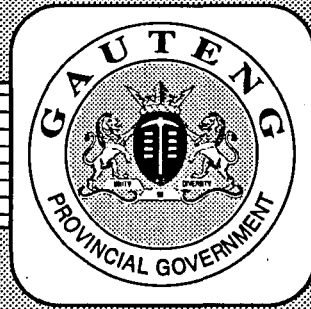


THE PROVINCE OF
GAUTENG



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No. 26

PREMIER'S NOTICE

No. 1679

12 March 1999

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:—

No. 18 of 1998: Gauteng Tourism Act, 1998

ACT

To provide for sustainable development and improvement of tourism in Gauteng; to establish Gauteng Tourism Authority; to confer powers and functions and impose duties upon the Authority; to establish a tourism development fund; to establish specific mechanisms in order to provide sustainable tourism revenue for tourism development and promotion; to provide for the registration, grading and classification of hotels; to provide for the registration of restaurants, other accommodation establishments, conference centres and tourist amenities; to provide for the licensing of tour operators, tour guides and couriers; to provide for the certification and accreditation of training providers in the tourism industry; to provide for the imposition and collection of levies in respect of hotels and other accommodation establishments, restaurants and designated tourist amenities; and to provide for matters incidental thereto.

*(English text signed by the Premier)
(Assented to on 2 January 1999)*

BE IT ENACTED by the Provincial Legislature of Gauteng, as follows:

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CHAPTER 1**DEFINITIONS AND APPLICATION OF THE ACT****Definitions**

1. In this Act, unless the context otherwise indicates—

“**accreditation**” means compliance with criteria and standards set out by the Authority;

“**Authority**” means the Gauteng Tourism Authority established by section 3;

“**Chairperson**” means the chairperson of the Authority;

“**Chief Executive Officer**” means a person appointed in terms of section 14(1)(a);

“**conference centres**” means establishments in the business for providing facilities for the hosting of conferences, congresses, conventions, symposia, seminars and exhibitions, not forming part of a hotel or other accommodation establishment;

“**courier**” means a person or business providing carriage for passengers;

“**designated officer**” means a person appointed in terms of section 21(1)(b) of this Act;

“**designated tourist amenity**” means a place or thing which the MEC has declared to be a designated tourist amenity in terms of section 23;

“**Executive Council**” means the Executive Council of the Province;

“**Fund**” means the Tourism Development Fund established by section 17;

“**hotel**” means premises, wherein or whereon the business of supplying lodging and meals for a reward is or is intended to be conducted, and includes a motel, inn or boatel;

“**immediate family member**” means a spouse, parent, child, brother, or sister;

“**levy**” means a levy prescribed in terms of section 38;

“**Legislature**” means the Gauteng Provincial Legislature;

“**member**” means member of the Authority appointed in terms of section 5(1);

“**MEC**” means a member of the Executive Council responsible for tourism matters in the Province;

“**other accommodation establishment**” means any premises offering sleeping accommodation to the public for a fee, whether with or without meals and includes a boat or house boat, bed and breakfast, caravan and camping park, farmhouse, guest house, hostel and lodge;

“**Province**” means Gauteng Province;

“**prescribed**” means prescribed by regulations and ‘prescribe’ has a corresponding meaning;

"Registrar" means a person appointed to be the Registrar of hotels, other accommodation establishments, Restaurants and Designated Tourist Amenities in terms of section 21(1)(a);

"regulations" means regulations made under this Act;

"restaurant" means premises which are structurally adapted and used for the purpose of supplying meals as prescribed, for a fee, to the public for consumption on the premises;

"SATOUR" means the South African Tourism Board established in terms of section 2 of Tourism Act 72 of 1993;

"spouse" includes a person with whom the member lives as if they are married or with whom the member habitually cohabits;

"Standing Committee" means the Legislature Committee responsible for Tourism";

"this Act" includes regulations;

"tour guide" means any person who for a reward, whether monetary or otherwise, accompanies any person who travels within or visits any place within the Province and who furnishes such person with information or comment with regard to any matter;

"tour operator" means any person who carries on the business of providing tours of any description using their own or other operators approved vehicles, aircraft and other facilities; and

"training provider" means any person, organisation or institution providing training, guidance or education within the tourism industry in the Province.

Application of Act

2. This Act applies throughout the Province.

CHAPTER 2

GAUTENG TOURISM AUTHORITY

Establishment of the Authority

3. There is hereby established a juristic person called Gauteng Tourism Authority.

Powers and duties of the Authority

4. The Authority has the following powers and duties in addition to any power or duty provided for in this Act:

- (1) to promote, foster and develop tourism;
- (2) to encourage the sustainable development, provision and improvement of tourist amenities and, to establish guidelines for tourism development;
- (3) to investigate and make recommendations to the MEC on any matter relating to promotion, development or marketing of tourism in the Province;
- (4) to initiate and implement activities and actions nationally and internationally intended to attract tourists to the Province;
- (5) to develop strategic and business partnerships and other co-operative activity with tourist organisations in other countries, and with the private and independent sectors;
- (6) to co-ordinate, advise, support and interact with organisations or institutions aimed at promoting and developing tourism; and
- (7) to become members of and solicit membership with organisations for tourism development and marketing; and
- (8) the Authority may, with the approval of the MEC, provide finance for any project which, in the opinion of the Authority, will improve and develop tourism in the Province.

Constitution of Authority

5. (1) The Authority must consist of not less than eight (8) and no more than twelve (12) members appointed by the MEC.

(2) The Authority must be constituted so as to include a representative of organised local government and representatives with knowledge of—

- (a) accommodation sector;
- (b) conference centres;
- (c) tour guides;
- (d) tour operators;
- (e) restaurants;
- (f) couriers;
- (g) labour; and
- (h) designated tourist amenities.

(3) Members are appointed by the MEC in consultation with the Standing Committee.

(4) The MEC must appoint one member as Chairperson and another as a vice-Chairperson.

(5) Whenever the Chairperson is absent or unable to fulfil any of the functions of the Chairperson, the vice-Chairperson of the Authority must act as chairperson.

