****

**NA**T**IONAL ASSEMBLY**

**PO Box 15 Cape Town**

**Tel: 27 (21) 403 8270**

**Cell: 083 709 8532**

**Fax: 086 585 8925**

**Portfolio Committee on Tourism**

**National Assembly**

**Chairperson – Hon. SOR Mahumapelo, MP**

**THE CONCEPT AND TERMS OF REFERENCE OF THE PARLIAMENT-LEGISLATURES TOURISM OVERSIGHT FORUM**

1. **INTRODUCTION**

The Legislative Sector, comprising Parliament and Provincial Legislatures, is bequeathed with a constitutional responsibility to conduct oversight over the Executive. Tourism is a concurrent function, with all spheres of government responsible for tourism within their areas of jurisdiction. The oversight function of the Legislative Sector mirrors the spheres of government, with Parliament conducting oversight over the national government and Provincial legislatures conducting oversight over the provincial departments respectively. Added to this, is the local tourism function that is within the purview of local government oversight.

The Sixth Parliament, having considered the Legacy Report and outstanding issues from the 5th Parliament, has realised that the modus operandi of tourism oversight, in the past, has limited the growth of the tourism sector in the country and compromised South Africa as a preferred tourism destination. It has therefore been identified as a critical success factor that the Legislative Sector, both national and provinces, should collaborate and cooperate on some identified issues to strengthen oversight. Given that the tourism sector has a myriad of issues that need urgent attention, the Portfolio Committee on Tourism adopted an Un-cooptable, None antagonistic, Co-operative and Reciprocative Oversight approach. The intended outcomes of this approach are RRR, namely, Rebranding Repositioning and Renewal of the tourism sector in the South African Economy. The strategic focus on tourism oversight is on South Africa in general and the Villages, Townships Small Towns & Dorpies (VTSD) in particular, because among other things, poverty is more pronounced therein

The Portfolio Committee on Tourism, therefore, intends to involve provincial legislatures as an integral part of its oversight work. This is meant to harness the energies of all tourism stakeholders to ensure that South Africa takes its rightful place in the global community and that all barriers to tourism growth are eradicated. The best way that will make collaboration feasible is to establish a Legislature Tourism Oversight Forum (LETOFO) that will include the Chairperson of the Portfolio Committee of Tourism in Parliament and all the Chairpersons of provincial portfolio committees that deal with tourism. The rules of engagement are outlined aptly in this document to indicate and provide assurance on how all interested and affected parties will be involved.

This article serves as the founding document with respect to the concept of the proposed Legislature Tourism Oversight Forum (LETOFO) and the Terms of Reference for engagement.

1. **ESTABLISHMENT**

The Legislature Tourism Oversight Forum is hereby proposed for establishment. The LETOFO shall be formally launched immediately after all the interested and affected parties have been consulted. The date of the launch should be early, within the first year of the 6th Parliament, and be adhered to by all, as soon as all processes have been adhered to.

1. **PURPOSE**

The overarching purpose of the Legislature Tourism Oversight Forum is to align and strengthen oversight over tourism development and marketing by the parliamentary Portfolio Committee on Tourism in partnership with the Provincial Portfolio Committees responsible for tourism at the nine Provincial Legislatures.

1. **OBJECTIVES**

The specific objectives of the LETOFO are multi-pronged and are intended to:

1. Establish institutional arrangements that will strengthen oversight on tourism.
2. Identify important areas of corporation among the Executive/Departments and work with the Tourism Departments for improved and formalised institutionalised approach in this regard.
3. Facilitate the adoption of a mechanism to deal with common tourism challenges across the spheres of government.
4. Promote and facilitate collaboration and co-operative oversight on tourism across the Legislative Sector to ensure effective service delivery.
5. Integrate Provincial Legislatures as an integral part of the oversight work of the Parliamentary Portfolio Committee on Tourism.
6. Promote constant and consistent communication on tourism oversight within the Legislative Sector.
7. Share best practices and benchmark tourism oversight work within the Legislative Sector.
8. **RATIONALE**

