

Provincial Gazette Extraordinary

5110

Thursday, 13 February 1997

Buitengewone Provinsiale Koerant

5110

Johannesburg Bar *Donderdag, 13 Februarie 1997*

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

CONTENTS

PROVINCIAL NOTICE

Bill: Western Cape Tourism Bill, 1997

P.N. 58

13 February 1997

The following Bill is hereby published for general information:—

Western Cape Tourism Bill, 1977

Any person or organisation wishing to comment on the said Bill is requested to lodge such comment in writing before or on 6 March 1997:

(a) by posting it to:

The Secretary
P.O. Box 648
Cape Town
8000

(b) by handing it in at:

Room 4-96
Provincial Building
Wale Street
Cape Town

L. D. Barnard
Director-General

INHOUD

PROVINSIALE KENNISGEWING

Wetsontwerp: Wes-Kaapse Wetsontwerp op Toerisme, 1997

P.K. 58

13 Februarie 1997

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:—

Wes-Kaapse Wetsontwerp op Toerisme, 1997

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 6 Maart 1997:

(a) deur dit te pos aan:

Die Sekretaris
Posbus 648
Kaapstad
8000

(b) deur dit in te handig by:

Kamer 4-96
Provinsiale-gebou
Waalstraat
Kaapstad

L. D. Barnard
Direkteur-generaal

BILL

To provide for the establishment, appointment, funding, powers and functions of a representative and effective tourism structure in the Western Cape which shall facilitate the promotion, support and development of tourism to and in the Western Cape, and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Province of Western Cape, as follows:

CHAPTER 1: DEFINITIONS

Definitions

1. (1) In this Law, unless the context otherwise indicates— 5
 - (i) "additional committee" means an additional committee of the Board referred to in section 8;
 - (ii) "Board" means the Western Cape Tourism Board referred to in section 2;
 - (iii) "budget" means an estimate of expected revenue and expenditure which contains particulars of the purposes for which money is to be used; 10
 - (iv) "bureau" means a Local Tourism Bureau referred to in section 25;
 - (v) "chairperson" means the chairperson of the Board, organisation, bureau or committee, as the case may be, elected to serve as chairperson in terms of this Law;
 - (vi) "Executive Committee" means the Executive Committee of the Board, organisation or bureau as contemplated in sections 4(4), 21(2) and 27(3) 15 respectively;
 - (vii) "Executive Council" means the Executive Council of the Province as contemplated in section 132 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
 - (viii) "financial year" means the period from 1 April in any year to 31 March in the next succeeding year, and in the case of a bureau and an organisation, the 20 period from 1 July in any year to 30 June in the next succeeding year;
 - (ix) "local committee" means a committee referred to section 27(4);
 - (x) "local government" means a local council, metropolitan local council, representative council and rural council as defined in section 10B of the Local 25 Government Transition Act, 1993 (Act 209 of 1993);
 - (xi) "Member responsible for Finance" means the member of the Executive Council of the Province responsible for financial matters;
 - (xii) "Minister" means a member of the Cabinet contemplated in section 91(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996); 30
 - (xiii) "organisation" means a Regional Tourism Organisation referred to in section 19(1);
 - (xiv) "Permanent Committee" means the Permanent Committee for Marketing and the Permanent Committee for Development referred to in section 4(6);
 - (xv) "prescribe" means prescribe by regulation; 35
 - (xvi) "Province" means the Province of the Western Cape;
 - (xvii) "regional local government" means a district council or metropolitan council as defined in section 10B of the Local Government Transition Act, 1993 (Act 209 of 1993);

WETSONTWERP

Om voorsiening te maak vir die instelling, aanstelling, befondsing, bevoegdhede en funksies van 'n verteenwoordigende en doeltreffende toerismestruktuur in Wes-Kaap ten einde die bevordering, ondersteuning en ontwikkeling van toerisme na en in Wes-Kaap te vergemaklik, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die provinsie Wes-Kaap, soos volg:

HOOFSTUK 1: WOORDOMSKRYWINGS

Woordomsrywings

- 5 1. (1) In hierdie Wet, tensy uit die sinsverband anders blyk, beteken—
- (i) "begroting" 'n raming van verwagte inkomste en uitgawes wat besonderhede van die doeleindes waarvoor geld aangewend gaan word, bevat;
 - (ii) "boekjaar" die tydperk vanaf 1 April in 'n jaar tot 31 Maart in die daaropvolgende jaar, en in die geval van 'n buro en 'n organisasie, die tydperk vanaf 1 Julie in 'n jaar tot 30 Junie in die daaropvolgende jaar;
 - 10 (iii) "buro" 'n Plaaslike Toerismeburo in artikel 25 bedoel;
 - 15 (iv) "bykomende komitee" 'n bykomende komitee van die Raad in artikel 8 bedoel;
 - (v) "hierdie Wet" ook enige regulasie kragtens artikel 32 uitgevaardig;
 - (vi) "Lid verantwoordelik vir Finansies" die lid van die Uitvoerende Raad van die Provinsie wat vir finansiële aangeleenthede verantwoordelik is;
 - (vii) "Minister" 'n lid van die Kabinet in artikel 91(1) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996), beoog;
 - 20 (viii) "ondervoorsitter" die ondervoorsitter van die Raad, organisasie, buro of komitee, na gelang van die geval, wat ingevolge hierdie Wet gekies is om as ondervoorsitter te dien;
 - (ix) "organisasie" 'n Streek-toerismeorganisasie in artikel 19(1) bedoel;
 - (x) "plaaslike komitee" 'n komitee in artikel 27(4) bedoel;
 - 25 (xi) "plaaslike regering" 'n plaaslike raad, plaaslike metropolitaanse raad, verteenwoordigende raad en plaaslike raad soos in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993), omskryf;
 - (xii) "Provinsie" die provinsie Wes-Kaap;
 - (xiii) "Raad" die Wes-Kaapse Toerismeraad in artikel 2 bedoel;
 - (xiv) "skema" 'n aansporingskema ingevolge artikel 17(1) ingestel;
 - 30 (xv) "streekkomitee" 'n komitee in artikel 21(2)(b) bedoel;
 - (xvi) "streek- plaaslike regering" 'n distriksraad of metropolitaanse raad soos in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993), omskryf;
 - 35 (xvii) "toerismebedryf" die bedryf wat gemoeid is met toerisme na en in die Provinsie, insluitende die verskaffing van dienste en fasiliteite aan, en die voorsiening in die behoeftes van, persone wat reise na en in die Provinsie onderneem;
 - (xviii) "Uitvoerende Komitee" die Uitvoerende Komitee van die Raad, organisasie of buro onderskeidelik in artikels 4(4), 21(2) en 27(3) bedoel;

- (xviii) "regional committee" means a committee referred to in section 21(2)(b);
- (xix) "responsible Member" means the member of the Executive Council of the Province responsible for tourism;
- (xx) "scheme" means an incentive scheme established in terms of section 17(1);
- (xxi) "this Law" includes any regulation made under section 32; 5
- (xxii) "tourism industry" means the industry which is concerned with tourism to and in the Province, including the provision of services and facilities to, and fulfilling the needs of, persons who undertake visits to and in the Province, and
- (xxiii) "vice-chairperson" means the vice-chairperson of the Board, organisation, bureau or committee, as the case may be, elected to serve as vice-chairperson in terms of this Law. 10

(2) Where in this Law any functionary is required to take a decision in consultation with another functionary, such decision shall require the concurrence of such other functionary; but if such other functionary is a body of persons it shall express its concurrence in accordance with its own decision-making procedures. 15

(3) Where in this Law any functionary is required to take a decision after consultation with another functionary, such decision shall be taken in good faith after consulting and giving serious consideration to the views of such other functionary.

CHAPTER 2: WESTERN CAPE TOURISM BOARD

Establishment of Western Cape Tourism Board 20

2. There is hereby established a board to be known as the Western Cape Tourism Board, which shall be a body corporate capable of suing and being sued and, subject to the provisions of this Law and in so far as may be necessary for the better performance of its functions and duties, of performing all such acts as a body corporate may by law perform. 25

Objects of Board

3. The objects of the Board shall be—

- (a) to promote tourism by encouraging persons to undertake visits to and in the Province and, with a view thereto, to take measures to ensure that the services rendered and facilities made available to tourists comply with the prescribed standards; 30
- (b) to formulate a comprehensive tourism policy for the Province, to develop a strategy for the implementation of such policy and to facilitate, promote and support the implementation of such policy and strategy;
- (c) to develop the tourism industry in the Province; 35
- (d) to establish and maintain, or cause to be established and maintained, a database of the information required for the formulation, promotion and implementation of the tourism policy and strategy contemplated in paragraph (b);
- (e) to formulate the criteria and system for the accreditation and registration of bureaux, to administer such accreditation system and to keep a register of accredited bureaux; 40
- (f) to formulate the criteria and system for the accreditation of all tourism related courses offered in the Province, to administer such accreditation system, including the accreditation of all institutions offering, and persons teaching, such courses and certificates awarded by such institutions or persons, and to keep a register of all the particulars relevant to that system; 45
- (g) to keep a register of all institutions, organisations and persons providing services and facilities to tourists in the Province;
- (h) to undertake all other related activities, and
- (i) to generate income, so as to achieve its objects. 50

Composition of Board

4. (1) Save that no employee of an organisation or a bureau may be a member of the Board, the Board shall consist of nine members, namely—

- (a) the chairperson of the Permanent Committee for Development;
- (b) the chairperson of the Permanent Committee for Marketing; 55
- (c) five members with proven tourism and business experience and expertise, appointed by the responsible Member;

- (xix) "Uitvoerende Raad" die Uitvoerende Raad van die Provinsie in artikel 132 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996), beoog;
- (xx) "Vaste Komitee" die Vaste Komitee op Bemaking en die Vaste Komitee op Ontwikkeling in artikel 4(6) bedoel;
- (xxi) "verantwoordelike Lid" die lid van die Uitvoerende Raad van die Provinsie verantwoordelik vir Toerisme;
- (xxii) "voorsitter" die voorsitter van die Raad, organisasie, buro of komitee, na gelang van die geval, wat ingevolge hierdie Wet gekies is om as voorsitter te dien, en
- (xxiii) "voorskryf" om by regulasie voor te skryf.

