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CONTENTS

(*Copies are obtainable at Room M21, Provincial Legislature, 7 Wale Street, Cape Town 8001.)

PROVINCIAL NOTICE

The following draft Amendment Bill is hereby published for general information:

Draft Western Cape Tourism, Trade and Investment Promotion Amendment Bill, 2012

P.N. 336/2012

21 November 2012

Any person wishing to comment on the draft Amendment Bill is requested to submit the comment in writing before or on 14 December 2012:

(a) **by posting it to:**

Chief Director: Tourism, Arts and Entertainment, Department of Economic Development and Tourism, Western Cape Government PO Box 979
Cape Town
8000
For attention: Ms Riana Meyer

(b) **by hand delivery:**

Chief Director: Tourism, Arts and Entertainment, Department of Economic Development and Tourism, Western Cape Government 10th Floor
80 St Georges Mall
NBS Waldorf Building
Corner Castle and Burg Streets
8001
For attention: Ms Riana Meyer

(b) **by E-mail:**

Riana.Meyer@westerncape.gov.za
For attention: Ms Riana Meyer

(c) **by Fax:**

021 483 8776
For attention: Ms Riana Meyer

A Xhosa translation of the draft Amendment Bill will be published on a later date.

Enquiries can be directed to Ms. Riana Meyer at:
Tel: 021 483 9035, or
e-mail: Riana.Meyer@westerncape.gov.za; or
Fax: 021 483 8776

Copies of the draft Amendment Bill are available on the following website:
<http://www.westerncape.gov.za>

As 'n nuusblad by die Poskantoor geregistreer

INHOUD

(*Afskrifte is verkrybaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

PROVINSIALE KENNISGEWING

Hiermee word die volgende Konsepwysigingswetsontwerp vir algemene inligting gepubliseer:

Wes-Kaapse Konsepwysigingswetsontwerp op Toerisme, Handel- en Investeringsbevordering , 2012

P.K. 336/2012

21 November 2012

Enige persoon wat kommentaar oor die Konsepwysigingswetsontwerp wil lewer, word versoek om sodanige kommentaar skriftelik voor of op 14 Desember 2012 te lewer:

(a) **deur dit te pos aan:**

Hoofdirekteur: Toerisme, Kuns en Vermaak, Departement van Ekonomiese Ontwikkeling en Toerisme, Wes-Kaapse Regering Posbus 979
Kaapstad
8000
Vir aandag: Me Riana Meyer

(b) **deur dit per hand af te lewer:**

Hoofdirekteur: Toerisme, Kuns en Vermaak, Departement van Ekonomiese Ontwikkeling en Toerisme, Wes-Kaapse Regering 10de Vloer
80 St Georges Wandellaan
NBS Waldorfgebou
Hoek van Castle- en Burgstraat
8001
Vir aandag: Me Riana Meyer

(c) **per e-pos:**

Riana.Meyer@westerncape.gov.za
Vir aandag: Me Riana Meyer

(d) **per faks:**

021 483 8776
Vir aandag: Me Riana Meyer

'n Xhosa vertaling van die wetsontwerp sal op 'n latere datum gepubliseer word.

Vir navrae kontak Me Riana Meyer by:
Tel: 021 483 9035, of
e-pos: Riana.Meyer@westerncape.gov.za; of
Faks: 021 483 8776

Afskrifte van die Konsepwysigingswetsontwerp is op die volgende webtuiste beskikbaar:
<http://www.westerncape.gov.za>

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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DRAFT BILL

To amend the Western Cape Investment and Trade Promotion Agency Act, 1996, so as to extend the objects, powers and functions of the Western Cape Investment and Trade Promotion Agency and the powers and duties of directors of the Board of the Agency (the Board) to include tourism promotion; to delete certain obsolete definitions and provisions relating to the members of the Agency; to provide for the determination of a trading name for the Agency; to amend the constitution of the Board by removing representatives from members of the Agency and by providing for representation from organised local government; to require tourism qualifications and experience of directors of the Board; to provide for the Minister to designate the chairperson and vice chairperson of the Board; to allow for a three year term of appointment of the directors of the Board; to provide for the Board to appoint a chairperson for each committee of the Board; to amend the name of the Agency; to disestablish the Destination Marketing Organisation; to provide for the repeal of the Western Cape Tourism Act, 2004; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Definitions

1. In this Act, unless the context indicates otherwise—
“accounting officer” means the head of the provincial department responsible for economic development and tourism; 5
“Destination Marketing Organisation” means the Destination Marketing Organisation established by section 2(1) of the Western Cape Tourism Act, prior to its repeal by this Act;
“effective date” means 1 April 2012 being the date on which staff, assets and liabilities of the Destination Marketing Organisation were transferred to the Agency in terms of the agreement between the Agency and the Destination Marketing Organisation of 26 March 2012; 10
“responsible Minister” means the member of the provincial Cabinet responsible for economic development and tourism; 15
“the Agency” means the Western Cape Tourism, Trade and Investment Promotion Agency established by section 2 of the Western Cape Tourism, Trade and Investment Promotion Agency Act, 1996 (Act 3 of 1996) as amended by this Act;
“Western Cape Tourism Act” means the Western Cape Tourism Act, 2004 (Act 1 of 2004). 20

Substitution of preamble to Act 3 of 1996, as substituted by section 1 of Act 1 of 2005

2. The following preamble is substituted for the preamble of the Western Cape Investment and Trade Promotion Agency Act, 1996 (Act 3 of 1996), (the principal Act):

“WHEREAS the government of the province of the Western Cape holds responsibility for the promotion of tourism, trade and investment in the province, and whereas it believes that the promotion of these objects is best achieved in partnership with the private sector and local government, and whereas government is desirous of establishing by provincial statute, a provincial public entity to promote environmentally sustainable and socially responsible [**investment in and**] tourism, trade, [within] and investment in the provincial economy, now therefore[:].”.

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Amendment of section 1 of Act 3 of 1996, as amended by section 2 of Act 1 of 2005

3. Section 1 of the principal Act is amended—

- (a) by the deletion of the definition of “member”; and
- (b) by the deletion of the definition of “locate”.

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Amendment of section 2 of Act 3 of 1996, as amended by section 4 of Act 1 of 2005

4. Section 2 of the principal Act is amended—

- (a) by the substitution for subsection (2) of the following subsection:

“(2) The Agency shall be a juristic person with limited liability, capable of suing and being sued in its own name and of performing all such acts as are necessary for or incidental to the attainment of its objects and the exercise of its powers in terms of this Act and no [**member or**] director of the Agency shall be liable for any debts or losses of the Agency.”; and

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- (b) by the addition of the following subsection after subsection (3):

“(4) The Board may, after consultation with the Minister, determine a trading name for the Agency.”.