The rationale for establishing the Legislature Tourism Oversight Forum is a direct response to the constitutional obligations of oversight bestowed on Committees of Parliament. The following aspects encompass the rationale for the proposed Legislature Tourism Oversight Forum:

**5.1 Strengthening institutional arrangements**

The Executive has a MinMec Structure where the Minister of Tourism engages the provincial MECs responsible for tourism and their respective Heads of Departments on common tourism issues. The Director-General also chairs a national forum called Miptech where he engages all the Heads of Departments to coordinate their technical issues in the tourism service delivery environment. With regard to Marketing, the Chief Executive Officer of South African Tourism chairs a national forum called the Marketing Working Group where he meets with all the provincial Chief Executive Officers for the provincial Destination Marketing Organisations. All the aforementioned structures meet consistently on a quarterly basis. However, the work of the Legislative Sector is fragmented as there is no structure that coordinates the tourism oversight work between Parliament and Provincial Legislatures.

The National Development Plan recognises tourism as one of the main drivers of employment and economic growth, which can contribute towards creating an additional 11 million jobs by 2030. The NDP envisions tourism to be a major source of revenue and employment for the country through the investment in infrastructure, product and service development. It envisions rising employment, productivity and incomes as a way to ensure a long-term solution to achieve a reduction in inequality, an improvement in living standards ensuring a dignified existence for all South Africans.

In addition to the National Development Plan, the President of the Republic has announced a bold and ambitious target of achieving 21 million arrivals by 2030. It is thus incumbent upon the Legislative Sector to ensure that government is held accountable to meet the 2030 targets with regard to tourism. This can only be achieved through conducting robust collaborative oversight. This collaborative oversight will be a culmination of carefully conceptualised institutional arrangements by the Legislative sector.

**5.2 Challenges created by the concurrency of the tourism function**

The Constitution of the RSA (Act 108 of 1996) clearly indicates that the national, provincial and local spheres of government are distinctive, interdependent and interrelated. Section 41 (1) of the Constitution alludes to co-operation, mutual trust and good faith between these three spheres. Tourism is listed in Part A of Schedule 4 of the Constitution of the Republic of South Africa (Act 108 of 1996) as a functional area of concurrent national and provincial legislative competence, whilst Part B of Schedule 4 lists local tourism as a local government competency. This classifies tourism as a concurrent function, and the Constitution enjoins the three spheres of government to perform specific functions to ensure tourism growth and development.

The Portfolio Committee on Tourism is cognisant and respects the constitutional autonomy of provinces and municipalities. The proposed Forum is not meant to duplicate or infringe on the constitutional mandate of provinces and municipalities. As an extension of Parliament, the Portfolio Committee on Tourism has realised that tourism is a seamless social and economic activity that knows no boundaries. Tourists are interested in experiences, not geopolitical boundaries. Memorable tourist experiences depend on a number of issues that need to be provided by various spheres of government. These include, but are not limited to, planning, marketing, tourism infrastructure, maintenance of tourist attractions, safety and security for tourists, and quality assurance. All these depend on funding and oversight on how effective, efficient, and economical the appropriated funds are utilised by national and provincial governments, and municipalities.

The Legislature Tourism Oversight Forum will assist Parliament and Legislatures to attend to issues of common interest and foster collaboration within the Legislative Sector on tourism oversight.

**5.3 Parliamentary Committee oversight mandate**

Parliament derives its mandate from the Constitution of South Africa (Act 108 of 1996). The strategic goals of Parliament with specific reference to the National Assembly are informed by Section 40, 55, 59, and 231 of the Constitution. The National Assembly therefore fulfills its mandate by performing five predetermined objectives, namely, (i) to pass laws (legislation), (ii) to oversee and scrutinise the executive action (oversight, accountability), (iii) to facilitate public participation and involvement, (iv) to participate in, promote and oversee co-operative Government, and (v) to engage in, participate in and oversee international relations.