(6) Whenever both the Chairperson and the vice-Chairperson of the Authority are absent or unable to fulfil any of the functions of the Chairperson, the members present must elect a person amongst themselves to act as a Chairperson.

(7) A quorum for meetings of the Authority is fifty percent (50%) plus one of duly appointed members.

(8) The MEC must—

- (a) call for nominations by publishing a notice in the *Provincial Gazette* and four newspapers widely circulating in the province when appointing members;
- (b) publish a list of proposed appointments and set a date by which persons wishing to object to any proposed appointments, may do so; and
- (c) take into account comments or objections received in respect of proposed appointments.

(9) The MEC must by notice in the *Provincial Gazette* and four widely circulating newspapers in the Province, publish a list of the members within one (1) month of their appointment.

(10) A member must—

- (a) qualify as a fit and proper person; and
- (b) possess knowledge, qualifications or experience in the field of tourism development and promotion.

Conditions of service

6. (1) A member, other than a person who is in the employ of the Government must be appointed on such conditions of service as the MEC may determine.

(2) A member may be paid such remuneration and allowances as the MEC may determine with the concurrence of the Member of the Executive Council responsible for financial matters in the Province.

Term of office

7. (1) A member must, subject to the provisions of sections 8 and 10, hold office for the period determined by the MEC at the time of his or her appointment, but not exceeding three years, and may be re-appointed on the termination of this period.

(2) If for any reason the office of a member becomes vacant, the MEC may appoint any person as a member for the unexpired portion of the period of office concerned.

Vacation of office

8. (1) A member or alternate member must vacate his or her office if he or she—

- (a) resigns;
- (b) becomes of unsound mind;
- (c) is convicted of an offence and sentenced to imprisonment without the option of a fine;

- (d) becomes a member of Parliament, any provincial legislature, the council of a municipality, the Cabinet or the Executive Council; and
- (e) absents himself or herself for more than two consecutive meetings without valid reason.

(2) The MEC may, at any time, terminate the period of office of a member if, in the opinion of the MEC, sufficient reasons exist to effect a termination: Provided that the member concerned is given the opportunity to be heard.

Disclosure of interest

9. A member must disclose any direct or indirect financial interest which the member concerned or his or her spouse, immediate family member, business partner or associate or employer has in the tourism industry.

Effect of conflict of interests

10. (1) A member must not vote, attend or in any other manner participate in the proceedings at any meeting or hearing of the Authority if, in relation to any matter before the Authority—

- (a) he or she or his or her immediate family member, partner or business associate is a director, member or partner of, or has a controlling interest or any financial or other interests in, the business of the applicant for a licence, registration, certification, grading or any other right or privilege to be granted by the Authority;
- (b) he or she has any interest which precludes him or her from performing his or her functions as a member in a fair, unbiased and proper manner;
- (c) if at any stage during the course of any proceedings before the Authority, it appears that a member has or may have any interest contemplated in this subsection.

(2) Where there is doubt as to whether a member is or is not restricted by the provisions of subsection (1) that member must leave the meeting or hearing to enable the remaining members to discuss the matter and determine whether that member is precluded from participating in the proceedings at such meeting or hearing by reason of a conflict of interest.

(3) The decision taken by the remaining members regarding such determination of conflict of interest, must be recorded in the minutes of the proceedings.

(4) If any member fails to disclose any interest contemplated in subsection (1) or if, having such an interest, he or she attends or in any manner participates in the proceedings at the meeting or hearing concerned, the relevant proceedings may be declared null and void: Provided that no decision in terms of this Act relating to the granting, amendment, renewal, transfer, revocation or withdrawal of a licence, registration, certification, or grading must thereby be invalidated.

Disqualification of members

11. No person must be appointed as a member if that person is —

- (a) an unrehabilitated insolvent;
- (b) not a South African citizen;
- (c) not a resident of the Province;
- (d) a habitual criminal; and
- (e) of an unsound mind.

Meetings of the Authority

12. (1) The first meeting of the Authority must be held at a time and place determined by the Chairperson, and thereafter the Authority must meet at such times and places as it may determine for carrying out its duties.

(2) The Chairperson may at any time, on notice, convene an extraordinary meeting of the Authority to be held at a time and place determined by him or her.

(3) No decision relating to the granting, amendment, renewal, transfer, suspension or revocation of a licence, registration, certification or grading must be taken at an extraordinary meeting.

(4) The quorum for a meeting of the Authority must be the majority of its members.

(5) Each member present has one vote on any matter before the authority, and in the event of an equality of votes, the Chairperson has, in addition to a deliberative vote, a casting vote.

(6) The Chief Executive Officer may attend and participate in any meeting of the Authority, but must not vote.

(7) The Authority must keep minutes of its meetings.

Committees of Authority

13. (1)(a) The Authority may appoint not less than two of its members, and the Chief Executive Officer as an Executive Committee of the Authority, which must perform such functions of the Authority as it may deem necessary.

(b) Except in so far as the Authority may direct otherwise, the Executive Committee must not have the power to set aside or amend any decision of the Authority.

(c) Any act performed or decision taken by the Executive Committee must be ratified by the Authority within one month of such actions or decisions being taken, and must be of force and effect except in so far as is set aside or amended by the Authority.

(2)(a) The Authority may establish one or more committees on any matter referred to it by the Authority;

(b) A committee referred to in paragraph (a) must consist of so many members of the Authority or so many other persons, as the Authority may deem necessary, and the Authority may dissolve or reconstitute such a committee;

(c) The Authority must appoint a member as a chairperson of such a committee;

(d) On completion of its mandate, a committee referred to in paragraph (a) must submit a report.

Staff of the Authority

14. (1) The Authority must—

(a) with concurrence of the MEC, appoint a Chief Executive Officer;

(b) appoint persons to assist it in the performance of its duties and exercise of its powers.

(2) The Staff of the Authority must—

(a) receive remuneration, allowances and other employment benefits;

(b) be appointed on such terms and conditions and for such periods, as the Authority, with the concurrence of the MEC, may determine.

Expert and other assistance

15. The Authority may appoint such experts or other persons as it may deem necessary, with a view to assisting it, in the exercise of its powers and performance of its duties.

