

**DEPARTMENT OF TOURISM
NOTICE 224 OF 2016**

TOURISM ACT, 2014 (ACT NO.3 OF 2014)

**PUBLICATION OF DRAFT REGULATIONS FOR TOURIST GUIDING FOR PUBLIC
COMMENTS**

I, DEREK HANEKOM, Minister of Tourism, hereby give notice of my intention to make Regulations for Tourist Guiding, in terms of Chapter 6 of the Tourism Act, 2014, set out in the Schedule hereto.

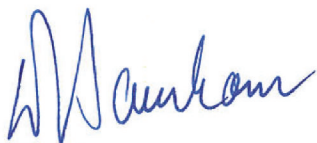
Interested parties of the public are invited to submit to the Minister, within sixty (60) days of publication of the notice in the gazette, written representations or objections to the draft regulations to the following addresses:

By post: Attention: Ms Uveshnee Pillay
 The Director-General
 Department of Tourism
 Private Bag X424
 Pretoria
 0001

By hand: Ground Floor (Reception), Tourism House, 17 Trevenna Street, Sunnyside.
By email: upillay@tourism.gov.za or by fax:

Any inquiries in connection with the draft regulations can be directed to Ms Uveshnee Pillay at 012 444 6386.

Comments received after the closing date may not be considered.



Derek Hanekom
Minister of Tourism

No.
2016

GOVERNMENT

GAZETTE,

DEPARTMENT OF TOURISM
DEPARTEMENT VAN TOERISME

No. R....

2016

TOURISM ACT, 2014 (Act No. 3 of 2014)

REGULATIONS FOR TOURIST GUIDING

The Minister of Tourism has, under section 61(1)(c), read with Chapter 6 of the Tourism Act, 2014 (Act No. 3 of 2014), made the regulations in the Schedule.

SCHEDULE

1. Definitions

In these Regulations, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned, unless the context indicates otherwise-

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

“**Adventure tourist guide**” means a tourist guide that conduct any outdoor recreation leisure activities with an element of risk involved such as abseiling, hiking, mountain climbing, paddling etc. and the interpretation of such sites may be provided from a culture or nature perspective and having attained specific competencies to do so.

“**Culture tourist guide**” means a tourist guide that interpret the cultural heritage of sites to visitors by educating them about the different aspects of a particular area and is knowledgeable about the cultural aspects of that particular area and may specialise in certain fields i.e. art, township history, cultural experiences in rural villages, museums, historic buildings etc.

“**National tourist guide**” means a tourist guide who is qualified to conduct tours all over South Africa, crossing all provincial boundaries and have acquired the knowledge and practical skills to guide in all nine Provinces of South Africa.

“Nature tourist guide” means a tourist guide that interprets the natural heritage of sites to visitors by educating them about the different aspects of a particular area and are knowledgeable about the natural environment including the flora and fauna, birding, tracking, guiding in dangerous game areas, botany etc. of a particular area.

“Site tourist guide” means a tourist guide who is qualified to guide at a specific/clearly defined area or site like a museum, cultural village, aquarium etc. and have acquired the relevant knowledge and practical skills to enable them to guide in that particular area or site.

“Provincial tourist guide” means a tourist guide that is qualified to guide in a particular province or in a number of provinces and have acquired the relevant knowledge and practical skills to enable them to guide in that particular province or provinces.

2 Registration of Tourist Guides

(1) Application form

A person who wishes to be registered as a tourist guide must apply to the Provincial Registrar in the following manner:

- (a) The application must be on Form A.
- (b) The application must be accompanied by-
 - (i) proof of the competence contemplated in section 50(2) read with section 51 of the Act, which must include a valid first aid certificate;
 - (ii) proof of having passed the quality assurance process;
 - (iii) the registration fee of R240-00 (two hundred and forty rands); and
 - (iv) four (4) recent, clear, unmounted and identical full face colour photographs of the applicant (showing only the head and shoulders), measuring 30 x 25 mm.

(2) Registration Fee

An application for registration, renewal of registration or an additional competence must be accompanied by a fee of R240-00 (two hundred and forty rands).

(3) Registration certificate and badge

- (a) The registration certificate referred to in section 50(6) of the Act must be as in Annexure A.

- (b) The badge referred to in section 50(6) of the Act must be as in Annexure B.

(4) Renewal of registration

An application for the renewal of registration in terms of section 50(8)(a) of the Act must be on Form A.

