

# Provincial Gazette Extraordinary

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Friday, 13 August 2004

# Buitengewone Provinsiale Koerant

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**PROVINCIAL NOTICE****PROVINSIALE KENNISGEWING**

The following Provincial Notice is published for general information.

G. A. LAWRENCE,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street,  
Cape Town.

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

G. A. LAWRENCE,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat,  
Kaapstad.

P.N. 158/2004

13 August 2004

**WESTERN CAPE TOURISM ACT, 2004  
(ACT 1 OF 2004)**

**REGULATIONS REGARDING CONSULTATION PROCESS WITH WHICH DESTINATION MARKETING ORGANISATION (DMO) BOARD MUST COMPLY TO DETERMINE A TRADING NAME FOR THE DMO**

The Provincial Minister responsible for Tourism in the province of the Western Cape has, in terms of section 2 (2) of the Western Cape Tourism Act, 2004 (Act 1 of 2004), and after consultation with the Executive Mayor of the City of Cape Town and organized local government in the Province, made the regulations set out in the schedule to this notice prescribing the consultation process with which the DMO Board must comply in order to determine a trading name for the DMO.

**SCHEDULE**

**Consultation Process to be complied with by the DMO Board in order to determine a Trading Name for the DMO**

1. In these regulations any word or phrase defined in the Western Cape Tourism Act, 2004 (Act 1 of 2004) has, unless the context indicates otherwise, the meaning assigned to that word or phrase in that Act.
2. The Board must appoint a naming committee ( hereafter "the committee") comprising—
  - (a) two Board Members;
  - (b) one Advisory Committee Member;
  - (c) the Chief Executive Officer; and
  - (d) an official representative of each of the City and the Province.
3.
  - (a) After studying current brand research and the framework documents on tourism strategic marketing and integrated tourism development, the committee must submit a list of trading names for the DMO to the Head of the relevant provincial department and the Head of the relevant department in the City for their consideration.
  - (b) The Heads of Department referred to in paragraph (a) must confer with each other after receipt of the list of names submitted to them and furnish the committee with a suggested list of names to be submitted to the organisations, institutions and departments referred to in regulation 4 and the general public, for their inputs.
4.
  - (a) The committee must through the relevant department of the Minister and Executive Mayor, send to the organisations, institutions and departments listed below, a formal request to furnish their inputs and ideas on a trading name for the DMO—
    - (i) all the municipalities in the Province;
    - (ii) the Standing Committee on Finance and Economic Development of the Provincial Parliament of the Western Cape;
    - (iii) the Portfolio Committee on Tourism of the City;
    - (iv) the Western Cape Local Government Organisation (Weclogo);
    - (v) the South African Tourism Board (SA Tourism);
    - (vi) the National Department of Environmental Affairs and Tourism (DEAT);
    - (vii) the International Marketing Council;
    - (viii) the Black Management Forum;
    - (ix) the Regional Tourism Organisation and Local Tourism Bureau in the Province;
    - (x) the South African Tourism Services Association (SATSA);
    - (xi) the Federated Hospitality Association of South Africa (FEDHASA);
    - (xii) the Congress of South African Trade Unions (Cosatu);
    - (xiii) the Association of South African Trade Agents (ASATA);

- (xiv) the Western Cape Business Opportunities Forum (WECBOF);
  - (xv) the National African Federated Chamber of Commerce and Industry (NAFCOC);
  - (xvi) Cape Chamber of Commerce;
  - (xvii) the Tourism Forum for Black Operators;
  - (xviii) Provincial Development Council (PDC); and
  - (xix) WESGRO.
- (b) The requests referred to in paragraph (a) must provide that inputs be submitted to the committee within 14 days of the request.
5. Concurrently with the action contemplated by regulation 4, the committee must cause to be published in local newspapers throughout the Province a request to the general public to make inputs on a trading name for the DMO within 14 days of the date of the advertisement. The list of suggested names submitted by the Heads of departments (3b) must be included in the advertisement.
6. (a) After the final day for submission of inputs contemplated by regulations 4 and 5 the committee must properly consider those inputs and compile its recommendation for submission to the Board.
- (b) The recommendations referred to in (a) must be submitted to the Board within 14 days of the final day referred to in (a).
7. Within 14 days of receipt of the committee's recommendation referred to in regulation 6(a) and after proper consideration thereof the Board must determine a trading name for the DMO.