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Amendment of section 3 of Act 3 of 1996, as substituted by section 5 of Act 1 of 2005

5. Section 3 of the principal Act is amended—

- (a) by the substitution for subsection (2) of the following subsection:

“(2) The Board consists of no more than 15 directors, namely—

- (a) one senior official nominated by the Minister, ex officio;
- (b) one senior official nominated by the executive Mayor, ex officio;
- (c) subject to subsection (3), no more than ten directors appointed by the Minister;

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- (d) [**subject to subsection (4), no more than**] two directors nominated by organised local government, one representing category B municipalities and one representing category C municipalities [**from amongst the members**]; and

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- (e) the chief executive officer appointed in terms of section 10, as a director ex officio.”;

- (b) by the substitution in subsection (3) for the expression “Board of Directors” of the expression “Board of directors”;

- (c) by the substitution for subsection (4) of the following subsection:

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“(4)[(a) Directors of the Board contemplated in subsection (2)(d), may only be appointed by the Minister after an internal election process conforming to such directions as may be issued by the Board from time to time, has been followed.]

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(b)] The [Directors] directors of the Board [referred to in paragraph (a)] must, in addition to meeting the criteria contemplated by subsection (5), occupy a leadership position and have proven leadership abilities.”;

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- (d) by the substitution for subsection (5) of the following subsection:
- “(5) Any director, including an ex officio director, must—
- (a) have knowledge of tourism, trade [**and**] or investment;
- (b) have experience in the promotion of tourism, trade [**and**] or investment;
- (c) be able to contribute to the integrated and coordinated marketing of the Province's business image;
- (d) reside permanently in the Province; and
- (e) be a fit and proper person.”; and
- (e) by the addition of the following subsection after subsection (6):
- “(7) The Minister, after consultation with the executive Mayor, must designate a chairperson and vice chairperson to the Board from amongst the directors of the Board for a period, not exceeding three years, as determined by the Minister at the time of their designation.”.

Amendment of section 3A of Act 3 of 1996, as inserted by section 6 of Act 1 of 2005 15

- 6.** Section 3A of the principal Act is amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) Directors of the Board contemplated in section 3(2)(a) to (d) [**l**, (b) and (c)] are appointed for a period determined at the time of their appointment, but not exceeding [**two**] three years.”; and
- (b) by the deletion of subsection (2).

Amendment of section 4 of Act 3 of 1996, as substituted by section 7 of Act 1 of 2005

- 7.** Section 4 of the principal Act is amended by the substitution for paragraph (a) of the following paragraph:
- “(a) to promote [**investment in and**] tourism, trade [**within**] and investment in the Province; and”.

Amendment of section 5 of Act 3 of 1996, as amended by section 8 of Act 1 of 2005

- 8.** Section 5 of the principal Act is amended—
- (a) by the substitution for paragraph (f) of the following paragraph:
- “(f) to furnish tourism, trade and investment marketing assistance and expert and specialised advice, information and guidance to any business, company or association of persons who so request it from the Agency [**and/or**] or would assist the Agency in achieving its [**Objects**] objects;”;
- (b) by the substitution for paragraph (h) of the following paragraph:
- “(h) to act as a tourism, trade and investment promotion agent on behalf of the Province, [**any local authority or other tier of government or any other person or body who, in the opinion of the Board, is a stakeholder in the economy of**] and to facilitate co-ordinated destination marketing activities for the Western Cape;”;
- (c) by the substitution for paragraph (j) of the following paragraph:
- “(j) to solicit and accept donations and to receive any monies offered or due to the Agency for the sole purpose of promoting tourism, trade and investment in the Western Cape;”;
- (d) by the substitution for paragraph (l) of the following paragraph:
- “(l) to develop, implement and promote a provincial tourism, trade and investment marketing strategy and to [plan and] implement any project [**or enterprise**] that [**would enhance investment and trade**] realises growth in the economy of the Western Cape;”;
- (e) by the substitution for paragraph (m) of the following paragraph:
- “(m) to invest any funds or monies not immediately required for its affairs [**, and**];”;
- (f) by the substitution of paragraph (n) of the following paragraph:
- “(n) to exercise such other powers which, in the opinion of the Minister are necessary for the achievement of its objects and which the Minister, in consultation with the Board, may confer upon the Agency by notice in the *Provincial Gazette*[.]”; and

- (g) by the addition of the following paragraphs after paragraph (n):
 “(o) to promote the Province as a tourism destination;
 (p) to promote leisure and business tourism and events; and
 (q) to promote the alignment of provincial marketing activities in all tourism sectors in the Province in collaboration with private and public entities.”.

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Repeal of section 6 of Act 3 of 1996, as substituted by section 9 of Act 1 of 2005

9. Section 6 of the principal Act is repealed.

Amendment of section 7 of Act 3 of 1996, as substituted by section 10 of Act 1 of 2005

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10. Section 7 of the principal Act is amended—
 (a) by the deletion of subsection (5);
 (b) by the substitution for paragraph (a) of subsection (7) of the following paragraph:
 “(a) Ex-officio [members] directors of the Board appointed in terms of section [3(5)(a)] 3(2)(a), (b) and (e) have no voting rights, but have the right to enter into discussion of all the matters before the Board.”; and
 (c) by the substitution for subsection (9) of the following subsection:
 “(9) 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] director of the Board sat as such a [member] director, is not invalid if—
 (a) the decision was taken by a majority of all the [member] directors of the Board; and
 (b) the [members] directors comprising that majority were entitled to sit as [members] directors.”.

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Amendment of section 8 of Act 3 of 1996, as amended by section 11 of Act 1 of 2005

11. Section 8 of the principal Act is amended by—
 (a) the substitution for paragraph (a) of subsection (3) of the following paragraph:
 “(a) Subject to [paragraphs (b) and] paragraph (c), the Board may establish [a committee to deal with—
 (i) human resource management;
 (ii) budget and finance matters;
 (iii) trade promotion; or
 (iv) investment promotion;]
 any committee that it deems necessary for the exercise of its powers and the performance of its functions: [provided] Provided that the members of those committees must have the necessary expertise [in the relevant areas].”;
 (b) by the deletion of paragraph (b);
 (c) by the substitution for paragraph (c) of subsection (3) of the following paragraph:
 “(c) A committee contemplated in paragraph [(a)(iii) or (iv)] (a) must not consist of more than ten members, as determined by the Board [one of whom must be a director and the rest of the members as contemplated in section 6].”; and
 (d) by the substitution for subsection (4) of the following subsection:
 “(4) [Every committee contemplated in subsection (3)(c) must have as a member, one member of every other committee] The Board must from the directors of the Board appoint a chairperson for each committee.”.

