

**TOURISM**

**BY-LAW**

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## 1. DEFINITIONS

In this by-law, unless the context otherwise indicates:

**"Authority"** means the National Tourism Authority established in

**"Constitution"** means the Constitution of the Republic of South Africa Act, No. 108 of 1996;

**"Cultural tourism"** cultural phenomena which are of interest to the visitor and can be marketed as such, including the customs and traditions of people, their heritage;

**"Day visitor"** a person who travels away from home for other than commuting purposes, staying less than 24 hours in the place visited

**"Demand-led tourism development"** tourism development which is focused on the needs, expectations and wants of the tourist rather than the suppliers of the tourism product or the supply of physical infrastructure.

**"Department"** means the Department of Economic Development and Tourism or any successor provincial department whose functions include that of the promotion, development, marketing and regulation of tourism;

**"District Municipality"** means a municipality that shares municipal executive and legislative authority in an area that includes more than one local municipality, described in section 155 (1) of the Constitution as a category C municipality, and which has been established through the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"Domestic Tourist"** means any person resident in the Republic of South Africa traveling to any place within the Republic other than to his or her usual environment;

**"Ecotourism"** environmentally and socially responsible travel to natural or near natural areas that promotes conservation has low visitor impact and provides for beneficially active socio-economic involvement of local people;

**"Emerging markets"** population groups entering the market in increasing numbers as domestic tourists, especially those previously neglected;

**"Foreign Tourist"** means any visitor to the Republic of South Africa;

**"Local Municipality"** means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, which is described in section 155 (1) of the Constitution as a category B municipality and which has been established through the Local Government: Municipal Structures act, 1998 (Act No. 117 of 1998);

**"Local tourism organization"** any duly-constituted tourism structure, publicity association or community body involved in tourism and operating at community or local government level.

**"Metropolitan Municipality"** means a municipality that has exclusive executive and legislative authority in its area, described in section 155 (1) of the Constitution as a category A municipality and

which has been established through the Local Government: Municipal Structures Act, 1998, (Act No. 117 of 1998);

**"Minister of tourism"** means the Member of the Executive Council whose portfolio includes responsibility for the promotion, development and regulation of tourism;

**"Multiplier effect"** the ability of economic development to create employment both direct, indirect and induced employment. For example: one job created in tourism can create a further three jobs in the broader economy

**"Municipality"** means a municipality referred to in section 155 (6) of the Constitution;

**"municipal tourism functions"** means those tourism functions contemplated in section 7 of this by-law which are to be performed at municipal level;

**"municipal tourism policies"** means the policies developed by the municipality in accordance with section 7 of this by-law;

**"organised business"** means that body or those bodies which together are representative of a substantial proportion of the commercial and business enterprises in the ~~Aganang~~ area which are or are likely to be directly or indirectly involved in the development, promotion and marketing of tourism in Aganang;

**"organised labour"** means that body or those bodies which together are representative of a substantial proportion of the labour force in ~~Aganang~~, which is or is likely to be directly or indirectly involved in the development, promotion and marketing of tourism in Aganang;

**"organised local government"** means the Limpopo Provincial organization representing municipalities, recognised in terms of section 163 of the Constitution and section 2 of the Organised Local Government Act, 1997 (Act No. 52 of 1997);

**"portfolio committee"** means the Portfolio Committee of Parliament responsible for Tourism;

**"prescribed"** means prescribed by regulations;

**"province"** means the Limpopo Province contemplated in section 103 (1) (d) of the Constitution;

**"provincial tourism action plan"** means the plan developed by the Limpopo Tourism Authority;

**"purposeful travel to natural areas"** to understand the culture and natural history of the environment, taking care not to alter the integrity of the ecosystem, while producing economic opportunities that make the conservation of natural resources beneficial to local people;

**"tourism establishment"** means any establishment, including a facility or service, within the tourism industry in the Province;

**"tourism industry"** means the industry within the Province which focuses on and aims to attract domestic or international tourists to the Province, and includes the provision of public and private services and facilities;

**"tourism operator"** means any natural or juristic person within the tourism industry in the Province;

**“tourism stakeholders”** include tourism operators, tourism establishments and any other private or public sector person or institution with an interest in the tourism industry in the Province.

