



tourism

Department:

Tourism

REPUBLIC OF SOUTH AFRICA

**Strategy
to
Professionalise Tourist Guiding
&
Legislative Review**

October 2009

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A. BACKGROUND

The Department of Environmental Affairs and Tourism has embarked on a process to develop a Strategy towards the professionalisation of the tourist guiding sector and consider necessary amendments to the Tourism Second Amendment Act and Regulations.

The process includes a comprehensive, in-depth research on the current status of the Tourist Guiding Sector in South Africa within the broader Tourism Industry. The project includes a critical analysis of the:

- Current implementation of the Tourism Second Amendment Act, No: 70, 2000, the Tourist Guides Regulations, and, the Code of Conduct and Ethics in respect of tourist guides;
- Quality of current Education, Training and Development for the sector.
- Global trends in the Tourist Guiding Sector and relevance to South African standards;
- Registration of Tourist Guides and the effectiveness of national database of tourist guides; and
- Structural/Institutional arrangements within the Tourist Guiding Sector.
- The gaps identified and best practices will inform:
 - the development of the strategy to professionalize tourist guiding; and
 - the necessary amendments to the current Tourism Second Amendment Act Regulations.

Approach

The Professional team embarked on a 3 Phase approach to the Project implementation. This included:

Phase 1:

The **Research and Analysis** phase dealt with a Current Status assessment, review & analysis of the:

- Tourism Second Amendment Act
- Regulations & Codes
- Registration process & database
- Structural Arrangements
- 2008 Department of Environmental Affairs and Tourism Roadshow
- Other impacting legislation & policies, and
- International Best Practice

Most research in this phase is Desk top, except where opportunity presents.

This phase culminated in a Report which sets out the:

- i. Summary Analysis Reports
- &
- ii. Strategic Options

Phase 2:

In this phase the **Stakeholder consultations** took place on the basis of the Strategic Options that emerge from the Research and Analysis. Stakeholder consultations were co-ordinated by the Provincial registrars and included:

- Provinces
- Industry Associations
- Destination Marketing organisations
- Training fraternity
- National Government departments
- Other Statutory & regulatory authorities, and
- relevant stakeholders

The Phase 2 Report set out the Stakeholder Feedback which went towards the Phase 3 recommendations.

Phase 3:

The **Draft Strategy to Professionalise Tourist Guiding** was developed and also set out the resultant recommendations for Tourist Guiding **Legislative amendments**.

A National Workshop was convened on 25 August 2009, when Strategic Options were presented to the sector and further input sought.

B. CURRENT STATUS IN THE TOURIST GUIDING SECTOR

The Tourist Guiding sector in South Africa has over the past nine years, and since the introduction of the Tourism Second Amendment Act, No 70 of 2000, in the main, followed the process set out in the Act, and, supported by the Regulations in respect of Tourist Guides published on 17 August 2001. The process had its successes and challenges.

In the second half of 2008 the Department undertook Consultative workshops through the Provinces in South Africa. The objective of the workshops was “to inform the tourist guiding constituency about new programmes and developments in tourist guiding and identify areas of concern and recommendations from the guiding sector”. This process confirmed some of the legitimate concerns within the sector.

1. The Consolidated Feedback from the 2008 process included:

(Please note that the content below is a direct extract of the 2008 Report and does not necessarily reflect the outcome of the 2009 process).

- a. Requests for fines of above R10 000 to be implemented for illegal guiding.
- b. Issue of Taxi's acting as tourist guides without the proper training and accreditation
- c. Concerns were raised regarding the role of THETA and a call for THETA's role to be clearly defined.
- d. Redesigning of the Tourist Guide badges, that is, in regard to the size of the badge, photo and identification in terms of guiding specification, and to also ensure that badges are copy right protected. A recommendation that Badges should also be bar- coded with all the relevant information of the tourist guide.
- e. Temporary foreign guides that leave the country should be required to submit the cards/badges back to the Registrar, and there is a need to enforce this regulation.
- f. Monitoring systems to be implemented – a centralised toll free numbers and website to be used to lodge complaints and other feedback.
- g. Vehicle capacity, number of passengers in vehicles should be amended to allow more than ten inclusive of guide and/or driver.

- h. The Code of Conduct to be enforced in respect of dress code, guiding under the influence of liquor, and exclude the clause that deals with administration administer of medication.
- i. Guides to be compelled to be members of an Association and such a clause to be included in the Act.
- j. Standardise benefits of tourist guides should be looked at in regard to medical cover, government subsidies, insurance, 40 hour week, taxes etc.
- k. Database of all tourist guide Association should be made available.
- l. Issue of parking when dropping of tourist, especially the coaches. Policing presence is required.
- m. Need to address the issue of Tour leaders/guide from other country.
- n. Recognition of SA guides in SADC countries, what recognition is there and how do we go about accessing this recognition.
- o. Clear guidelines on who is qualified to accredit tourist guides
- p. Length approvals and processes in obtaining Permanent Tour Operators Permits.

2. The Inputs when consolidated presents 8 areas of concern:

- a. Illegal Guiding and Enforcement
 - (i) Intensified inspections and policing
 - (ii) Role of foreign tour leaders
 - (iii) Set Toll free number
 - (iv) Illegal operation by Taxis
 - (v) Role of Custodians
 - (vi) Role of School Teachers
 - (vii) Offenders rehabilitated and not discriminated against
 - (viii) Streamlining of registration processes: PDP, First Aid and Guide's registration
 - (ix) Valid Work permit, study permit and residency permit
- b. Training and Development
 - (i) Accreditation (scope and depth of qualification)
 - (ii) Transformation
 - (iii) Standardization of learning material
 - (iv) Awareness campaigns
 - (v) Welcome campaign for garage and taxi attendants
 - (vi) Language proficiency: foreign, sign language
 - (vii) Refresher course for tourist guides
 - (viii) Training of custodians
 - (ix) Introduction of the Buddy system
 - (x) Training opportunities disseminated on newsletters
 - (xi) Customer Care training for SAPS members

3. Standardized Benefits for guides

- a. Medical Aid
- b. Insurance Protection
- c. Minimum Salaries
- d. Working Hours
- e. Contract of Employment

f. Prevention of exploitation

4. Registration

- a. Vetting of guides before registration
- b. Clear distinction b/t different categories of guiding
- c. Badges issued 2weeks after registration
- d. Age restriction
- e. Do away with submission of same documents for renewal
- f. Resubmission of cards and badge by guides leaving the country or profession

5. Communication

- a. Proper structures for disseminating information Database
- b. Accessibility: registered guides and accredited training providers
- c. Updated databases in all the provinces

6. Safety

Restriction on Firearm license for nature guides working in Dangerous Game Areas eased

7. Disciplinary measures- code of conduct

Fines to be raised to + R10 000 for illegal guides and minimum R50 000 for companies using illegal guides.