The Portfolio Committee on Tourism is established by the rules of the National Assembly as enshrined in Section 57 (2) (a) of the Constitution of the Republic of South Africa, (Act 108 of 1996), which stipulates that the rules and orders of the National Assembly must provide for the establishment, composition, powers, functions, procedures, and duration of its committees. The Committee is therefore an extension of the National Assembly and derives its mandate from Parliament. The functions of the Portfolio Committee as enshrined in Rule 227 of the 9th edition of the Rules of the National Assembly clearly state that,

* 1. A Portfolio Committee-

1. Must deal with bills and other matters falling within the Tourism Portfolio as are referred to it in terms of the Constitution, legislation, these Rules, the Joint Rules by resolution of the Assembly;
2. Must maintain oversight of:
   * 1. The exercise within its portfolio of national executive authority, including the implementation of legislation;
     2. Any constitutional institution falling with its portfolio;
     3. Any executive organ of State falling within its portfolio; and
     4. Any other body or institution in respect of which oversight was assigned to it;
3. May monitor, investigate, enquire into and make recommendations concerning any such executive organ of state, constitutional institutions or other body or institution, including the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, staff and policies of such organ of state, institution or other body or institutions;
4. May consult and liaise with any executive organ of State or constitutional institution; and
5. Must perform any other functions, tasks or duties assigned to it in terms of the Constitution, legislation, these Rules, the Joint Rules or resolutions of the Assembly, including functions, tasks and duties concerning parliamentary oversight or supervision of such executive organs of state, constitutional institutions or other bodies or institutions.
   1. Bills and amendments to bills referred to a portfolio committee must be considered by it in accordance with Chapter 13 of these Rules and Chapter 3 of the Joint Rules.

The 6th Parliament Portfolio Committee on Tourism has realised that this mandate of the Committee can only be effectively discharged if the Provincial Portfolio Committees are an integral part to its oversight work.

1. **ROLES AND RESPONSIBILITIES**

The programmes of LETOFO shall be funded by Parliament, respective Legislatures and municipalities. The roles and responsibilities of the Legislature Tourism Oversight Forum will be to:

* 1. Provide a platform for the Legislative Sector to discuss national, provincial and local tourism oversight issues, including tourism planning, tourism development, marketing, the impact of legislation, policies, bylaws and other issues of mutual interest.
  2. Serve as a consultative structure to immediately deal with emerging tourism trends that have a potential to disrupt and hamper the growth of the tourism sector.
  3. Serve as an advisory body and a peer-review mechanism for the Legislative Sector on tourism oversight.
  4. From time to time, embark on national campaigns to drive a positive progressive tourism agenda.
  5. As part of involving the people on the ground, identify people in the Villages, Townships and Small Dorpies to assist with oversight and champion tourism enterprise development revolution among the masses. This will be done through liaising with municipalities and community-based organisations/associations in the villages and townships to ensure a formalised interaction with structured feedback mechanisms.

1. **GUIDING PRINCIPLES**

The Legislature Tourism Oversight Forum shall embrace the following guiding principles in executing its oversight activities:

1. Un-cooptable, none antagonistic, cooperative, collaborative, and reciprocative working relationship.
2. Alignment of national, provincial, and local government oversight.
3. Effective and efficient oversight and scrutiny over the executive action.
4. Implementation of concrete resolutions on common tourism challenges.
5. Transparent and honest communication.
6. **CRITICAL SUCCESS FACTORS**

The ideals of the Legislature Tourism Oversight Forum will be achieved if all stakeholders adhere to the following principles that will ensure success of this initiative:

1. Transparent and effective communication amongst all stakeholders.
2. Identification of common oversight issues and agreement on the common cause of action.
3. Availability of relevant oversight information needed to address identified oversight issues by Parliament and Legislatures.
4. Active, effective and efficient participation of all stakeholders.
5. Elimination of red-tape on oversight issues.
6. **DURATION AND DISSOLUTION**

* The LETOFO shall commence in the 6th Parliament and continue being part of the oversight mechanisms on tourism for the Legislative Sector for the subsequent tourism Portfolio Committees.
* The Legacy Report for the 6th Parliament shall contain a recommendation to the 7th Parliament to continue with LETOFO for better coordination of tourism oversight in the country.