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Amendment of section 10 of Act 3 of 1996, as substituted by section 13 of Act 1 of 2005

12. Section 10 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) The Board, in consultation with the Minister and the executive Mayor and after following a public advertising process, must appoint a fit and proper person with knowledge of and experience in [investment and] tourism, trade or investment promotion as the chief executive officer of the Board.”.

Amendment of section 11 of Act 3 of 1996, as substituted by section 14 of Act 1 of 2005 5

13. Section 11 of the principal Act is amended by the substitution for paragraph (g) of the following paragraph:

“(g) ensure that the Agency complies with and performs in terms of all contractual agreements and implements [investment and] tourism, trade and investment marketing policies.” 10

Amendment of section 12 of Act 3 of 1996, as substituted by section 15 of Act 1 of 2005

14. Section 12 of the principal Act is amended by the deletion of paragraph (d) of subsection (1). 15

Substitution of expression

15. The principal Act, except for section 20 thereof, is amended by the substitution for the expression “Western Cape Investment and Trade Promotion Agency”, wherever it occurs, of the expression “Western Cape Tourism, Trade and Investment Promotion Agency”. 20

Disestablishment of Destination Marketing Organisation

16. The Destination Marketing Organisation is disestablished.

Repeal of Western Cape Tourism Act

17. The Western Cape Tourism Act is repealed.

Transitional provisions 25

18. (1) The Agency is the successor-in-law of the Destination Marketing Organisation.

(2) As from the effective date, the staff employed by the Destination Marketing Organisation upon the effective date, are transferred to the Agency in accordance with the Labour Relations Act, 1995 (Act 66 of 1995). 30

(3) With effect from the commencement of this Act—

(a) the assets, liabilities and records of the Destination Marketing Organisation held immediately before the commencement of this Act, are transferred to the Agency; and

(b) the term of appointment of members of the Board of the Destination Marketing Organisation which has not expired immediately before the commencement of this Act, ends. 35

(4) The Board of directors of the Agency is responsible for the preparation and submission of financial statements and the annual report, and the finalisation of all outstanding matters of the Destination Marketing Organisation in respect of the 2012/13 and, if applicable, 2013/14 financial years, in accordance with the Public Finance Management Act, 1999 (Act 1 of 1999). 40

(5) The responsible Minister, or the accounting officer if so authorised by the responsible Minister, may issue directives to give effect to this section.

Savings provisions 45

19. (1) The public entity established by section 2 of the principal Act, before its amendment by this Act, and which is listed as a provincial public entity in Schedule 3 to the Public Finance Management Act, 1999, as the Western Cape Investment and Trade Promotion Agency, continues in existence as a public entity, but is to be known, after this

Act comes into force, as the Western Cape Tourism, Trade and Investment Promotion Agency.

(2) A reference in any law or document to the Western Cape Investment and Trade Promotion Agency must be construed as a reference to Western Cape Tourism, Trade and Investment Promotion Agency. 5

(3) The juristic identity and the rights and obligations of the public entity referred to in subsection (1) are not affected by its change of name.

(4) Despite sections 5, 6, 10, 11, 12 and 15 of this Act, any person holding office, immediately before the commencement of this Act, as director of the Board, committee member or as chairperson in terms of section 3(2) and 7(5) of the principal Act, prior to amendment by this Act, continues in office for the term of that person's appointment and is regarded as a duly appointed director of the Board or member of that committee or chairperson, as the case may be, for the unexpired portion of his or her term of office. 10

Short title

20. This Act is called the Western Cape Tourism, Trade and Investment Promotion Amendment Act, 2012. 15

MEMORANDUM ON THE OBJECTS OF THE DRAFT WESTERN CAPE TOURISM, TRADE AND INVESTMENT PROMOTION AMENDMENT BILL, 2012

1. BACKGROUND

- 1.1 The functions relating to the promotion of trade, investment and tourism in the Province are being performed by two separate public entities, namely the Destination Marketing Organisation (DMO) established in terms of the Western Cape Tourism Act, 2004 (Act 1 of 2004) and the Western Cape Investment and Trade Promotion Agency (Wesgro) established in terms of the Western Cape Investment and Trade Promotion Agency Act, 1996 (Act 3 of 1996), (“the Wesgro Act”).
- 1.2 In order to implement an integrated strategic approach towards the promotion of trade and investment and tourism and streamlined delivery of services, one delivery mechanism and agent is required. This will ensure a holistic approach to the economic development portfolio that includes tourism destination marketing and promotion as a source of economic empowerment. One delivery mechanism will also ensure cost effective utilisation of public resources.
- 1.3 The Wesgro Act provides Wesgro with a broad mandate for economic development that can easily be expanded to include tourism promotion. Appropriate legislative amendments are therefore proposed to expand Wesgro’s functions to include tourism promotion in order to provide for one delivery mechanism for tourism, trade and investment promotion. Accreditation of local tourism organisations will be done away with as the funding and structures of these organisations resort with municipalities.
- 1.4 The expansion of the functions of Wesgro to perform tourism promotion allows for:
 - 1.4.1 an integrated strategic approach with regard to marketing the Western Cape as a destination for trade and investment promotion and tourism; and
 - 1.4.2 the stabilisation of one delivery mechanism for the promotion of trade, investment and tourism.
- 1.5 Wesgro is therefore recognised as the appropriate entity to function as the provincial delivery mechanism for tourism, trade and investment promotion. Wesgro is therefore required to serve as the economic development delivery agent for the Province.
- 1.6 The modernisation of Wesgro is a priority and as part of this, the application for membership to Wesgro will fall away. Currently Wesgro has no members. Wesgro members do not receive any preferential treatment over non-members and there is no benefit for obtaining membership. All Wesgro services, functions, workshops and other events are offered to all businesses in the Western Cape free of charge, in fulfillment of the Wesgro vision of serving all business development in the Western Cape. Consequential amendments relating to these proposals include the nomination of directors of the Board of Wesgro (“the Board”) from representatives from the public and organised local government, instead of also nominating two of the directors from the members of Wesgro.
- 1.7 The proposed draft Bill further provides for the appointment of the chairperson and vice chairperson of the Board by the Minister responsible for Economic Development and Tourism, bringing the legislation in line with other legislation, such as the Western Cape Liquor Authority Act, 2008 (Act 4 of 2008) currently being administered by the Department. It is also proposed

to amend the term on which directors of the Board may be appointed from a term not exceeding two years to a term not exceeding three years.