8. Formation of Associations

Guides to organize themselves

(Extract: National Consultative Tourist Guides Workshop 2008 – Department of Environmental Affairs and Tourism)

C. PREVAILING LEGISLATIVE AND REGULATORY ENVIRONMENT

1. THE TOURISM SECOND AMENDMENT ACT, 2000, NO. 70 OF 2000

The Tourist Guiding profession in South Africa saw its first legislative and regulatory basis emerge in December 2000 through the amendment of the Tourism Act of 1993, and the promulgation of the Tourism Second Amendment Act, 2000, No. 70 of 2000. This was achieved after a period of extensive and inclusive consultation which was aimed at:

- a. formalising the sector;
- b. creating a framework for its operation;
- c. transforming the sector by offering all South Africans an opportunity to pursue a career in Tourist guiding.

The Act sought to:

- define the scope of Tourist guiding; &
- provide a framework for the conduct and governance of the tourist guiding profession.

The Act therefore made provision for:

- the establishment of the office of the National Registrar of Tourist Guides and set out the roles and responsibilities of such office;
- the establishment of the office of the Provincial Registrar of Tourist Guides and set out the roles and responsibilities of such office;
- Procedure relating to the registration of tourist guides;
- The development and adherence to a Code of Conduct and ethics for tourist guides;
- Provide a Framework and Procedures for Complaints, Discipline, Appeals and reviews, Prohibitions, and Disputes.

2. REGULATIONS IN RESPECT OF TOURIST GUIDES

Tourism Second Amendment Act, 2000, No. 70 of 2000, was then supported by the publication of the "Regulations in respect of Tourist Guides" on 17 August 2001. The Regulations set out the detail requirements in pursuance of the Amendment Act. It set out: The detail required when creating and maintaining the National Register of tourist guides;

- Procedure to be followed when registering tourist guides;
- The procedure when drafting a Code of Conduct;
- Endorsements and suspension procedures;
- Fines to be levied for non-compliance; and

- Procedure for Appeals to be lodged.

3. CODE OF CONDUCT AND ETHICS

Section 20 (2) (B) of the Tourism Second Amendment Act, 2000, No. 70 of 2000 requires that the National Registrar of Tourist Guides prepare a Code of Conduct and Ethics.

Section 5 of the Regulations in respect of Tourist Guides sets out the framework that informs the preparation of such a Code. The Code of Conduct and Ethics was developed and requires that a Professional Tourist Guide SHALL:

- uphold the principles of the South African Constitution, especially chapters one and two.
- at all times show willingness to provide optimum support and quality service to all tourists,
- will give tourists an opportunity to enjoy, or visit t a desired destination.
- In no way discriminate in rendering service to any tourist on any basis, e.g. colour, gender, ethnicity, nationality, physical challenge, age, etc.
- be impartial, unbiased and positive, and represent South Africa objectively.
- be suitably dressed and presentable at all times.
- be punctual, reliable, honest, conscientious and tactful at all times.
- be a responsible driver, when driving as a guide.
- carry out the programme / itinerary of a tour to his / her best abilities and be loyal to the company / organisation that he / she is representing.
- deal with conflict in a sensitive and responsible manner.
- report any incident of injury or death to a nearby tourist authority or police station.
- be knowledgeable and shall assist tourists and not provide them with misleading information.
- in the event of not being familiar with, or being unable to provide information requested by a tourist, consult with the appropriate authorities for assistance.
- at no time be under the influence of alcohol or a narcotic substance, while on duty, and shall
- refrain from administering any medication to a client without proper medical consultation.
- never solicit for clients or gratuities.
- be concerned at all times for the safety of the tourist.
- wear the appropriate tourist guide badge and will carry his/her registration card, and
- treat all people, cultures and the environment with respect.

All Tourist guides are required to adhere to this code and contravention of the code of conduct and ethics is an offence and makes the tourist guide liable for prosecution in terms of the Tourism Second Amendment Act, No. 70 of 2000.

Section 21 E (8) or Section 21 F (8) can then be applied in regard to suspension or a fine levied in terms of Section 21 F (5) (b). This fine has been set at, and, still stays at R500.

4. PUBLIC TRANSPORT REGISTRATION AND PUBLIC DRIVERS' PERMIT

- a. **The National Land Transport Act, No. 5 of 2009**, in Part 3 sets out the Regulation of tourist transport services.

The Tourist transport services - general provisions requires:

- (i) The driver of a vehicle used for tourist transport services must at all times while such services are undertaken comply with requirements imposed by tourism legislation, this Act and other applicable legislation, Accreditation of operators of tourist transport services;
 - (ii) As from a date determined by the Minister, by notice in the Gazette, no one may operate tourist transport services unless accredited by the National Public Transport Regulator.
 - (iii) The National Public Transport Regulator must accredit operators of tourist services on application by them if satisfied that they are:
 - are fit and proper persons or entities to transport tourists in a manner that is safe and will promote South Africa as a tourist destination;
 - meet the prescribed technical requirements; and
 - have access to acceptable vehicles and maintenance facilities.
- b. The National Public Transport Regulator must consider the prescribed matters in deciding whether to grant or refuse an application for accreditation.
- c. Such accreditation may specify classes or maximum number of vehicles that may be operated by the particular operator.
- d. No such accreditation may be granted unless the National Public Transport Regulator has obtained and considered recommendations from the tourism authority or authorities recognised by the Minister.
- e. Accreditation may be granted without such recommendations where such tourism authority has not supplied them in the time specified in the entity's request or where no such requirement is prescribed.
- f. The National Public Transport Regulator must keep a register of accredited tourist operators which is available for inspection to any interested person on request, on payment of the prescribed fee.
- g. Accredited operators must renew their accreditation every five years in the prescribed manner, failing which their accreditation will lapse.

4.2 The Professional Driving Permit (PrDP)

Unlike the old public driving permit (PDP), which was only required by drivers of public carrier vehicles, the professional driving permit (PrDP) is also required by drivers employed by companies carrying their own goods.

