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PROVINCE OF WESTERN CAPE

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**WESTERN CAPE TOURISM  
ACT, 1997**

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PROVINSIE WES-KAAP

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**No           , 1997**

# ACT

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

**B**E IT ENACTED by the Provincial Legislature of the Province of Western Cape, as follows:

## CHAPTER 1: DEFINITIONS

### Definitions

1. (1) In this Act, 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 Act;
  - (vi) “Executive Committee” means the Executive Committee of the Board, organisation or bureau referred to in sections 4(4), 21(2) and 27(3) 15 respectively;
  - (vii) “Executive Council” means the Executive Council of the Province referred to 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 20 next succeeding year, and in the case of a bureau and an organisation, the 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 referred to 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 or 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) “Provincial Legislature” means the Provincial Legislature of the Province referred to in section 105 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);
  - (xviii) “regional local government” means a district council or metropolitan council 40 as defined in section 10B of the Local Government Transition Act, 1993 (Act 209 of 1993);

- (xxix) “regional committee” means a committee referred to in section 21(2)(b);
- (xx) “responsible Member” means the member of the Executive Council of the Province responsible for tourism;
- (xxi) “scheme” means an incentive scheme established in terms of section 17(1);
- (xxii) “this Act” includes any regulation made under section 32; 5
- (xxiii) “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
- (xxiv) “vice-chairperson” means the vice-chairperson of the Board, organisation, bureau or committee, as the case may be, elected to serve as vice-chairperson 10 in terms of this Act.

(2) Where in this Act 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 Act 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 Act 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 institutions, organisations and persons providing services and facilities to tourists in the Province;
  - (h) to recommend incentive schemes and grading, classification and accreditation systems in accordance with section 17(1), and to administer such schemes and systems; 50
  - (i) to protect and advance within the tourism industry emerging business and persons or categories of persons disadvantaged by unfair discrimination;
  - (j) to undertake other related activities, and
  - (k) to generate income, so as to achieve its objects. 55

### Composition and functioning 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 eleven members, namely—
- (a) the chairperson of the Permanent Committee for Development;
  - (b) the chairperson of the Permanent Committee for Marketing; 5
  - (c) seven members appointed by the responsible Member, after consultation with a Standing Committee of the Provincial Legislature, from nominations received in terms of subsection (2);
  - (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 a nomination, by the responsible Member. 10
- (2) Subject to subsection 1(c), 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. 20
- (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.
- (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. 25
- (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.
- (6) The Board shall have a Permanent Committee for Marketing and a Permanent Committee for Development and each Permanent Committee shall consist of— 30
- (a) one representative nominated by each 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. 35
- (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) If the chairperson of a Permanent Committee is for any reason unable to act as chairperson, the vice-chairperson of that Permanent Committee shall perform the functions of the chairperson. 40
- (9) The Board shall appoint a secretariat for the Board, which secretariat shall also act as the secretariat for the Permanent Committees.
- (10) 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. 45

### 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.
- (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. 50
- (3) Notwithstanding the provisions of section 4(1), if, for any reason, the office of a member of the Board who holds office in terms of section 4(1)(c) or (e) 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. 55
- (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.

(5) Any member of the Board whose period of office has expired shall be eligible for reappointment.

#### **Vacation of office of members of Board** 5

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; 10
- (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; 15
- (f) becomes a member of Parliament or a Provincial Legislature, or
- (g) dies.

(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. 20

#### **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. 25

(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.

(3) The notice whereby an extraordinary meeting of the Board is convened shall state the purpose of that meeting. 30

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

(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. 35

(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— 40

- (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). 45

(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. 50

#### **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. 55

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

(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 Act. 5

(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. 10

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

#### **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. 15

#### **Remuneration and other service benefits of employees of Board**

**11.** (1) The Board may, in consultation with the responsible Member and the Member responsible for Finance—

(a) determine and pay to its employees remuneration, allowances, bonuses, subsidies and pensions and other service benefits, and 20

(b) 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 occurred in the course of their employment.

