

DEPARTMENT OF TOURISM
NOTICE 543 OF 2018
TOURISM ACT, 2014 (ACT NO. 3 OF 2014)

REGULATIONS IN RESPECT OF THE NATIONAL TOURISM INFORMATION AND MONITORING SYSTEM

I, DEREK ANDRE HANEKOM, Minister of Tourism, intends under section 61(1)(a) and (2), read with section 5 of the Tourism Act, 2014 (Act No. 3 of 2014), to make the Regulations in the Schedule.

Interested and affected persons are invited to submit within one (1) month from the date of publication of this notice, written representation on the proposed Regulations to the following:

By Post:

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

Attention: Ms Nonkqubela Silulwane

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

By email: nsilulwane@tourism.gov.za

Enquiries in connection with the Draft Regulations can be directed to Ms Silulwane at (012) 444-6402

Comments received after the closing date may not be considered.



Derek Hanekom, MP
Minister: Tourism

No.

GOVERNMENT GAZETTE

2018

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PART 1

INTERPRETATION AND PURPOSE OF REGULATIONS

Definitions

1. In these Regulations a word or expression to which a meaning has been assigned in the Tourism Act, 2014 (Act No. 3 of 2014), has the meaning so assigned and, unless the context indicates otherwise—

“**Department**” means the national Department responsible for the management and growth of tourism;

“**System**” means the national tourism information and monitoring system established in terms of section 5 of the Tourism Act, 2014 (Act No. 3 of 2014); and

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

Purpose of Regulations

2. The purpose of these Regulations is to regulate the collection, recording, management, analysis and dissemination of information and data on tourism to monitor developments and trends in tourism.

Application of Regulations

3. These Regulations apply uniformly in all provinces of the Republic of South Africa.

PART 2**TOURISM AND MONITORING SYSTEM****Nature and form of the System**

4. The System must be a set of processes and procedures designed to capture, store, disseminate and analyse tourism information.

Categories, content and form of data and information to be captured on the System

5. (1) Categories of data and information to be captured on the System include—
- (a) all tourism related information, such as Tourism Satellite Account ("TSA") classifications and categories;
 - (b) accommodation;
 - (c) meetings, exhibitions, conferences and special events;
 - (d) attractions and activities;
 - (e) tour operators and tourist guide services;
 - (f) restaurants and similar services;
 - (g) tourism information services;
 - (h) hiring and leasing;
 - (i) passenger transport and related services;
 - (j) travel agencies and other reservation services;
 - (k) cultural services;
 - (l) sports and recreational services; and
 - (m) tourism related infrastructure.

Content and form of data and information which must be captured on the System

6. The content and form of data and information which must be captured on the system includes, but is not limited to, the following:

- (a) legal name of business;
- (b) trading name;
- (c) CIPC registration number;
- (d) years of operation;
- (e) physical and postal address;
- (f) type of business or company;
- (g) business structure;
- (h) franchise information;
- (i) ownership type;
- (j) classification and category of business;
- (k) classification of business;
- (l) Broad-Based Black Economic Empowerment (BBBEE) information;
- (m) tourism grading and levy information;
- (n) universal accessibility;
- (o) member association;
- (p) number and type of rooms;
- (q) number of beds;
- (r) type of amenities providers;
- (s) number of conference rooms and total seating capacity;
- (t) total parking capacity;
- (u) dietary restrictions, liquor license information and smoking facilities;
- (v) type of travel services, number of vehicles and carrying capacity;
- (w) type of cultural and recreational services offered;

- (x) amenities (wellness spa, swimming pool and others); and
- (y) contact information;

Submission of databases by organs of state

7. The Director-General shall implement systems to ensure that organs of state submit databases with complete information.

Submission of data and information

8. (1) Data and information may be provided in hard copies or electronically.
- (2) Data and information must be provided at least once a year.
- (3) Data and information must be provided within 30 days where there are changes to the information or upon request.

Record keeping

9. (1) A person must keep a record of the information submitted to the Department.
- (2) The records contemplated in sub-regulation (1) must be—
- (a) retained for a period of at least five years; and
 - (b) made available for inspection by a representative of the Department, upon request.

Verification of data and Information

10. (1) The Department may notify a person who submitted information or data that verification of information will be conducted within a period determined by the Department.

(2) If the Department reasonably believes that the information provided during the verification process is incorrect or misleading, the Department must, in writing and within a reasonable period, afford a person who the information belongs to an opportunity to correct the information.

PART 3

GENERAL PROVISIONS

Offences and penalties

11. (1) A person commits an offence if a person provides incorrect or misleading information knowing it to be incorrect or misleading.

(2) A person who commits an offence contemplated in sub-regulation (1) is liable on conviction to—

- (a) imprisonment for a period not exceeding 12 months;
- (b) an appropriate fine; or
- (c) both a fine and imprisonment.