Drivers of the certain categories of vehicles must hold a licence card, endorsed with an appropriate PrDP. This includes for tour operating and tourist guiding:

- buses above 3 500 kg GVM (codes C1, C, EC1 and EC); and
- bus or minibus with seating for more than 12 including the driver.

There are three categories of PrDP signified on the licence which further defines authorization. In the case of Tourism we look at Category P.

Category P is required for buses seating more than 12 passengers, taxis and any vehicle carrying more than 12. The driver must be at least 21 years old. (Extract – *Foresight Publications* – courtesy Grant Hine – FGASA)

5. PROVINCIAL LEGISLATIVE AND REGULATORY LANDSCAPE:

Most Provincial Tourism Legislative frameworks do make provision for the Tourist Guiding functions. A number of Provinces have encompassed the role within the Registration of product and Service providers' mandate.

KwaZulu Natal, Mpumalanga and Gauteng Province have adopted Legislation, supported by Regulations. In both instances the Provincial mandate goes beyond Tourist Guiding and includes the registration of a defined set of Tourism products and services. This function is generally housed within the same executive unit as Tourist guiding.

Gauteng has not related its Legislation to the Tourism Second Amendment Act, 2000, No. 70 of 2000, whereas Mpumalanga has.

D. GLOBAL BEST PRACTICE

South Africa strives to compete with the best in the world. The Global Competitiveness Project (GCP) conducted by DEAT, DTI and S A Tourism saw the need to solicit the view of the market to ensure that we remain ahead of competition. The GCP identified critical issues across the Tourism supply chain, and some more pertinent to the Tourist Guiding sector. These include:

- The moderate to weak inter-relationships between businesses in the Tourism cluster;
- Lack of capacity at a local level;
- SA is an unsafe and unwelcoming destination;
- A lack of adequate transport and infrastructure;
- Lack of diverse activities for repeat visitors
- Need to improve and diversify cultural experiences;
- Improve Tours of rural areas and Niche tours;
- Inadequate access to destination consumer information;
- Lack of appropriate skills.

1. To understand how Tourist Guiding can be informed by other countries a range of different countries – developed and developing were chosen as a comparison. The countries were benchmarked against the following criteria:

- a. Is there a Legislative basis? Yes/No and if yes state the basis – An Act, Regulations etc
- b. What Institutional arrangements & systems (e.g. IT, Portals etc) are in place?
- c. Registration/entry criteria?
- d. How is Registration of Guides handled?
- e. How does training take place?
- f. How are quality assurance, evaluation, & Customer Feedback handled?
- g. How do they monitor and manage their Tourist Guides?

2. Countries selected include Belgium, Austria, India, Scotland, Malaysia, Egypt, Australia, United Kingdom and Singapore. These countries have active members at the World Federation for Tourist Guides.

A synopsis of the findings reflects that:

- a. Tourist Guiding is legislated in most developing countries and some developed countries
- b. There is formal training and certification of Guides through Public and Public/Private sector arrangements
- c. Renewal is based on proven practice
- d. Some countries offer a Refresher programme prior to renewal
- e. Photo Identification is the norm
- f. Public and Customer awareness is prevalent
- g. Customer feedback is formalised and integrated into other product points e.g. at a hotel.

In spite of its challenges SA remains fairly advanced in its Tourist guiding framework. The challenge of implementation needs to be addressed.

3. Of significance are some of the **more critical and relevant best practices** derived from the comparisons. Countries with lessons worth noting include:
- a. **Queensland – Australia** – which has sought to promulgate a Service Code of Conduct for Inbound Tour Operators in terms of the Tourism Services Act 2003. Section 12 of the Act makes Inbound Tour Operators responsible for the Tourist Guiding service.
 - b. The **Guiding Organisation of Australia (GOA)** is an organisation that handles the accreditation of Tourist guides on behalf of Guiding organisations and Associations. It accredits based on certification, but importantly, on experience.
 - c. The Travel Industry Council of **Hong Kong** accredits tourist guides and issues a valid pass based on amongst other criteria, one or more years experience before registration.
 - d. **Scotland** accredits their Guides with either a Blue, Green or Yellow accreditation which sets out the scope of their practice and level at which they operate.
 - e. **Gambia** – the Gambia Official Tourist Guides Scheme was established in 1997 in consultations with all tourism stakeholders. It set out the role of the Tour Guide and established a Code of conduct. It is worth noting what Gambia sets out as the Role of the Official Tour Guide:
 - (i) To Guide tourists around the community
 - (ii) To provide tourist with information concerning social/cultural heritage;
 - (iii) To promote the country;
 - (iv) To encourage more professionalism amongst local youth in terms of guiding and contact with tourists;
 - (v) To facilitate the exchange of information between stakeholders within the industry; and
 - (vi) To reduce hassle and increase the security of tourists
 - f. **Namibia** has a similar Code of conduct to South Africa, but also imposes a more stringent registration fee;
 - g. In **Austria** self-employed tourist guides exercise a regulated trade according to article 108 of the Trade, Commerce and Industry Regulation Act. A certificate of competence must be acquired through a state-administered qualifying examination. Only certified guides can be employed by service contract. This places a responsibility on the Tour Operator and employer. By law, registered and licensed tourist guides are members of the Austrian Federal Economic Chamber, which provides services and represents their interests in the business community.
 - h. In the **United Kingdom** , for example, an Institute of Tourist Guides was launched as recently as in April 2000, which is a private/public sector initiative governed and adopted by the UK Parliament. The Institute provides a range of services in support of Tourist guiding. These include a Qualifications Board which is supported by; inter alia, an

Accreditation Committee. The structure undertakes Government's mandate of Accreditation, registration, monitoring and evaluation. It also has a Tourist Guiding Guild which is a Private sector Association of Tourist Guides and represents and provides services to its members.

4. World Tourism Organisation

In addition the World Tourism Organisation's (WTO) guidelines were examined. The WTO does not specifically provide guideline for Tourist Guiding, but embraces Tourist Guiding within the provisions of the **GLOBAL CODE OF ETHICS FOR TOURISM – adopted at the** thirteenth WTO General Assembly in Santiago, Chile, 27 September 1999.

