

**DEPARTMENT OF TOURISM**  
**NOTICE 438 OF 2018**  
**TOURISM ACT, 2014 (Act NO.3 of 2014)**

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

I, Derek Hanekom, Minister of Tourism, acting in terms of section 47 read together with section 61(1)(b) of the Tourism Act, 2014 hereby make the Regulations in the schedule on the Manner and Procedure for Lodging and Dealing with Tourism Complaints.



**DEREK HANEKOM, MP**

**MINISTER OF TOURISM**

**DATE:** 13 April 2018

**TOURISM ACT, 2014 (Act No. 3 of 2014)****REGULATIONS ON THE PRESCRIBED MANNER AND PROCEDURE FOR DEALING WITH 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 the Respondent;

“**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 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](http://www.tourism.gov.za) (Website);
- (iv) e-mailing it to [complaints@tourism.gov.za](mailto: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 7 days of the date of receipt the letter.
- 4.3 After receiving the response from the respondent, the Tourism Complaints Officer must write a letter to the complainant, and afford him/her an opportunity to reply, to the response of the respondent.
- 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 the date of publication.

## 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.)<br>(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                                                        |  |
| <b>Office use only</b>                                                       |  |
| 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                             |      |

**KGORO YA TŠA BOETI****TOURISM ACT, 2014 (Molao 3 wa 2014)****MELAWANA KA GA TSELA YEO E BEILWEGO LE TSHEPETŠO YA GO ŠOMANA LE GO DIRA DINGONGOREGO TŠA BOETI GO MOHLANKEDI WA DINGONGOREGO TŠA BOETI**

Tona ya tša Boeti, ka tlase ga karolo 61(1) (b) le (c) ya *Tourism Act, 2014* (Molao 3 ya 2014), o dirile melawana Šetuleng.

**ŠETULE****1. DIHLALOŠO**

Mo melawaneng ye lentšhu goba mmolelwana wo o hlalošitšwego go *Tourism Act, 2014*, o na le hlalošo yeo, ntle le ge tshwaraganyo e hlaloša ka tsela ye nngwe -

“**Molao**” o ra *Tourism Act, 2014* (Molao 3 wa 2014);

“**Mongongoregi**” e ra motho yo a dirago ngongorego ya tša boeti kgahlanong le Mofetodi;

“**Ngongorego ya tša boeti**” e ra ngongorego malebana le ditirelo dife goba dife tša boeti, didirišwa goba ditšweletšwa bjalo ka ge go hlalošitšwe go karolo; le

“**Mofetodi**” o ra yoo ngongorego ya tša boeti e dirwago kgahlanong naye.

**2. MOKGWA WA GO DIRA DINGONGOREGO**

Motho ofe goba ofe yo a ratago go dira ngongorego ya tša boeti o swanetše go romela-

(a) Tshedimošo ye malebana le tatofatšo ya tshelomolao go ya ka goba ka tlase ga melawana ye ka tsela ya lengwalo go Mohlankedi wa Dingongorego tša Boeti.

(b) ngongorego mabapi le tshelomolao goba taba ya go se obamele go ya ka goba ka tlase ga melawana ye, go Mohlankedi wa Dingongorego tša Boeti, ka foromo yeo e swanago le Selomaganyo “A”, gammogo le dikhopi tša ditokomane dife goba dife tša thekgo tšeo Mohlankedi wa Dingongorego tša Boeti a swanetšego go di eleletša, ka -

- (i) go di romela ka meile go Kantoro ya Mohlankedi wa Dingongorego tša Boeti/ The Office of the Tourism Complaints Officer, Private Bag X424, Pretoria, 0001;
- (ii) go romela ditokomane ka seatla go Tourism House, 17 Trevenna Street, Sunnyside, Pretoria;
- (iii) go di dira ka elektroniki go [www.tourism.gov.za](http://www.tourism.gov.za) (Wepesaete);
- (iv) go romela go [complaints@tourism.gov.za](mailto:complaints@tourism.gov.za) (aterese ya emeile); goba
- (v) mokgwa ofe goba ofe yo o amogegilego go Mohlankedi wa Dingongorego tša Boeti.