2. PURPOSE OF THE BILL

- 2.1 The purpose of the draft Bill is to repeal the Western Cape Tourism Act, 2004 (Act 1 of 2004) and to provide for the amendment of the Western Cape Investment and Trade Promotion Agency Act, 1996 (Act 3 of 1996), (“the principal Act”), to allow Wesgro to promote tourism in the Province.
- 2.2 The Bill also provides for amendment of the constitution of the board of Wesgro and the removal of provisions relating to membership of Wesgro.

3. CONTENTS OF THE BILL

Clause 1

This is the definition clause.

Clause 2

This clause amends the preamble of the principal Act to include a reference to tourism.

Clause 3

This clause deletes the definition of “member” and “locate”.

Clause 4

This clause deletes reference to “member” and provides for the determination of a trading name for Wesgro.

Clause 5

This clause provides for amendment of the constitution of the Board by removing the requirement to nominate directors from members of Wesgro and by providing for the nomination by organised local government of representatives. This clause also amends the qualification requirements of board directors to include knowledge and experience in tourism, trade or investment and for all directors to occupy leadership positions and to have proven leadership abilities.

The Minister is also empowered, after consultation with the executive Mayor, to designate a chairperson and vice chairperson to the Board from the directors.

Clause 6

This clause amends the term on which directors of the Board may be appointed from a term not exceeding two years to a term not exceeding three years. Provisions relating to directors appointed from members of Wesgro are deleted.

Clause 7

This clause amends the objects of Wesgro to include the promotion of tourism.

Clause 8

This clause amends the powers of Wesgro to include powers—

- relating to tourism marketing;
- to act as a tourism promotion agent;

- to facilitate co-ordinated destination marketing activities;
- to accept donations for tourism promotion;
- to promote the Province as a tourism destination and to promote leisure tourism, business tourism and events; and
- to promote the alignment of tourism marketing activities.

Clause 9

This clause repeals the provisions relating to members of Wesgro.

Clause 10

This clause deletes obsolete references to members of Wesgro and removes the power of the Board to designate a chairperson.

Clause 11

This clause provides that the Board may establish any committee that it deems necessary for the exercise of its powers and the performance of its functions; provided that the members of those committees must have the necessary expertise. The clause further deletes obsolete references to members of Wesgro.

Clause 12 and 13

These clauses amend the required qualifications and functions of the chief executive officer to also include tourism.

Clause 14

This clause deletes an obsolete reference to membership fees.

Clause 15

This clause replaces the name of “Wesgro” with a new name namely, the Western Cape Tourism, Trade and Investment Promotion Agency in the text of the principal Act and amends the short title of the principle Act to also reflect the new description.

Clause 16

This clause disestablishes the Destination Marketing Organisation established in terms of the Western Cape Tourism Act, 2004.

Clause 17

This clause repeals the Western Cape Tourism Act, 2004.

Clause 18

This clause provides for Wesgro to be the successor-in title to the Destination Marketing Organisation and to be responsible for all staff, assets and liabilities and outstanding reporting and financial matters of the Destination Marketing Organisation. The Minister may make directives in respect of these matters.

Clause 19

This clause confirms that Wesgro continues in existence despite the change of its name and for directors and committee members to continue in office.

Clause 20

This clause contains the draft Bill's short title.

4. FINANCIAL IMPLICATIONS

Appropriations in respect of tourism functions have been budgeted for in the current budget.

5. CONSULTATION

The following Departments were consulted:

Department of the Premier: Legal Services

Department of the Premier: Labour Relations

Provincial Treasury

Wesgro Board

CTRU Board

Municipalities

Tourism industry role-players represented in the Tourism, Arts and Entertainment Partnership

6. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for Finance, Economic Development and Tourism, is satisfied that all the provisions of the draft Bill fall within the legislative competence of the Province.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.
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KONSEPWYSIGINGS- WETSONTWERP

Tot wysiging van die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 1996, ten einde die doelstellings, bevoegdhede en werkzaamhede van die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap en die bevoegdhede en pligte van direkteure van die Raad van die Agentskap (die Raad) uit te brei om toerismebevordering in te sluit; om sekere uitgediende woordomskrywings en bepalings rakende die lede van die Agentskap te skrap; om voorsiening te maak vir die bepaling van 'n handelsnaam vir die Agentskap; om die samestelling van die Raad te wysig deur verteenwoordigers van lede van die Agentskap te verwyder en deur voorsiening te maak vir verteenwoordiging van georganiseerde plaaslike regering; om toerismekwalifikasies en -ondervinding van direkteure van die Raad te vereis; om te bepaal dat die Minister die voorsitter en die ondervoorsitter van die Raad aanwys; om voorsiening te maak vir 'n driejaartermyn van aanstelling van die direkteure van die Raad; om te bepaal dat die Raad 'n voorsitter vir elke komitee van die Raad moet aanstel; om die naam van die Agentskap te wysig; om die Bestemmingbemarkingsorganisasie af te skaf; om voorsiening te maak vir die herroeping van die Wes-Kaapse Wet op Toerisme, 2004; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinciale Parlement van die Wes-Kaap, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
“Bestemmingbemarkingsorganisasie” die Bestemmingbemarkingsorganisasie ingestel by artikel 2(1) van die Wes-Kaapse Wet op Toerisme, voor die herroeping daarvan by hierdie Wet; 5
“die Agentskap” die Wes-Kaapse Toerisme-, Handels- en Investeringsbevorderingsagentskap ingestel by artikel 2 van die Wet op die Wes-Kaapse Toerisme-, Handels- en Investeringsbevorderingsagentskap, 1996 (Wet 3 van 1996), soos by hierdie Wet gewysig; 10
“effektiewe datum” 1 April 2012, synde die datum waarop personeel, bates en laste van die Bestemmingbemarkingsorganisasie na die Agentskap oorgeplaas is ingevolge die ooreenkoms tussen die Agentskap en die Bestemmingbemarkingsorganisasie van 26 Maart 2012; 15

- “rekenpligtige beampte” die hoof van die provinsiale departement verantwoordelik vir ekonomiese ontwikkeling en toerisme;
- “verantwoordelike Minister” die lid van die provinsiale Kabinet verantwoordelik vir ekonomiese ontwikkeling en toerisme;
- “Wes-Kaapse Wet op Toerisme” die Wes-Kaapse Wet op Toerisme, 2004 (Wet 1 van 2004). 5