The Global Code of Ethics sets out in:

▪ Article 1

Tourism's contribution to mutual understanding and respect between peoples and societies. This pre-supposes that professional tourist guide will also fulfil the provisions of the Code which calls for:

- a. The understanding and promotion of the ethical values common to humanity, with an attitude of tolerance and respect for the diversity of religious, philosophical and moral beliefs, stakeholders;
- b. Tourism activities should be conducted in harmony with the attributes and traditions of the host regions and countries and in respect for their laws, practices and customs;
- c. Local professionals should acquaint themselves with and respect the tourists who visit and find out about their lifestyles, tastes and expectations; &
- d. the education and training imparted to professionals contribute to a hospitable welcome visit.

▪ Article 9

Sets out the Rights of the workers and entrepreneurs in the tourism industry. This provision is as relevant to Tourist Guiding as it responds to a current challenge in South Africa. The relationship between Tourist guides and employers or contractors lacks guidelines and a framework.

Article 9 sets out that:

- a. The fundamental rights of salaried and self-employed workers in the tourism industry and related activities, should be guaranteed under the supervision of National and local administrations of the Host country;

- b. particular care, given the specific constraints linked in particular to the seasonality of their activity, the global dimension of their industry and the flexibility often required of them by the nature of their work;
- c. Salaried and self-employed workers in the tourism industry and related activities have the right and the duty to acquire appropriate initial and continuous training;
- d. they should be given adequate social protection;
- e. job insecurity should be limited so far as possible; and a specific status, with particular regard to their social welfare.

Extract World Tourism Organisation's (WTO)

18th session of the UNWTO General Assembly in Astana, Kazakhstan:

Of particular relevance is the outcome of the 18th session of the UNWTO General Assembly in Astana, Kazakhstan published on 8 October 2009.

It spells out that "In the present global and rapidly changing market the capacity to compete lies at the heart of national and industry efforts aimed to attract national and international visitors. The capacity to compete depends on the investments made to create an attractive and safe product, enhance its quality and provide for a friendly **and encouraging competition** environment".

The new UNWTO Roadmap for Recovery for Tourism and Travel calls on World Leaders to include the Tourism Sector in its Economic and Stimulus Actions.

"The 18th session of the UNWTO General Assembly concluded with unanimous endorsement of a Roadmap for Recovery to mainstream travel and tourism into economic stimulus packages being considered by global leaders. It underscored the enormous importance of the sector for job creation, trade and development.

It also adopted a strong declaration on Facilitation of Tourism designed to encourage governments to remove unnecessary regulatory and bureaucratic restrictions on travel which hamper its flow and reduce its economic impacts".

This is of particular relevance to professionalising Tourist Guiding as it must inform how countries develop, regulate, monitor and yet encourage tourism growth. It highlights the need for a consideration of economic blocks that encourages regional itineraries and in so doing brings other Nationals into play into the Guiding sector. Any strategy for Professionalising Tourist guiding must consider these impacts to ensure that the tourism sector is competitive and grows.

The International Best practice informs the strategic recommendations.

D. STAKEHOLDER FEEDBACK

In order to ensure a comprehensive understanding and take into consideration the valuable input from practising Tourist Guides, their clients and employers and the Provincial public sector structures.

Strategic options were derived through the:

1. the 9 Provincial workshops – 8 Provinces (except Eastern Cape) with 2 Workshops in Western Cape (Cape Town and George)
 2. E-Survey and Questionnaires utilising Association and provincial Registrar databases - 2665 respondents targeted
- &
3. National Workshop

The feedback confirmed many of the 2008 Consultative workshop outcomes.

The full result of the consultation is annexed to this Strategy in Section I – (i) and (ii). The consensus view emerging through these processes is captured in the Grid below:

TOURIST GUIDING CONSULTATIONS		
STAKEHOLDER FEEDBACK - CONSENSUS GRID		
REGULATING THE INDUSTRY		
PROVINCIAL FEEDBACK	Yes	No
South African legislation around tourist guiding sufficiently covers all areas governing this sectors activities.		
South African legislation around tourist guiding is providing the right framework to effectively regulate the sector.		
South African legislation around tourist guiding provides a clear understanding around the different roles and responsibilities of all stakeholders involved.		
The South African legislation around tourist guiding is sufficiently enforced and monitored by the applicable authorities.		
The current categorisation of tourist guides (being National, Provincial and Site) is still applicable to the rapidly changing tourist market.		
What would be the ideal basis for tourist guide categorisation (E.g. geographical spread, field of expertise or language)		
EDUCATION, TRAINING AND DEVELOPMENT		
Acceptance into the profession should be through a screening process before a candidate is accepted on an accredited Tourist Guide training programme?		
A mandatory refresher course as a requirement for Tourist Guide Badge renewal?		
There are sufficient good quality and accredited Tourist guiding Training programmes available for candidates in South Africa?		
A further registration (beyond THETA accreditation) - be imposed on Training providers to ensure quality and appropriate training.		
The accredited Tourist guiding Training programmes in South Africa are meeting the requirements and expectations of the broader Tourism Sector?		
The accredited Tourist guiding Training programmes in South Africa are sufficiently standardized regardless of which training provider is being utilized?		
The accredited Tourist guiding Training programmes in South Africa provides for sufficient practical training prior to qualification?		
INSTITUTIONAL FRAMEWORK		
The Public Sector (National and Provincial Registrar) offer an effective mechanism and access for customer feedback and / or submission of complaints on Tourist Guide Services?		
Complaints around Tourist Guide Services submitted to the Provincial and / or National Registrar are effectively and conclusively dealt with?		
Illegal Tourist Guides should be more effectively dealt with by the public sector?		
Tourist Guiding Associations sufficiently represent their members?		