### **3. TSHEPETŠO YA GO DIRA DINGONGOREGO**

- 3.1 Ge a hwetša ngongorego ya tša boeti, Mohlankedi wa Dingongorego tša Boeti o swanetše go ngwala ngongorego, nea nomoro ya tšhupetšo ya ngongorego ya tša boeti go mongongoregi, mme a nyakišiše ngongorego ka bonako.
- 3.2 Mohlankedi wa Dingongorego tša Boeti ge a hwetša ngongorego ya tša boeti, o swanetše go amogela khwetšo ya ngongorego ya tša boeti gotšwa go mongongoregi, ka tsela ya lengwalo.
- 3.3 Mohlankedi wa Dingongorego tša Boeti o swanetše go, ge a hwetša ngongorego ya tša boeti, iša ngongorego ya sehlongweng se malebana, seo se hlalošitšwego go karolo 47 ya Molao, bakeng sa tharollo.
- 3.4 Mohlankedi wa Dingongorego tša Boeti o swanetše go dira lebelela tshepetšo ya dingongorego tša boeti ka nako le nako dihlongweng tša tharollo tše malebana, go fihlela ngongorego e rarollwa.
- 3.5 Mohlankedi wa Dingongorego tša Boeti o swanetše, ge go rarollwa ngongorego ya tša boeti ka sehlongwa se malebana, bjalo ka ge go hlalošitšwe go karolo 47 ya Molao, tsebiša mongongoregi ka ga pelo ya yona ka tsela ya lengwalo.

### **4. MOKGWA WA GO ŠOMANA LE DINGONGOREGO TŠA BOETI**

- 4.1 Pele go ka šomanwa le ngongorego ya tša boeti, mongongoregi a ka laetša mo mabakeng a mangwe gore o lekile go rarolla thulano le mofetodi mme le gore ga se a atlega.
- 4.2 Mohlankedi wa Dingongorego tša Boeti a ka šomana le dingongorego tša boeti tše nnyenyane ka mokgwa wo o latelago-
  - (a) Ge a hwetša ngongorego ya tša boeti, Mohlankedi wa Dingongorego tša Boeti o swanetše go amogela khwetšo ya ngongorego ya tša boeti.

- (b) Mohlankedi wa Dingongorego tša Boeti o swanetše go sekaseka le go fetleka ngongorego ya tša boeti go tsopola dingongorego tše nnyenyane tše a ka šomanago le tšona, go tše di swanetšego go romelwa dihlolongweng tše di dumeletšwego bakeng sa tharollo.
- (c) Mohlankedi wa Dingongorego tša Boeti o swanetše, ge a hwetša ngongorego ya tša boeti, ngwala le go romela lengwalo go mofetodi ka seatla goba ka meile yeo e ngwadišitšwego –
- (i) tsebiša mofetodi ka ga seemo sa ngongorego ya boeti;
  - (ii) laletša mofetodi go fetola ngongorego yeo a latofaditšwego ka yona mme le go phethagaletša ditokomane tša thekgo, ge di le gona;
  - (iii) laletša mofetodi go dira swayaswayo ya tsela yeo ngongorego ya tša boeti e ka rarollwago;
  - (iv) kgopela tshedimošo ye nngwe yeo Mohlankedi wa Dingongorego tša Boeti a ka bonago ele maleba goba e hlokega; le go
  - (v) tsebiša mofetodi go fetola mo matšatšing a 7 a letšatšikgwedi la kgwetšo ya lengwalo.
- 4.3 Morago ga go hwetša phetolo gotšwa go mofetodi, Mohlankedi wa Dingongorego tša Boeti o swanetše go ngwalela mongongoregi lengwalo, mme a mo nee monyetla wa go araba phetolo ya mofetodi.
- 4.4 Ge mongongoregi a kgotsofatšwa ke phetolo le tharollo yeo e šišintšwego gotšwa go mofetodi, ngongorego ya boeti e phethagaleditšwe.
- 4.5 Mohlankedi wa Dingongorego tša Boeti o swanetše, ge go rarollwa ngongorego ya tša boeti, go tsebiša mongongoregi le sehlongwa se malebana seo se swanetšego go šomana le ngongorego ya tša boeti ya poelo ya yona, ka tsela ya lengwalo.
- 4.6 Efela, ge mongongoregi a sa kgotsofale ka phetolo goba tharollo yeo e šišintšwego, ngongorego ya boeti e swanetše go romelwa ke Mohlankedi wa Dingongorego tša Boeti go sehlongwa se malebana seo se swanetšego go šomana le yona bakeng sa tharollo.