2. Waar daar in hierdie Wet van enige funksionaris verwag word om 'n besluit in oorleg met 'n ander funksionaris te neem, vereis so 'n besluit die instemming van die ander funksionaris; maar as die ander funksionaris 'n liggaam van persone is, hy sy instemming ooreenkomstig sy eie besluitnemingsprosedures te kenne moet gee.

3. Waar daar in hierdie Wet van enige funksionaris verwag word om 'n besluit na oorleg met 'n ander funksionaris te neem, moet dié besluit na oorleg en na deeglike oorweging van die standpunte van die ander funksionaris te goeder trou geneem word.

HOOFSTUK II: WES-KAAPSE TOERISMERAAD

20 Instelling van Wes-Kaapse Toerismeraad

2. Hierby word 'n raad, bekend as die Wes-Kaapse Toerismeraad, ingestel wat 'n regspersoon is wat bevoeg is om eisend en verwerend op te tree en om, behoudens die bepalings van hierdie Wet en vir sover dit vir die beter verrigting van sy funksies en pligte nodig is, alle handeling te verrig wat 'n regspersoon regtens kan verrig.

25 Oogmerke van Raad

3. Die oogmerke van die Raad is—

- (a) om toerisme te bevorder deur persone aan te moedig om reise na en in die Provinsie te onderneem en, met die oog daarop, maatreëls te tref om te verseker dat die dienste wat gelewer word en fasiliteite wat beskikbaar gestel word aan toeriste, aan die voorgeskrewe standarde voldoen;
- (b) om 'n omvattende toerismebeleid vir die Provinsie uit te werk, 'n strategie vir die uitvoering van dié beleid te ontwikkel en die uitvoering van die beleid en strategie te vergemaklik, te bevorder en te steun;
- (c) die ontwikkeling van die toerismebedryf in die Provinsie;
- (d) om 'n databasis van die inligting wat vir die uitwerk, bevordering en uitvoering van die toerismebeleid en -strategie in paragraaf (b) beoog, nodig is, op te bou en by te hou of te laat opbou en byhou;
- (e) om die maatstawwe en stelsel vir die akkreditering en registrasie van buro's uit te werk, dié akkrediteringstelsel te administreer en 'n register van geakkrediteerde buro's te hou;
- (f) om die maatstawwe en stelsel vir die akkreditering van alle toerismeverwante kursusse wat in die Provinsie aangebied word, uit te werk, dié akkrediteringstelsel, insluitende die akkreditering van alle inrigtings en persone wat die kursusse aanbied en onderrig en sertifikate wat deur dié inrigtings of persone toegeken word, te administreer, en 'n register van al die besonderhede wat vir die stelsel ter sake is, te hou;
- (g) om 'n register te hou van alle instellings, organisasies en persone wat dienste en fasiliteite aan toeriste in die Provinsie verskaf;
- (h) om alle ander verwante aktiwiteite te onderneem, en
- (i) om inkomste te genereer ten einde sy oogmerke te bereik.

Samestelling van Raad

4. Die Raad bestaan uit nege lede, naamlik—

- (a) die voorsitter van die Vaste Komitee op Ontwikkeling;
- (b) die voorsitter van die Vaste Komitee op Bemaking;
- (c) vyf lede met bewese ervaring van en kundigheid in toerisme en die sakewêreld, deur die verantwoordelike Lid aangestel;

- (d) one member nominated by the Western Cape provincial government, and
 - (e) one member nominated by the organisation representing municipalities in the Province as contemplated in section 163(a) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), or, in the event of there being no such organisation or, where such organisation fails to make nominations, by the responsible Member. 5
- (2) The responsible Member shall, before he or she appoints a member of the Board in terms of subsection (1)(c), by notice in the *Provincial Gazette*, and in such other media as he or she may consider appropriate, invite all interested parties to submit to him or her, within the period mentioned in the notice, the names of persons who in the opinion of such interested parties are fit and proper persons to be so appointed, stating the grounds upon which such opinion is based. 10
- (3) The Board shall elect a chairperson and a vice-chairperson from among its members, but the chairpersons of the Permanent Committees shall not be eligible for election as chairperson or vice-chairperson of the Board. 15
- (4) The Board shall have an Executive Committee comprising the chairperson and vice-chairperson elected in terms of subsection (3), the chairpersons of the two Permanent Committees elected in terms of subsection (7) and two additional members elected by the Board from among its members.
- (5) If the chairperson of the Board is for any reason unable to act as chairperson, the vice-chairperson shall perform the functions of the chairperson. 20
- (6) The Board shall have a Permanent Committee for Marketing and a Permanent Committee for Development and each Permanent Committee shall consist of—
- (a) one representative nominated by each Regional Tourism Organisation, and
 - (b) two members of the Board appointed in terms of subsections (1)(c), (d) and (e) and nominated by the Board, but the chairperson of the Board shall not be a member of a Permanent Committee. 25
- (7) Each Permanent Committee shall elect a chairperson and a vice-chairperson from among its members, who shall not be persons contemplated in subsection 6(b).
- (8) The Board shall provide the secretariat of the Permanent Committees. 30
- (9) Subject to such terms of reference as may be determined by the Board, the functions of the Permanent Committees shall be to assist, advise and support the Board in the execution of its marketing and development functions and objectives.

Period of office of members of Board, and filling of vacancies

5. (1) Any member of the Board who holds office in terms of section 4(1)(c), (d) or (e) shall, subject to the provisions of section 6, remain in office for a period of two years. 35
- (2) Any member of the Board who holds office in terms of section 4(1)(a) or (b) shall, subject to the provisions of section 6, remain in office for the period, not exceeding three years, as the Permanent Committee which elected him or her may determine at the time of his or her election. 40
- (3) Notwithstanding the provisions of section 4(1), if, for any reason, the office in terms of section 4(1)(c) becomes vacant, the responsible Member may appoint a person from the category of persons from which such member was appointed or nominated as a member of the Board for the unexpired portion of the period of office concerned.
- (4) If, for any reason, the office of a member of the Board who holds office in terms of section 4(1)(a), (b) or (d) becomes vacant, that vacancy shall be filled for the unexpired portion of the period of office concerned. 45
- (5) Any member of the Board whose period of office has expired shall be eligible for reappointment.

Vacation of office of members of Board

6. (1) The office of a member of the Board, a Permanent Committee or an additional committee becomes vacant if he or she—
- (a) is declared insolvent or of unsound mind by a competent court;
 - (b) is removed from office in terms of subsection (2);
 - (c) is convicted of an offence and sentenced to imprisonment without the option of a fine, but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined; 55

- (d) een lid wat deur die Wes-Kaapse provinsiale regering benoem word, en
(e) een lid wat benoem word deur die organisasie wat munisipaliteite in die Provinsie verteenwoordig, soos in artikel 163(a) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996), beoog of, indien daar nie so 'n organisasie is nie of indien so 'n organisasie nie benoemings doen nie, deur die verantwoordelike Lid.

Geen werknemer van 'n organisasie of buro mag 'n lid van die Raad wees nie.

- (2) Die verantwoordelike Lid moet, voordat hy of sy 'n lid van die Raad ingevolge subartikel (1)(c) aanstel, by kennisgewing in die *Provinsiale Koerant* en in die ander media wat hy of sy geskik ag, alle belanghebbende partye uitnooi om binne die tydperk in die kennisgewing vermeld, die name van persone wat na die mening van dié belanghebbende partye geskikte en gepaste persone is om aldus aangestel te word, met vermelding van die gronde waarop dié mening gegrond is, aan hom of haar voor te lê.

- (3) Die Raad kies 'n voorsitter en 'n ondervoorsitter uit sy geledere, maar die voorsitters van die Vaste Komitees sal nie verkiesbaar wees as voorsitter en ondervoorsitter van die Raad nie.