Tourist Guiding Associations provide their members with value-add membership services?		GI G A
REGISTRATION		
The current Tourist Guide register system is easy to access?		
The current Tourist Guide register system is user friendly?		
The current Tourist Guide register system provides accurate information?		
The provincial and national Tourist Guide register system are aligned to the requirements as set out in the Regulations governing tourist guides?		
The current identification of tourist guides sufficiently projects the credibility of the sector and protects Legal guides.		
Current data management systems sufficiently profiles and markets the profession.		
MONITORING AND EVALUATION		
The Provincial and / or National Registrar should be more involved in Tourist Guide industry monitoring and evaluation?		
The Provincial and / or National Registrar should be more pro active in supporting and promoting the profession of Tourist Guide in South Africa?		
South African authorities should put up fewer restrictions around cross border Tourist Guide activities, in order for foreign tourist guides to execute their profession while on South African territory?		
South African tourist guides are subjected to the same restrictions when they operate in other countries e.g. SADC region?		
More awareness needs to be created amongst tourists and tour operators in regard to the merits of using Legal guides and risks when using illegal guides.		
Other law enforcement agencies are drawn into the monitoring of the Tourist guiding sector. E.g. SAPS		

F. KEY ISSUES INFORMING THE STRATEGY TO PROFESSIONALISE THE TOURIST GUIDING SECTOR

The consultations and feedback from stakeholders was further refined, and it emerged that the issues informing the Strategy fall into:

5 KEY STRATEGIC CATEGORIES

These are:

- 1. Regulating the Industry**
- 2. Institutional Framework**
- 3. Education, Training and Development**
- 4. Registration & Information Management**
- 5. Monitoring & Evaluation**

1. REGULATING THE INDUSTRY:

The Tourism Second Amendment Act, 2000, No. 70 of 2000 and “Regulations in respect of Tourist Guides”.

- a. The Second Tourism Amendment Bill sets out broad parameters without necessarily demonstrating the consequences of non-compliance. This is prevalent from the lack of resources at local and provincial level, and the minimal penalty imposed for contravention;
- b. Appointment of National and Provincial Registrar as set out in Sections 20 (1) and 21 (1) of the Tourism Second Amendment Act, 2000, No. 70 of 2000 is more complex than the appointment of the Directors' General and Chief Directors to which this function reports. The appointment of the Registrars by the Minister and, at a Provincial level by the Member of the executive Council, and then the need for publication of the appointment in the Government Gazette, weighs down the appointment process.
- c. Fees and Fines set out in the Regulations have remained static since its introduction in 2001.
- d. The power and resourcing of monitoring and compliance is not set out and hence Provinces are unable to effectively implement or punish against the current framework.
- e. Provinces have progressed with developing their own body of Legislation/Regulations – concurrent with the mandate derived from Schedule 4 of the Constitution of the Republic of South Africa. In instances Provincial legislation is silent on provisions contained in the National legislation thus creating a void, and problems of interpretation. This then impacts on the effectiveness of the Office of the National Registrar.
- f. Legislation also pre-supposes that Registration is based on qualification alone, and there is no opportunity for selection criteria, minimum

- experience or demand-side needs to be addressed. The Registrars are required to register a candidate that provides all documentary proof. In the event of him failing to do so, he may be subjected to an Appeal in terms of Section 21 (G).
- g. The registration of Tourist Guides is not synergised, nor does it share a common platform. This prohibits access to information and ability to market Guides nationally and internationally, and also places constraints on guides who are geographically outside the main city centres.
 - h. The 10 persons maximum provision for a Driver/guide as set out in Section 21 (H) (4) is considered unnecessary and uneconomical according to private sector. It is submitted that modern vehicles supported by state-of-the-art audio visual facilities make it possible for Tourist guides to drive and also provide a guide service;
 - i. The New Transport Legislation (the National Land Transport Act, No. 5 of 2009, in regard to registration and 21 year minimum age for the Category P (Tourism vehicles) - PrDP must be taken into consideration when minimum criteria for registration is considered.
 - j. No framework exists for Foreign Nationals working as Tourist guides in SA. This is becoming more prevalent as Regional (SADC) market opportunity and cross-border marketing initiatives are pursued. The many bilaterals and the Transfrontier Conservation areas championed by South Africa also makes this an imperative.

2. INSTITUTIONAL FRAMEWORK

- a. **Registrars' Offices:**
 - (i) Limited capacity and resources delegated to the Function particularly at Provincial level;
 - (ii) The Tourist Guiding function forms part of a wider portfolio in most instances, covering generic Registration and quality assurance. It has been found that in most instances these are complementary, but only if the Office of the Registrar is sufficiently resourced;
 - (iii) The day-facto Registrar and the documented Registrar are in most instances different persons. The Registrars in some provinces do not have Performance contracts that speak to the role set out in Section 21 (2) of the Tourism Second Amendment Act, 2000, No. 70 of 2000;
 - (iv) There is a lack of an integrated National system which responds to the key mandate of the National registrar, and as a result Provinces are left to their own devices.

The Institutional framework is also informed by and influenced by the role played, and, the support from the Private sector.

b. **Role of Private Sector:**

Of particular importance when considering the Institutional Framework is the role of the Private sector in supporting the professionalisation of the sector. It is found that the Tourist Guiding fraternity:

- (i) Is protectionist and fragmented;
- (ii) Have failed to bring themselves together to form a National structure, in spite of Government's facilitation in 2004/2005. A copy of the Constitution of the National Association is attached as Annexure (v) in Section J.
- (iii) There is some realisation that a National Forum/Association is necessary, particularly after the failed attempt to attract the World Tourist Guiding Convention to our country. The revitalisation of a National structure is, in recent times being championed by the Gauteng Tourist Guide Association. Fanie Terblanche, Chairman of the Gauteng Guides Association confirms that his impassioned plea to the sector to organise themselves has gained support;
- (iv) Tends to come together based on ad-hoc initiatives which does bring the sector together, but the target audience tends to be issue driven and limited;
- (v) Does not fully internalise the fact that Associations must be private sector driven in its formation and as a result tends to expect Government to initiate
- (vi) Does not fully support Associations as the role they play and services provided by Associations to its members is limited
- (vii) Supports Specialist and interest group (e.g. Language & Country of Origin Associations). Good examples of this is, inter alia, the Field Guide Association of South Africa (FGASA), and Italian Tourist Guides Association.

In addition:

- (viii) The World Federation of Tourist Guide Lecturers' Association have published in 1997 a booklet that sets out the steps in setting up an association.
- (ix) WFTGA, The World Federation Of Tourist Guide Associations' is a Federation of "**Associations**". Its members are from Associations within countries. For South Africa to be part of the World Federation, its private sector must organise itself in a National Association.

WFTGA's main purpose is to promote market and ensure that tourist guides are recognised as the ambassadors of a region.

It remains for government to set the Rules of Engagement with Associations if it seeks to recognise and engage.

c. **Role of Employer/Contractor of Tourist guides not governed:**

Thus far all Strategies and resultant frameworks and legislation have be weighted and focussed on the Guide. Section 28 (b) (2) of the Tourism Second Amendment Act, 2000, No. 70 of 2000, sets out a Fine of not exceeding R10,000 for contravening the provisions of the Act.