#### **Powers and duties of Board**

**12.** (1) In order to achieve its objects referred to in section 3 the Board may— 25

(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; 30

(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; 35

(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; 40

(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— 45

(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, disablement or death resulting solely and directly from an accident occurring in the course of the performance of their duties as such members; 50

- (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; 5
  - (j) gather, evaluate and process information relating to tourism in the Province, and make such information 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; 10
  - (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; 15
  - (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;
  - (o) recommend incentive schemes and grading, classification and accreditation systems in accordance with section 17(1), and administer such schemes and systems, and 20
  - (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 (l) of subsection (1) shall be published in the *Provincial Gazette*. 25
- (3) No person shall use any distinguishing sign or wording determined by the Board in terms of paragraph (l) of subsection (1) without the written permission of the Board.
- (4) The procedure for applications for written permission to use any distinguishing sign or wording determined by the Board in terms of paragraph (l) of subsection (1) shall be as prescribed. 30
- (5) Any person who uses any distinguishing sign or wording determined by the Board in terms of paragraph (l) 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.
- (6) The Board shall in consultation with the responsible member 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. 35

### **Financial control** 40

- 13.** (1) The chief executive officer of the Board appointed in terms of section 12(6) 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 or disposed of by the Board.
- (2) The accounting officer shall— 45
- (a) keep a 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
  - (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: 50
    - (i) a balance sheet;
    - (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. 55

### **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. 60

(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.

### **Funds of Board**

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15. (1) The funds of the Board shall consist of—

- (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 section 12(1)(f) income generated by the Board so as to achieve its objects.

(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.

(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.

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

### **Submission of annual financial statements of Board**

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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, who shall table a copy of such statements 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.

### **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, 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—

- (a) establish incentive schemes, and
- (b) prescribe grading, classification and accreditation systems.

(2) The responsible Member may for the purposes of an incentive scheme or a grading, classification and accreditation system 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 an incentive scheme or a grading, classification and accreditation system.

(4) If the responsible Member intends to establish an incentive scheme or a grading, classification and accreditation system 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 or system 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. 5

### **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. 10

(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. 15

(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 Act 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 the regional local government concerned and no such loan shall be used for current expenditure. 20

#### **Objects of organisations**

**20.** The objects of the organisations, or Sub-regional Tourism Organisations, if any, shall be— 25

- (a) to formulate regional tourism policy and to promote, support and facilitate the implementation of such policy;
- (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; 30
- (d) to support the Board in the execution of its functions and the achievement of its objectives;
- (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); 35
- (f) to assist and support any accredited tourism bureau within its area of jurisdiction;
- (g) to protect and advance within the tourism industry emerging business and persons or categories of persons disadvantaged by unfair discrimination; 40
- (h) to identify and promote the natural and cultural assets of its area, and
- (i) to undertake other related activities.

#### **Composition and functioning of organisations**

**21.** (1) Each organisation shall consist of the following members— 45

- (a) two representatives from each accredited tourism bureau in its area of jurisdiction, and
- (b) three persons nominated by the regional local government concerned.

(2) The members of an organisation shall elect at its first meeting, from among its members— 50

- (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, provided further that the chairperson or vice-chairperson shall not be a representative of the regional local government, and
- (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. 5
- (3) The Executive Committee shall appoint a secretariat for the organisation, which secretariat shall also act as the secretariat for the regional committees.
- (4) The chairperson and the vice-chairperson of the Executive Committee shall be the chairperson and the vice-chairperson of the organisation, respectively. 10
- (5) The regional committees shall each elect a chairperson and a vice-chairperson from among its members.
- (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. 15
- (7) The members of an organisation shall nominate its representatives on each of the Permanent Committees.
- (8) If the chairperson of an organisation or a regional committee is for any reason unable to act as chairperson, the vice-chairperson of that organisation or regional committee, as the case may be, shall perform the functions of the chairperson. 20
- (9) The provisions of section 6, 9 and 10 are *mutatis mutandis* applicable to an organisation.
- (10) An organisation may, in consultation with the regional local government for its area of jurisdiction—
- (a) determine and pay to its employees remuneration, allowances, bonuses, subsidies and pensions and other service benefits, and 25
- (b) 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 occurred in the course of their employment.
- (11) An organisation shall appoint a person as chief executive officer who shall be its accountable officer, be in charge of the other employees of the organisation and be responsible to the organisation. 30