- (4) Die Raad het 'n Uitvoerende Komitee wat bestaan uit die voorsitter en ondervoorsitter wat ingevolge subartikel (3) gekies is, die voorsitters van die twee Vaste Komitees wat ingevolge subartikel (7) gekies is en twee bykomende lede wat die Raad uit sy geledere gekies het.

- (5) Indien die voorsitter van die Raad om enige rede nie in staat is om as voorsitter op te tree nie, verrig die ondervoorsitter die funksies van die voorsitter.

- (6) Die Raad het 'n Vaste Komitee op Bemaking en 'n Vaste Komitee op Ontwikkeling en elke Vaste Komitee bestaan uit—

- (a) een verteenwoordiger wat deur elke Streek-toerismeorganisasie benoem word, en
(b) twee lede van die Raad wat ingevolge subartikel (1)(c), (d) en (e) aangestel en deur die Raad benoem word, maar die Voorsitter van die Raad sal nie 'n lid van die Vaste Komitee wees nie.

- (7) Elke Vaste Komitee kies uit sy geledere 'n voorsitter en 'n ondervoorsitter, wat nie persone soos in subartikel (6)(b) beoog, is nie.

- (8) Die Raad verskaf die sekretariaat van die Vaste Komitees.

- (9) Onderworpe aan die opdragte wat deur die Raad bepaal word, is die funksies van die Vaste Komitees om die Raad by te staan, te adviseer en te steun by die uitvoering van sy bemarkings- en ontwikkelingsfunksies en -die nastreef van sy oogmerke.

Ampstermyn van lede van Raad en vulling van vakatures

5. (1) 'n Lid van die Raad wat ingevolge artikel 4(1)(c), (d) of (e) aangestel word, beklee, behoudens die bepalings van artikel 6, die amp vir 'n tydperk van twee jaar.

- (2) 'n Lid van die Raad wat die amp ingevolge artikel 4(1)(a) of (b) beklee, bly, behoudens die bepalings van artikel 6, in die amp aan vir die tydperk, maar hoogstens drie jaar, wat die Vaste Komitee wat hom of haar gekies het, ten tyde van sy of haar verkiesing bepaal.

- (3) Behoudens die bepalings van artikel 4(1), of, vir enige rede die amp in terme van artikel 4(1)(c) of (e) vakant raak, 'n persoon uit die kategorie van persone waaruit dié lid as 'n lid aangestel of benoem is, aanstel as 'n lid van die Raad vir die onverstreke gedeelte van die betrokke ampstermyn.

- (4) Indien, vir enige rede, die amp van 'n lid van die Raad in terme van artikel 4(1)(a), (b) of (d) vakant raak, sal die amp vir die uitstaande periode van die amp gevul word.

- (5) 'n Lid van die Raad wie se ampstermyn verstryk het, kan weer aangestel word.

Ampsontruiming van lede van Raad

6. (1) Die amp van 'n lid van die Raad, 'n Vaste Komitee of 'n bykomende komitee raak vakant indien hy of sy—

- (a) insolvent of geestelik versteurd verklaar word deur 'n bevoegde hof;
(b) ingevolge subartikel (2) van die amp onthef word;
(c) skuldig bevind word aan 'n misdryf en gevonnissen word tot gevangenisstraf sonder die keuse van 'n boete, maar niemand mag as gevonnissen beskou word alvorens 'n appèl teen die skuldigbevinding of vonnis beslis is nie;

- (d) is absent from three consecutive meetings of the Board without the consent of the chairperson;
- (e) submits his or her resignation in writing to the chairperson;
- (f) becomes a member of Parliament or a Provincial Legislature, or
- (g) dies.

5

(2) The responsible Member may remove a member of the Board, a Permanent Committee or an additional committee from office on the ground of gross misconduct, incapacity or gross incompetence.

Meetings and decisions of Board

7. (1) The first meeting of the Board shall be held at a time and place determined by the responsible Member, and thereafter the Board shall meet at such times and places as may be determined by the Board from time to time, but the Board shall meet at least twice a year.

10

(2) The chairperson or responsible Member may at any time either of his or her own volition or at the written request of not fewer than five members of the Board by notice convene an extraordinary meeting of the Board, which shall be held at the time and place determined by the chairperson or responsible Member, as the case may be.

15

(3) The notice whereby an extraordinary meeting of the Board is convened shall state the purpose of that meeting.

(4) The quorum for a meeting of the Board shall be a majority of all its members.

20

(5) If both the chairperson and the vice-chairperson are absent from a meeting of the Board, the members present shall elect one of their number to preside at that meeting.

(6) The decision of a majority of the members present at a meeting of the Board shall constitute a decision of the Board, and in the event of an equality of votes on any matter the person presiding at the meeting shall, in addition to his or her deliberative vote, have a casting vote.

25

(7) A decision taken by the Board at a time when there was a vacancy on the Board, when any person who was not entitled to sit as a member of the Board sat as such a member, or when any member of the Board contravened the provisions of section 18(1), shall not be invalid if—

30

- (a) the decision was taken by a majority of all the members of the Board, and
- (b) the members comprising that majority were entitled to sit as members and complied with the provisions of section 18(1).

(8) The Board may allow any member of a Permanent Committee or an additional committee who is not a member of the Board to attend any meeting of the Board at which any matter relating to a function of that Permanent Committee or additional committee is dealt with and may allow such member to take part in the proceedings at such meeting, without having the right to vote.

35

Additional Committees of Board

8. (1) The Board may establish the additional committees it deems necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties, but such additional committees shall not be permanent committees and shall function subject to terms of reference determined by the Board.

40

(2) An additional committee shall consist of the number of members determined by the Board.

45

(3) An additional committee shall consist of members of the Board, or of both members of the Board and other persons.

(4) The Board may at any time dissolve an additional committee.

Delegation of powers, functions and duties

9. (1) The Board may delegate to any of its committees or employees, any power, function or duty assigned to the Board, or conferred or imposed upon it, in terms of this Law.

50

(2) The delegation of a power, function or duty under subsection (1) shall not preclude the exercise of that power, the performance of that function or the carrying out of that duty by the Board.

55

(3) The Board may at any time amend or revoke any delegation under subsection (1).

- (d) sonder verlof van die voorsitter van drie opeenvolgende vergaderings van die Raad afwesig is;
- (e) sy of haar skriftelike bedanking by die voorsitter indien;
- (f) lid word van die Parlement of 'n provinsiale Wetgewer, of
- 5 (g) sterf.

(2) Die verantwoordelike Lid kan 'n lid van die Raad, 'n Vaste Komitee of 'n bykomende komitee van die amp onthef op grond van onvermoë, growwe wangedrag of growwe onbevoegdheid.

Vergaderings en besluite van Raad

- 10 7. (1) Die eerste vergadering van die Raad word gehou op 'n tyd en plek wat die verantwoordelike Lid bepaal, en daarna vergader die Raad op die tye en plekke wat die Raad van tyd tot tyd bepaal, maar die Raad moet minstens twee keer 'n jaar vergader.
- (2) Die voorsitter of verantwoordelike Lid kan te eniger tyd óf uit eie beweging óf op die skriftelike versoek van minstens vyf lede van die Raad 'n buitengewone
- 15 vergadering van die Raad deur middel van kennisgewing belê, wat gehou moet word op die tyd en plek wat die voorsitter of verantwoordelike Lid, na gelang van die geval, bepaal.

(3) Die kennisgewing waardeur 'n buitengewone vergadering van die Raad belê word, moet die doel van dié vergadering meld.

- 20 (4) Die kworum vir 'n vergadering van die Raad is 'n meerderheid van al sy lede.
- (5) Indien sowel die voorsitter as die ondervoorsitter van 'n vergadering van die Raad afwesig is, kies die aanwesige lede een uit hul geledere om op daardie vergadering voor te sit.

(6) Die beslissing van 'n meerderheid van die lede wat op 'n vergadering van die Raad aanwesig is, maak 'n besluit van die Raad uit, en by 'n staking van stemme oor 'n aangeleentheid het die persoon wat op die vergadering voorsit, benewens sy of haar beraadslagende stem ook 'n beslissende stem.

- (7) 'n Besluit geneem deur die Raad terwyl 'n vakature in die Raad bestaan het, terwyl enige persoon wat nie gemagtig was om as lid van die Raad sitting te neem nie,
- 30 of terwyl 'n lid van die Raad die bepalings van artikel 18(1) oortree het, is geldig indien—

- (a) die besluit deur die meerderheid van die lede van die Raad geneem is, en
- (b) die lede wat teenwoordig was, geregtig was om as lede sitting te neem en aan die bepalings van artikel 18(1) voldoen het.

- 35 (8) Die Raad kan enige lid van 'n Vaste Komitee of 'n bykomende komitee wat nie 'n lid van die Raad is nie, toelaat om 'n vergadering van die Raad waarop 'n aangeleentheid in verband met 'n funksie van dié Vaste Komitee of bykomende komitee behandel word, by te woon en kan so 'n lid toelaat om aan die verrigtinge op so 'n vergadering deel te neem, maar dié lid het nie die reg om te stem nie.