This does not sufficiently encourage the Private sector to comply.

The absence of Labour relations, benefits, added to the seasonality of the sector places immense pressure on the South Africa social system.

Invariably Tourist guides are contract workers and independents. Their need for continuous work limits their ability to negotiate any level of benefits that may estrange the relationship.

Any new framework must spell out the role of the Tour Operator and/or employer, and also set out their obligations.

3. Education, Training & Development

Currently the Training Framework has only two qualifications registered on the National Qualifications Framework (NQF). These are:

- a. National Certificate in Tourism: Guiding (NQF2)
- b. National Certificate in Tourism: Guiding (NQF4)

There are a number of unit standards catering for specialist guiding registered on the NQF.

The Tourism, Hospitality and Sports Education Training Authority (THETA) submit that the specialist sectors in Guiding that are organised tend to play an important role in working with THETA to develop the unit standards/programmes they require.

Currently training courses with a combination of unit standards available for:

- a. Site guides

The unit standards include specialisation in, amongst others, culture, nature, or adventure guiding.

- b. Regional or National guide

To register as a Regional or National guide one would be required complete a minimum of the NQF level 4 qualifications. The supplement of an area of specialisation is then added by candidates.

There remain a number of challenges to ensuring that interested candidates are given the correct career counselling, and guided to the appropriate programmes should they wish to pursue a career in guiding. Some of these challenges include:

- (i) The fact that successful (no matter at what level) completion of training is the key basis of registration.
- (ii) There is a need to manage the pipeline of candidates effectively. Demand – side elements must be considered and career guidance offered. The market may be saturated with a particular specialisation, but may have potential in another.
- (iii) Duration of courses on offer varies – you could in some towns and Cities, attend a training programme for 3 weeks, and be deemed competent.
- (iv) Skills Training Programmes are offered with immunity by private training providers;
- (v) These and a number of Commercial colleges offer very short Skills programmes without due accreditation thus rendering the candidates unemployable;
- (vi) Training material varies in depth and quality – there is a need to address materials development and approval to promote consistency;
- (vii) The Sector Education Training Authority system accredits service providers ONLY – materials are APPROVED, but agents delivering the tutoring are not accredited or screened. This is also the framework THETA implements;
- (viii) Tourist Guiding cannot be learnt from textbooks only. There needs to be a substantive practical experiential training component attached to the accredited programmes. The guidelines set by THETA is not always followed by Training providers;
- (ix) The term “quality assurance” is used in the Legislation and Regulations in regard to Tourist Guide training. This is understood by the sector to mean being “Assessed” and then duly “certified”;
- (x) A number of International Tour Operators have identified the inadequate training and have opted to provide their own supplementary training to address the gap;
- (xi) Verification visits to training providers by THETA is not taking place, and if done, not at frequency the sector prefers;
- (xii) Lack of geographical representation of Training providers. Training Providers are located mainly in urban centres, and highly centralised in certain provinces while other provinces lack Training service providers;
- (xiii) The non-alignment of the minimum age criteria for a candidate to be a driver/guide differs between the National Land Transport Act, No. 5 of 2009, calling for 21 years, and the Tourism Second Amendment Act, 2000, No. 70 of 2000 and Regulations, has no such minimum age requirement. The Regulations in respect of Tourist Guides sets out in 2 (1) (v) that a code of driver’s license is required for registration.
Candidates are finding themselves qualified in Tourist Guiding, but falling short of the age requirement to fulfilling this requirement.

- (xiv) Not all specialisations have Unit standards developed, this requires South Africans to look to International courses should they want to specialise.
- (xv) There is an absence of Personal development programmes and the concept of life-long learning through Specialisations and Refresher programmes; and
- (xvi) The Image of tourist guiding profession is low.

The professionalism of Tourist Guiding as a profession goes beyond addressing just the Training but also addressing the general perception that Tourist Guiding is a “hobby”.

The appreciation for the role of the Tourist guide as a first point of contact, and invariably, the point of most interaction with a tourist is not sufficiently appreciated.

4. Registration & Information Management

The other key issues impacting on the sector's professionalism is the lack of a National Registration system.

- i. There is a high prevalence of non-compliance with no regard for consequences – as in most cases there are none;
- ii. Dates and the period of registration and compliance certificates have differing tenures. The Tourist Guiding registration runs for 2 years, First Aid certification for 3 years and PrDP for 5 years.
- iii. On the bases that there is no accurate count of what our National Tourist Guiding inventory is, we are unable to plan around market needs;
- iv. We are further unable to leverage marketing and share knowledge without a co-ordinated platform.
- v. There is a need to improve registration and monitoring efficiencies through developing a common platform

Section 2 (1) of the Regulations in respect of Tourist Guides, sets out the requirements for Registration. The schedule below details the mandatory fields of information required.

An assessment in relation to the compliance at Provincial level is set out below:

REGISTRATION DETAIL INCLUDED IN PROVINCE'S REGISTER	COMPLAINT PROVINCES
a) Province of Residence	6
b) Tourist Guide No	6
c) Title	3
d) Surname	6
e) First Names	6
f) Gender	5
g) Date of Birth	3
h) Identity number	4
l) Particulars of Permanent Residents Permit of Work Permit	2
j) Nationality	5
k) Postal Address (Both Business & Residential)	5
l) Telephone Number (Both Business & Residential)	6
m) Fax a Number (Both Business & Residential)	5
n) E-mail address	6
o) Website	1
P) First Language	1
q) Other Languages Conversant with (also sign language	5
r) National Qualification and Competencies	2
s) Special Skills or Knowledge	4
t) Practical Experience	2
u) Any Filled of specializations Referred to in regulations	3
v) Code on Driver's Licence	2
w) Any Endorsement referred to in section 21 E(8) & 21F(8) of the act and regulations 7	1

G. STRATEGIC RECOMMENDATIONS

The consultations and feedback from stakeholders further refined the issues into **5 KEY STRATEGIC ENABLERS** that informs the Strategy. These are:

- 1. Regulating the Industry**
- 2. Institutional Framework**
- 3. Education, Training and Development**
- 4. Registration & Database Management**
- 5. Monitoring & Evaluation**