Short title and commencement

12. These Regulations are called the National Tourism Information and Monitoring System Regulations, and take effect on the date of publication thereof.

TOURISM ACT, 2014 (MOLAO 3 wa 2014)**MELAWANA MALEBANA LE LENANEO LA TSHEDIMOŠO YA TŠA BOETI LA BOSETŠHABA LE TEKOLO**

Nna, DEREKANDRE HANEKOM, Tona ya Tša Boeti, ke kemedi tšela tšegakaro 61(1)(a) le (2), e bawalelako 5 ya *Tourism Act, 2014* (Molao 3 wa 2014), go dira Melawana mo Šetuleng.

Batho bao ba nago le kgahlego le bao ba amegago ba laletšwa go romela mo bekeng ye tee (1) go tloga ka letšatšikgwedi la kgatišo ya tsebišo ye, kemedi ka tšela ya lengwalo mabapi le Melawana yeo e šišintšwego go:

Ka Poso:

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

E lebišwe go: Moh Nonkqubela Silulwane

Ka seatla: Ground Floor (*Reception*) Tourism House, 17 Trevenna Street, Sunnyside; Ka

emeile: nsilulwane@tourism.gov.za

Dipotšišo mabapi le Melawana Thalwa di ka romelwa go Moh Silulwane go {012} 444-6402 Diswayaswayo

tšeo di hweditšwego morago ga letšatšikgwedi la mafelelo di ka se eleletšwe.



Derek Hanekom, MP Tona: Tša
Boeti

No.

KURANTA YA MMUŠO

2018

ŠETULE**LENANEO LA DIKAGARE****KAROLO 1****TLHATHOLLO LE MOHOLA WA MELAWANA**

1. Tlhathollo le Mohola wa Melawana
2. Lenaneo la tša Boeti le Tekolo
3. Ditaelo Kakaretšo

KAROLO 2**NTAIONAL TOURISM INFORMATION AND MONITORING SYSTEM**

4. Mokgwa le mohuta wa Lenaneo
5. Magoro, dikagare le mohuta wa datha le tshedimošo yeo e swanetšego go lotwa Lenaneong
6. Dikagare le mohuta wa datha le tshedimošo yeo e swanetšego go lotwa Lenaneong
7. Thomelo ya didathabeise ka makala a mmušo
8. Thomelo ya datha le tshedimošo
9. Go lota rekhoto
10. Netefatšo ya datha le tshedimošo

KAROLO 3**DITAELO KAKARETŠO**

11. Melato le dikotlo
12. Thaetlele ye kopana le go thoma go šoma

KAROLO 1**TLHATHOLLO LE MOHOLA WA MELAWANA****Dihlalošo**

1. Mo Melawaneng ye lentšhu goba mmolelwana woo o nago le hlalošo go *Tourism Act, 2014* (Molao 3 wa 2014), o na le hlalošo yeo mme, ntle le ge tshwaraganyo e laetša ka tsela ye nngwe—

“**Kgoro**” e ra Kgoro ya Bosetšhaba yeo e nago le maikarabelo a taolo le kgodišo go ekonomi;

“**Lenaneo**” e ra tshedimošo ya lenaneo la tša boeti ya bosetšhaba le tekolo yeo e hlanngwego go ya ka karolo 5 ya *Tourism Act, 2014* (Molao 3 wa 2014); le

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

Mohola wa Melawana

2. Mohola ya Melawana ke go laola kgoboketšo, go rekhotiwa, taolo, phetleko le phatlalatšo ya tshedimošo le datha go tša boeti go lekola ditšweletšo le ditlwaelo go tša boeti.

Go šoma ga Melawana

3. Melawana ye e šoma ka go swana diprofenseng ka moka tša Rephabliki ya Afrika Borwa.

KAROLO 2**LENANEO LA TŠA BOETI LE
TEKOLO****Mokgwa le mohuta wa Lenaneo**

4. Lenaneo le swanetše go ba la ditshepetšo le ditshepedišo tšeo di diretšwego go swara, lota, phatlalatša le go lekola tshedimošo ya tša boeti.

Magoro, dikagare le mohuta wa datha le tshedimošo yeo e swanetšego go lotwa Lenaneong

5. (1) Magoro a datha le tshedimošo yeo e swanetšego go lotwa Lenaneong di akaretša-
- (a) tshedimošo ka moka ye malebana le tša boeti, go swana le magoro a Akhaonto ya Sathalaete ya tša Boeti {"TSA"};
 - (b) madulo;
 - (c) dikopano, dipontšho, dikopano le ditiragalo tše di kgethegilego;
 - (d) dikgogedi le mahlahla;
 - (e) ditshepetšo tša maeto le ditirelo tša tlhahlo ya baeti;
 - (f) diresturenta le ditirelo tše di swanago;
 - (g) ditirelo tša tshedimošo ya tša boeti:
 - (h) go hira le go hiriša;
 - (i) dinamelwa tša banamedi le ditirelo tše malebana;
 - (j) diagente tša maeto le ditirelo tše dingwe tša peakanyetšo;
 - (k) ditirelo tša setšo;
 - (l) ditirelo tša dipapadi le boitapološo; le
 - (m) mananeokgoparara a malebana le tša boeti.