### Constitution of organisations

22. Subject to the provisions of this Act, and in consultation with the members contemplated in section 21(1)(b), an organisation shall adopt a written Constitution as prescribed. 35

### 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(3)(b) and approved by the regional local government; 40
- (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 chief executive officer of the organisation appointed in terms of section 21(11) shall be 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 or disposed of by the organisation. 45
- (2) The provisions of section 13(2) and (3) are *mutatis mutandis* applicable to an organisation. 50
- (3) An organisation shall annually—
- (a) 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, and

- (b) 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. 5

## **CHAPTER 4: LOCAL TOURISM BUREAUX** 10

### **Establishment of Local Tourism Bureaux**

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

(2) A bureau—

- (a) shall be a voluntary, non-profit organisation, and 15  
 (b) 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 Act 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 and no such loan shall be used for current expenditure. 20

### **Objects of bureaux**

**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; 25  
 (b) to market the local area concerned as a tourist destination;  
 (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; 30  
 (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;  
 (e) to promote the development of appropriate tourism infrastructure and products including attractions, accommodation and transport and shopping facilities; 35  
 (f) to elect its representatives on the Regional Tourism Organisation;  
 (g) to protect and advance within the tourism industry emerging business and persons or categories of persons disadvantaged by unfair discrimination; 40  
 (h) to identify and promote the natural and cultural assets of its area;  
 (i) to produce and distribute appropriate tourist literature, and  
 (j) 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). 45

### **Composition and functioning of bureaux**

**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; 50  
 (b) the general public within the area of the local government concerned;  
 (c) business organisations within the area of the local government concerned;  
 (d) the local government concerned, and

(e) members of other bureaux by virtue of paragraphs (a), (b), (c) or (d).

(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 members contemplated in subsection 1(d), provided further that the chairperson or vice-chairperson shall not be a member contemplated in subsection 1(d).

(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.

(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.

(6) If the chairperson of a bureau or a local committee is for any reason unable to act as chairperson, the vice-chairperson of that bureau or local committee, as the case may be, shall perform the functions of the chairperson.

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

(8) The provisions of sections 6, 9 and 21(10) are *mutatis mutandis* applicable to a bureau.

(9) A bureau shall appoint a person as chief executive officer who shall be its accountable officer, be in charge of the other employees of the bureau and be responsible to the bureau.

#### **Accreditation of bureaux**

**28.** (1) Bureaux constituted in terms of this Act 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**

**29.** (1) Subject to the provisions of this Act, 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.

#### **Funds of bureaux**

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

- (a) appropriations from the local government concerned, pursuant to an annual budget submitted by the bureau in terms of section 31(3)(b) 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.

(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.

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

#### **Accountability arrangements of bureaux**

**31.** (1) The chief executive officer of the bureau appointed in terms of section 27(9) shall be the accounting officer of the bureau and he or she shall account for all money received, all payments made and all property acquired, received, held or disposed of by the bureau.

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

- (3) A bureau shall annually—
- (a) 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, and 5
  - (b) 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. 10

## 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 Act, and on any matter which he or she may deem necessary for the better achievement of the objects of this Act, 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(3)(b), 29(1) and 31(3)(b) shall be made in consultation with that organisation. 15 20

### Short title and commencement

33. This Act shall be called the Western Cape Tourism Act, 1997, and shall come into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*. 25