(5) Additional competence

A tourist guide who wishes to obtain a new registration certificate and badge reflecting the acquisition of a competence in a field of specialisation or an additional competence within such a field, must apply in writing on Form A.

(6) Damaged, destroyed or lost certificate of registration or badge

If badge or certificate of registration is damaged, destroyed or lost, the tourist guide to whom it was issued must within fifteen (15) days of such damage, destruction or loss, apply in writing on Form A for the replacement of the badge or certificate of registration.

3. Issue of Registration Certificate and Badge

- (1) The Provincial Registrar must issue a certificate of registration and a badge upon satisfying himself or herself that the applicant—
 - (a) has fully completed Form A and has met all the requirements for registration;
 - (b) complies with the competence for registration as a tourist guide;
 - (c) has declared that he or she knows, understands and considers himself or herself to be bound by the code of conduct and ethics referred to in section 52 of the Act; and
 - (d) is not subject to any disqualification mentioned in section 50(3) of the Act.
- (2) A tourist guide must return a damaged certificate or badge, to the Provincial Registrar and complete Form A.
- (3) In the case where a certificate or badge is damaged, destroyed or lost, the tourist guide must submit an affidavit to that effect and complete Form A.

4. Endorsement in Provincial Register regarding suspension of registration of tourist guide

An endorsement in the Provincial Register against the name of a tourist guide whose registration is suspended in terms of sections 54(5) and 55(5) must—

- (a) mention the provision of the Act in terms of which the suspension was done;
- (b) contain a brief summary of the allegations giving rise to the suspension;
- (c) state the date of commencement of the suspension;
- (d) state the period of suspension; and
- (e) state the date on which the suspension will expire.

5. Provincial Register

The Provincial Register of tourist guides referred to in section 49(2)(a)(i) of the Act must contain the particulars of each registered tourist guide as required in section A of Form A.

6. Code of conduct and ethics

Preparation and publication of code of conduct and ethics

- (1) The National Registrar must, after consultation with the MEC, Provincial Registrars and stakeholder groupings and before adopting the code of conduct and ethics –
 - (a) give notice of the proposed code of conduct and ethics in the Gazette;
 - (b) invite members of the public to submit to the National Registrar, within the period determined in the notice, written representations regarding the proposed code of conduct and ethics;
 - (c) consider what steps, if any, are appropriate to bring the contents of the proposed code of conduct and ethics to the attention of interested persons, and take those steps which the National Registrar considers to be appropriate; and
 - (d) consider any written representations so received.

- (2) The National Registrar may, after following the procedure set out in sub-regulation (1), review the code of conduct and ethics.
- (3) The National Registrar must publish the final code of conduct and ethics in the Gazette and submit copies of the code to the Provincial Registrars.

7. Disciplinary measures

The Provincial Registrar may, for the purposes of section 55(4)(b) of the Act, impose a fine mentioned in Annexure C.

8. Appeals

- (1) A person who is aggrieved by a decision of a Provincial Registrar may appeal against that decision to the National Registrar within thirty (30) days from the date on which he or she is notified of the decision of the Provincial Registrar:
- (2) The appeal must be lodged in writing and must outline the grounds for the appeal.
- (3) The appellant must submit a copy of the appeal to the Provincial Registrar:
- (4) The Provincial Registrar must, within ten (10) days from the date of receipt of the copy of the appeal from the appellant submit to the National Registrar his or her reasons for the decision.
- (5) The appeal must be accompanied by a fee of R200-00 (two hundred rands).
- (6) The National Registrar must, within thirty (30) days from the date of receipt of the reasons submitted by the Provincial Registrar, make a decision on the appeal and notify the appellant of the decision.

9. Repeal

The Regulations Pertaining to Tourist Guides, 1994, and the Regulations in Respect of Tourist Guides, 2001, are hereby repealed.

10. Short title and commencement

These regulations are called Regulations for Tourist Guiding, 2016, and come into operation on.....

