

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

FREE STATE PROVINCE

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KANTOOR VAN DIE PREMIER

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Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-

No. 7 van 1997: Wet op die Vrystaatse Toerismemarkingsraad, 1997.

No. 7 of 1997: Free State Tourism Marketing Board Act, 1997.

ACT

To provide for the establishment of the Free State Tourism Marketing Board and matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows :-

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(English text signed by the Premier)
(Assented to 10 December 1997)

Definitions

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1. In this Act, unless the context otherwise indicates -

“**Board**” means the Free State Tourism Marketing Board established by section 2;

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“**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);

“**Chief Executive Officer**” means the Chief Executive Officer of the Board appointed in terms of this Act;

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“**Department**” means the department responsible for tourism;

“**District Council**” means the Tourism District Council as may be designated by the responsible Member;

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“**Executive Council**” means the Executive Council of the Province;

“**financial year**” means the period from 1 April in any year to 31 March in the succeeding year;

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“**member**” means a member of the Board;

“**Member for Finance**” means the Member of the Executive Council of the Province responsible for Finance;

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“**Province**” means the Free State Province;

“**responsible Member**” means the Member of the Executive Council of the Province responsible for Tourism.

Establishment of the Free State Tourism Marketing Board

2. A juristic person to be known as the Free State Tourism Marketing Board is hereby established.

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Objects of the Board

3. The objects of the Board shall be to promote and market tourism in the Province.

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Functions and powers of the Board

4. The Board may, subject to this Act or any other law -

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(a) investigate and make recommendations to the Executive Council on any matter relating directly or indirectly to the promotion, development or marketing of tourism in the Province;

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(b) negotiate and enter into agreements within the Republic or elsewhere for the promotion of tourism in the Province;

(c) market the tourism industry in the Province, within the Republic or elsewhere;

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(d) encourage and promote the development and improvement of travel services and facilities within the Province;

(e) encourage the inhabitants of the Province to tour the Province;

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(f) undertake advertising, media campaigns and promotional activities;

(g) draw up, make, display, exhibit, sell or make available free of charge, books, programmes, guides, photographs, brochures, maps or any other printed material, films, videotapes, souvenirs, apparel or any other goods or services;

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(h) employ or engage staff or consultants;

(i) provide consultancy, advisory and project-management services;

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(j) take out policies of insurance;

(k) open offices in the Province or elsewhere;

(l) appoint agents and attorneys, and act as agent;

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(m) open an account with a banking institution;

(3) At least 50 percent of the members, excluding the chairperson or deputy chairperson or in their absence, a person appointed under subsection (2)(b), shall constitute a quorum for any meeting of the Board.

5 (4) The decision of the majority of the members present at a meeting of the Board, shall be a decision of the Board, and in the event of an equality of votes relating to any matter, the chairperson of the Board or the person acting as such, as the case may be, shall have a casting vote in addition to his or her deliberative vote.

10 (5) The Board may allow any member of its committee to attend a meeting of the Board and may allow such committee member to take part in the proceedings without having the right to vote.

15 (6) The chairperson of the Board may call an extraordinary meeting *mero motu* or on request of two members, should circumstances necessitate that.

20 (7) No decision taken by the Board or act performed under authority of the board shall be invalid by reason only of a vacancy on the board or by reason of the fact that a person, who is not entitled to sit as a member, was present at the time when the decision was taken or the act was authorised by the required majority of the members who were present at the time and entitled to sit as members.

25 **Disclosure of interest of member in certain contract**

12. (1) The provisions of section 234, 235, 237(1), (4) and (5) of the Companies Act, 1973 (Act No 61 of 1973), shall *mutatis mutandis* apply in respect of a member, and in such application, unless the context indicates otherwise, any reference therein to a company, a director or an officer of a company shall be construed as a reference to the Board, member or an officer of the Board, as the case may be.

35 (2) Any declaration of interest made in terms of subsection (1), shall be recorded in the minutes of the meeting of the board at which the declaration was made.

Accountability, audit and annual report

40 13. (1) (a) The Board shall present, for the approval of the responsible Member, a budget for each year.

(b) The proposed budget shall be presented to the responsible Member on or before such date as may be determined by the responsible Member.

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(2) The chief executive officer shall be the accounting officer of the Board and as such -

(a) be charged with the responsibility of accounting for State and any other money received or paid out for or on account of the Board; and

(b) cause the necessary accounting and other financial records to be kept in accordance with generally accepted accounting practice.

(3) The records referred to in subsection (2)(b) shall be audited annually by the Auditor General.

(4) The Board shall, not later than three months after the end of the financial year, submit to the responsible Member and the Head of Department, financial statements of the Board.

(5) The Board shall, within 3 months after the end of the financial year, submit a report on the activities and functions of the Board including the statements referred to in subsection (2) and (4) to the responsible Member and to the Head of Department, and the responsible Member shall cause such report and statements to be tabled in the Provincial Legislature within 30 days of receipt thereof, if the Provincial Legislature is then in ordinary session, or, if the Provincial Legislature is not in session, within 30 days after commencement of its next ensuing session.

Appropriation of income and property of Board

14. Save as expressly otherwise provided in this Act, the Board shall apply all its income and property expressly for the promotion and attainment of its objects, and no profits shall be distributed to any person.

Powers of the responsible Member

15. (1) The responsible Member may direct the Board to advise him or her on any matter relating to the Board or the execution of this Act.

(2) The responsible Member may inspect, or cause to be inspected, any property or asset, or any record of the Board and the Board shall give full co-operation in the execution of such inspection.

(3) The responsible Member may establish incentive schemes for any sector of the tourism industry, on recommendation of the Board and in consultation with representatives of that sector, for the maintenance and enhancement of the standard of services or facilities rendered or made available to tourists.

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- (4) The responsible Member may prescribe rules and criteria to be applied in the scheme.
- (5) The responsible Member may, should he or she deem it appropriate, after consultation with the Board, withdraw, amend or repeal the provisions of a scheme.
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- (6) The responsible Member shall consult any Minister or Member of the Executive Council of the Province before establishing a scheme, if in his or her opinion the scheme may materially affect the functions and powers of such Minister or Member of the Executive Council.

Regulations

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16. The responsible Member may make regulations regarding any matter which the responsible Member may consider necessary or expedient to prescribe under this Act.

Employees of the Board

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17. (1) The Board may, in consultation with the responsible Member and the Member for Finance, determine and pay to its employees remuneration, allowances, bonuses, subsidies, pensions and any other service benefits.
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- (2) The Board may, on terms and conditions determined by the responsible Member in consultation with the Member for Finance, pay gratuities to the Board's employees, former employees or their dependants.

Short title

18. This Act shall be called the Free State Tourism Marketing Board Act, 1997.