

# FRAMEWORK

## Development of Regulations in Respect of Tourist Guiding

2016

*Department of Tourism*  
[www.tourism.gov.za](http://www.tourism.gov.za)



**tourism**

Department:  
Tourism  
REPUBLIC OF SOUTH AFRICA



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# PURPOSE

- To present the framework on the development of regulations for tourist guides.
- To encourage stakeholders to provide inputs to the draft regulations for tourist guides.

# LEGISLATIVE BACKGROUND

- 1993: Tourist Guiding profession was regulated by the Tourism Act, 1993 which defined the scope of guiding and provided a framework for the conduct and governance of the tourist guiding profession.
- 1994: The Regulations Pertaining to Tourist Guides was promulgated in 1994 and set out the procedures for the registration of tourist guides, the drafting of the code of conduct and ethics and includes endorsements and suspension procedures, fines to be levied for non-compliance and procedures for appeals.

## LEGISLATIVE BACKGROUND (2)

- 2000: Promulgation of the Tourism Second Amendment, Act, 70 of 2000 at which point the functions which related to the registration of tourist guides were transferred from South African Tourism (SATOUR at the time) to NDT (Department of Environmental Affairs and Tourism (DEAT) at the time).
- 2001: Regulations with Respect to Tourist Guides, 2001 was promulgated to support the amended Act.

# LEGISLATIVE BACKGROUND (3)

- 1995: South African Qualifications Authority Act, 1995. The SAQA Act, 1995 stipulated that National Qualifications would be developed for all components of the education and training system in South Africa. As a result, the tourist guiding sector developed a set of national qualifications that tourist guides were expected to achieve – a process which is quality assured by CATHSSETA (previously THETA) but does not exclude Institutions of Higher Education.

# IMPORTANCE OF REVIEWING THE TOURISM ACT, 1993

- In 2009 the President announced the creation of the Ministry of Tourism and NDT was established as a standalone Department.
- The Tourism Act, 1993 pre-dated the Constitution of the Republic of South Africa and fell short of being the overarching national legislative framework for the management of tourism in the country.
- During 2009, the Department embarked on a process to develop a Strategy to Professionalize Tourist Guiding and a number of gaps/challenges/shortfalls were identified in the current legislation and as a result, there was a need to commence with the process of amending the legislation.

# TOURISM ACT, NO.3 of 2014

- On 16 June 2014, the Tourism Act, No. 3 of 2014 was enacted.
- Chapter 6 is dedicated to the guiding function.
- The Act defines tourist guides as:  
*“A tourist guide means any person registered as such under section 50 and who for reward accompanies any person who travels within or visits any place within the Republic and who furnishes such person with information or comments.”*
- The new Act includes the following key changes:
  - Registration validity period of 3 years (not 2 years).
  - The carrying capacity/driver guide requirements were removed.
  - Fines for non-compliance were increased.

# AREAS TO BE REGULATED AS PER ACT

- ✓ **Registration of new tourist guides**
  - Form; fee; prescribed quality assurance process; registration certificate (ID card); badge.
  - Fields of specialisation (categories, type).
  
- ✓ **Renewals, additional competencies, damaged, destroyed or lost ID card/badge**
  - Forms; fees
  
- ✓ **Requirements for the database of tourist guides (fields)**
- ✓ **Code of Conduct and Ethics**
  
- ✓ **Appeals**
  - Procedure; fee.



# REQUIREMENTS FOR REGISTRATION

- Proof of CATHSSETA competence (not aligned to Act). **SAQA recognised qualification.**
- First aid certificate **to remain. Propose different levels for different guiding activities/levels eg. wilderness first aid for guiding in remote areas.**
- Application form (Annexure A) **to updated in line with the database fields.**
- Prescribed fee (R240 new/renewals) **to be revised.**
- Four recent, un-mounted and identical colour photos (head and shoulders (30 X 25mm) **2 instead of 4 for admin purposes.**
- Signed code of conduct and ethics
- Must be fluent in English **to be removed as it is unconstitutional.**
- Fields of specialization **to align to qualification structure.**