## 2. BACKGROUND

- (1) Aganang Municipality was established in accordance with the Municipal Structures Act as a category B municipality during December 2000 as part of the demarcation process implemented by the Municipal Demarcation Board. Aganang Municipality forms part of the Capricorn District Municipality.
- (2) The Municipal Manager hereby in terms of section 13 of the Local Government Systems Act, read with section 101 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), published the By-laws set forth hereinafter, which have been adopted by the Aganang Municipality in terms of sections 12 and 98 of the said Act as well as in terms of section 96 of the said Ordinance.

## 3. INTRODUCTION

- (1) Aganang Municipality introduces the following Tourism By-law to provide for the establishment of bodies to develop, promote and market tourism in the Aganang area.
- (2) This By-law has been prepared to comply with the requirement set by the:
  - *Constitution of South Africa*
  - *Local Government Municipal Systems Act*
  - *Environment Conservation Act of 1989*
  - *National Environment Management Act*

#### 4. THE ROLE OF THE MUNICIPALITY IN TOURISM

Local governments play a major role in the development of the tourism industry as part of their broader mandate for local economic development. It is proposed that specific municipal tourism development functions include the following:

- (a) facilitating the establishment of, and maintaining one or more local tourism beurex (LTB) and providing adequate financial support for them maintaining tourist attractions.
  - The beurex will primarily have an information provision function and assist in formation of a tourism policy and strategy for their areas of jurisdiction in conjunction with surrounding districts;
  - each LTB be a voluntary, non-profit, non-self interest structure consisting of members from the local municipal area, including tourism establishments, the general public, business organisations, the local municipality and other;
  - bureau membership be renewable annually and LTBs be granted the power to determine different categories of membership. However, the general public should be exempted from having to pay a membership fee so that they are not excluded from participating in the affairs of the LTB on financial grounds;
  - each LTB elect a local marketing committee which will work closely with the officials and local development committee of the municipality, and appoint a secretariat for both local committees;
  - the members of an LTB appoint a CEO who will in turn appoint other staff.
- (a) providing and maintaining public infrastructure in tourism areas providing public amenities such as parking, ablution facilities and public transport in support of tourism after consultation with the LTB;
- (b) Where appropriate, allocating land and developing infrastructure for tourism development planning and providing local road signs in support of tourism in conjunction with the provincial government;
- (c) promoting the general safety, upkeep, cleanliness and beautification of the local area;
- (d) maintaining the environmental integrity of the local area;
- (e) administering any (future) compulsory registration system for tourism businesses;
- (f) It is further proposed that the local council appoint a local development committee to work closely with the officials and local marketing committee of the LTB concerned;
- (g) market their areas of jurisdiction as a tourist destination and any product, in co-operation with surrounding municipalities and the province;
- (h) provide an information and assistance service to encourage tourists to visit the area in a way which is mutually beneficial to tourists and local communities;
- (i) 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;
- (j) promote the development of appropriate tourism infrastructure and products, including attractions, accommodation, transport and shopping facilities;
- (k) protect and advance emerging business and previously disadvantaged persons within the tourist industry identify and promote the natural and cultural assets of its area of jurisdiction;
- (l) produce and distribute tourist promotion literature in conjunction with tourism service providers registered by the marketing agency;
- (m) organise and market local tourism events, conferences and meetings in conjunction with registered tourism service providers;
- (n) establish and maintain a database of tourism information on the local area which is linked to the marketing agency database (or cause this to be done);
- (o) undertake other related activities to generate income to achieve their objects;
- (p) education programmes, including raising levels of awareness and understanding of tourism and its importance to the province;
- (q) the facilitation of the removal of barriers to entry into the tourism industry for previously disadvantaged groups and individuals;

- (r) publish a code of conduct for tourism practitioners and tourism service providers. This will help to maintain and promote quality service and strengthen confidence among tourists that they can expect acceptable standards;
- (s) assisting in the implementation and promotion of national and provincial tourism training programmes, providing advice and assistance to emerging entrepreneurs, formulating and managing local incentives;
- (t) leading the establishment of local tourism safety programmes in collaboration with local business, the SAPS and communities.

## **5. FUNDAMENTAL PRINCIPLES**

Tourism should be market-driven and the needs, requirements and travel patterns of consumers must be instrumental in directing the development of the industry. At the same time, a responsible and sustainable development philosophy must be followed, based on the principles of social equity, environmental integrity, economic empowerment, co-operation and partnership, and sustainability.