Vervanging van aanhef tot Wet 3 van 1996, soos vervang by artikel 1 van Wet 1 van 2005

2. Die aanhef tot die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 1996 (Wet 3 van 1996), (die Hoofwet), word deur die volgende aanhef 10 vervang:

“[Nademaal] **NADEMAAL** die regering van die provinsie Wes-Kaap verantwoordelik is vir die bevordering van toerisme, handel en investering in die provinsie en nademaal die regering glo dat die bevordering van hierdie doelstellings ten beste bereik kan word in vennootskap met die privaat sektor en plaslike regering, en nademaal die regering begerig is om by wyse van provinsiale wet 'n provinsiale openbare entiteit in te stel om omgewingsvolhoubare en maatskaplik verantwoordelike **[investering in en] toerisme**, handel **[binne]** en investering in die provinsiale ekonomie te bevorder, derhalwe[:],.”. 15

Wysiging van artikel 1 van Wet 3 van 1996, soos gewysig by artikel 2 van Wet 1 van 20 2005

3. Artikel 1 van die Hoofwet word gewysig—

- (a) deur die omskrywing van “lid” te skrap; en
- (b) deur die omskrywing van “vestig” te skrap.

Wysiging van artikel 2 van Wet 3 van 1996, soos gewysig by artikel 4 van Wet 1 van 25 2005

4. Artikel 2 van die Hoofwet word gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Agentskap is 'n regspersoon, beklee met beperkte aanspreeklikheid, by magte om in eie naam te dagvaar en gedagvaar te word en om al daardie handelinge te verrig wat noodsaaklik is vir en verband hou met die verwesenliking van sy doelstellings en die uitoefening van sy bevoegdhede ingevolge hierdie Wet en geen **[lid of]** direkteur van die Agentskap is aanspreeklik vir enige skulde of verliese van die Agentskap nie.”; en 30

- (b) deur die volgende subartikel na subartikel (3) in te voeg:

“(4) Die Raad kan, na oorleg met die Minister, 'n handelsnaam vir die Agentskap bepaal.”. 35

Wysiging van artikel 3 van Wet 3 van 1996, soos vervang by artikel 5 van Wet 1 van 40 2005

5. Artikel 3 van die Hoofwet word gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Raad bestaan uit hoogstens 15 direkteure, naamlik—

- (a) een senior beampte wat ex officio deur die Minister benoem word;
- (b) een senior beampte wat ex officio deur die uitvoerende Burgemeester benoem word;

- (c) behoudens subartikel (3), hoogstens tien direkteure wat deur die Minister aangestel word;

- (d) **[behoudens subartikel (4), hoogstens]** twee direkteure wat **[uit die geledere van die lede]** deur georganiseerde plaaslike regering benoem word, van wie een kategorie B-munisipaliteite en een kategorie C-munisipaliteite verteenwoordig; en 50

- (e) die hoof uitvoerende beampte wat ex officio as direkteur aangestel word ingevolge artikel 10.”;

- (b) deur in die Engelse teks die uitdrukking “Board of Directors” in subartikel (3) 55 deur die uitdrukking “Board of directors” te vervang;

- (c) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4)[(a) Direkteure van die Raad in subartikel (2)(d) beoog, mag slegs deur die Minister aangestel word nadat ’n interne verkiesingsproses gevvolg is wat voldoen aan voorskrifte, van tyd tot tyd deur die Raad uitgereik.” 5
 (b)] Die direkteure van die Raad [in paragraaf (a) bedoel,] moet bewens voldoening aan die kriteria in subartikel (5) beoog, ’n leierskapposisie beklee en oor bewese leierskapvermoëns beskik.”;
- (d) deur subartikel (5) deur die volgende subartikel te vervang:
 “(5) Enige direkteur, insluitende ’n ex officio-direkteur, moet— 10
 (a) oor kennis van toerisme, handel [en] of investering beskik;
 (b) oor ondervinding in die bevordering van toerisme, handel [en] of investering beskik;
 (c) kan bydra tot die geïntegreerde en gekoördineerde bemarking van die Provinsie se sakebeeld; 15
 (d) permanent woonagtig in die Provinsie wees; en
 (e) ’n geskikte en gepaste persoon wees.”; en
- (e) deur die volgende subartikel na subartikel (6) by te voeg:
 “(7) Die Minister, na oorleg met die uitvoerende Burgemeester, moet ’n voorsitter en ’n ondervoorsitter vir die Raad uit die gelede direkteure van die Raad aanwys vir ’n tydperk van hoogstens drie jaar, soos deur die Minister bepaal ten tyde van hulle aanwysing.”. 20

Wysiging van artikel 3A van Wet 3 van 1996, soos ingevoeg by artikel 6 van Wet 1 van 2005

- 6. Artikel 3A van die Hoofwet word gewysig—** 25
 (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Direkteure van die Raad in artikel 3(2)(a) tot (d) [(b) en (c)] beoog, word aangestel vir ’n tydperk wat ten tyde van hul aanstelling bepaal word, maar hoogstens [twee] drie jaar.”; en
 (b) deur subartikel (2) te skrap. 30

Wysiging van artikel 4 van Wet 3 van 1996, soos vervang by artikel 7 van Wet 1 van 2005

- 7. Artikel 4 van die Hoofwet word gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:**
 “(a) om [investering in en] toerisme, handel [binne] en investering in die Provinsie te bevorder; en”. 35

Wysiging van artikel 5 van Wet 3 van 1996, soos gewysig by artikel 8 van Wet 1 van 2005

- 8. Artikel 5 van die Hoofwet word gewysig—**
 (a) deur paragraaf (f) deur die volgende paragraaf te vervang:
 “(f) om aan enige besigheid, maatskappy of vereniging van persone wat die Agentskap aldus daarom versoek [en/of] of die Agentskap sal help om sy doelstellings te bereik, toerisme-, handels- en investeringbemarkingsbystand en deskundige en gespesialiseerde raad, informasie en leiding te verleen en te verstrek;”; 45
 (b) deur paragraaf (h) deur die volgende paragraaf te vervang:
 “(h) om op te tree as toerisme-, handels- en investeringbevorderingsagent namens die Provinsie, [enige plaaslike bestuur of ander regeringsvlak of enige ander persoon of liggaa wat, na die mening van die Raad, ’n insethouer in die ekonomiese van die Wes-Kaap is] en om gekoördineerde bestemmingsbemarkingsaktiwiteite vir die Wes-Kaap te fasiliteer;”; 50
 (c) deur paragraaf (j) deur die volgende paragraaf te vervang:
 “(j) om skenkings te vra en te aanvaar en om enige geldte wat aan die Agentskap gebied of verskuldig is, te ontvang vir die uitsluitlike doel om toerisme, handel en investering in die Wes-Kaap te bevorder”; 55