40 Bykomende komitees van Raad

8. (1) Die Raad kan die bykomende komitees wat hy vir die uitoefening van sy bevoegdhede en die verrigting van sy funksies en pligte nodig ag, instel, maar die bykomende komitees is nie vaste komitees nie en funksioneer onderworpe aan die opdragte wat die Raad bepaal.

- 45 (2) 'n Bykomende komitee bestaan uit die getal lede wat die Raad bepaal.

(3) 'n Bykomende komitee bestaan uit lede van die Raad, of uit lede van die Raad sowel as ander persone.

(4) Die Raad kan te eniger tyd 'n bykomende komitee ontbind.

Delegering van bevoegdhede, funksies en pligte

- 50 9. (1) Die Raad kan enige bevoegdheid, funksie of plig wat ingevolge hierdie Wet aan die Raad verleen, opgedra of opgelê word, aan enige van sy komitees of werknemers deleger.

(2) Die delegering van 'n bevoegdheid, funksie of plig kragtens subartikel (1) belet nie die Raad om daardie bevoegdheid uit te oefen of daardie funksie of plig te verrig nie.

55

(3) Die Raad mag te eniger tyd delegasies kragtens subartikel (1) wysig of intrek.

Remuneration of members of Board or committees

10. A member of the Board or any committee may be paid out of the funds of the Board the remuneration and allowances determined by the responsible Member in consultation with the Member responsible for Finance.

Remuneration and other service benefits of employees of Board

5

11. (1) The Board may, in consultation with the responsible Member and the Member responsible for Finance, determine and pay to its employees remuneration, allowances, bonuses, subsidies and pensions and other service benefits.

(2) The Board may, in consultation with the responsible Member and the Member responsible for Finance, determine and pay gratuities to its employees and former employees, and to the dependants of its employees and former employees, in the case of death or injury of such employees which occurs or occurred while they perform or performed their work as employees.

Powers and duties of Board

12. (1) In order to achieve its objects referred to in section 3 the Board may—
- (a) in consultation with the responsible Member and the Member responsible for Finance, lease, purchase or acquire, let, sell, exchange or alienate, mortgage, burden with a servitude or confer any real right in, immovable property;
 - (b) hire, purchase or acquire, hire out, sell, exchange or alienate, pledge or confer any other real right in, movable property;
 - (c) negotiate or co-operate with any government, provincial administration or local government, or any other board or person, in the Republic or elsewhere, with regard to any matter which is directly or indirectly aimed at the achievement of the objects of the Board;
 - (d) enter into agreements with a similar body, within the Republic or elsewhere, for the promotion of tourism in the respective areas for which the Board and that body have been established, and for that purpose the Board, or a member or members of the Board, may undertake journeys inside and outside the Republic;
 - (e) open and administer offices, in the Province or elsewhere, which may be necessary or advisable for the effective and proper exercise of its powers, the performance of its functions and the carrying out of its duties;
 - (f) in consultation with the responsible Member and the Member responsible for Finance, lend or borrow money in the Republic or elsewhere, but no loan shall be used for current expenditure;
 - (g) acquire insurance cover—
 - (i) for itself against any loss, damage, risk or liability which it may suffer or incur, and
 - (ii) for the members of the Board, of the Permanent Committees and of any additional committees in respect of bodily injury, displacement or death resulting solely and directly from an accident occurring in the course of the performance of their duties as such members;
 - (h) open and conduct banking accounts at a bank as defined in the Banks Act, 1990 (Act 94 of 1990);
 - (i) draw up, make, publish and sell or make available free of charge, books, guides, maps, publications, photographs, films, videos and similar matter, intended to inform persons, in the Republic or elsewhere, of tourist attractions in the Province;
 - (j) gather, evaluate and process information relating to tourism in the Province, and make it available to persons who are engaged in the tourism industry;
 - (k) give advice and guidance to all persons who are engaged in the tourism industry;
 - (l) with a view to the effective marketing of, and the provision of information relating to, any service, facility or product offered in connection with tourism, determine, publish and regulate the use of such distinguishing signs and wording as the Board may deem fit;
 - (m) employ persons;
 - (n) negotiate and co-operate with any educational institution regarding the institution, continuation or expansion of courses for the training of persons for careers in the tourism industry;

Vergoeding van lede van Raad of komitees

10. 'n Lid van die Raad of enige komitee kan uit die geld van die Raad die vergoeding en toelaes deur die verantwoordelike Lid in konsultasie met die Lid verantwoordelik vir Finansies bepaal, betaal word.

5 Vergoeding en ander diensvoordele van werknemers van Raad

11. (1) Die Raad mag, in konsultasie met die verantwoordelike Lid en die Lid verantwoordelik vir Finansies, sy werknemers se vergoeding, toelaes, bonusse, subsidies, pensioene en ander diensvoordele, bepaal en betaal.

(2) Die Raad mag, in konsultasie met die verantwoordelike Lid en die Lid
10 verantwoordelik vir Finansies, gratifikasies aan sy werknemers of voormalige werknemers, en die afhanklikes van werknemers of voormalige werknemers, in die geval van dood of besering van sodanige werknemers tydens die uitvoer van hul pligte, bepaal en betaal.

Bevoegdhede en pligte van Raad

- 15 12. (1) Die Raad kan, ten einde sy oogmerke in artikel 3 te bereik—
- (a) in konsultasie met die verantwoordelike Lid en die Lid verantwoordelik vir Finansies, vaste bates huur, koop of bekom, verhuur, verkoop, ruil of vervreem, onder verband bring, belas met 'n servituut of onderhandel om regte te bekom;
 - 20 (b) roerende bates huur, koop of bekom, verhuur, verkoop, ruil of vervreem, verpand of onderhandel om regte te bekom;
 - (c) met enige regering, provinsiale administrasie of plaaslike regering, of enige ander raad of persoon, in die Republiek of elders, onderhandel of saamwerk met betrekking tot enige aangeleentheid wat regstreeks of onregstreeks op die
25 bereiking van die oogmerke van die Raad gemik is;
 - (d) ooreenkomste aangaan met 'n soortgelyke liggaam, in die Republiek of elders, vir die bevordering van toerisme in die onderskeie gebiede waarvoor die Raad en dié liggaam ingestel is, en vir daardie doel kan die Raad, of 'n lid of lede van die Raad, reise binne en buite die Republiek onderneem;
 - 30 (e) kantore, in die Provinsie of elders, open en administreer wat vir die doeltreffende en behoorlike uitoefening van sy bevoegdhede en verrigting van sy funksies en pligte nodig of wenslik is;
 - (f) in konsultasie met die verantwoordelike Lid en die Lid verantwoordelik vir Finansies, geld in die Republiek leen of uitleen, maar geen lening sal
35 aangewend word vir lopende uitgawes nie;
 - (g) verkryging van versekeringsdekking—
 - (i) teen verliese, skade, risiko of aanspreeklikheid,
 - (i) vir lede van die Raad, of die Vaste Komitees en of enige addisionele komitees met betrekking tot liggaamlike beserings, verplasing of dood
40 uitsluitlik en direk as gevolg van 'n ongeluk gedurende die uitvoering van hul pligte as lede;
 - (h) bankrekenings by 'n bank, soos in die Bankwet, 1990 (Wet 94 van 1990), omskryf, open en bedryf;
 - 45 (i) boeke, gidse, kaarte, publikasies, foto's, rolprente, video's en dergelike stof wat bestem is om persone, in die Republiek of elders, in te lig oor besienswaardighede in die Provinsie, opstel, maak, uitgee en verkoop of gratis beskikbaar stel;
 - (j) inligting betreffende toerisme in die Provinsie insamel, evalueer en verwerk en dit aan persone wat in die toerismebedryf betrokke is; beskikbaar stel;
 - 50 (k) advies en leiding gee aan alle persone wat met die toerismebedryf gemoeid is;
 - (l) met die oog op die doeltreffende bemaking van en die verstrekking van inligting betreffende enige diens, fasiliteit of produk wat in verband met toerisme aangebied word, onderskeidingstekens en bewoording wat die Raad goedvind, bepaal en publiseer en die gebruik daarvan reguleer;
 - 55 (m) persone in diens neem;
 - (n) met enige opvoedkundige inrigting onderhandel en saamwerk in verband met die instelling, voortsetting of uitbreiding van kursusse vir die opleiding van persone vir loopbane in die toerismebedryf;

- (o) recommend incentive schemes in accordance with section 17(1), and
- (p) perform any other acts which may contribute towards the achievement of the objects of the Board.
- (2) Any distinguishing sign and wording determined by the Board in terms of paragraph (k) of subsection (1) shall be published in the *Provincial Gazette*. 5
- (3) Any person who uses any distinguishing sign or wording determined by the Board in terms of paragraph (k) of subsection (1) without the written permission of the Board, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.
- (4) The Board shall appoint a person as chief executive officer who shall be its accountable officer, be in charge of the other employees of the Board, be responsible to the Board and shall submit to the responsible Member, as soon as practicable after the conclusion of any meeting of the Board, a copy of the minutes of such meeting. 10