1. **TERMS OF REFERENCE OF THE LEGISLATURE TOURISM OVERSIGHT FORUM**

The following Terms of Reference serve to guide the activities and management of the Legislature Tourism Oversight Forum:

* 1. **Composition of the Legislature Tourism Oversight Forum**

The structure responsible for the co-ordination of the sector forum shall be the Chairpersons Network. The LETOFO will comprise the following role players who are critical to the oversight work of Parliament and Legislatures:

* + 1. Chairperson of the Portfolio Committee on Tourism.
    2. Chairpersons of the Portfolio Committees responsible for Tourism in provinces or any other formally mandated person.
    3. Chairpersons for Portfolio Committees responsible for tourism at Metros, District, and Local Municipalities in the provinces visited.
  1. The Chairperson of the National House of Traditional Leadership

1. The Chairperson of the South African Local Government Association.
2. Parliamentary and Legislatures support staff for committees responsible for tourism.

The following members will be invited from time-to-time as and when necessary:

1. The Chairperson of South African Tourism.
2. The Chairperson of the Tourism Business Council of South Africa.
3. Chairpersons of provincial Destination Management Organisations
4. The Minister of Tourism
5. Ministers of identified sector departments
6. MECs responsible for tourism in provinces
7. The Director-General for the Department of Tourism.
8. The Head of Departments for provincial departments responsible for tourism.
9. Relevant tourism officials in the provinces visited.
10. Institutions of Higher Learning.
    1. **Chairpersonship of the Legislature Tourism Oversight Forum**

The chairpersonship of the LETOFO shall be as follows:

* The Chairperson of the Portfolio Committee on Tourism shall be the permanent chairperson of the LETOFO.
* The Chairperson of the hosting province shall become the co-chairperson of the meeting with the permanent chairperson.
* In case the Chairperson of the parliamentary Portfolio Committee on Tourism is not available, the Whip or another nominated Member will co-chair the meeting.
* In case the Chairperson of the provincial Portfolio Committee is not available, the Whip or another Member nominated from the provincial Legislature will co-chair the meeting
  1. **Secretariat Services**

The support staff of Parliament will be responsible for coordinating the secretariat services of the LETOFO. Administratively, the support staff of Parliament and the Provincial Legislatures shall serve as a technical team and work collaboratively to plan their work together for effective administration. The Secretariat will be responsible for the smooth running of the LETOFO. The following actions will ensure the effective functioning of the LETOFO:

1. General administration

The Secretariat will ensure that:

* The Annual Calendar of meetings of the LETOFO is developed and distributed to all stakeholders at least 7 days after being formally adopted by the LETOFO.
* All the necessary administrative arrangements are done in partnership and collaboration with the hosting province.
* Invitations are sent to stakeholders at least a month before the date of the meeting.
* There is constant liaison with secretaries of Legislature Portfolio Committees on the work of the LETOFO.

1. Agenda

The Secretariat shall ensure that:

* The draft agendas are circulated at least 21 days prior to the date of the meeting.
* All stakeholders shall forward their inputs to the draft agenda at least 14 days prior to the date of the meeting.
* The final agenda shall be circulated at least 7 days prior to the date of the meeting.
* The final agenda contains the matters for report back by affected stakeholders.