- (d) deur paragraaf (l) deur die volgende paragraaf te vervang:
 “(l) om 'n provinsiale toerisme-, handels- en investeringsbemarkingsstrategie te ontwikkel, uit te voer en te bevorder en om enige projek [of onderneming] wat [investering en handell] groei in die ekonomiese van die Wes-Kaap [sal bevorder, te beplan en] verwesenlik, uit te voer;”;
- (e) deur paragraaf (m) deur die volgende paragraaf te vervang:
 “(m) om enige fondse of geldelike wat nie dadelik benodig word vir sy sake nie te investeer [, en];”;
- (f) deur paragraaf (n) deur die volgende paragraaf te vervang:
 “(n) om sodanige ander bevoegdhede uit te oefen, wat na die mening van die Minister, noodsaaklik is vir die bereiking van sy doelwitte en wat die Minister, in oorleg met die Raad, aan die Agentskap kan oplê by kennisgewing in die *Provinsiale Koerant*[.]; en
- (g) deur die volgende paragrawe na paragraaf (n) by te voeg:
 “(o) om die Provinsie as 'n toerismebestemming te bevorder;
 (p) om ontspannings- en saketoerisme en gebeurtenisse te bevorder; en
 (q) om die belyning van provinsiale bemarkingsaktiwiteite in alle toerisme-sektore in die Provinsie te bevorder in samewerking met privaat en openbare entiteite.”.

Herroeping van artikel 6 van Wet 3 van 1996, soos vervang by artikel 9 van Wet 1 van 2005

9. Artikel 6 van die Hoofwet word herroep.

Wysiging van artikel 7 van Wet 3 van 1996, soos vervang by artikel 10 van Wet 1 van 2005

10. Artikel 7 van die Hoofwet word gewysig—

- (a) deur subartikel (5) te skrap;
- (b) deur paragraaf (a) van subartikel (7) deur die volgende paragraaf te vervang:
 “(a) [**Ex officio-lede**] Ex officio-direkteure van die Raad wat ingevolge artikel [3(5)(a)] 3(2)(a), (b) en (e) aangestel is, is nie stemgeregtig nie, maar is geregtig om deel te neem aan die bespreking van al die sake voor die Raad.”; en
- (c) deur subartikel (9) deur die volgende subartikel te vervang:
 “(9) 'n Besluit wat deur die Raad geneem is op 'n tyd toe daar 'n vakature in die Raad was, toe enige persoon wat nie geregtig was om as [**lid**] direkteur van die Raad sitting te hê nie, as [**lid**] direkteur gesit het, is nie ongeldig nie indien—
 (a) die besluit deur 'n meerderheid van al die [**lede**] direkteure van die Raad geneem is; en
 (b) die [**lede**] direkteure wat daardie meerderheid uitgemaak het, geregtig was om as [**lede**] direkteure te sit.”.

Wysiging van artikel 8 van Wet 3 van 1996, soos gewysig by artikel 11 van Wet 1 van 2005

11. Artikel 8 van die Hoofwet word gewysig—

- (a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
 “(a) Behoudens [**paragrawe (b) en**] paragraaf (c) kan die Raad [**'n komitee instel vir die hantering van**—
 (i) **menslikehulpbronbestuur**;
 (ii) **begroting- en finansie-aangeleenthede**;
 (iii) **handelsbevordering**; of
 (iv) **investeringsbevordering**;
 enige komitee instel wat hy nodig ag vir die uitoefening van sy bevoegdhede en die verrigting van sy funksies:[**met**] Met dien verstande dat die lede van daardie komitees oor die nodige kundigheid [**op die tersaaklike gebied**] moet beskik.”;
- (b) deur die skrapping van paragraaf (b) van subartikel (3);

- (c) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:
 “(c) ’n Komitee beoog in paragraaf [(a)(iii) of (iv)] (a) moet nie uit meer as tien lede bestaan nie, soos deur die Raad bepaal [van wie een ’n direkteur moet wees en die ander lede soos in artikel 6 beoog].”; en
- (d) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4) [Elke komitee beoog in subartikel (3)(c) moet een lid van elke ander komitee as lid hê] Die Raad moet uit die direkteure van die Raad ’n voorstuur vir elke komitee aanstel.”.

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Wysiging van artikel 10 van Wet 3 van 1996, soos vervang by artikel 13 van Wet 1 van 2005 10

12. Artikel 10 van die Hoofwet word gewysig deur subartikel (1) met die volgende subartikel te vervang:

“(1) Die Raad moet in oorleg met die Minister en die uitvoerende Burgemeester en nadat ’n openbare advertensieproses gevolg is, ’n geskikte en gepaste persoon met kennis van en ondervinding in [**investerings- en handelsbevordering**] toerisme, handels- en investeringsbevordering aanstel as die hoof uitvoerende beampete van die Raad.”.

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Wysiging van artikel 11 van Wet 3 van 1996, soos vervang by artikel 14 van Wet 1 van 2005 20

13. Artikel 11 van die Hoofwet word gewysig deur paragraaf (g) met die volgende paragraaf te vervang:

“(g) toesien dat die Agentskap voldoen aan en presteer ingevolge alle kontraktuele ooreenkomste, en [**investerings- en handelsbemarkings**] toerisme, handels- en investeringsbemarkings beleide implementeer.”.

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Wysiging van artikel 12 van Wet 3 van 1996, soos vervang by artikel 15 van Wet 1 van 2005

14. Artikel 12 van die Hoofwet word gewysig deur paragraaf (d) van subartikel (1) te skrap.

Vervanging van uitdrukking

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15. Die Hoofwet, buiten artikel 20 daarvan, word gewysig deur die uitdrukking “Wes-Kaapse Investerings- en Handelsbevorderingsagentskap” waar dit ook al voorkom, te vervang deur die uitdrukking “Wes-Kaapse Toerisme-, Handels- en Investeringsbevorderingsagentskap”.

Afskaffing van Bestemmingbemarkingsorganisasie

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16. Die Bestemmingbemarkingsorganisasie word afgeskaf.