## 5. THAETLELE YE KOPANA LE GO THOMA GO ŠOMA

Melawana ye e bitšwa Melawana ka ga Tsela yeo e Beilwego le Tshepetšo ya go šomana le Dira Dingongorego tša Boeti le Mohlankedi wa Dingongorego tša Boeti mme e tla thoma go šoma ka letsatsi la gatiso.

## SELOMAGANYO "A"


**tourism**

Department:  
Tourism  
**REPUBLIC OF SOUTH AFRICA**

Tourism House, 17 Trevena Street, Sunnyside. Private Bag X 424, PRETORIA · 0001  
Mogala (+ 2712) 444 6000· Fekese (+ 2712) 444 7000. Lefelo la go amogela megala: 0860 121 929

**FOROMO YA NGONGOREGO YA TŠA BOETI**

|                                                                                                                                                                                                                                                                                |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Maina ka botlalo a mongongoregi                                                                                                                                                                                                                                                |  |
| Nomoro ya ID ya mongongoregi                                                                                                                                                                                                                                                   |  |
| Aterese ya Poso                                                                                                                                                                                                                                                                |  |
| Aterese ya Madulo                                                                                                                                                                                                                                                              |  |
| Nomoro ya sellathekeng                                                                                                                                                                                                                                                         |  |
| Nomoro ya mogala                                                                                                                                                                                                                                                               |  |
| Nomoro ya fekese                                                                                                                                                                                                                                                               |  |
| Aterese ya emeile                                                                                                                                                                                                                                                              |  |
| Leina la khamphani goba moabela tirelo (Mofetodi)                                                                                                                                                                                                                              |  |
| Lekala                                                                                                                                                                                                                                                                         |  |
| Aterese ya Khamphani/ motho yoo ngongorego e dirwago kgahlanong le yena                                                                                                                                                                                                        |  |
| Nomoro ya mogala ya Khamphani/ motho                                                                                                                                                                                                                                           |  |
| Nomoro ya fekese ya Khamphani/ motho                                                                                                                                                                                                                                           |  |
| Aterese ya Emeile ya Khamphani/ motho                                                                                                                                                                                                                                          |  |
| Mokgwa wa ngongorego, (mohlala.)<br>(Tirelo ye e sa kgotsofatšago ka moabela tirelo, Pušetšo tefelo bakeng sa phumolo ya leeto, Potšišo ngwadišong Diagente tša maeto, papatšo ya bofora, ngongorego efe goba efe malebana le ditirelo tša boeti, didirišwa goba ditšweletšwa. |  |

Dintlha tša mongongoregi

Magato ao a tšerwego go rarolla ngongorego

|                                                                                      |  |
|--------------------------------------------------------------------------------------|--|
| Lenaneo la ditokomane tša thekgo tše malebana le ngongorego le lomagantšwe foromo ye |  |
|                                                                                      |  |
|                                                                                      |  |
|                                                                                      |  |
|                                                                                      |  |
| Naa o ka thabela poelo ya mohuta mang ngongoregong ye?                               |  |
|                                                                                      |  |
|                                                                                      |  |
| Letšatšikgwe                                                                         |  |
| Lefelo                                                                               |  |
| Mosaeno wa Mongongoregi                                                              |  |
| <b>Bakeng sa tirišo ya ka kantorong fela</b>                                         |  |
| Nomoro ya Tšhupetšo                                                                  |  |

|                                                                    |              |  |
|--------------------------------------------------------------------|--------------|--|
| <b>Legoro la lekala leo ngongorego e welago go lona</b>            | <b>Swaya</b> |  |
| Madulo                                                             |              |  |
| Leeto                                                              |              |  |
| Dinamelwa                                                          |              |  |
| Polokego le Tšhireletšego                                          |              |  |
| Swarompe/ kgethollo                                                |              |  |
| Nyakišišo mabapi le gore go ngwadišwa kgwebo ya boeti ka tsela efe |              |  |
| Tše dingwe                                                         |              |  |
| Tharollo yeo e šišintšwego                                         |              |  |
| Maemo a ngongorego                                                 |              |  |