Dikagare le mohuta wa datha le tshedimošo yeo e swanetšego go lotwa Lenaneong

6. Dikagare le mohuta wa datha le tshedimošo yeo e swanetšego go lotwa mo lenaneong di akaretša, efela ga di felele go, tše di latelago:

- (a) leina la molao la kgwebo;
- (b) leina leo go rekišwago ka lona;
- (c) nomoro ya ngwadišo ya CIPC;
- (d) mengwaga ya mošomo;
- (e) aterese ya madulo le poso;
- (f) mohuta wa kgwebo goba khamphani;
- (g) sebopego sa kgwebo;
- (h) tshedimošo ya forentšhaese;
- (i) mohuta wa borui;
- (j) legoro le karolo ya kgwebo;
- (k) legoro la kgwebo;
- (l) Tshedimošo ya Maatlafatšo yeo e Nabilego ya Ekonomi ya Batho Baso (BBBEE);
- (m) magoro a tša boeti le tshedimošo ya ditefišo;
- (n) phihlelelo ya lefase ka bophara;
- (o) mokgatlo wa boloko;
- (p) Nomoro le mohuta wa dikamore;
- (q) palo ya malalo;
- (r) mehuta ya baabi ba didirišwa;
- (s) palo ya dikamore tša kopano le palomoka ya bodulo;
- (t) palomoka ya mothamo wa go phaka;
- (u) dithibelo dijong, tshedimošo ya laesense ya go rekiša tagi le didirišwa tša go kgoga;

- (v) mehuta ya ditirelo tša maeto, palo ya difatanaga le mothamo wa go swara;
- (w) mohuta wa ditirelo tša setšo le boitapološo tšeo di abelwago;
- (x) didirišwa (boitekanelo bja tša go thoba mmele, lefelo la go rutha le tše dingwe); le
- (y) tshedimošo ya boikgokaganyo;

Thomelo ya dathabeise ka makala a mmušo

7. Molaodi-Kakaretšo o tla tsenyatirišong mananeo a go netefatša gore makala a mmušo a romela di dathabeise ka tshedimošo yeo e feletšego.

Thomelo ya datha le tshedimošo

8. (1) Datha le tshedimošo di ka phethagaletšwa ka dikhophi tša letlakala goba ka elektroniki.
(2) Datha le tshedimošo di swanetše go phethagaletšwa le ge e ka ba ga tee mo ngwageng.
(3) Datha le tshedimošo e swanetše go phethagaletša mo matšatšing a 30 moo go nago le diphešo go tshedimošo goba ka kgopelo.

Go lota rekhoto

9. (1) Motho o swanetše go lota rekhoto ya tshedimošo yeo e
(2) rometšwego kgorong. Direkhoto tše di hlalošitšwego go molawana
(1) di swanetše go-
(a) lotwa botelele bja nako ya mengwaga ye mehlano; le
(b) hwetšagatšwa bakeng sa go lekolwa ke moemedi wa Kgoro, ge go kgopelwa.

Netefatšo ya datha le tshedimošo

10. (1) Kgoro e ka tsebiša motho yo a rometšwego tshedimošo goba datha gore netefatšo ya

tshedimošo e tla diragatšwa mo nakong yeo e laolwago ke Kgoro.

(2) ge Kgoro e dumela ka mo go kwagalago gore tshedimošo yeo e neilwego ka nako ya netefatšo ga se ya go nepagalo goba ke ya go lahletša, Kgoro e swanetše go, ka tsela ya lengwalo mme mo nakong yeo e kwagalago, nea motho yoo tshedimošo e lego ya gagwe monyetla wa go lokiša tshedimošo.

KAROLO 3

DITAELO TŠA KAKARETŠO

Melato le dikotlo

11. (1) Motho o dira molato ge motho a nea tshedimošo ye e sa nepagalago goba ya tahletšo ka tsebo ya gore ka tsebo ya gore ke yeo e sa nepagalago goba ya tahletšo.

(2) Motho yo a dirago molato wo o hlalošitšwego go molawana (1) o tla hwetša kotlo, ge a tšhotšhišwa, ya—

- (a) kgolego botelele ba nako yeo e sa fetego dikgwedi tše 12;
- (b) faene ye e swanetšego; goba
- (c) faene le kgolego ka bobedi bja tšona.

Thaetlele ye kopana le go thoma go šoma

12. Melawana ye e bitšwa Melawana ya Lenaneo la Tshedimošo ya tša Boeti ya Bosetšhaba le Tekolo, mme e thoma go šoma ka letšatšikgwedi la kgatišo ya yona.