



tourism

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Minister van Schalkwyk speaks on the New Tourism Bill 2012

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The Department of Tourism, today presented its Tourism Bill 2012 to the Portfolio Committee. The presentation gave an overview of the various chapters of the Bill, its interpretation and application. The Minister provided the committee with the context within which to understand not only the presentation, but also the prevailing conditions that existed in the wake of the drafting of the Bill.

The Minister said that legislation in general is important for two essential reasons: (i) It replaces the spontaneous creation and application of non-legislative rules, thereby establishing order in a sector, and (ii) it is a prerequisite for society to develop and set rules that are enforceable and applicable for all, thereby creating an enabling environment for future development and growth. In light of this, it is essential to reflect on the current policy, legislative and strategic framework of the tourism sector.

Prior to the drafting of the Tourism Bill, the sector was governed by the Tourism Act of 1993, with its objective to “promote tourism”. The Act was promulgated more than 15 years ago and was amended three times, in the years 1996, 2000 and 2002 respectively. All of the amendments related to the management of tourist guides. However, the Act fell short of being an overarching national legislative framework for the management of tourism, and did not support the implementation of the later (1996) Tourism White Paper and its broader policy framework. It is inert and inflexible to respond to the ever-changing landscape of the sector.

The White Paper on the Development and Promotion of Tourism in South Africa was later drafted in 1996, with the specific purpose to provide a policy framework and guideline for the “development of tourism”, which the Tourism Act had omitted. The White Paper recognised that tourism is important to the economy, but that there was a lack of inclusive effective national, provincial and local structures to manage tourism, transformation and access.

The White Paper further defined the role of key players such as national, provincial and local government, as well as the private sector, to which the Constitution of 1996 alluded. Very importantly too, the White Paper set the tone for later developments around responsible tourism practices. However, gaps became apparent in the White Paper as well.

In 2009, government identified tourism as one of the key contributing sectors to the medium-term strategic priority of “Growing the economy and creating decent work”. Tourism’s capacity to deliver on the aforementioned was strengthened through the establishment of a dedicated National Department of Tourism (NDT). Furthermore, the New Growth Path, an operational plan within the National Development Plan, identified tourism as one of the six job drivers. The NDT is therefore guided by the National Tourism Sector Strategy (NTSS), which was developed in consultation with tourism stakeholders.

Recognising that transformation is vital to ensure the sustainable growth and development of the tourism sector, and that inadequate, uncoordinated and fragmented tourism planning and information provision is the most pervasive challenge facing the development and

growth of tourism in the country, the department embarked on the drafting of the Tourism Bill. The Bill, when promulgated, will repeal the Tourism Act of 1993.

The Bill's overarching aim is to provide for the development and promotion of sustainable tourism for the social, economic and environmental benefit of South African citizens.

With that in mind, the Bill boasts five key objectives:

- i) Promoting the practice of responsible tourism
- ii) Providing for the effective marketing of South Africa, both domestically and internationally
- iii) Promoting quality tourism products and services
- iv) Promoting the growth and development of the sector
- v) Effective intergovernmental relations in developing and managing tourism

The glaring gaps that the Tourism Bill seeks to address are inter alia as follows:

1. The NTSS, which was approved by Cabinet in 2011, will, when the Bill is passed as an Act, form part of the legislative framework for the management and development of tourism. The NTSS is premised on tourism growth, enhanced visitor experience, sustainability and good governance. The policy framework that was initially set out in the White Paper is also incorporated into the NTSS.

2. The Bill makes provision for the establishment of a Conventions Bureau by South African Tourism (SAT) to coordinate bids for business events. Necessary steps have already been taken to fund and implement the provisions defined in the Bill for the creation of the Conventions Bureau.

3. The Bill establishes the Tourism Grading Council as a statutory entity responsible for quality assurance of tourism product, services and facilities. The Grading Council will implement the grading system. The Bill expands its mandate, and will allow the Minister to determine a grading system and assign the oversight role and functions of the Grading Council to the department, the Board (SAT) or to any other suitable body in compliance with the Public Finance Management Act.

4. The White Paper and the NTSS recognise the lack of knowledge and understanding within the tourism sector. In the Bill, we are therefore providing for knowledge and information management, monitoring and evaluation. The Bill also makes provision for the calling of information from tourism businesses. This is aimed at fostering better understanding of the sector and at improving decision making. The Bill defines this as voluntary, and allows for incentives for businesses who participate.

5. The Bill also makes provision for the issuing of norms and standards to standardise the management and development of tourism, including the provision of tourism services, facilities and products. The Norms and Standards on Service Excellence and Responsible Tourism in the Bill stem from the White Paper and the NTSS. The Bill further provides for the determination of codes of good practice as guidelines for the management of tourism.

In conclusion, the Minister noted that the Bill serves as the essence of the effective legislative framework required for the drafting of policies and strategies that will enhance the performance of the tourism sector for decades to come. He added that his vision for the department is to be a catalyst for tourism growth and development in South Africa, and that the introduction of this Bill will be added to their tally stick of achievements in fulfilling this vision.

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