Financial control

- 13. (1) The Chief Executive Officer of the Board appointed in terms of section 12(4) shall be the accounting officer of the Board and he or she shall account for all money received, all payments made and all property acquired, received, held and disposed of by the Board. 15
- (2) The accounting officer shall—
 - (a) keep full and correct record of all money received or spent by the Board, and of the assets, liabilities and financial transactions of the Board, and 20
 - (b) as soon as possible, but not more than three months after the end of the financial year of the Board, draw up annual financial statements which shall consist of:
 - (i) a balance sheet; 25
 - (ii) an income statement;
 - (iii) a cash-flow statement, and
 - (iv) notes to the annual financial statements.
- (3) The records and annual financial statements referred to in subsection (2) shall be audited by the Auditor-General. 30

Annual report

- 14. (1) The Board shall annually, but not more than three months after the end of a financial year, submit to the responsible Member a report on its affairs and activities during that financial year.
- (2) The responsible Member shall table a copy of the report submitted to him or her in terms of subsection (1) in the Provincial Legislature within fourteen days after he or she has received it or, if the Provincial Legislature is not then in session, within fourteen days after the commencement of its next ensuing session. 35

Funds of Board

- 15. (1) The funds of the Board shall consist of— 40
 - (a) appropriations from the Provincial Legislature pursuant to an annual budget submitted by the Board in terms of subsection (2);
 - (b) donations, bequests, sponsorships or contributions received by the Board, and
 - (c) subject to subsection (12)(f) income generated by the Board so as to achieve its objects. 45
- (2) The Board shall annually, before or on the date determined by the responsible Member, submit a budget for the ensuing financial year to the responsible Member, who shall table a copy of the budget in the Provincial Legislature within fourteen days after he or she has received it or, if the Provincial Legislature is not then in session, within fourteen days after the commencement of its next ensuing session. 50
- (3) The Board shall not incur any expenditure which may cause the appropriation in terms of subsection (1) to be exceeded.
- (4) Subject to the provisions of subsection (5), the Board shall use its funds to defray expenditure incurred in connection with the exercise of its powers, the performance of its functions and the carrying out of its duties. 55

- (o) aansporingskemas ooreenkomstig artikel 17(1) aanbeveel, en
- (p) enige ander handeling verrig wat kan bydra tot die bereiking van die oogmerke van die Raad.
- (2) Enige onderskeidingsteken en bewoording wat die Raad ingevolge subartikel 5 (1)(k) bepaal, moet in die *Provinsiale Koerant* gepubliseer word.
- (3) Enigiemand wat enige onderskeidingsteken of bewoording wat die Raad ingevolge subartikel (1)(k) bepaal, sonder die skriftelike toestemming van die Raad gebruik, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.
- 10 (4) Die Raad stel 'n hoof uitvoerende beampte aan wat sy verantwoordingspligtige beampte is, in beheer van die ander werknemers van die Raad is, aan die Raad verantwoordelik is, en so gou doenlik na afloop van 'n vergadering van die Raad 'n afskrif van die notule van die vergadering aan die verantwoordelike Lid moet voorlê.

Finansiële beheer

- 15 13. (1) Die Hoof Uitvoerende Beampte van die Raad, aangestel in terme van artikel 12(4) is die rekenpligtige beampte van die Raad en hy of sy is verantwoordelik vir alle gelde ontvang, alle betalings gemaak en alle bates bekom, ontvang, gehou of vervreem deur die Raad.
- (2) Die rekenpligtige beampte moet—
- 20 (a) volledige en juiste aantekeninge hou van alle geld wat deur die Raad ontvang of bestee word, en van die bates, laste en finansiële transaksies van die Raad; en
- (b) so gou doenlik, maar hoogstens drie maande na die einde van die boekjaar van die Raad, finansiële jaarstate maak bestaande uit—
- 25 (i) 'n balansstaat;
- (ii) 'n inkomstestaat;
- (iii) 'n kontantvloeistaat, en
- (iv) aantekeninge by die finansiële jaarstate.
- (3) Die aantekeninge en finansiële jaarstate in subartikel (2) bedoel, moet deur die
- 30 Ouditeur-generaal geouditeer word.

Jaarverslag

14. (1) Die Raad lê jaarliks, maar nie later as drie maande na die einde van 'n boekjaar nie, 'n verslag oor sy sake en bedrywighede gedurende daardie boekjaar aan die verantwoordelike Lid voor.
- 35 (2) Die verantwoordelike Lid lê 'n afskrif van die verslag wat ingevolge subartikel (1) aan hom of haar voorgelê word, in die Provinsiale Wetgewer ter tafel binne veertien dae na ontvangs daarvan of, indien die Provinsiale Wetgewer nie dan in sitting is nie, binne veertien dae na die begin van die daaropvolgende sitting.

Fondse van Raad

- 40 15. (1) Die fondse van die Raad bestaan uit—
- (a) bewilligings deur die Provinsiale Wetgewer onderhewig aan 'n jaarlikse begroting voorgelê deur die Raad in terme van subartikel (2);
- (b) skenkings, bemakings, borgskappe of bydraes wat die Raad ontvang, en
- 45 (c) onderhewig aan subartikel (12)(f) inkomste gegenereer deur die Raad ten einde sy oogmerke te bereik.
- (2) Die Raad moet jaarliks voor of na die datum wat die verantwoordelike Lid bepaal, 'n begroting vir die daaropvolgende boekjaar aan die verantwoordelike Lid voorlê, wie 'n kopie van die begroting binne veertien dae nadat dit ontvang is aan die Provinsiale Wetgewer sal voorlê, of indien die Provinsiale Wetgewer nie in sitting is
- 50 nie, binne veertien dae na die aanvang van die volgende sitting.
- (3) Die Raad mag geen uitgawes aangaan wat sou meebring dat die begroting wat ingevolge subartikel (1) goedgekeur is, oorskry word nie.
- (4) Behoudens die bepalinge van subartikel (5), moet die Raad sy fondse aanwend om uitgawes aangaan in verband met die uitoefening van sy bevoegdhede en die
- 55 verrigting van sy funksies en pligte te bestry.

(5) The Board may invest any unexpended portion of its funds in any other manner determined it, in consultation with the responsible Member in concurrence with the Member responsible for Finance

Submission of annual financial statements of Board

16. The Board shall as soon as possible, but not later than three months after the end of a financial year, after completion of the annual audit, submit the annual financial statements referred to in section 13(2)(b) to the responsible Member and shall likewise submit a copy of such statements to the Director General: Provincial Administration of the Western Cape on which there shall be indicated by way of a note the funds received by the Board in terms of section 15(1)(a) and the utilisation thereof in terms of any conditions laid down by the Director General.

Establishment of incentive schemes in respect of certain sectors of the tourism industry

17. (1) The responsible Member may in respect of any prescribed sector of the tourism industry, on recommendation of the Board and after consultation with representatives of that sector, establish incentive schemes with a view to the maintenance or enhancement of the standards of services or facilities rendered or made available by persons who are active in that sector.

(2) The responsible Member may for the purposes of a scheme apply any basis of differentiation which, after consultation with representatives of the prescribed sector concerned, he or she may deem fit.

(3) If in the opinion of the responsible Member it is necessary to do so, he or she may, in consultation with the Board, and after consultation with representatives of the prescribed sector concerned, amend or repeal the provisions of a scheme.

(4) If the responsible Member intends to establish a scheme for any sector which, in his or her opinion, if implemented, will materially affect functions assigned to a Minister or another Member of the Executive Council of the Province in terms of any law, he or she shall establish such scheme in consultation with such other Minister or Member.

Declaration of interests

18. (1) When the Board, a Permanent Committee or an additional committee is in session, a member thereof may not take part in the discussion of, or may not participate in the making of a decision on, any matter in which he or she or his or her spouse, partner or employer, other than the State, has any personal and direct or indirect pecuniary interest, unless he or she first declares the nature, extent and particulars of that interest.

(2) Any member of the Board who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to a fine or imprisonment for a period not exceeding six months.

CHAPTER 3: REGIONAL TOURISM ORGANISATIONS

Establishment of Regional Tourism Organisations

19. (1) The responsible Member may, in consultation with the regional local government concerned, prescribe tourism regions and establish a Regional Tourism Organisation for each such region.

(2) The responsible Member may, at the request of an organisation, in consultation with the regional local government concerned, prescribe tourism sub-regions, establish a Sub-regional Tourism Organisation for each such sub-region and prescribe its composition, functioning, funds and accountability.

(3) The organisations and Sub-Regional Tourism Organisations shall be bodies corporate capable of suing and being sued and, subject to the provisions of this Law and in so far as may be necessary for the better performance of their functions and duties, of performing all such acts as bodies corporate may by law perform, provided that no loan shall be raised by an organisation or Sub-Regional Tourism Organisation without the consent of regional local government concerned and no such loan shall be used for current expenditure.

(5) Die Raad kan enige onbestede gedeelte van sy fondse op enige ander wyse wat die verantwoordelike Lid in konsultasie met die Lid verantwoordelik vir Finansies bepaal, belê.