1. Regulating the Industry

- (i) The consequences for non-compliance to be entrenched within Legislation and regulations
- (ii) The Compliance role of the Office of the Registrars' (National and Provincial) to be adequately resourced to carry out their functions;
- (iii) Expertise and resources are required at Provincial and more importantly, at local level;
- (iv) Procedure for the Appointment of Registrars to be reviewed to ensure effective and efficient talent placement;
- (v) Fees and Fines set out in the Regulations to be reviewed and increased if it is to be effective;
- (vi) Empower Provincial Registrars to effectively monitor and impose compliance and punishment;
- (vii) Provinces Legislation/Regulations must be aligned with the prevailing National legislation. If this does not prevail provision must be made in Legislation for National to supercede;
- (viii) Create a synergistic and seamless IT platform for Registration of Tourist Guides to avoid non-compliance by the Provinces with minimum registration requirements;
- (ix) Develop a framework for Cross Border registration/licensing of Foreign Nationals working as Tourist guides in South Africa;
- (x) Engage the Regional Tourism Organisation of Southern Africa (RETOSA), to establish a uniform framework for registration of Cross border tourist guides.

2. Institutional Framework

Any intent documented is only able to be realised if the Legislation and Regulatory framework translates into executive action. The Tourism Second Amendment Act sets out clearly the Office, the human Resource expectation in regard to the Registrar and the functions the office should perform.

On the National level the portfolio of Tourist Guiding is within the National Department of Tourism. However, on provincial level Tourist Guiding falls within various departments, depending on the structures in the province. The fulfilment of the Registration mandate at Provincial level is therefore allocated to either the Provincial department or the Destination Marketing Organisation. It is recommended that:

- a. The **capacity and resource considerations** are set out in the National framework so as to enable Provincial Registrars to motivate their resource requirements to function and achieve their mandate. Very often the "Registrar" is perceived as an Individual in the job – rather than a business unit requiring corporate support;
- b. The **role of Local municipalities** in supporting registration and compliance to be provided for when reviewing the Legislation and Regulations;
- c. A National seamless and **integrated Registration and Information system** be developed that is accessible to as many tourist guides and tourists as possible;
- d. Develop a **Framework for Recognition and Engagement with Private sector Associations** as partners supporting specialist guide:
 - Selection;
 - Accreditation; and
 - The development of Guides generally
- e. **Roles and services provided by Associations** to its members to be part of a Framework for Recognition;
- f. Develop guidelines that govern the **Role of Employer and/or Contractor** of Tourist guides to be included in provisions governing the sector. These should be drawn from, or rely on existing National Legislation, so as not to re-invent the wheel;

3. Education, Training and Development

- a. The **Duration of Programme, Practical experience, Qualification, and content must be set out in the Regulations**, and Registrars' must comply if they seek to have their candidate Guides registration approved and listed by the National Registrar;
- b. The need for an in-depth First Aid programme to be reviewed. There is support for a basic inclusion of First Aid as a unit standard within the qualification. This also avoids Certificates expiring at different times to the Tourist Guide's registration;
- c. It is recommended that the **training respond to the categories of Guides**. This is dealt with in the **section on Registration below**.
- d. There should be a **Base Programme with generic content & minimum First aid requirement**.
- e. Thereafter a Guide should be able to **choose Electives** for Specialisations.
- f. THETA/NDT to **work with Specialist Association** for co-operation in certification and to ensure monitoring and compliance. It is proposed

- that a Private, Public sector Partnership approach to specialisations be taken.
- g. The **Training provider** to take responsibility **for seeking out prospective** authentic work experience opportunities.
 - h. **Trainers must be accredited** according to the Framework governing Training Providers, but must **also be registered by the Tourism Department or Authority in Province**. Most Provinces already have provisions for Registration of Tourism Service providers within their legislative framework.
 - i. **Training organisations must take responsibility for the one year work placement**. This will facilitate effective supply- and demand-management and avoid an over-supply of trained, yet unemployed, individuals in market.
 - j. The Tourist Guiding sector is mainly made up of independent contractors. This sole trader is also an entrepreneur who needs Business development support to assist with, inter alia, Budgeting, Financial management and Administration, Business development, and Training. **Enterprise Development support** to understand needs of tourist guides and provide such support through SMME programmes on offer.
 - k. Develop a **process for Cross Border applicants to receive training** or Recognition of Prior Learning (**RPL**), as would apply to South Africans.
 - l. **The issuing of Cross border licenses or permits** must be managed against an agreed framework. Such Framework to be developed.
 - m. There is an absolute need for **Career planning of entrants** into the sector. Tourist Guiding must be seen as the “goal” rather than the stepping stone.
 - n. There is a need to **develop a “career path”** for incumbents, so they are able to look at other opportunities for career development. The idea growth route includes working at local Information offices, at Business Tourism events and sporting events.

4. Registration & Database Management

- a. **Definitions** within the current legislation and regulations to be reviewed and clarified to ensure accurate application – for example - “site guide” definition. The definition needs to revert to the 2000 intent. That was to create an entry-level category to facilitate the entry of newcomers into the sector. The term “site” is and will always relate to “a place, location, spot, position” and not a local authority.
- b. It is recommended that the Tourist Guiding categorisation is defined through **one criterion only – that is “Geographical Scope”**. The recommendations in this regard are:
 - (i) Site - “a place, location, spot, position”;
 - (ii) Local – as per the definition used at Local Government which is informed by demarcations and Municipal boundaries;
 - (iii) Provincial; and
 - (iv) National

- c. It is, thereafter the incumbent's choice **to pursue Specialisation**, and ensure he or she is accredited and recognised by the duly authorised Agency or Association.
- d. The **role of the Registrar** in this regard will be to Register a Guide in one of the four categories in strict compliance to the selection and registration system in place;
- e. **Selection** should go beyond producing a set of documents. It should involve an **Interview** with a Panel constituted of Public and Private sector representatives. The interview should also serves as career advisory session;
- f. The interview also serves to provide the Registrar with a **benchmark for the quality of training** in his or her Province;
- g. The current fee is R240 for a for a two year period. This equates to R10 per month.
It is proposed that there be consideration to a **differentiated Fee** structure. Fees should be paid in line with Renewal dates:
 - (i) Apprentice – R120 for Year 1
 - (ii) Site and Local Guide – R 540 for a three year period (R180 per annum – R15 per month)
 - (iii) Provincial and National – R720 for a three year period (R240 per annum – R20 per month)
- h. The cost of Badges and Refresher courses to be paid for by the Tourist Guide.
- i. It is recommended that Registration should commence with a **1 year Apprenticeship status** prior to full Registration being effected in the absence of an RPL;
- j. Registration and renewal should also give **Recognition for Service** – with a 3 yearly upgrade.