### **5.1 Social equity**

- 5.1.1 Tourism should benefit the population at large;
- 5.1.2 Every effort should be made to encourage the participation of and benefit of women, the disabled, the youth and neglected or disadvantaged groups;
- 5.1.3 The full spectrum of cultures inherent in the province should be reflected in tourism promotions;
- 5.1.4 The potentially negative social impact of tourism should be minimized.

### **5.2 Environmental integrity**

- 5.2.1 The environment should be acknowledged as the cornerstone of the tourism industry and environmental assets must be constructively developed to the benefit of tourism;
- 5.2.2 In a rural area, low impact forms of tourism such as eco-tourism are more appropriate. All industrial, commercial, residential and agricultural development proposals must consider the potential impact on and conflicts with the potential for tourism growth. At the same time, tourism concerns should not necessarily take precedence over others;
- 5.2.3 Visual, sound, water and air pollution must be limited and the effects of these hazards on tourists and the local population must be recognized.

### **5.3 Economic empowerment**

- 5.3.1 The industry must be free of unnecessary regulation as far as possible. Regulation should be geared towards directing economic growth appropriately, protecting people and the environment from abuse, and protecting tourists from non-acceptable consumer practices, poor health and safety standards;
- 5.3.2 Since tourism has many backward and forward linkages with other sectors of the economy, participation in decision-making must be broadened to include stakeholders in other sectors of the economy;
- 5.3.3 Emerging entrepreneurs, in particular SMMEs, should be encouraged and facilitated to participate in the industry;
- 5.3.4 Special efforts should be made to substantially facilitate participation and ownership in tourism among previously disadvantaged entrepreneurs.

### **5.4 Co-operation and partnership**

- 5.4.1 The development and growth of the industry will be based on collaboration and partnerships between government, the private sector, the labour force and the population at large;
- 5.4.2 The government should guide the direction of tourism by providing the social, economic and environmental policy framework, public infrastructure, skills training, a generic image and branding and a safe, well-maintained and sustainable environment that is conducive to tourism growth;



- 5.4.3 The private sector should capitalise on the framework by investing in tourism and competing for a growing share of the tourism market, with increased profits;
- 5.4.4 A motivated, skilled, adequately remunerated, protected and productive labour force should provide consistent, high-quality service levels comparable to the best in the world;
- 5.4.5 The community at large should be encouraged to receive tourists in a hospitable manner and should be assisted to fulfill a watchdog role with regard to their tourism resources.

## **5.5 Sustainability**

- 5.5.1 For tourism to be socially sustainable, the community must actively participate in an ongoing way in its management, including the mitigation of its potentially negative effects such as environmental gradation, prostitution and exposure to abuse of drugs, alcohol and gambling;
- 5.5.2 For tourism development to be economically sustainable, it should diversify opportunities, provide jobs and facilitate access to productive resources;
- 5.5.3 For tourism to be institutionally sustainable, it should involve creative partnership between government, civil society and the private sector;
- 5.5.4 For tourism to be environmentally sustainable, the need to conserve and protect that which is of value must be balanced with the need to facilitate access at a level appropriate to the sensitivity of the area.

## **6. DEVELOPING TOURISM PRODUCTS**

- 6.1 Tourists need to know what there is to do in a destination and active steps need to be taken to help them to do the things that appeal to them;
- 6.2 Initiate a heritage tourism programme, including the identification and development of historical, cultural and sociopolitical assets, arts, crafts, music and social interaction;
- 6.3 Market destination magnets that are location specific and include tourist attractions that are unique to a particular destination, such as events (sport, cultural and others), major cultural and environmental attractions, resort areas and icons;
- 6.4 Develop an adventure tourism programme, including the development of a trails network (hiking, biking, 4x4, horseback) and other adventure tourism opportunities;
- 6.5 Promote tourism themes that are crosscutting. These could include general scenic beauty, food tasting, arts and culture, adventure, eco-experiences (flower-watching, bird-watching and others), mountain-biking), backpacking, heritage experiences, mission stations, tourism and a large variety of special-interest activities;
- 6.6 Work with the Nature Conservation and South African National Parks to develop an eco-tourism programme, aimed at developing the many under-explored conservation areas and parks in the province;
- 6.7 Package the tourism magnets, themes and routes in the form of suggested travel routes and itineraries varying in length and duration;
- 6.8 Provide relevant support systems, such as tourism services (guiding, booking and others) and investment in commercial plant (accommodation, transport and others), public and private infrastructure, tourism service levels (human resources), information systems and the intangible facets such as a safe, clean and user-friendly environment;
- 6.9 Afford some form of legal protection using the natural heritage sites programme and the South African Resources Agency as a basis for sites previously neglected and associated with historical and political events, especially sites associated with the liberation struggle, and sites of geological, ecological, archaeological, religious and cultural significance;
- 6.10 Establish working groups of relevant role players to spearhead and implement the various programmes. Such working groups should identify specific pilot projects in each programme and allocate a 'champion' to spearhead these projects. The various regional and local tourism co-ordinators and relevant government departments should be involved where appropriate. The successes emanating from the pilot projects should be applied to similar circumstances elsewhere in the province;
- 6.11 Hold regular meetings between the provincial tourism authorities and the organised components of the broader business community to discuss strategic matters. Such meetings can serve as a platform for raising and debating key tourism policy and strategy;