Department:
Tourism
REPUBLIC OF SOUTH AFRICA

(Tourism Act no 3 of 2014)

LIST OF POSSIBLE APPLICATIONS

APPLICATION FOR:	Mark with X	Sections of the form to be completed					Documentation/Requirements to be attached
New Registration		A	B	C	D	E	Completed and signed application form, certified copies of: recognised certificate and letter of competency, valid first aid certificate (minimum level 1) identity document (ID), professional driver's permit (PrDP) in the case of driver guides, passport and work visa for non-SA citizens. Four (4) colour passport photos, signed code of conduct and ethics and proof of payment of prescribed fee of R240.
Renewal		A	B	C	D	E	Completed and signed application form, certified copies of: recognised certificate and letter of competency, valid first aid certificate (minimum level 1) ID, PrDP in the case of driver guides, passport and work visa for non-SA citizens. Four (4) colour passport photos, signed code of conduct and ethics and proof of payment of prescribed fee of R240. The expired badge and ID card to be returned.
Application for new badge		A				E	Application form, affidavit for lost, damaged and destroyed badge and proof of prescribed fee of R30. The damaged badge to be returned upon collection of new badge.
Application for new ID card		A				E	Application form, affidavit for lost, damaged and destroyed ID card and proof of prescribed fee of R30
Additional competencies		A		C		E	Application form, certified copy of competency and prescribed fee applicable for new badge (R30) or ID card (R30). The invalid ID card to be returned upon collection of new ID card.
NOTICE OF CHANGE OF							
Particulars of person (e.g. ID, name, address)		A				E	Application form and proof to be attached, where necessary.

*Title:											PHOTOGRAPH OF GUIDE										
*Surname:																					
*Name(s):																					
*Gender:	<input type="checkbox"/> Male	<input type="checkbox"/> Female																			
*Race:	<input type="checkbox"/> African	<input type="checkbox"/> Asian	<input type="checkbox"/> Coloured	<input type="checkbox"/> White	<input type="checkbox"/> Other (please specify)																
*Date of birth:	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="M"/>	<input type="text" value="M"/>	<input type="text" value="D"/>	<input type="text" value="D"/>	*Identity number:												
*Country of Birth:																					
*Country of nationality if not SA:																					
*Passport number:											Passport expiry date:	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="M"/>	<input type="text" value="M"/>	<input type="text" value="D"/>	<input type="text" value="D"/>		
*Tourist guide work visa number:											Work visa expiry date:	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="Y"/>	<input type="text" value="M"/>	<input type="text" value="M"/>	<input type="text" value="D"/>	<input type="text" value="D"/>		
*Work visa conditions:																					
*Permanent resident:																					

Driver's Licence: ☐ Yes ☐ No

Professional driver permit (PrDP): ☐ Yes ☐ No Permit expiry date:

Have you been convicted of criminal offence: ☐ Yes ☐ No * if yes, further information may be requested.

Has your registration as a tourist guide been previously suspended: ☐ Yes ☐ No

If yes, what was the period of suspension: From To * Further information may be requested.

E-mail address:

Home telephone: Work telephone:

Cellphone number:

Postal address:

Suburb:

City/Town: Postal code:

Residential address:

Suburb:

City/Town: Postal code:

South African language proficiency (please mark with X)

☐ Afrikaans ☐ English ☐ isiNdebele ☐ isiXhosa ☐ isiZulu ☐ Sesotho sa Leboa

☐ Sesotho ☐ Setswana ☐ siSwati ☐ Tshivenda ☐ Xitsonga

Foreign language proficiency – state 'GOOD', 'FAIR' or 'POOR'

Proficiency areas	Languages to be specified					
	e.g. German					
Speak	Good					
Read	Fair					
Write	Fair					

SECTION B – TYPE AND CATEGORIES OF TOURIST GUIDING

Type of Guiding	Categories of Guiding		
<input type="checkbox"/> Adventure	<input type="checkbox"/> Site	<input type="checkbox"/> Provincial	<input type="checkbox"/> National
<input type="checkbox"/> Culture	<input type="checkbox"/> Site	<input type="checkbox"/> Provincial	<input type="checkbox"/> National
<input type="checkbox"/> Nature	<input type="checkbox"/> Site	<input type="checkbox"/> Provincial	<input type="checkbox"/> National

SECTION C – QUALIFICATIONS AND COMPETENCIES

Tourist guide qualifications successfully *completed

Qualification	Training Institution	Qualification NQF level	Year obtained	Comments

Matric to tertiary qualification

Name of institution	Highest Qualification	Year obtained

SECTION D – WORK EXPERIENCE AND EMPLOYMENT STATUS

Work experience specific to tourist guiding

Employer (including current employer)	Position held	From		To		Reason for leaving
		MM	YY	MM	YY	

Employment Status

Employed ☐ Yes ☐ No

If yes, ☐ Full-time ☐ Part-time ☐ Self-employed ☐ Freelance

SECTION E – DECLARATION

I,*(full names) hereby declare that all the information provided (including attachments) is completed and correct to the best of my knowledge. I understand that false declaration / information supplied will be dealt with in terms of section 54 of the Tourism Act no 3 of 2014.