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**WES-KAAPSE WET OP TOERISME, 2004  
(WET 1 VAN 2004)**

**REGULASIES OOR DIE PROSES VAN OORLEGPLEGING WAARAAN DIE BESTEMMINGSBEMARKINGSORGANISASIE (BBO)  
SE DIREKSIE MOET VOLDOEN OM 'N HANDELSNAAM VIR DIE BBO TE BEPAAL**

Die Provinsiale Minister verantwoordelik vir Toerisme in die provinsie Wes-Kaap het ingevolge artikel 2(2) van die Wes-Kaapse Wet op Toerisme, 2004 (Wet 1 van 2004), en na oorleg met die Uitvoerende Burgemeester van die Stad Kaapstad en die georganiseerde plaaslike regering in die Provinsie, die regulasies in die bylae by hierdie kennisgewing uitgevaardig om die proses van oorlegpleging voor te skryf waaraan die BBO se Direksie moet voldoen om 'n handelsnaam vir die BBO te bepaal.

**BYLAE**

**Proses van oorlegpleging waaraan die BBO se Direksie moet voldoen om 'n handelsnaam vir die BBO te bepaal**

1. In hierdie regulasies het enige woord of frase wat in die Wes-Kaapse Wet op Toerisme, 2004 (Wet 1 van 2004), omskryf word, die betekenis wat in daardie Wet aan daardie woord of frase geheg is, tensy dit uit die samehang anders blyk.
2. Die Direksie moet 'n naamkomitee (hierna "die komitee") aanstel bestaande uit—
  - (a) twee lede van die Direksie;
  - (b) een lid van die Advieskomitee;
  - (c) die Hoof Uitvoerende Beampte; en
  - (d) een amp telike verteenwoordiger van die Stad en een van die Provinsie.
3. (a) Na bestudering van huidige handelsnaamnavorsing en die raamwerkdokumente oor strategiese toerismebemarking en geïntegreerde toerismeontwikkeling moet die komitee 'n lys handelsname vir die BBO aan die hoof van die betrokke provinsiale departement en die hoof van die betrokke departement in die Stad voorlê vir oorweging.
- (b) Die departementshoofde in paragraaf (a) bedoel, moet met mekaar oorleg pleeg na ontvangs van die lys name wat aan hulle voorgelê is en moet die komitee voorsien van 'n lys voorgestelde name wat aan die organisasies, instellings en departemente in regulasie 4 bedoel en die algemene publiek voorgelê moet word vir hulle insette.
4. (a) Die komitee moet deur die betrokke departement van die Minister en die Uitvoerende Burgemeester aan die organisasies, instellings en departemente hieronder genoem, 'n formele versoek stuur om hulle insette en idees oor 'n handelsnaam vir die BBO te verskaf:
  - (i) al die munisipaliteite in die Provinsie;
  - (ii) die Staande Komitee op Finansies en Ekonomiese Ontwikkeling van die Provinsiale Parlement van die Wes-Kaap;
  - (iii) die Portefeuljekomitee op Toerisme van die Stad;
  - (iv) die Wes-Kaapse Plaaslike Regeringsorganisasie (WEKPRO);
  - (v) die Suid-Afrikaanse Toerismeraad (SA Toerisme);
  - (vi) die nasionale Departement van Omgewingsake en Toerisme (DOT);