Delegation of powers and assignment of duties

16. (1) The Authority may—

(a) delegate powers and duties conferred upon them under this Act to any member of the authority, Chief Executive Officer or committee;

(b) assign any of their duties in terms of this Act, to the persons contemplated in paragraph (a).

(2) The Chief Executive Officer may, for the effective execution of the provisions of this Act—

(a) delegate a power conferred on him or her by this Act; and

(b) assign a duty imposed upon him or her by this Act, except a duty as accounting officer, to any member of staff.

(3) A person to whom a power has been delegated or duty has been assigned, must exercise the power or perform the duty subject to conditions the Authority considers necessary.

(4) A delegation or assignment—

(a) must be in writing;

(b) does not prevent the Authority or Chief Executive Officer from exercising this power or performing this duty, and

(c) may at any time be withdrawn in writing by the person who granted it.

Tourism Development Fund

17. (1) There is hereby established a fund called Tourism Development Fund.
- (2) The Fund must be used for the development or empowerment of the previously disadvantaged persons or communities in the tourism industry.
- (3) The management and control of the Fund must, subject to the provisions of this Act, be vested in the Authority.
- (4) Subject to this Act, no less than thirty-three percent (33%) of the Funds referred to in section 18(1)(a) will be allocated to the Fund.

Funds of the Authority

18. (1) The funds of the Authority must consist of—
- (a) at least eighty percent (80%) of all levies collected in terms of this Act.
 - (b) other monies appropriated by the Provincial Legislature; and
 - (c) money accruing to the Authority from any other source approved by the MEC, including fees paid in terms of this Act.
- (2) The Authority must, for the purposes of appropriations contemplated in subsection (1)(a), submit to the MEC such estimates of expenditure and other inputs in respect of budget matters, including a business plan, as the MEC or the Provincial Treasury may require.
- (3) The Authority—
- (a) must open an account with a registered bank determined by it and must deposit in that account all money referred to in subsection (1); and
 - (b) may invest money deposited in terms of paragraph (a) which is not required for immediate use.

Accounting responsibility

19. (1) The Chief Executive Officer is the accounting officer of the Authority.
- (2) The financial year of the Authority must end on 31 March each year.
- (3) The accounting officer must—
- (a) keep full and proper records of all funds received or expended by, and of assets, liabilities and financial transactions of the Authority;
 - (b) follow the bookkeeping and accounting systems, instructions and requirements of the Provincial Treasury;
 - (c) as soon as is practicable, but not later than three months after the end of the financial year referred to in subsection (2), prepare annual financial statements reflecting, with suitable particulars, money received and expenses incurred by the Authority, and its assets and liabilities at the end of the financial year.
- (4) The Authority is subject to audit by the Auditor General.

Annual report

20. (1) The Authority must, as soon as practicable after the close of the financial year, but not later than three months, submit to the MEC an annual report on the activities of the Authority during the preceding financial year.
- (2) The MEC must submit the report to the Provincial Legislature, as soon as possible.

CHAPTER 3**REGISTRATION, CERTIFICATION, ACCREDITATION AND LICENSING****Appointment of Registrar and designated Officer**

21. (1) The Authority—
- (a) must appoint a person to be the Registrar of hotels, accommodation establishments, conference centres, restaurants, designated tourist amenities, tour guides, tour operators, couriers and training providers; and
 - (b) may appoint such other person or persons as designated Officer or Officers as it may deem necessary.

(2) The Registrar and designated Officers must be issued with a certificate signed by, or on behalf of the Authority, stating that, the holder has been appointed in terms of this Act.

Registration of tour guides, tour operators, couriers, training providers, hotels, other accommodation establishments, conference centres, restaurants and designated tourist amenities

22. For the purposes of establishing a comprehensive database of the tourist industry, the Registrar must keep a register for the registration of—

- (a) tour guides;
- (b) tour operators;
- (c) couriers;
- (d) training providers;
- (e) hotels;
- (f) other accommodation establishments;
- (g) conference centres;
- (h) restaurants; and
- (i) designated tourist amenities.

Notice for registration of tour guides, tour operators, couriers, training providers, hotels, other accommodation establishments, conference centres, restaurants and designated tourist amenities

23. (1) The MEC must on the advice of the Authority, by notice in the *Provincial Gazette* and in four newspapers widely circulating in the Province, declare that as from the date specified in the notice, being not less than six months from the date of publication of the notice, hotels, other accommodation establishments, conference centres restaurants, designated tourist amenities, tour guides, tour operators, couriers and training providers of such class as are specified in the notice must be registered.

(2) If in the opinion of the Authority, the Registration process cannot be completed within the year prescribed the MEC may by way of notice in the *Provincial Gazette* extend the period.

(3) No person may conduct a business of an hotel, other accommodation establishment, conference centre, restaurant, designated tourist amenity, tour guide, tour operator, courier or training provider of a class specified in the notice referred to in subsection (1), after the date fixed for registration in the notice has expired, unless it is registered.

Determination of accreditation, classification and grading requirements

24. (1) The Authority must determine—

- (a) the requirements which are to be complied with before hotels, other accommodation establishments, conference centres, restaurants, designated tourist amenities, tour guides, tour operators, couriers and training providers may be accredited; and
- (b) the classifications, grades and requirements which are to be complied with, before an accredited tour guide, tour operator, hotel, other accommodation establishment, conference centre, restaurant, designated tourist amenity, training provider or courier can qualify for any particular classification or grade.

(2) The Authority must advise the MEC on the determination of the requirements for accreditation of a tour guide, tour operator, courier, an hotel, other accommodation establishments, conference centres, restaurants, training provider, tourist amenities and their classifications and grades.

The purpose of accreditation, classification and grading

25. (1) The purpose of accreditation is—

- (a) to enhance standards relating to the tourism industry;
- (b) to provide quality control guidance for tourists; and
- (c) marketing and promotion.

Application for registration, accreditation, classification and grading of hotels, other accommodation establishments, conference centres, restaurants, tour guides, tour operators, couriers, training providers and designated tourist amenities

26. (1) Any person who is conducting or operating or intends to conduct or operate an hotel, other accommodation establishment, conference centre, restaurant business, a designated tourist amenity, a tour guide, a tour operator, a training provider or a courier must apply to the Registrar for registration and may apply for accreditation, classification and grading, which is voluntary.