Voorlegging van finansiële jaarstate van Raad

- 5 16. Die Raad moet so gou doenlik, maar nie later as drie maande na die einde van 'n boekjaar nie, na voltooiing van die jaarlikse oudit die finansiële jaarstate in artikel 13(2)(b) bedoel, aan die verantwoordelike Lid voorlê, en moet eweneens 'n afskrif van daardie state aan die Direkteur-generaal: Provinsiale Administrasie van Wes-Kaap voorlê, waarop die geld wat die Raad ingevolge artikel 15(1)(a) ontvang het en die
10 aanwending daarvan ingevolge enige voorwaardes deur die Direkteur-generaal opgelê, by wyse van 'n aantekening aangedui moet word.

Instelling van aansporingskemas ten opsigte van sekere sektore van die toerismebedryf

- 15 17. (1) Die verantwoordelike Lid kan ten opsigte van enige voorgeskrewe sektor van die toerismebedryf, op aanbeveling van die Raad en na oorleg met verteenwoordigers van daardie sektor, aansporingskemas instel met die oog op die handhawing of verhoging van die standaarde van dienste of fasiliteite wat gelewer of beskikbaar gestel word aan persone wat in daardie sektor bedrywig is.

- 20 (2) Die verantwoordelike Lid kan, vir die toepassing van 'n skema, na oorleg met verteenwoordigers van die betrokke voorgeskrewe sektor enige grondslag van onderskeid na goëddunke toepas.

(3) Indien die verantwoordelike Lid dit nodig ag, kan hy of sy, in oorleg met die Raad en na oorleg met verteenwoordigers van die betrokke voorgeskrewe sektor, die bepalings van 'n skema wysig of herroep.

- 25 (4) Indien die verantwoordelike Lid voornemens is om vir enige sektor 'n skema in te stel waarvan die toepassing na sy of haar mening funksies wat ingevolge 'n ander wet aan 'n Minister of 'n ander Lid van die Uitvoerende Raad van die Provinsie opgedra is, wesenlik sal raak, moet hy of sy daardie skema in oorleg met die ander Minister of Lid instel.

30 Bekendmaking van belange

- 35 18. (1) Wanneer die Raad, 'n Vaste Komitee of 'n bykomende komitee in sitting is, mag 'n lid daarvan nie deelneem aan 'n bespreking van, of die neem van 'n besluit oor, enige aangeleentheid waarin hy of sy of sy of haar gade, vennoot of werknemer, uitgesonderd die Staat, enige persoonlike en regstreekse of onregstreekse geldelike belang het nie, tensy hy of sy eers die aard, omvang en besonderhede van daardie belang bekend maak.

(2) Enige lid van die Raad wat die bepalings van subartikel (1) oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

40 HOOFSTUK 3: STREEK-TOERISMEORGANISASIES

Instelling van Streek-toerismeorganisasies

19. (1) Die verantwoordelike Lid kan toerismestreke in oorleg met die betrokke streek-plaaslike regering voorskryf en 'n Streek-toerismeorganisasie vir elke streek instel.

- 45 (2) Die verantwoordelike Lid kan op versoek van 'n organisasie toerismesubstreke in oorleg met die betrokke streek-plaaslike regering voorskryf, 'n Substreek-toerismeorganisasie vir elke substreek instel en die samestelling, funksionering, fondse en verantwoordingpligtigheid daarvan voorskryf.

- 50 (3) Die organisasies en Substreek-toerismeorganisasies is regspersone wat bevoeg is om eisend en verwerend op te tree en om, behoudens die bepalings van hierdie Wet en vir sover dit vir die beter verrigting van hul funksies en pligte nodig is, alle handelinge te verrig wat regspersone regtens kan verrig, met dien verstande dat 'n organisasie of Substreek-toerismeorganisasie geen lening sonder die verlof van die betrokke streek-plaaslike regering mag aangaan nie en so 'n lening nie vir lopende uitgawes aangewend
55 mag word nie.

Objects of organisations

20. The objects of the organisations, or Sub-regional Tourism Organisations, if any, shall be—

- (a) to formulate regional tourism policy and to promote, support and facilitate the implementation of such policy; 5
- (b) to promote, support and facilitate provincial tourism development and marketing through representation on the Permanent Committees of the Board;
- (c) to promote tourism in their areas of jurisdiction by encouraging persons to undertake visits to and in the region;
- (d) to support the Board in the execution of its functions and the achievement of its objectives; 10
- (e) to establish and maintain, or cause to be established and maintained, a database of the information required for the formulation and implementation of the tourism policy and the tourism policy strategy contemplated in section 3(b); 15
- (f) to assist and support any accredited tourism bureau within its area of jurisdiction;
- (g) to undertake other related activities.

Composition and functioning of organisations

- 21. (1) Each organisation shall consist of the following members— 20
 - (a) two representatives from each accredited tourism bureau in its area of jurisdiction, and
 - (b) three persons nominated by the regional local government for its area of jurisdiction.
- (2) The members of an organisation shall elect at its first meeting, from among its members— 25
 - (a) an Executive Committee comprising a chairperson, a vice-chairperson and at least three additional members, provided that at least one of the members of the Executive Committee shall be a representative of the regional local government, and 30
 - (b) a Regional Marketing Committee and a Regional Development Committee, provided that one of the members contemplated in subsection (1)(b) shall be elected to the Regional Marketing Committee and another of those members shall be elected to the Regional Development Committee.
- (3) The Executive Committee shall appoint a secretariat for the organisation, which secretariat shall also act as the secretariat for the regional committees. 35
- (4) The chairperson and the vice-chairperson of the Executive Committee shall be the chairperson and the vice-chairperson of the organisation, respectively.
- (5) The regional committees shall each elect from its members a chairperson and a vice-chairperson. 40
- (6) The functions of a regional committee shall be to assist, advise and support the organisation in the execution of its marketing and development functions and objectives.
- (7) The members of an organisation shall nominate its representatives on each of the Permanent Committees. 45
- (8) The provisions of section 6 are mutatis mutandis applicable to an organisation.
- (9) An organisation may, in consultation with the regional local government for its area of jurisdiction, determine and pay to its employees remuneration, allowances, bonuses, subsidies and pensions and other service benefits.
- (10) An organisation may, in consultation with the regional local government for its area of jurisdiction, determine and pay gratuities to its employees and former employees, and to the dependants of its employees and former employees, in the case of death or injury of such employees which occurs or occurred while they perform or performed their work as employees. 50

Constitution of organisations

22. Subject to the provisions of this Law, and in consultation with the members contemplated in section 21(1)(b), an organisation shall adopt a written Constitution as prescribed. 55

Oogmerke van organisasies

20. Die oogmerke van die organisasies, of Substreek-toerismeorganisasies, indien daar is, is—

- 5 (a) om 'n streektoerismebeleid uit te werk en die uitvoering van so 'n beleid te bevorder, te steun en te vergemaklik;
- (b) om die ontwikkeling en bemaking van provinsiale toerisme deur verteenwoordiging in die Vaste Komitees van die Raad te bevorder, te steun en te vergemaklik;
- 10 (c) om toerisme in hul regsgebiede te bevorder deur persone aan te moedig om reise na en in die streek te onderneem;
- (d) om die Raad te steun by die verrigting van sy funksies en die nastreef van sy oogmerke;
- (e) om 'n databasis van die inligting wat vir die uitwerk en uitvoering van die toerismebeleid en -strategie in artikel 3(b) beoog, nodig is, op te bou en by
- 15 te hou of te laat opbou en byhou;
- (f) om enige geakkrediteerde toerismeburo binne sy regsgebied by te staan en te steun, en
- (g) om ander verwante aktiwiteite te onderneem.

Samestelling en funksionering van organisasies

- 20 21. (1) Elke organisasie bestaan uit die volgende lede:
 - (a) twee verteenwoordigers van elke geakkrediteerde toerismeburo in sy regsgebied, en
 - (b) drie persone wat deur die streek- plaaslike regering vir sy regsgebied benoem word.
- 25 (2) 'n Organisasie moet op sy eerste vergadering uit sy geledere—
 - (a) 'n Uitvoerende Komitee kies bestaande uit 'n voorsitter, 'n ondervoorsitter en minstens drie bykomende lede; met dien verstande dat minstens een van die lede van die Uitvoerende Komitee 'n verteenwoordiger van die streek-plaaslike regering moet wees, en
 - 30 (b) 'n Streekbemarkingskomitee en 'n Streekontwikkelingskomitee kies; met dien verstande dat een van die lede in subartikel (1)(b) beoog, tot die Streekbemarkingskomitee verkies moet word en 'n ander van daardie lede tot die Streekontwikkelingskomitee verkies moet word.
- (3) Die Uitvoerende Komitee moet 'n sekretariaat vir die organisasie aanstel, wat
- 35 ook as die sekretariaat vir die streekkomitee moet optree.
- (4) Die voorsitter en die ondervoorsitter van die Uitvoerende Komitee is onderskeidelik die voorsitter en die ondervoorsitter van die organisasie.
- (5) Die streekkomitees moet elk 'n voorsitter en 'n ondervoorsitter uit sy geledere kies.
- 40 (6) Die funksies van 'n streekkomitee is om die organisasie by te staan, te adviseer en te steun by die verrigting van sy bemarkings- en ontwikkelingsfunksies en die nastreef van sy oogmerke.
- (7) Die lede van 'n organisasie moet die organisasie se verteenwoordigers in elk van die Vaste Komitees benoem.
- 45 (8) Die bepalings van artikel 6 is *mutatis mutandis* op 'n organisasie van toepassing.
- (9) 'n Organisasie mag, in konsultasie met die streeks- plaaslike owerheid vir die area van jurisdiksie, sy werkgewers se salarisse, toelaes, bonusse, subsidies, pensioene en ander diensvoordele, bepaal en betaal.
- (10) 'n Organisasie mag, in konsultasie met die streeks- plaaslike regering in sy
- 50 regsgebied, gratifikasies aan sy werknemers of voormalige werknemers, en die afhanklikes van werknemers of voormalige werknemers, in die geval van dood of besering van sodanige werknemers tydens die uitvoer van hul pligte, bepaal en betaal.