- (vii) die Internasionale Bemarkingsraad;
  - (viii) die Black Management Forum;
  - (ix) die Streektoerismeorganisasie en plaaslike toerismeburo's in die Provinsie;
  - (x) die Suid-Afrikaanse Vereniging vir Toerismediens (SAVTD);
  - (xi) die Federated Hospitality Association of South Africa (FEDHASA);
  - (xii) die Congress of South African Trade Unions (Cosatu);
  - (xiii) die Association of South African Trade Agents (ASATA);
  - (xiv) die Western Cape Business Opportunities Forum (WECBOF);
  - (xv) die National African Federated Chamber of Commerce and Industry (NAFCOC);
  - (xvi) die Kaapse Kamer van Koophandel;
  - (xvii) die Tourism Forum for Black Operators;
  - (xviii) die Provinsiale Ontwikkelingsraad (POR), en
  - (xix) WESGRO.
- (b) Die versoeke in paragraaf (a) bedoel, moet bepaal dat insette binne 14 dae na die versoek aan die komitee voorgelê moet word.
5. Gelyktydig met die optrede in regulasie 4 beoog, moet die komitee 'n versoek aan die algemene publiek in plaaslike koerante dwarsdeur die Provinsie laat publiseer om binne 14 dae na die datum van die advertensie insette te lewer oor 'n handelsnaam vir die BBO. Die lys voorgestelde name wat deur die departementshoofde in regulasie 3(b) bedoel voorgelê is, moet by die advertensie ingesluit word.
6. (a) Na die laaste dag vir die voorlegging van insette by regulasies 4 en 5 beoog, moet die komitee daardie insette behoorlik oorweeg en sy aanbeveling vir voorlegging aan die Direksie opstel.
- (b) Die aanbeveling in paragraaf (a) bedoel, moet binne 14 dae na die laaste dag in paragraaf (a) bedoel, aan die Direksie voorgelê word.
7. Binne 14 dae na ontvangs van die komitee se aanbeveling in regulasie 6(a) bedoel en na behoorlike oorweging daarvan moet die Direksie 'n handelsnaam vir die BBO bepaal.

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13 ku-Agasti 2004

**UMTHETHO I-WESTERN CAPE TOURISM ACT, 2004**  
(ACT 1 OF 2004)

**IMIMISELO EMAYELA NENKQUBO YEENGCEBISO APHO IBHODI YE-DESTINATION MARKETING ORGANISATION (DMO)**  
**KUFUNEKA ITHOBELE IMIMISELO UKUZE IGQIBE NGEGAMA LOSHISHINO LE-DMO**

UMphathiswa wePhondo ojongene nezoKhenketho kweli phondo leNtshona Koloni uthe ngokwemiqathango yecandelo 2 (2) lomthetho iWestern Cape Tourism Act, 2004 (Act 1 of 2004), nasemva kokuba edibene noSodolophu oLawulayo okanye neSixeko saseKapa kunye norhulumente weenqila olungelelanisiweyo wePhondo, wenza imimisele ekhankanyiweyo kwishedyuli yesaziso esichaza inkqubo yokucebisana apho iBhodi ye-DMO kufuneka ithobele le mimisele ukuze igqibe ngegama loshishino le-DMO.

**ISHEDYULI**

**Inkqubo yeeNgcabiso ekufuneka iBhodi ye-DMO ithobele imimisele ukuze iGqibe ngeGama loShishino le-DMO**

1. Kule mimisele naliphi na igama okanye ibinzana elichazwa kumthetho iWestern Cape Tourism Act, 2004 (Act 1 of 2004) linentsingiselo ebhekiselwa kulo okanye kwibinzana elo likuMthetho lowo, ngaphandle kokuba kubhekiselwa kwenye into.
2. IBhodi kufuneka inyule ikomiti yamagama ( emva kokuba "ikomiti") enoku kulandelayo—
  - (a) amaLungu amabini eBhodi;
  - (b) iLungu eliCebisayo leKomiti libe linye;
  - (c) iGosa leSigqeba soLawulo eliyiNtloko; ndawonye
  - (d) nommeli osesikweni weSixeko ngasinye nePhondo ngalinye.
3. (a) ithe yalugqiba uphando oluqhutywayo kungoku nje olumalunga nophawu lorhwebo (brand) kwanamaxwebhu asisikhokelo kumacebo okurhweba ngezokhenketho nophuhliso lwezokhenketho oluhlanganisiweyo, ikomiti kufuneka ingenise uluhlu lwamagama ezorhwebo e-DMO kwiNtloko yesebe echaphazekayo nakwiNtloko yesebe elichaphazekayo leSixeko ukuze ibe zizo ezikunika ingqalelo oku.
- (b) IiNtloko zamaSebe ekubhekiselwe kuzo kumhlathi (a) kufuneka zibonisane kunye emva kokuba zifumene uluhlu lwamagama athunyelweyo kuzo zize zinike ikomiti uluhlu lwamagama athe aphakanyiswa ukuze athunyelwe kwimibutho, amaziko nakumasebe ekubhekiselwe kuwo kummisele 4 kwanoluntu ngokubanzi.