(2) An application referred to in subsection (1) must be—

- (a) made in the prescribed manner; and
- (b) accompanied by the prescribed fee.

Duties of the Registrar in relation to accreditation of tour guides, tour operators, couriers, hotels, other accommodation establishments, conference centres, restaurants, designated tourist amenities or training providers

27. (1) Subject to the provisions of subsection (2) the Registrar must, if he or she is of the opinion that the requirements for accreditation—

- (a) have been or will be complied with, accredit the tour guide, tour operator, courier, hotel, other accommodation establishment, conference centre, restaurant, designated tourist amenity or training provider; or
- (b) have not been or will not be complied with, refuse to accredit the hotel, other accommodation establishment, conference centre, restaurant or designated tourist amenity. Provided that the Registrar may postpone the matter for further consideration for such period as he or she may determine.

(2) The Registrar, before accrediting an hotel, other accommodation establishment, a conference centre, a restaurant, a tour guide, a tour operator, a courier, a designated tourist amenity or a training provider in terms of subsection (1), may—

- (a) inspect the hotel, other accommodation establishment, conference centre, restaurant or designated tourist amenity or cause it to be inspected by a designated officer;
- (b) call for a report from a health officer; and
- (c) conduct further investigation in regard to such matter.

(3) A restaurant which is situated within the premises of an hotel, may be accredited in terms of subsection (1), notwithstanding any accreditation or classification and grading of the respective hotel as contemplated in this Act.

Issuing of certificates

28. (1) The Registrar must issue to the person who is conducting or operating hotels, other accommodation establishments, conference centres, tour guide, tour operator, courier, restaurant, designated tourist amenities or training provider, a certificate of registration in the prescribed form.

(2) If the Registrar is satisfied that all the requirements of accreditation have been complied with, he or she must issue a certificate of accreditation.

(3) If the Registrar withdraws or amends accreditation of any hotel, other accommodation establishment, conference centre, restaurant, tour guide, tour operator, courier or designated tourist amenity, the person who was conducting or operating such hotel, other accommodation establishment, conference centre, restaurant, designated tourist amenity or training provider, must forthwith return the certificate of accreditation to the Registrar.

Publication of a list of hotels, other accommodation establishments, conference centres, restaurants, tour guides, tour operators, couriers, designated tourist amenities or training providers

29. The Authority must publish periodically, in such a manner as it may determine, a list of registered hotels, other accommodation establishments, conference centres, restaurants, tour guides, tour operators, couriers, designated tourist amenities and training providers together with such particulars as it may determine.

Period of validity of registration, accreditation, classification and grading

30. A registration, accreditation, classification or grading made in terms of this Act, is renewable on an annual basis.

Withdrawal of accreditation of hotels, other accommodation establishments, conference centres, restaurants, tour guides, tour operators, couriers, designated tourist amenities or training providers

31. (1) If accreditation requirements have not been complied with, the Registrar may give notice to the person conducting hotels, other accommodation establishments, conference centres, restaurant businesses, tour guides, tour operators, couriers, training provider or designated tourist amenities to satisfy the requirements within three months from the date of notice, failing which the Registrar may withdraw the accreditation.

(2) The person conducting the hotels, other accommodation establishments, conference centres, restaurant businesses, tour guide, tour operator, courier or the designated tourist amenity in respect of which a notice in terms of subsection (1) has been issued, may, before the expiry of the period of three months, make representations in writing to the Registrar in regard to the proposed withdrawal of the accreditation of the hotel, other accommodation establishment, conference centre, restaurant, tour guide, tour operator, designated tourist amenity or training provider.

(3) If, upon the expiry of the period of three months referred to in a notice given in terms of subsection (1) or, upon the expiry of any extension of that period granted by the Registrar, the Registrar considers that the requirement concerned has not been complied with, he or she may withdraw the accreditation of the hotel, other accommodation establishment, conference centre, tour guide, tour operator, courier, restaurant, designated tourist amenity or training provider and must give notice thereof.

Licensing of tour operators, tour guides and couriers

32. (1) The MEC must, acting on the advice of the Authority—

- (a) declare by notice in the *Provincial Gazette* and four newspapers widely circulating in the Province that with effect from such a date as may be fixed in the notice, being not less than three months from the date of publication thereof, such classes of tour operators, tour guides or couriers as may be specified in the notice must be licensed by the Authority; and
- (b) specify in such notice, the requirements to be complied with by an applicant for such licence.

(2) Upon and after the date fixed in a notice made in terms of subsection (1), no person must—

- (a) carry on the business of any class of tour operator or tour guide specified in that notice except in terms of tour operator's licence issued in respect of that business; or
- (b) operate as any class of courier specified in that notice except in terms of a courier's licence issued in respect of that business; or
- (c) employ any person to operate as any class of courier specified in that notice otherwise than in accordance with a courier licence issued to that person.

Application for issue or renewal of a licence

33. (1) Any person who wishes to apply for the issue or renewal of a licence of tour operator, tour guide or courier may make application thereof to the Registrar.

(2) An application in terms of subsection (1) must be—

- (a) made in the prescribed manner and form; and
- (b) accompanied by the prescribed fee.

(3) Upon an application being made to him or her in terms of subsection (1) the Registrar may—

- (a) grant the application and issue or renew the licence of a tour operator, tour guide or courier; or
- (b) refuse the application.

(4) In considering an application in terms of subsection (1) the Registrar must have regard to the question whether—

- (a) in respect of a tour operator's licence, the business has or is likely to have a favourable effect upon tourism in the Province, taking into account the manner in which the business is conducted or proposed to be conducted; and
- (b) in respect of licence of a tour guide or courier, the person concerned is a fit and proper tour guide or courier, taking into account his or her training and the type of operation conducted by him or her and the business whether has or is likely to have a favourable effect upon tourism in the Province, taking into account the manner in which the business is conducted or proposed to be conducted.