Herroeping van Wes-Kaapse Wet op Toerisme

17. Die Wes-Kaapse Wet op Toerisme word herroep.

Oorgangsbeplannings

18. (1) Die Agentskap is dieregsopvolger van die Bestemmingbemarkings-organisasie. 40

(2) Met ingang van die effektiewe datum word die personeel op die effektiewe datum in diens van die Bestemmingbemarkingsorganisasie na die Agentskap oorgeplaas in ooreenstemming met die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995).

(3) Met ingang van die inwerkingtreding van hierdie Wet—

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(a) word die bates, laste en rekords van die Bestemmingbemarkingsorganisasie wat onmiddellik voor die inwerkingtreding van hierdie Wet gehou is, na die Agentskap oorgedra; en

(b) eindig die termyn van aanstelling van lede van die Raad van die Bestemmingbemarkingsorganisasie wat nie onmiddellik voor die inwerkingtreding van hierdie Wet verstryk het nie.

(4) Die Raad van direkteure van die Agentskap is verantwoordelik vir die opstel en voorlegging van finansiële state en die jaarverslag, en die finalisering van alle uitstaande aangeleenthede van die Bestemmingbemarkingsorganisasie ten opsigte van die 2012/2013 en, indien van toepassing, 2013/2014 finansiële jare in ooreenstemming met die Wet op Openbare Finansiële Bestuur, 1999 (Wet 1 van 1999).

(5) Die verantwoordelike Minister, of die rekenpligtige beampete indien daar toe gemagtig deur die verantwoordelike Minister, kan voorskrifte uitreik om aan hierdie artikel uitvoering te gee.

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Voorbehoudsbepalings

19. (1) Die openbare entiteit wat by artikel 2 van die Hoofwet voor die wysiging daarvan by hierdie Wet ingestel is en wat in Bylae 3 van die Wet op Openbare Finansiële Bestuur, 1999, as 'n provinsiale openbare entiteit gelys is as die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, gaan voort om as 'n openbare entiteit te bestaan maar staan na die inwerkingtreding van hierdie Wet bekend as die Wes-Kaapse Toerisme-, Handels- en Investeringsbevorderingsagentskap.

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(2) 'n Verwysing in enige wet of dokument na die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap word uitgelê as 'n verwysing na die Wes-Kaapse Toerisme-, Handels- en Investeringsbevorderingsagentskap.

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(3) Die regresidentiteit en die regte en verpligte van die openbare entiteit in subartikel (1) bedoel, word nie deur sy naamsverandering geraak nie.

(4) Ondanks artikels 5, 6, 10, 11, 12 en 15 van hierdie Wet bly enige persoon wat onmiddellik voor die inwerkingtreding van hierdie Wet die amp van direkteur van die Raad, komiteelid of voorsitter beklee ingevolge artikel 3(2) en 7(5) van die Hoofwet, voor wysiging by hierdie Wet, in die amp aan vir die termyn van daardie persoon se aanstelling en word sodanige persoon geag 'n behoorlik aangestelde direkteur van die Raad of lid van daardie komitee of voorsitter, na gelang van die geval, te wees vir die onverstreke gedeelte van sy of haar ampstermyn.

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Kort titel

20. Hierdie Wet heet die Wes-Kaapse Wysigingswet op Toerisme-, Handels- en Investeringsbevordering, 2012.

MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE WYSIGINGSWETSONTWERP OP TOERISME-, HANDELS- EN INVESTERINGSBEVORDERING, 2012

1. AGTERGROND

- 1.1 Die funksies betreffende die bevordering van handel, investering en toerisme in die Provinsie word deur twee afsonderlike openbare entiteite verrig, naamlik die Bestemmingbemarkingsorganisasie (BBO) wat ingestel is ingevolge die Wes-Kaapse Wet op Toerisme, 2004 (Wet 1 van 2004), en die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap (Wesgro), wat ingevolge die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 1996 (Wet 3 van 1996) (die “Wesgro-wet”), ingestel is.
- 1.2 Om 'n geïntegreerde strategiese benadering tot die bevordering van handel, investering en toerisme en gestroomlynde dienslewering te implementeer, is een leweringsmeganisme en agent nodig. Dit sal 'n holistiese benadering tot die ekonomiese ontwikkelingsportefeuilje verseker, wat toerismebestemmingsbemarking en -bevordering as 'n bron van ekonomiese bemagtiging insluit. Een leweringsmeganisme sal ook kostedoeltreffende benutting van openbare hulpbronne verseker.
- 1.3 Die Wesgro-wet bied aan Wesgro 'n breë mandaat vir ekonomiese ontwikkeling wat maklik uitgebrei kan word om toerismebevordering in te sluit. Gepaste wetswysings word dus voorgestel om Wesgro se funksies uit te brei om toerismebevordering in te sluit ten einde voorsiening te maak vir een leweringsmeganisme vir toerisme-, handels- en investeringsbevordering. Akkreditasie van plaaslike toerisme-organisasies sal afgeskaf word aangesien die befondsing en strukture van hierdie organisasies onder munisipaliteitetuisvoerders verskeie.
- 1.4 Die uitbreiding van Wesgro se funksies om toerismebevordering in te sluit, maak voorsiening vir:
 - 1.4.1 'n geïntegreerde strategiese benadering met betrekking tot die bemarking van die Wes-Kaap as 'n bestemming vir handels- en investeringsbevordering en toerisme; en
 - 1.4.2 die stabilisering van een leweringsmeganisme vir die bevordering van handel, investering en toerisme.
- 1.5 Wesgro word dus erken as die gepaste entiteit om as die provinsiale leweringsmeganisme vir toerisme-, handels- en investeringsbevordering te funksioneer. Wesgro moet dus optree as die leweringsagent vir ekonomiese ontwikkeling in die Provinsie.
- 1.6 Die modernisering van Wesgro is 'n prioriteit, en as deel hiervan sal die aansoek vir lidmaatskap tot Wesgro wegval. Tans het Wesgro geen lede nie. Wesgro-lede kry nie voorkeurbehandeling bo nie-lede nie en daar is geen voordeel verbonde aan lidmaatskap nie. Al Wesgro se dienste, funksies, werkswinkels en ander gebeure word kosteloos aangebied vir alle sakeondernemings in die Wes-Kaap, ter uitlewing van Wesgro se visie om alle sakeontwikkeling in die Wes-Kaap te dien. Gevolglike wysings rakende hierdie voorstelle sluit in die benoeming van direkteure van die Raad van Wesgro (“die Raad”) uit verteenwoordigers van die publiek en georganiseerde plaaslike regering, in plaas daarvan om ook twee van die direkteure uit die lede van Wesgro te benoem.
- 1.7 Die voorgestelde Konsepwetsontwerp maak voorts voorsiening vir die aanstelling van die voorsitter en ondervoorsitter van die Raad deur die Minister verantwoordelik vir Ekonomiese Ontwikkeling en Toerisme, wat die wetgewing in ooreenstemming bring met ander wetgewing, soos die Wet op die Wes-Kaapse Drankowerheid, 2008 (Wet 4 van 2008), wat tans deur die

Departement gadministreer word. Daar word ook beoog om die termyn waarvoor direkteure van die Raad aangestel kan word, te wysig van 'n termyn van hoogstens twee jaar tot 'n termyn van hoogstens drie jaar.

