi, uma ikhona;
 - (iii) ukumema ummangalelwa ukuthi asho indlela isikhalazo sezokuvakasha esingasombululwa ngayo;
 - (iv) ukucela eminye imininingwane IsiPhathimandla seziKhalazo zezokuVakasha esiyibona ifanele; kanye
 - (v) ukwazisa ummangalelwa ukuthi aphenndule ezinsukwini eziyi-14 kusukela osukwini lokuthola incwadi.

4.3 Emuva kokuthola impendulo esuka kumephuli womthetho, IsiPhathimandla seziKhalazo zezokuVakasha kumele sibhalele umfaki wesikhalazo incwadi, simnike ithuba lokuphendula impendulo yomephuli womthetho.

4.4 Uma umfaki wesikhalazo enelisekile ngempendulo kanye nesisombululo esiphakanyisiwe ummangalelwa, isikhalazo sezokuvakasha sizothathwa ngokuthi kuqediwe ngaso.

4.5 IsiPhathimandla seziKhalazo zezokuVakasha, ekusombululweni kwesikhalazo sezokuvakasha, kumele sazise umfaki wesikhalazo kanye nesikhungo esifanele esinikwe amandla okubhekana nesikhalazo ngomphumela waso, ngokubhala.

4.6 Kodwa, uma umfaki wesikhalazo enganelisekile ngempendulo noma isisombululo esiphakanyisiwe, isikhalazo sezokuvakasha kumele sidluliselwe esikhungweni esinamandla okubhekana nesisombululo yisiPhathimandla seziKhalazo zezokuVakasha.

5. ISIHLOKO ESINCANE KANYE NOKUQALA

Le Mithethozimiso ibizwe ngeMithethozimiso ngeNdlela eNqunyiwe kanye neNqubo yokuBhekana kanye nokuFaka izikhalazo zezokuVakasha nesiPhathimandla seziKhalazo zezokuVakasha futhi kumele iqale....

ISITHASISELO "A"



tourism

Department:
Tourism
REPUBLIC OF SOUTH AFRICA

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Ucingo (+ 2712) 444 6000· Isikhahlamezi (+ 2712) 444 7000. Ucingo: 0860 121 929

Amagama agcwele omfaki wesikhalazo	
Inombolo ye-ID yomfaki wesikhalazo	
Ikheli leposi	
Ikheli lendawo	
Inombolo kamakhalekhukhwini	
Inombolo yocingo	
Inombolo yesikhahlamezi	
Ikheli le-imeyili	
Igama lenkampani noma uMhlinzeki	
Umkhakha	
Ikheli lenkampani / elomuntu izikhalazo sifakwe ngaye	
Inombolo yocingo yenkampani / yomuntu	
Inombolo yesikhahlamezi yenkampani / yomuntu	
Ikheli lemeyili lenkampani / umuntu	
Uhlobo lwesikhalazo, (isb.) (Ukuhlinzekwa kwezinsiza okungekho esimweni esifanele, Ukubuyiswa kwemali yokukhansela uhambo, Imibuzo ngezikhungo ezibhalisiwe zokuhamba, ukukhambiswa kwamanga, noma iziphi ezinye izikhalazo mayelana nezinsiza zokuvakasha, izakhiwo noma Imikhiqizo.	

Uhla lwemiqulu efanele eyeseka izikhalazo okumele inanyathiselwe kuleli fomu	
Imuphi umphumela owucelayo owuphakamisayo sikhhalazo?	
Usuku	
Indawo	
Ukusayina komfaki wesikhhalazo	
Okwasehhovisi kuphela	
Inombolo yenkomba	

Uhlobo lomkhakha izikhalazo esingena kuwo	Ukumaka
Indawo yokuhlala nokulala	
Ukuvakasha	
Ezokuthutha	
Ukuphepha kanye nokuvukeleka	
Ukuphathwa ngendlela engalungile/ ukucwasa	
Umbuzo wokuthi libhaliswa kanjani ibhizinisi lezokuvakasha	
Noma imiphi eminye	
Izisombululo eziphakamiswayo	
Isikhundla sesikhhalazo	