- 6.12 Ensure that increasing prices to tourists does not block access of residents to public recreation areas and attractions. Discounted entry fees during periods outside the peak tourist season should be strongly encouraged.

## 7. **OPPORTUNITIES TO BE CREATED BY TOURISM**

- 7.1 Tourism offers a host of opportunities. It is the world's largest generator of jobs, is labour-intensive and can generate immediate employment opportunities as it grows;
- 7.2 employs a multiplicity of skills and offers training opportunities;
- 7.3 creates substantial entrepreneurial opportunities, particularly for Small medium and micro enterprises (SMMEs);
- 7.4 may bring development to underdeveloped and rural areas, provided it is managed appropriately;
- 7.5 can be beneficial to the environment if it is well-managed;
- 7.6 potentially builds cross-cultural relations and is a vital force for peace;
- 7.7 has a high multiplier effect throughout the economy;
- 7.8 provides many linkages with other sectors of the economy such as agriculture, retail goods, and financial services;
- 7.9 is often the catalyst that attracts trade and investment to the province;
- 7.10 Exploiting the many opportunities for emerging communities;
- including, operating tourism infrastructure such as bed and breakfast,
  - establishments, agri and rural tourism, farm stays, guest houses, taverns, bars, restaurants, transport services,
  - attractions (such as rural life experiences, historical/cultural attractions and museums),
  - providing services to the industry: tour operators, shuttle services, travel agencies, tour guides, marketing services,
  - booking services, baby sitters, training and so on,
  - acting as suppliers to the industry: crafts, interior décor (rugs, wall hangings, furniture), laundry services,
  - construction, provision of building materials, maintenance of plant and equipment, portage, environmental services
- 7.11 Expanding and promoting our cultural assets and experiences. These could relate to the development of historical areas, communities and events as well as the 'living' culture of the province. Examples include paleontology (for example, fossil sites), religious diversity, struggle history, township life, cuisine, arts, music, language, and tribe history;
- 7.12 Improving our entertainment opportunities. Tourism is about an entertaining experience. While various entertainment facilities and events have developed during the past few years, much could be done to further develop this area by encouraging the development of nightlife, festivals, heritage sites, theme parks and staged events;
- 7.13 Developing our conservation assets to the advantage of tourism. The opportunity presented by some of the large provincial and national parks located in the province has not been fully developed. These provide major opportunities for expanding our tourism attractions.

## 8. **MANAGING THE POTENTIAL EFFECT OF TOURISM**

- 8.1 It is important to address responsible tourism not only in relation to the conservation of the environment and heritage, but perhaps more importantly in relation to the impact on the citizens of our Aganang area;
- 8.2 Partnerships need to be formed to address violence, substance abuse and other problems facing women, men and children on the streets and elsewhere;
- 8.3 Training on addressing the negative social impact of tourism is needed for a broad range of stakeholders especially for the role players in the tourism industry, the tourists and the women in the industry;
- 8.4 Ongoing lobbying and advocacy is needed on the needs, rights and protection of the local communities, and the need to protect children particularly;
- 8.5 A code of ethics must be developed to bind role-players in the tourism industry particularly related to good practices that promotes the human rights and the environment of South Africa. The World Tourism Organization's *Global Code of Ethics for Tourism* (WTO 1999) could be used as a model;

8.6 The tourism industry must honour the constitutional rights of South Africa's people and the country's commitment to the rights of children and the Convention on the Elimination of all forms of Discrimination against Women.