Konstitusie van organisasies

22. Behoudens die bepalings van hierdie Wet en in konsultasie met die lede in artikel
- 55 21(1)(b) beoog, moet 'n organisasie 'n skriftelike konstitusie aanneem, soos voorgeskryf.

Funds of organisations

23. The funds of an organisation shall consist of—
- (a) appropriations from the regional local government for its area of jurisdiction, pursuant to an annual budget submitted by the organisation in terms of section 24(4) and approved by the regional local government; 5
 - (b) donations, bequests, sponsorships or contributions, and
 - (c) subject to section 19(3), income generated so as to achieve its objects.

Accountability arrangements of organisations

24. (1) The Executive Committee of an organisation shall appoint a member of the secretariat contemplated in section 21(3) as the accounting officer of the organisation and he or she shall account for all money received, all payments made and all property acquired, received, held and disposed of by the organisation. 10

(2) The provisions of sections 13(2) and (3) are *mutatis mutandis* applicable to an organisation.

(3) An organisation shall annually, after the end of a financial year, within three months of the completion of the annual audit, submit to the chief executive officer of the regional local government for its area of jurisdiction a report on its affairs and activities during that financial year and its audited annual financial statements, which report and financial statements shall be considered at a meeting of that regional local government. 15

(4) An organisation shall annually, before or on the date prescribed, submit a budget for the ensuing financial year, and a business plan as prescribed, to the chief executive officer of the regional local government for its area of jurisdiction, which budget and business plan shall be considered at a meeting of that regional local government. 20

CHAPTER 4: LOCAL TOURISM BUREAUX

Establishment of Local Tourism Bureaux 25

25. (1) A Local Tourism Bureau may be established for the area of jurisdiction of each local government in the Province.

(2) A bureau may perform its functions outside its area of jurisdiction, provided it co-operates with any relevant organisations or bureaux.

(3) Each bureau shall be a body corporate capable of suing and being sued and, subject to the provisions of this Law and in so far as may be necessary for the better performance of its functions and duties, of performing all such acts as bodies corporate may by law perform, but that no loan shall be raised by a bureau without the consent of the local government concerned no such loan shall be used for current expenditure. 30

Objects of bureaux 35

26. The functions of the bureaux shall be—

- (a) to formulate a tourism policy and strategy, in accordance with the regional tourism policy, for the town or city concerned and where appropriate for the surrounding districts;
- (b) to market the local area concerned as a tourist destination; 40
- (c) to provide an information and assistance service to encourage tourists to visit the local area in a way which is mutually beneficial to the tourist and local community;
- (d) to develop and promote tourism skills and awareness within the local community to achieve the maximum sustainable benefits from tourism through the widest possible participation in the local tourism industry; 45
- (e) to promote the development of appropriate tourism infrastructure and products including attractions, accommodation and transport and shopping facilities;
- (f) to elect its representatives on the Regional Tourism Organisation; 50
- (g) to produce and appropriate tourist literature, and

Fondse van organisasies

23. Die fondse van 'n organisasie bestaan uit—
- (a) bewilligings deur die streek- plaaslike regering vir sy regsgebied, na aanleiding van 'n jaarlikse begroting wat die organisasie ingevolge artikel 24(4)voorgelê het en wat deur die streek- plaaslike regering goedgekeur is;
 - (b) skenkings, bemakings, borgskappe of bydraes, en
 - (c) behoudens artikel 19(3), inkomste gegenereer ten einde die organisasie se oogmerke te bereik.

Rekenpligtigheidsreëlings van organisasies

24. (1) Die Uitvoerende Komitee van 'n organisasie sal 'n lid van die sekretariaat soos bepaal in terme van artikel 21(3) aanwys as rekenpligtige beampte van die organisasie en hy of sy is verantwoordelik vir alle gelde ontvang, alle betalings gemaak en alle bates bekom, ontvang, gehou of vervreem deur die organisasie.
- (2) Die bepalinge van artikel 13(2) en (3) is *mutatis mutandis* op 'n organisasie van toepassing.
- (3) 'n Organisasie moet jaarliks, na die einde van 'n boekjaar, binne drie maande na voltooiing van die jaarlikse audit 'n verslag oor sy sake en bedrywighede gedurende daardie boekjaar en sy geauditeerde finansiële jaarstate aan die hoof uitvoerende beampte van die streek- plaaslike regering vir sy regsgebied voorlê, en die begroting en finansiële state moet op 'n vergadering van daardie streek- plaaslike regering oorweeg word.
- (4) 'n Organisasie moet jaarliks, voor of op die voorgeskrewe datum, 'n begroting vir die volgende boekjaar en 'n sakeplan, soos voorgeskryf, aan die hoof uitvoerende beampte van die streek- plaaslike regering vir sy regsgebied voorlê, en dié begroting en sakeplan moet op 'n vergadering van daardie streek- plaaslike regering oorweeg word.

HOOFSTUK 4: PLAASLIKE TOERISMEBURO'S

Instelling van Plaaslike Toerismeburo's

25. (1) 'n Plaaslike Toerismeburo kan vir die regsgebied van elke plaaslike regering in die Provinsie ingestel word.
- (2) 'n Buro kan sy funksies buite sy regsgebied verrig, mits hy met enige relevante organisasies of buro's saamwerk.
- (3) Elke buro is 'n regspersoon wat bevoeg is om eisend en verwerend op te tree en om, behoudens die bepalinge van hierdie Wet en vir sover dit vir die beter verrigting van sy funksies en pligte nodig is, alle handelinge te verrig wat regspersone regtens kan verrig; maar dat 'n buro geen lening sonder verlof van die betrokke plaaslike regering mag aangaan nie en so 'n lening nie vir lopende uitgawes aangewend mag word nie.

Oogmerke van buro

26. Die funksies van 'n buro sluit in—
- (a) die uitwerk van 'n toerismebeleid en -strategie vir die betrokke dorp of stad en, waar toepaslik, vir die omliggende distrik ooreenkomstig die streek-toerismebeleid;
 - (b) die bemarking van die betrokke plaaslike gebied as 'n toeristebestemming;
 - (c) die voorsiening van 'n inligtings- en bystandsdienst om toeriste aan te moedig om die plaaslike gebied te besoek op 'n wyse wat wedersyds voordelig vir die toeriste en die plaaslike gemeenskap is;
 - (d) die ontwikkeling en bevordering van toerismevaardighede en toerismebe-wustheid binne die plaaslike gemeenskap om die maksimum volhoubare voordele van toerisme deur middel van die wydste moontlike deelname aan die plaaslike toerismebedryf te verwesenlik;
 - (e) die bevordering van die ontwikkeling van 'n gepaste toerisme-infrastruktuur en -produkte, insluitende besienswaardighede, huisvesting en vervoer- en inkoop-fasiliteite;
 - (f) die verkiesing van sy verteenwoordigers in die Streek-toerismeorganisasie;
 - (g) die lewering en verspreiding van geskikte toeristeliteratuur, en

- (h) to establish and maintain, or cause to be established and maintained, a database of the information required for the formulation and implementation of the tourism policy and the tourism policy strategy contemplated in section 3(b).

Composition and functioning of bureaux

5

27. (1) The bureaux are non-compulsory, non-profit and non-self-interest structures, and shall consist of members of—

- (a) tourism establishments within the area of the local government concerned;
- (b) the general public within the area of the local government concerned;
- (c) business organisations within the area of the local government concerned, and
- (d) the local government concerned.

10

(2) Membership of a bureau is renewable annually.

(3) Each bureau shall elect an Executive Committee, comprising a chairperson, a vice-chairperson and such number of additional members as may be determined by the annual general meeting of members, provided that at least one, but not more than two, of the members of the Executive Committee shall be representatives of the local government.

15

(4) The bureau may, at a meeting of its members, elect a local Marketing Committee and a local Development Committee which shall assist, advise and support the bureau in the execution of its marketing and development functions and objectives, provided that one of the members contemplated in subsection (1)(d) shall be elected to the local Marketing Committee and another of those members shall be elected to the local Development Committee.

20

(5) The Executive Committee contemplated in subsection (3) shall appoint a secretariat of the bureau, which secretariat shall also act as the secretariat for the local committees.

25

(6) The local committees shall each elect from its members a chairperson and a vice-chairperson.