2. DOEL VAN DIE WETSONTWERP

- 2.1 Die doel van die Konsepwetsontwerp is om die Wes-Kaapse Wet op Toerisme, 2004 (Wet 1 van 2004), te herroep en om voorsiening te maak vir die wysiging van die Wet op die Wes-Kaapse Investerings- en Handelsbevorderingsagentskap, 1996 (Wet 3 van 1996) (die "Hoofwet"), om Wesgro in staat te stel om toerisme in die Provinsie te bevorder.
- 2.2 Die Wetsontwerp maak ook voorsiening vir die wysiging van die samestelling van die raad van Wesgro en die verwydering van bepalings rakende lidmaatskap van Wesgro.

3. INHOUD VAN DIE WETSONTWERP

Klousule 1

Dit is die woordomskrywingsklousule.

Klousule 2

Hierdie klousule wysig die aanhef tot die Hoofwet om 'n verwysing na toerisme in te sluit.

Klousule 3

Hierdie klousule skrap die omskrywing van "lid" en "vestig".

Klousule 4

Hierdie klousule skrap die verwysing na "lid" en maak voorsiening vir die bepaling van 'n handelsnaam vir Wesgro.

Klousule 5

Hierdie klousule maak voorsiening vir die wysiging van die samestelling van die Raad deur die weglatting van die vereiste om direkteure uit lede van Wesgro te benoem en deur voorsiening te maak vir die benoeming van verteenwoordigers deur georganiseerde plaaslike regering. Hierdie klousule wysig ook die kwalifikasievereistes van direkteure van die Raad om kennis en ondervinding in toerisme, handel of investering in te sluit en dat alle direkteure leiersposisies moet beklee en bewese leierskapvermoëns moet hê.

Die Minister word ook bemagtig, na oorleg met die uitvoerende Burgemeester, om 'n voorsitter en 'n ondervoorsitter vir die Raad uit die geledere van die direkteure aan te wys.

Klousule 6

Hierdie klousule wysig die termyn waarvoor direkteure van die Raad aangestel kan word, van 'n termyn van hoogstens twee jaar tot 'n termyn van hoogstens drie jaar. Bepalings rakende die aanstelling van direkteure uit lede van Wesgro word geskrap.

Klousule 7

Hierdie klousule wysig die oogmerke van Wesgro om die bevordering van toerisme in te sluit.

Klousule 8

Hierdie klousule wysig die bevoegdhede van Wesgro om in te sluit bevoegdhede—

- betreffende toerismebemarking;
- om as 'n toerismebevorderingsagent op te tree;
- om gekoördineerde bestemmingbemarkingsaktiwiteite te faciliteer;
- om skenkings vir toerismebevordering te aanvaar;
- om die Provincie as 'n toerismebestemming te bevorder en om ontspannings-toerisme, saketoerisme en gebeurtenisse te bevorder; en
- om die koördinering van toerismebemarkingsaktiwiteite te bevorder.

Klousule 9

Hierdie klousule herroep die bepalings betreffende lede van Wesgro.

Klousule 10

Hierdie klousule skrap verouderde verwysings na lede van Wesgro en verwyder die bevoegdheid van die Raad om 'n voorsitter aan te wys.

Klousule 11

Hierdie klousule bepaal dat die Raad enige komitee kan instel wat hy nodig ag vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede: met dien verstande dat die lede van daardie komitees die nodige kundigheid moet hê. Die klousule skrap voorts verouderde verwysings na lede van Wesgro.

Klousules 12 en 13

Hierdie klousules wysig die vereiste kwalifikasies en funksies van die hoof uitvoerend beampete om ook toerisme in te sluit.

Klousule 14

Hierdie klousule skrap 'n uitgediende verwysing na lidmaatskapgelde.

Klousule 15

Hierdie klousule vervang die naam "Wesgro" deur 'n nuwe naam, naamlik die Wes-Kaapse Toerisme-, Handels- en Investeringbevorderingsagentskap, in die teks van die Hoofwet en wysig die kort titel van die Hoofwet om ook die nuwe beskrywing te weerspieël.

Klousule 16

Hierdie klousule skaf die Bestemmingbemarkingsorganisasie af wat ingevolge die Wes-Kaapse Wet op Toerisme, 2004, ingestel is.

Klousule 17

Hierdie klousule herroep die Wes-Kaapse Wet op Toerisme, 2004.

Klousule 18

Hierdie klousule bepaal dat Wesgro die opvolger in titel van die Bestemmingbemarkingsorganisasie is en verantwoordelik is vir alle personeel, bates en laste en uitstaande verslagdoening en finansiële aangeleenthede van die

Bestemmingbemarkingsorganisasie. Die Minister kan voorskrifte ten opsigte van hierdie aangeleenthede uitreik.

Klousule 19

Hierdie klousule bevestig dat Wesgro voortbestaan ten spyte van die verandering van sy naam en dat direkteure en komiteelede in hulle amp aanbly.

Klousule 20

Hierdie klousule bevat die Konsepwetsontwerp se kort titel.

4. FINANSIËLE IMPLIKASIES

Daar is in die huidige begroting begroot vir bewilligings ten opsigte van toerismefunksies.

5. OORLEGPLEGING

Die volgende departemente is geraadpleeg:

Departement van die Premier: Regsdienste

Departement van die Premier: Arbeidsverhoudinge

Provinsiale Tesourie

Wesgro se Raad

CTRU se Raad

Munisipaliteite

Rolspelers in die toerismebedryf verteenwoordig in die Toerisme-, Kuns- en Vermaakvennootskap

6. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir Finansies, Ekonomiese Ontwikkeling en Toerisme is tevrede dat al die bepalings van die Konsepwetsontwerp binne die wetgewende bevoegdheid van die Provinsie val.