The following reflects the Registration system being proposed:

Tourist Guiding Registration Framework							
Geographical Scope	NQF Level	Specialisation:		Recognition of Service			
				Years	Renewal	Badge	
Apprentice	NQF 2 or NQF 4	Recognised through Accrediting Bodies' Icons on Badge		Year 0	Year 1		
Site	NQF 2	Nature	Culture	Adventure	Year 2	Year 4	Green
Local	NQF 2				Year 5	Year 7	Bronze
Provincial	NQF 4				Year 8	Year 10	Silver
National	NQF 4				Year 10	onwards	Gold

Based on Refresher Course/ Proof of Practice & Customer Feedback

- k. A three yearly **Renewal** should be based on Proof of Practice, Customer Feedback and a Refresher course/seminar developed by THETA supported by Sector representatives;
- l. **The Badge** should be an integrated “photo identity” which if bar-coded could also serve to record tours, especially to National attractions, with whom the National and Provincial Registrars could work with to integrate this functionality.
- m. **The Registration** would be best served and most efficient if developed into an ERP, and, provides an integrated Management, Knowledge and marketing portal, which can be **accessed remotely** by:
 - (i) Suppliers – the Tourist Guide – for the purposes of lodging registrations and renewals, Communication updates, Continuous professional development, marketing and eventually, a transactional platform. The lodging of Registrations on line does not pre-suppose an electronic approval of registration. The system will require an interview (presence) at a stage prior to renewal;
 - (ii) Buyers – the market – In-bound Tour operators, International Outbound operators, and Public and Private sector corporate buyers
 - (iii) Managers – the National and Provincial Registrars' offices.
- n. Registrars will spend less time on “paper based” processes, and allow them more time for development, monitoring and evaluation.
- o. Consequences of Non-compliance must be reviewed, clearly set out and practiced/implemented
- p. Registration system to be linked to ICT platform and be web-based
- q. The platform to be developed so as to serve as a marketing and knowledge portal
- r. Dates/Period of registration to be streamlined – recommended 3 years
- s. Rationale for the level of First Aid in all Tourist Guiding specialisations to be reviewed
- t. Validity of all relevant certificate (s) in any given registration period to be streamlined
- u. Improve registration and monitoring efficiencies through single photo identification/bar coded identification
- v. Identification to recognise experience – years of service
- w. Renewal should be based on proof of practice, customer feedback & refresher course.

5. Monitoring & Evaluation

The major issues in this regard are the lack of capacity and legislative framework to give effect to the intent. The National Department should develop clear guidelines to:

- a. Entrench a clear understanding of punishment and implications of non-compliance;

- b. Increase Registrars' power and role in monitoring & evaluation;
- c. Impose compliance through Associations playing a role in monitoring and evaluation. This to be included in the Rules of Engagement;
- d. Include the Role of Tour Operators in ensuring Compliance;
- e. Log books and Customer Feedback to form part of Evaluation for recognition and renewal;
- f. Provincial Registrars' Office should undertake visits to Training Institutions & undertake programme observation;
- g. Create awareness of and encourage co-operation from Law enforcers, immigration officers and traffic police;
- h. Need for awareness programmes and on-going promotion on the merits of using legal guides;
- i. Branding, image and messaging addressed with a wide range of audiences who have an impact on the professionalisation of the sector
- j. The prospective Employer must also be covered within the Code of Conduct. This is to ensure that there is support for Placements & Recruitment practices.
- k. Tourist Guide and Employer/contractor infringements carry a Fine of R500 for the Tourist Guide, and a Fine (not exceeding) R10, 000 to the employer/contractor. These have been in effect from 2001 and 2000 respectively. Compliance is influenced by the severity of penalty for an offence. It is therefore recommended that the Fines be increased 10 fold (R5000 and R100, 000) if we seek to entrench compliance.

H. RESULTANT LEGISLATIVE AMENDMENTS

The recommendation in this Strategy to Professionalise the Tourist Guiding Sector requires review/amendments to both:

1. **The Tourism Second Amendment Act, 2000, No. 70 of 2000 (TSA 2000)**
- and**
2. **Regulations in Respect of Tourist Guides (TG REG)**

	ISSUE	TSA 2000	TG REG
1.	Appointment of National Registrar	S20 (1)	
2.	Appointment of Provincial Registrars	S21 (1)	
3.	Database – set out mode and functions, need for adherence.	S – 20 (2) (a) & 21 (2) (a)	
4.	Register – as above	S 21 (2) a	
5.	Registration is assumed on the basis of Receipt of application and paying fees. No selection criteria applied.	S21 A (1)	
6.	NQF aligned training – some specialisations do not have Unit standards developed nor registered. International accreditation is preferred especially in Adventure Tourism. Explain “quality assurance process” in regard to SETA processes of Assessment and deemed competence.	S21 B	3 (1) b (iii)
7.	Fines are prescribed at R1000 for the Tourist Guide's infringements and R10, 000 for employer/contactator. The Tourist Guide's fine was set at R500 in 2001 and has since not changed. To be effective the penalty must be more stringent.	S21 F (5) b & S28 (b) (2)	
8.	Registrar's are according to this provision not allowed any selection discretion and can therefore be subject to an Appeal, and must justify his/her refusal to register.	S21 A (4), (8) b & S21 (G) 1 (a)	
9.	Driver/Guide carrying capacity – align with the National Land Transport Act,	21 (H) 4	

	No. 5 of 2009		
10.	The Register referred to needs to outline functional capabilities to allow for effective use by Demand and Supply side audiences		S2 (1)
11.	Badge and Card/Certificate to be consolidated	S 21 A (5)	
12.	Registration Fee		3 (b)
13.	Registration validity increased to 3 years	S21 A (6) (a)	
14.	To remove from all platforms - Portal	S21 E (9)	
15.	Please check numbering of existing Regulations		

I. ANNEXURES

- i. Stakeholders' Consultations and Submissions
- ii. Stakeholder Survey Benchmark Report
- iii. Stakeholder Survey – Graphic Report
- iv. Summary Respondents Overview
- v. National Tourist Guiding Association of South Africa

END