# PROCESSING APPLICATIONS

Processing of **new applications, renewals, additional competencies, damaged, destroyed or lost ID card/badge.**

- Registration certificate (ID card) to be issued – **being updated/redesigned with security features.**
- A badge to be issued – **to include expiry date.**
- Renewal fee (R240) – **to be revised.**
- Additional competencies (R60) – **to be revised.**
- Form for additional competencies - **being updated.**
- Form in cases where ID card/badge is damaged, destroyed or lost accompanied by R30 – **form being updated. Amount to be revised.**

**NOTE: All application forms are being revised and will be consolidated into one annexure.**

# APPEALS

## Appeals and reviews

- Appeals to be lodged 30 days of being notified of the decision against which he/she wishes to appeal.
- Appellant must also inform the National Registrar in the notice whether or not he/she wishes to argue the appeal personally before the National Registrar.
- The notification must be accompanied by the prescribed fee of R200 (fee to be revised).

Appellant must provide the Provincial Registrar with a copy of the notification of appeal.

The Provincial Registrars must respond to the National Registrar within 10 days from receipt of notification and provide reasons for the decision.

- The National Registrar must, within 30 days from receipt of the Provincial Registrars notification notify the appellant of his/her final decision.

# REFUSAL, DISQUALIFICATIONS, DISCIPLINARY, LAYING CHARGES

## **Refusal of applications**

- No regulations. Actions are prescribed under Section 50 of the Act.

## **Disqualifications**

- No regulations. Actions are prescribed under Section 54 of the Act.

## **Disciplinary measures**

- No regulations. Actions are prescribed under Section 55 of the Act.

## **Laying charges with SAPS**

- No regulations. Specific processes not prescribed of the Act.

## **Disputes**

- No regulations. Actions are prescribed under Section 58 of the Act.

# DATABASE REQUIREMENTS

## The Register must contain:

- Province of registration
- Registration number
- Title, surname and first names
- Gender
- Date of birth, ID no. where applicable
- Details of work permit or permanent residence where applicable
- Nationality
- Postal, business and residential address
- Contact details (tel, cell, fax)
- First language
- Other languages conversant in
- National qualifications and competencies
- Special skills and knowledge
- Practical experience
- Field of specialisations
- Code of driver's license
- Any endorsements (suspension)

# DATABASE REQUIREMENTS (2)

## Additional fields proposed

- Convicted of criminal offence (yes or no)
- Professional driver's permits if driver guide.
- Language proficiency to incl. levels of proficiency in reading, writing and speaking.
- Statistical info (race, gender, employment status)

## NOTE:

Database fields to be aligned to registration application form.

Form to include a declaration that must be signed off by all applicants.

Form must also include mandatory fields

Form to include checklist for different types of applications (eg. new registration, renewal, additional competency etc.)

# CLASSIFICATION

- The fields of specialisation to be set out in Annexure G (eg. *nature, culture, adventure*).
- The classes of tourist guides includes:
  - local
  - regional
  - national
  - specialist

## **NOTE:**

- *Regions/provinces are outdated – to be updated.*
- *Classes to be referred to as categories. To be amended to site, provincial and national.*
- *Categories to be reviewed – to be aligned to qualifications*
- *Clear definitions to be in place for the various categories above and fields of specialisation.*



# COMPETENCIES

- Refers only to THETA qualification (CATHSSETA) – **not aligned to Act which refers to SAQA recognised competency.**
- Modules referred to:
  - *Module 1 and 2 – local guides*
  - *Module 4 – regional guide*
  - *Module 3 – specialist guide*
- Training institutions offering the module based training were approved by the Board.

## **NOTE:**

- **Regulations to refer to the SAQA recognised/registered qualification/competency.**
- **Modules to be removed.**



# PROCESS OF DEVELOPING REGULATIONS

- Ministerial process. To be gazetted for public comments.
- The Department decided on consultative approach.
- Once consultations have been finalised, all inputs will be analysed.
- The departmental Legal Services will finalise the draft Regulations.
- Once all the necessary processes are finalised, the documents will be submitted by the Minister for approval and gazetting.



**THANK YOU**