Signature Place Date/...../.....

FOR OFFICE USE ONLY

Checklist

Form completed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Prescribe registration fee paid	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Code of conduct signed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Certified copies of:		
Identity document	<input type="checkbox"/> Yes	<input type="checkbox"/> No
First aid certificate	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Passport	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Work visa	<input type="checkbox"/> Yes	<input type="checkbox"/> No
PrDP	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Tourist guides proof of competency	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Passport Photos	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Payment details

Payment amount

Date of payment

Y	Y	Y	Y	M	M	D	D
---	---	---	---	---	---	---	---

Method of payment

<input type="checkbox"/> EFT	<input type="checkbox"/> Cash	<input type="checkbox"/> Credit
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Receipt number

Affidavit for lost, damaged and destroyed ID and Badge

Decision

Application	<input type="checkbox"/> Approved	<input type="checkbox"/> Declined
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If approved

Province of registration	<input type="checkbox"/> Eastern Cape	<input type="checkbox"/> Free State	<input type="checkbox"/> Gauteng	<input type="checkbox"/> KwaZulu-Natal	<input type="checkbox"/> Limpopo
	<input type="checkbox"/> Mpumalanga	<input type="checkbox"/> Northern Cape	<input type="checkbox"/> North West	<input type="checkbox"/> Western Cape	

List of areas competent to guide

Category of guiding

Type of guide

Specialisation

If declined

Reasons for decline

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.....

.....

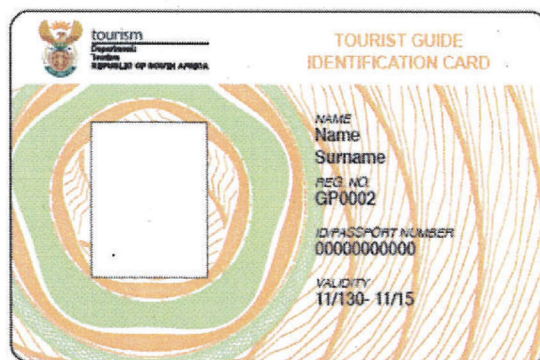
Application checked by:

.....
Name	Signature	Date

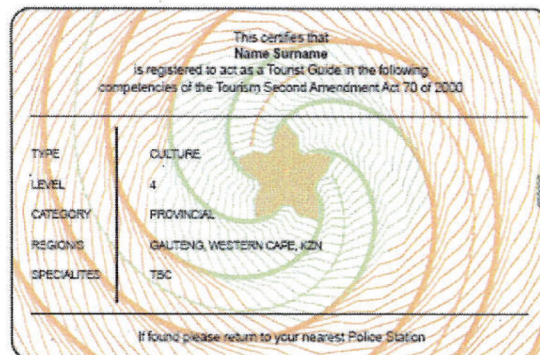
Application checked by:

.....
Provincial Registrar	Signature	Date

ANNEXURE A



FRONT



BACK

ANNEXURE B



ANNEXURE C**PROPOSED SCHEDULE OF FINES**

OFFENCE	MINIMUM FINE
Guiding without a valid identification card	R700-00
Guiding without a valid badge	R300-00
Failing to report a damaged, destroyed, lost identification card or badge to the Provincial Registrar within 48hours	R100-00
Failing to apply for a replacement identification card or badge within 15 days from when it was reported as damaged, destroyed or lost	R500-00
Failing to return damaged identification card or badge within 15 days from when it was reported as damaged	R100-00
Failing to return identification card or badge on suspension of registration	R1 000-00
Failing to return identification card or badge on termination of registration	R1 000-00
Failing to return identification card or badge on non-renewal of registration	R1 000-00
Failing to return expired identification card or badge upon renewal of registration	R100-00
Failure to renew registration on time (thereafter a further R100-00 for every month thereafter).	R100-00

ANNEXURE D**CATEGORIES OF TOURIST GUIDES****CLASSES OF TOURIST GUIDES**

1. Site Tourist Guide
2. Provincial Tourist Guide
3. National Tourist Guide

SPECIALISING TOURIST GUIDES

1. Adventure Tourist Guide
2. Cultural Tourist Guide
3. Nature Tourist Guide