(7) The provisions of section 6 and section 21(9) and (10) are *mutatis mutandis* applicable to a bureau.

30

Accreditation of bureaux

28. (1) Bureaux constituted in terms of this Law shall be accredited by the Board if they meet the criteria for accreditation formulated by the Board.

(2) The Board shall keep a register of all accredited bureaux.

Constitution of bureaux

35

29. (1) Subject to the provisions of this Law, and in consultation with the members contemplated in section 27(1)(d), each bureau shall adopt a written Constitution as prescribed.

(2) No bureau shall be accredited by the Board in terms of section 28(1) unless the Board approves that bureau's Constitution.

40

Funds of bureaux

30. (1) The funds of a bureau shall consist of—

- (a) appropriations from the local government for its area of jurisdiction, pursuant to an annual budget submitted by the bureau in terms of section 31(4) and approved by the local government;
- (b) donations, bequests, sponsorships or contributions;
- (c) subject to section 25(3), income generated so as to achieve its objects, and
- (d) membership fees.

45

(2) The Executive Committee of a bureau must determine membership fees, which may include fees for different categories of members, and such fees must be approved by the annual general meeting of members.

50

(3) Membership fees shall be payable annually on renewal of membership, but that the local government concerned shall not be liable to pay membership fees.

- (h) die opbou en byhou van 'n databasis, deur óf die buro self óf 'n ander instansie, van die inligting wat vir die uitwerk en uitvoering van die toeristebeleid en -strategie in artikel 3(b) beoog, nodig is.

Samestelling en funksionering van buro's

- 5 27. (1) 'n Buro is 'n nie-verpligtende, nie-winsgewende en nie-eiebelang-struktuur en bestaan uit lede van—
- (a) toerisme-ondernemings binne die gebied van die betrokke plaaslike regering;
 - (b) die algemene publiek binne die gebied van die betrokke plaaslike regering;
 - (c) sakeondernemings binne die gebied van die betrokke plaaslike regering, en
 - 10 (d) die betrokke plaaslike regering.
- (2) Lidmaatskap van 'n buro moet jaarliks hernu word.
- (3) Elke buro kies 'n Uitvoerende Komitee bestaande uit 'n voorsitter, 'n onder-voorsitter en die getal bykomende lede wat op die algemene jaarvergadering van lede bepaal word; met dien verstande dat minstens een, maar hoogstens twee van die lede
- 15 van die Uitvoerende Komitee verteenwoordigend van die plaaslike regering is.
- (4) Die buro kan op 'n vergadering van sy lede 'n plaaslike Bemarkingskomitee en 'n plaaslike Ontwikkelingskomitee kies wat die buro moet bystaan, adviseer en steun by die verrigting van sy bemarkings- en ontwikkelingsfunksie en die nastreef van sy oogmerke; met dien verstande dat een van die lede in subartikel (1)(d) beoog, tot die
- 20 plaaslike Bemarkingskomitee en 'n ander van daardie lede tot die plaaslike Ontwikkelingskomitee verkies moet word.
- (5) Die Uitvoerende Komitee in subartikel (3) beoog, moet die sekretariaat van die buro aanstel, wat ook as die sekretariaat vir die plaaslike komitees moet optree.
- (6) Die plaaslike komitees kies elk 'n voorsitter en 'n ondervoorsitter uit hul
- 25 geledere.
- (7) Die bepalings van artikel 6 en artikel 21(9) en (10) is *mutatis mutandis* op 'n buro van toepassing.

Akkreditering van buro's

28. 'n Buro wat ingevolge hierdie Wet saamgestel word, moet deur die Raad
- 30 geakkrediteer word as dit aan die akkrediteringsmaatstawwe deur die Raad bepaal, voldoen.
- (2) Die Raad hou 'n register van alle geakkrediteerde buro's.

Konstitusie van buro's

29. (1) Behoudens die bepalings van hierdie Wet en in konsultasie met die lede in
- 35 artikel 27(1)(d) beoog, moet elke buro 'n skriftelike konstitusie aanneem, soos voorgeskryf.
- (2) Geen buro word ingevolge artikel 28(1) deur die Raad geakkrediteer nie tensy die Raad daardie buro se konstitusie goedkeur.

Fondse van buro's

- 40 30. Die fondse van 'n buro bestaan uit—
- (a) bewilligings deur die plaaslike regering vir sy regsgebied, na aanleiding van 'n jaarlikse begroting wat ingevolge artikel 31(4) deur die buro ingedien en deur die plaaslike regering goedgekeur word;
 - (b) skenkings, bemakings, borgskappe of bydraes;
 - 45 (c) behoudens artikel 25(3), inkomste wat gegenereer word ten einde die buro se oogmerke te bereik, en
 - (d) ledegeld.
- (2) Die Uitvoerende Komitee van 'n buro bepaal ledegelde, wat gelde vir verskillende kategorieë van lede insluit, en daardie gelde moet op die algemene
- 50 jaarvergadering van lede goedgekeur word.
- (3) Ledegeld is jaarliks betaalbaar by hernuwing van lidmaatskap; maar dat die betrokke plaaslike regering nie ledegeld hoef te betaal nie.

Accountability arrangements of bureaux

31. (1) The Executive Committee of a bureau shall appoint a member of the secretariat contemplated in section 27(5) as the accounting officer of the organisation and he or she shall account for all money received, all payments made and all property acquired, received, held and disposed of by the bureau.

(2) The provisions of sections 13(2) and (3) are *mutatis mutandis* applicable to a bureau.

(3) A bureau shall annually, but not more than six months after the end of a financial year, after completion of the annual audit, submit to the chief executive officer of the local government for its area of jurisdiction a report on its affairs and activities during that financial year and its audited annual financial statements, which report and financial statements shall be tabled at the next meeting of that local government.

(4) A bureau shall annually, before or on the date prescribed, submit a budget for the ensuing financial year, and a business plan as prescribed, to the chief executive officer of the local government for its area of jurisdiction, which budget and business plan shall be considered at the next meeting of that local government.

CHAPTER 5: GENERAL PROVISIONS**Regulations**

32. The responsible Member may, after consultation with the Board, make regulations in respect of any matter which may be dealt with by the responsible Member in terms of this Law, and on any matter which he or she may deem necessary for the better achievement of the objects of this Law, provided that regulations with financial implications shall be made in consultation with the Member responsible for Finance, provided further that if the organisation representing municipalities in the Province as contemplated in section 163(a) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) is in existence, the regulations contemplated in sections 22, 24(4), 29(1) and 31(4) shall be made in consultation with that organisation.

Short title and commencement

33. This Law shall be called the Western Cape Tourism Law, 1997, and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.

Rekenpligtigheidsreëlings van buro's

31. (1) Die Uitvoerende Komitee van 'n Buro sal 'n lid van die sekretariaat soos bepaal in terme van artikel 27(5) aanwys as rekenpligtige beampte van die organisasie en hy of sy is verantwoordelik vir alle gelde ontvang, alle betalings gemaak en alle bates bekom, ontvang, gehou of vervreem deur die Buro.

(2) Die bepalings van artikel 13(2) en (3) is mutatis mutandis op 'n buro van toepassing.

(3) 'n Buro moet jaarliks, maar nie later as ses maande na die einde van 'n boekjaar nie, na voltooiing van die jaarlikse audit 'n verslag oor sy sake en bedrywighede gedurende daardie boekjaar en sy geouditeerde finansiële jaarstate aan die hoof uitvoerende beampte van die plaaslike regering vir sy regsgebied voorlê, en dié verslag en finansiële state moet op die volgende vergadering van die plaaslike regering ter tafel gelê word.

(4) 'n Buro moet jaarliks, voor of op die voorgeskrewe datum, 'n begroting vir die volgende boekjaar en 'n sakeplan, soos voorgeskryf, aan die hoof uitvoerende beampte van die plaaslike regering vir sy regsgebied voorlê, en dié begroting en sakeplan moet op die volgende vergadering van daardie plaaslike regering oorweeg word.

HOOFSTUK 5: ALGEMENE BEPALINGS

Regulasies

32. Die verantwoordelike Lid kan, na oorleg met die Raad, regulasies uitvaardig met betrekking tot enige aangeleentheid waarmee die verantwoordelike Lid ingevolge hierdie Wet handel en oor enige aangeleentheid wat hy of sy nodig ag ten einde die oogmerke van hierdie Wet beter te bereik; met dien verstande dat regulasies met finansiële implikasies in konsultasie met die Lid verantwoordelik vir Finansies uitgevaardig moet word; voorts met dien verstande dat, indien die organisasie wat munisipaliteite in die Provinsie verteenwoordig, soos in artikel 163(a) van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 108 van 1996), beoog, wel bestaan, die regulasies in artikels 22, 24(4), 29(1) en 31(4) beoog, in oorleg met daardie organisasie uitgevaardig moet word.

30 Kort titel en inwerkingtreding

33. Hierdie Wet heet die Wes-Kaapse Wet op Toerisme, 1997, en tree in werking op 'n datum wat deur die Premier by proklamasie in die *Provinsiale Koerant* vasgestel word.