1. Convening and frequency of meetings

The LETOFO shall meet quarterly on rotation basis. The Secretariat shall ensure that:

* The LETOFO develops and agrees on the Annual Calendar of meetings.
* The meetings rotate amongst all provinces. The LETOFO shall agree on the sequence of quarterly meetings.
* In other circumstances, the Members of the parliamentary Portfolio Committee on Tourism will be deployed to the provinces where they will work with the provincial chairpersons and provincial Secretariat to conduct oversight.
* Twice a year, a national lekgotla of the entire forum, as part of the Legislative Sector, shall be convened to take resolutions and assess progress.

1. Minutes of meetings

* All proceedings and resolutions of the meetings of the LETOFO shall be recorded as action minutes with actions, timeframes, and responsible stakeholders.
* The minutes of the LETOFO shall be distributed at least 7 working days after the meeting.
* An action list reflecting actions, timeframes, and responsible stakeholders shall be distributed with the minutes.

1. Identification of strategic oversight issues

The LETOFO shall:

* Identify the strategic oversight issues
* Ensure that the identified strategic oversight issues become standard items in the agenda

1. Reporting

The reporting by stakeholders shall be conducted as follows:

* The LETOFO resolutions shall be formally tabled in Parliament, Legislatures and Councils.
* The parliamentary Portfolio Committee on Tourism, Legislatures and Councils shall report frequently at every meeting.
* Reporting shall be done in a common template designed and agreed to by the LETOFO.

1. **CONFLICT RESOLUTION**

Chapter 3, section 41(1) (a) of the Constitution states that all spheres of government and all organs of state within each sphere must preserve peace, national unity and the indivisibility of the Republic. In addition, Chapter 3, section 41(2) discourages the parties to resort to judicial interventions, but provides for appropriate mechanisms and procedures to facilitate settlement of intergovernmental disputes. Should any dispute arise, the LETOFO will use the Intergovernmental Dispute Prevention and Settlement: Guidelines for Effective Conflict Management as provided for in the Intergovernmental Relations Framework Act (Act 3 of 2005).

**12. UNDERTAKING**

All signatories undertake to support the establishment and operations of the Legislature Tourism Oversight Forum as outlined in this Terms of Reference.

**SIGNATURES**

**(1) Hon S.O.R Mahumapelo (MP) Date……………….**.

Chairperson: Portfolio Committee on Tourism

Parliament of the Republic of South Africa

**(2) Hon. P Ndamase, MPL Date………………..**

Chairperson: Portfolio Committee on Economic Development, Environment and Tourism

Eastern Cape Provincial Legislature

**(3) Hon. J. Radebe, MPL Date………………….**

Chairperson: Portfolio Committee on Agriculture and Rural Economic Development, Small Business, Tourism, Sport, Arts and Culture

Free State Provincial Legislature

**(4) Hon. L.J Lasindwa, MPL Date…………………….**

Chairperson: Portfolio Committee on Economic Development, Environment, Agriculture and Rural Development

Gauteng Provincial Legislature

**(5) Hon. M. Latchminarain, MPL Date…………………….**

Chairperson: Portfolio Committee on Finance, Economic Development and Tourism

Mpumalanga Provincial Legislature

**(6) Hon. S.J Nxumalo, MPL Date……………………..**

Chairperson: Portfolio Committee on Economic Development and Tourism

KwaZulu-Natal Legislature

**(7) Hon. Neo Maneng, MPL Date…………………..**

Chairperson: Portfolio Committee on Finance, Economic Development and Tourism

Northern Cape Provincial Legislature

**(8) Hon. B. Lenkopane, MPL Date…………………**

Chairperson: Portfolio Committee on Economic Development, Environment and Tourism

North West Provincial Legislature

**(9) Hon. S.D Selamolela, MPL Date…………………..**

Chairperson: Portfolio Committee on Economic Development, Environmental Affairs and Tourism

Limpopo Provincial Legislature

**(10) Hon. D. Baartman, MPL Date………………..**

Chairperson: Portfolio Committee on Finance, Economic Opportunities and Tourism

Western Cape Legislature

**(11) Mr. Xolile George** **Date………………….**

Chief Executive Officer

South African Local Government Association (Salga)