Licences for tour operators, tour guides or couriers

34. A licence for a tour operator, tour guide or a courier must—

- (a) be in the prescribed form;
- (b) specify—
 - (i) the name and address of the tour operator, tour guide or courier;
 - (ii) the type of business the tour operator, tour guide or courier is licensed to carry; and
 - (iii) the area of operation in which the tour operator, tour guide or courier is licensed to operate;
- (c) be valid for a prescribed period.

Cancellation of licences for tour operators, tour guides or couriers

35. (1) If a tour operator, tour guide or courier licensed to operate, fails to comply with the prescribed requirements for licensing, the Registrar may give notice requiring compliance within three months from the date of the notice, failing which he or she may cancel the licence.

(2) If the licence of a tour operator, tour guide or courier is cancelled, the holder must forthwith return the licence to the Registrar.

CHAPTER 4

APPEAL, INSPECTION AND PAYMENT OF LEVY

Appeal against the decision of the Registrar

36. (1) Any person who is aggrieved by any decision of the Registrar with regard to—

- (a) an application for certification, accreditation, the grading of any thing or the issue or renewal of a licence in terms of this Act; or
- (b) the cancellation of any registration, certification, accreditation or licence or a grading in terms of this Act,

may, within twenty-eight (28) days after being notified of the decision, appeal in writing to the MEC.

(2) The appellant must, if a fee is prescribed for such appeal, submit the prescribed fee with his or her appeal.

(3) The MEC may require the Registrar to furnish him or her with the written reasons for his or her decision, and a record of the proceedings.

(4) When an appeal is noted—

- (a) the decision of the Registrar must be suspended, until the appeal is finalised; or
- (b) against the refusal to renew any licence, the MEC may extend the validity of such licence, until the appeal is finalised.

(5) The MEC must make an appropriate order.

Inspection of premises

37. (1) The Registrar or designated officer may, for the purposes of this Act—

- (a) and at any reasonable time, enter any premises of—
 - (i) a hotel, other accommodation establishment, conference centre, restaurant, tour operator, tour guide, courier or designated tourist amenity in respect of which an application for accreditation, grading and classification or licence has been made; or

- (ii) an accredited, classified or graded hotel, other accommodation establishment, conference centre, restaurant, tour operator, tour guide, courier or designated tourist amenity, after having informed the person who is in charge of such premises at the time of his or her visit, make such inspection and enquiry as he or she may deem necessary: Provided that he or she may not enter any room occupied by any person without the permission of such person;
 - (b) question any person upon such premises, or at any reasonable time require any such person to produce any books, notices, records, or other documents which are or have been on the premises or in possession or custody of such person if, in his or her opinion the examination of such books, notices, records, or other documents is necessary for the purposes of his or her investigation;
 - (c) examine and make extracts from, and copies of any such books, notices, records, or other documents referred to in paragraph (b).
- (2) The Registrar or designated officer must, on demand by any person affected by the examination of records and other documents referred to in subsection (1), exhibit the certificate issued to him or her under section 21(2).

Payment of levy

38. (1) The MEC may prescribe a levy payable in terms of this Act in respect of registered hotels, other accommodation establishments, conference centre, restaurants, tour operators, tour guides, couriers, and tourist amenities;

(2) The Authority may, by civil action in a competent court, recover the amount of levy which is due in terms of this Act, from a person liable for payment.

CHAPTER 5

GENERAL PROVISIONS

Transitional arrangements

39. (1) Any person who, at the commencement of this Act has been certified and accredited as a tour operator, tour guide or courier in terms of the Tourism Act, 1993 (Act No. 72 of 1993), may continue to operate in the province.

(2) Persons contemplated in subsection (1) must within one year from the commencement of this Act apply for a licence to operate within the province.

Offences and penalties

40. (1) Any person who—

- (a) wilfully publishes in the opinion of the Authority or causes or allows to be published in any manner false or misleading information relating to any hotel, restaurant, tour operator, tour guide, courier, other accommodation establishment, or tourist amenity; or
- (b) being the person responsible therefore fails or refuses to pay any levy or to collect and or remit any such levy in terms of this Act; or
- (c) hinders or obstructs the Registrar or designated officer in the exercise of his or her powers or performance of his or her duties; or
- (d) wilfully furnishes to the Registrar or designated officer false or misleading information; or
- (e) contravenes any provision of this Act, which is not elsewhere specifically declared to be an offence;

shall be guilty of an offence and liable to a fine or imprisonment for a period not exceeding 2 (two) years or to both such fine and imprisonment.

(2) Judgement given by a court in terms of subsection (1), must have the same force and effect of a civil judgement.

Regulations

41. (1) The MEC in consultation with the Standing Committee may make regulations regarding the following matters:

- (a) payment of levy by the person liable, collection of levy by the person responsible, the manner of payment, collection and remittal;
 - (b) fees payable in respect of licences for tour operators, tour guides and couriers, on a cost recovery basis;
 - (c) the requirement by tour operators, tour guides and couriers to give guarantees, bonds or any other form of surety approved by the Authority, for the fulfilment of all contractual obligations; and
 - (d) other matters regarding fees, levies and sureties which the MEC deems necessary to prescribe.
- (2) The MEC, after consultation with the Standing Committee, may make regulations regarding the following matters:
- (a) the qualification and disqualification for grading, licensing, certification and accreditation;
 - (b) the insignia for the various groups and grades of registered hotels and all establishments required to be registered, licensed, certified and accredited, and the circumstances under which, and the manner in which they must be used or displayed, and the prohibition of the use or display thereof;
 - (c) the records and accounts to be kept by any registered hotel, conference centre, restaurant, tour operator, tour guide, courier, other accommodation establishment and tourist amenity;
 - (d) the requirements by persons employed or engaged within the tourism industry to undertake certain courses of instruction or training, or possess certain qualifications as may be approved by the Authority.
- (3) Subject to subsections (1) and (2), the MEC may make other regulations he or she deems necessary to prescribe for achieving the objects of this Act.
- (4) Regulations made in terms of subsections (1), (2) and (3) may provide for penalties for any contravention thereof.
- (5) The MEC must publish the Regulations in the *Provincial Gazette*.