4. (a) IKomiti kufuneka ithi ngokwamasebe achaphazelekayo oMphathiswa noSodolophu oLawulayo, ithumelele la maqumrhu/ imibutho, amaziko namasebe adweliswe apha ngasezantsi, kufuneka ifake isicelo esisesikweni sokufaka amagalelo kwanezimvo zawo malunga negama lorhwebo le-DMO—
- (i) bonke oomasipala abakweli Phondo;
  - (ii) IKomiti eSigxina yezeMali noPhuhliso lwezoQoqosho yePalamente yePhondo leNtshona Koloni;
  - (iii) IKomiti ekwiSikhundla sezoKhenketho yeSixeko;
  - (iv) I-Western Cape Local Government Organisation (Weclogo);
  - (v) IBhodi yezoKhenketho yoMzantsi Afrika (uKhenketho loMzantsi Afrika);
  - (vi) I-National Department of Environmental Affairs and Tourism (DEAT);
  - (vii) IBhunga lezoRhwebo leZizwe ngezizwe;
  - (viii) IForam yeziPhatha-mandla eziNtsundu;
  - (ix) UMbutho wezoKhenketho ne-Ofisi yezoKhenketho yeNgingqi kweli Phondo;
  - (x) I-South African Tourism Services Association (SATSA);
  - (xi) I-Federated Hospitality Association of South Africa (FEDHASA);
  - (xii) I-Congress of South African Trade Unions (Cosatu);
  - (xiii) I-Association of South African Trade Agents (ASATA);
  - (xiv) I-Western Cape Business Opportunities Forum (WECBOF);
  - (xv) I-National African Federated Chamber of Commerce and Industry (NAFCOC);
  - (xvi) ITsheyimba yezoRhwebo yaseKapa;
  - (xvii) IForam yezoKhenketho yaBasebenzi (ngezokhenketho) abaNtsundu;
  - (xviii) IBhunga loPhuhliso lePhondo i-*Provincial Development Council* (PDC); kunye
  - (xix) ne-WESGRO.
- (b) Izicelo ekubhekiselelwa kuzo kumhlathi (a) kufuneka zichaze ukuba amagalelo lawo kufuneka engeniswe kwikomiti kwisithuba seentsuku ezili-14 ukususela kumhla wokukhutshwa kwesicelo.
5. Kwangaxeshanye kunye nenyathelo/intshukumo ekhankanyiweyo kummiselo 4, ikomiti kufuneka isebenzele ukuba kupapashwe kumaphephandaba eengingqi zePhondo lonke isicelo esibhekiswa eluntwini ukuba lwenze amagalelo alo malunga negama lorhwebo le-DMO, oko kwenzeke kwisithuba seentsuku ezili-14 ukususela kumhla wokukhutshwa kompoposho. Olu luhlu lunamagama aphakanyisiweyo luthunyelwe ziiNtloko zamasebe (3b) kufuneka lubandakanywe kwisibhengezo eso.
6. (a) Emva komhla wokugqibela wokuthunyelwa kwamagalelo ekuthethwe ngawo ku-4 no-5 ikomiti kufuneka iqwalasele loo magalelo ize ihlanganise iziphakamiso zayo ukuze zithunyelwe kwiBhodi.
- (b) Iziphakamiso ekubhekiselelwa kuzo ku (a) kufuneka zithunyelwe kwiBhodi kwisithuba seentsuku ezili-14 ekubhekiselelwe kuzo ku (a).
7. Kwisithuba seentsuku ezili-14 kwakuba kufumaneka isiphakamiso sekomiti ekubhekiselelwa kuyo kummiselo 6(a) ze emva kokuqwalaselwa kwaso ngokupheleleyo kufuneka ibe yiBhodi egqiba ngegama lorhwebo le-DMO.
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