Short title and commencement

42. This Act is called the Gauteng Tourism Act, 1998 and must come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

GENERAL NOTICES

NOTICE 1680 OF 1999

PROCLAMATION

by the Premier

RATIONALISATION OF LOCAL GOVERNMENT AFFAIRS ACT, 1998 (ACT No. 10 OF 1998)

In terms of section 60 of the Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998), I hereby determine **19 March 1999** as the date on which the above-mentioned Act shall come into operation.

Given under my Hand at Johannesburg this Fourth day of March, One thousand, Nine hundred and Ninety-nine.

M. MOTSHEKGA

Premier: Gauteng Province

NOTICE 1681 OF 1999

GAUTENG GAMBLING ACT, 1995 (ACT No. 4 OF 1995)

HEARING OF APPLICATION FOR—

(I) TRANSFER OF A BOOKMAKER'S LICENCE

and

(II) AMENDMENT OF THE TOTALIZATOR AGENCY BOARD'S (TRANSVAAL) LICENCE

Notice is hereby given in terms of section 27 of the Gauteng Gambling Act, 1995, that a hearing will be held on **15 March 1999 at 11:00** in the offices of the Gauteng Gambling Board, 1256 Heuwel Avenue, Centurion, Pretoria, in respect of an application received for a transfer of a bookmaker's licence in terms of section 35 of the Gauteng Gambling Act, 1995, and in respect of an application received from the Totalizator Agency Board (Transvaal) for amendment of licence in terms of section 34 of the Act.

The details of the applications are as follows:

- Transfer of bookmaker's licence from Peter Meskin, Roodepoort Tattersalls, to Lance Michael, 16A Elgin Road, 3 Tanda Tula Bryanston.
- An amendment to allow the conducting of the following additional outlets and to appoint the following as agents of the Totalizator Agency Board (Transvaal) to conduct the said outlets:
 1. *Agency outlet address:* Shop 14, Geoff Godrich Centre, Lanham Street, Bronkhorstspuit (Erf 1918, Erasmus).
Names of agents: Jose Line Rodrigues Faria and Pedro Freitas.
 2. *Agency outlet address:* The Huguenot Restaurant, 184 Biggarsberg Road, Glenvista, Johannesburg.
Name of agents: Cecil Rhodes Wessels Scheepers.
 3. Conducting of a branch at Shop 7, Gateway Mall, corner of Ammon Service Road and Osmium Street, Carletonville.
 4. Conducting of a branch at Theo's Building, corner of Angrick and Fergus Roads, Valhalla, Pretoria (Erf 1994, Valhalla).

By order of the Gauteng Gambling Board:

1256 Heuwel Avenue

Centurion

Pretoria

Private Bag X125

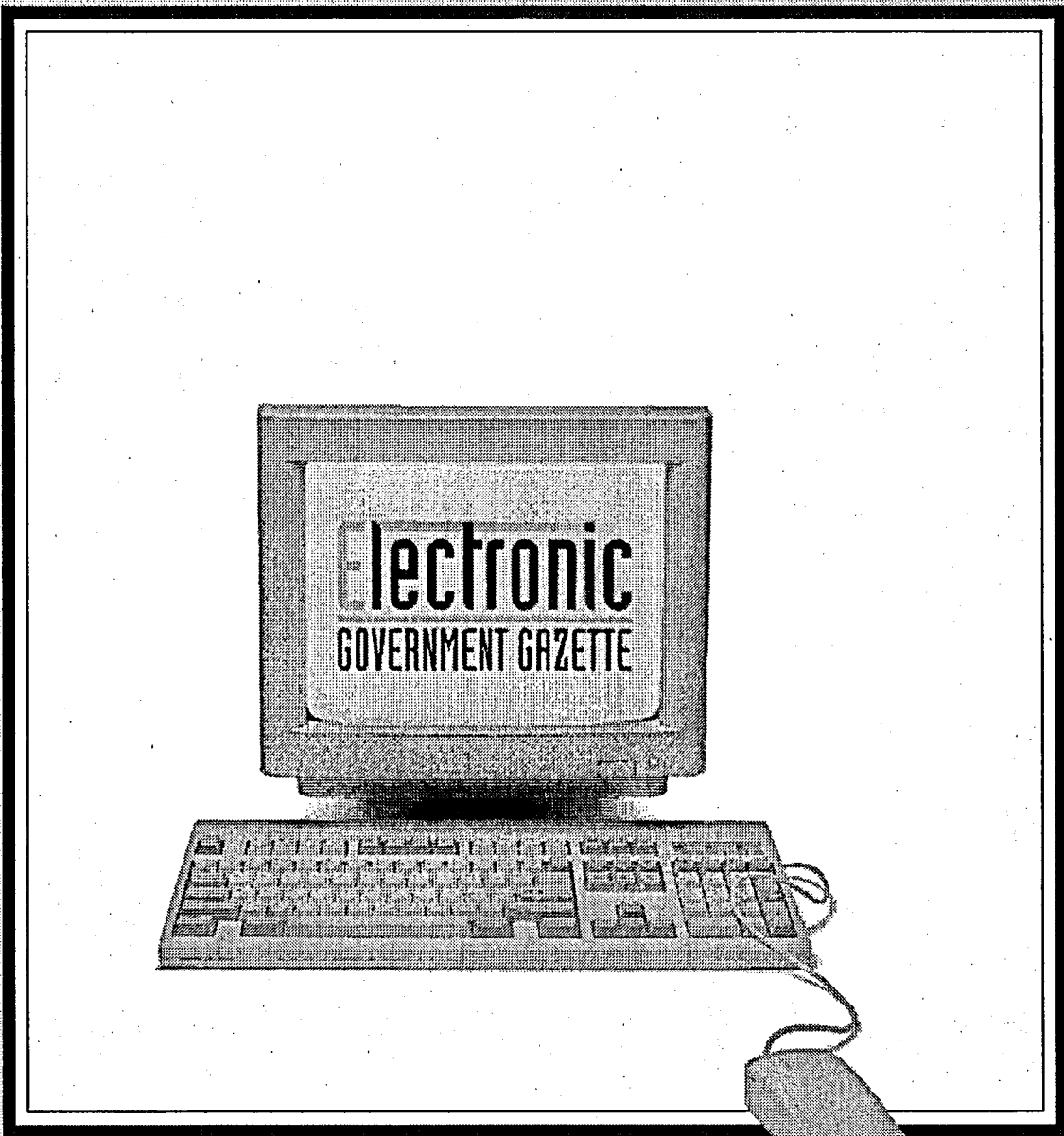
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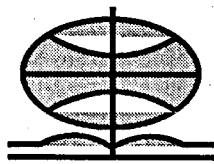
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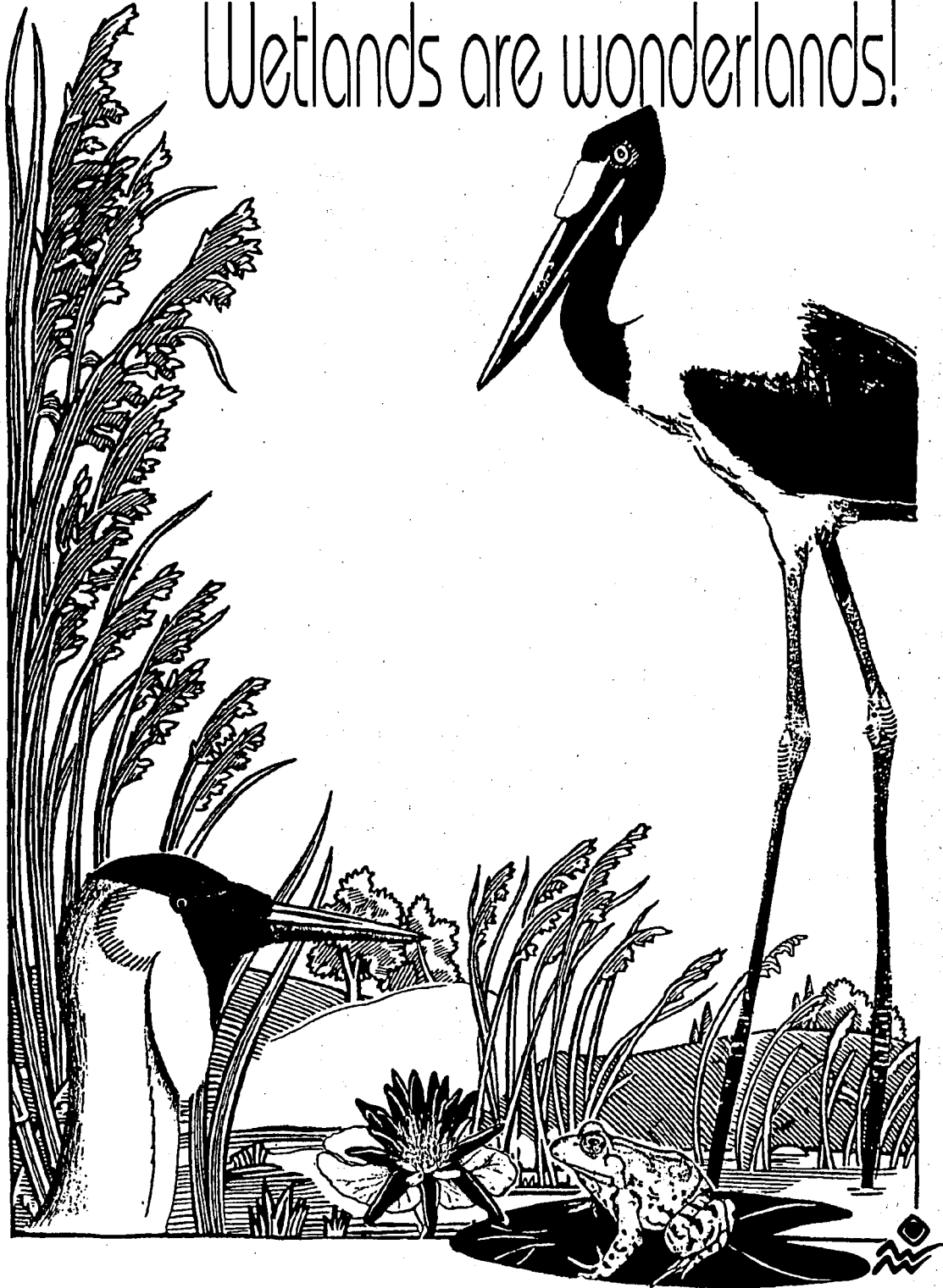
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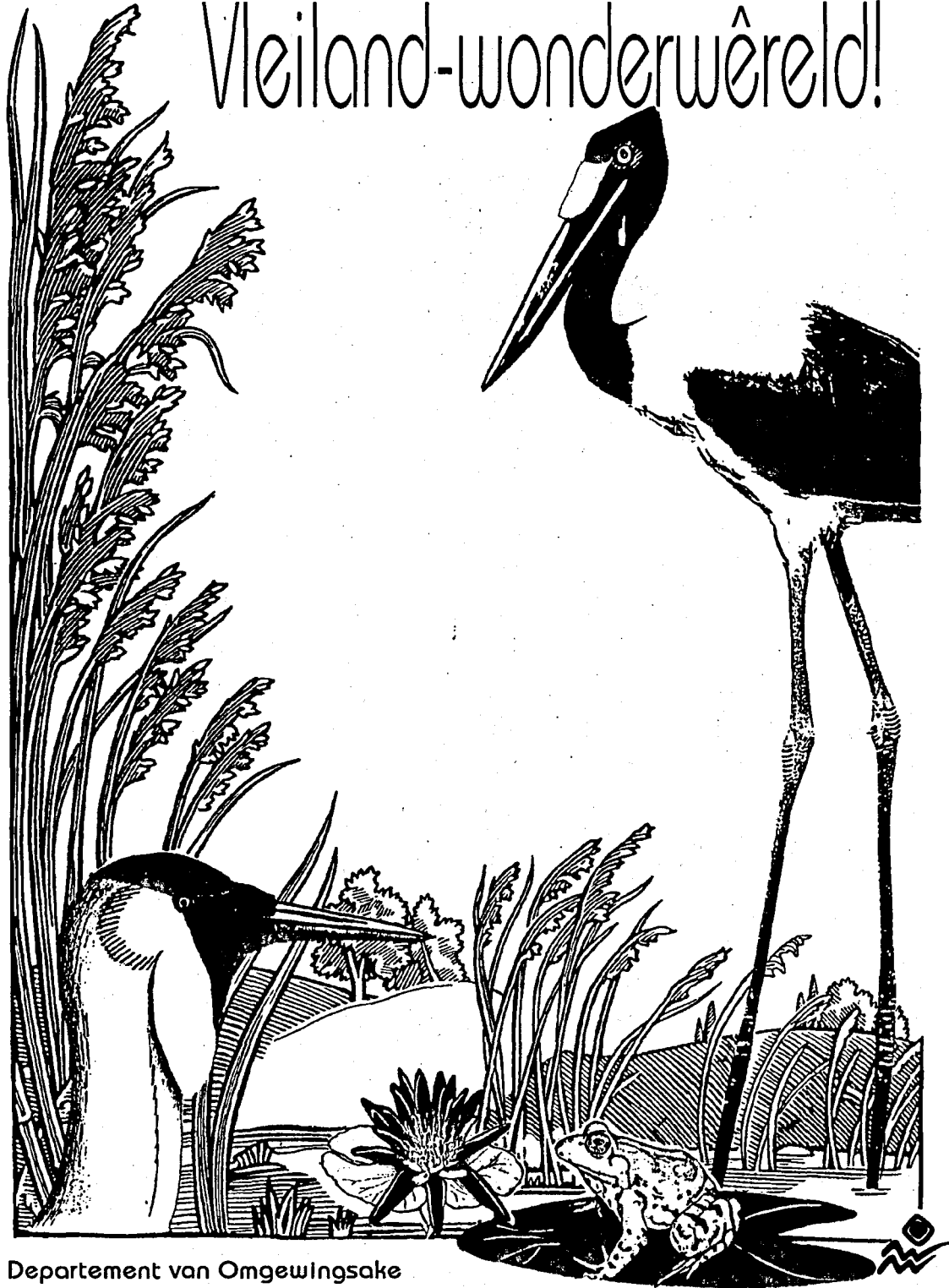
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Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

Vleiland-wonderwêreld!



Departement van Omgewingsake

LIVE IN HARMONY WITH NATURE

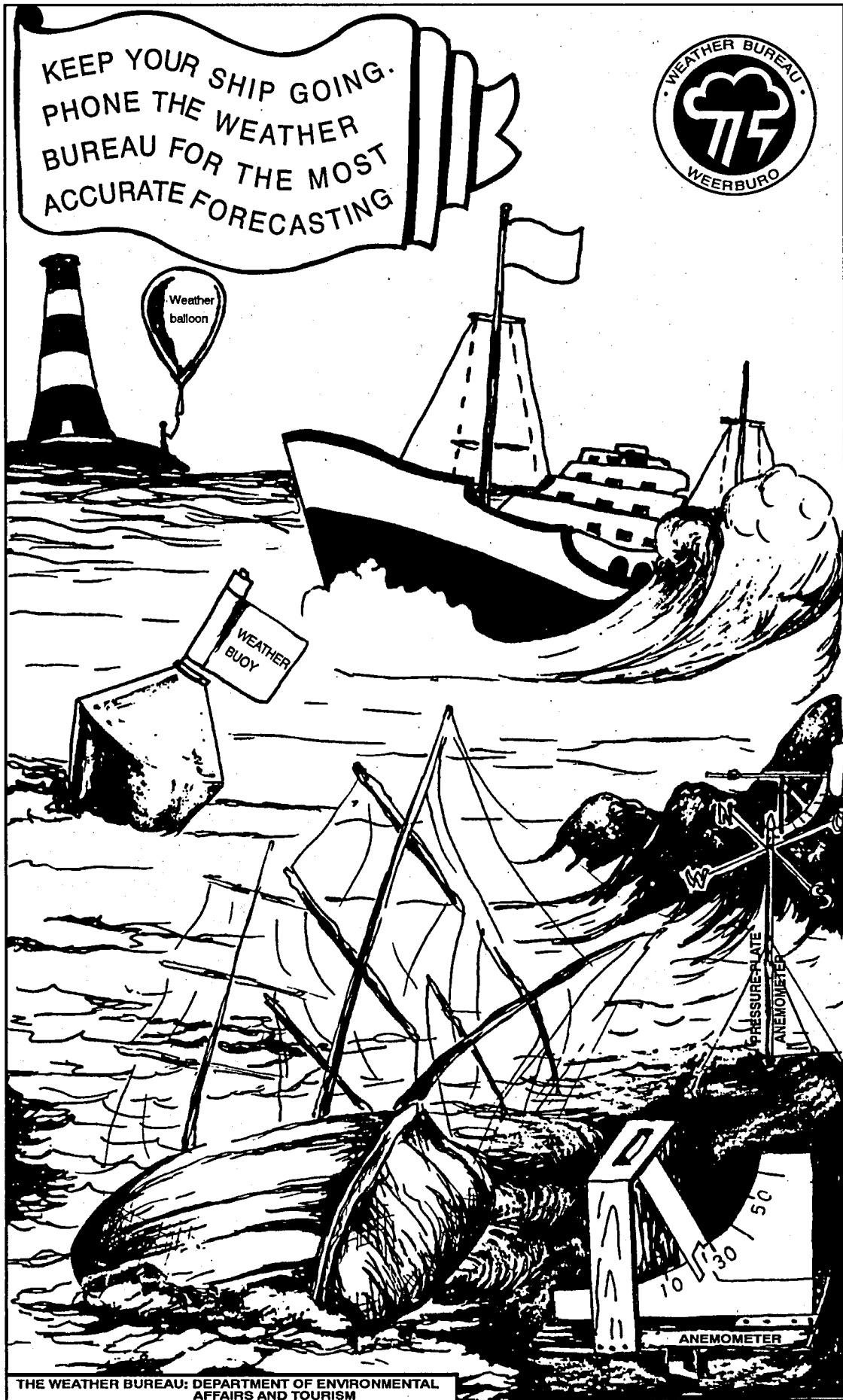


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DIE WEERBURU: DEPARTEMENT VAN OMGEWINGSKAKE EN TOERISME



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