

Section 7: Legal Scan of Applicable South African Legislation – Guide Registration and Training

7.1 Introduction

This section includes legislation applicable to off-road guide registration and training. There is one key piece of legislation in this regard, viz:

- Tourism Act No. 72 of 1993.

Compared with the other off-road sub-sectors, tourist guides are the most regulated of all, although this is often not followed or adhered to.

7.2 Overview of Tourist Guiding

Tourist guiding is a specialised field that requires in depth study and assessment of a particular area. There are three main categories of guides, viz:

- Those who work at a particular site;
- Those who work in a region; and
- Those who work nationally.

Within these main categories there are further areas of specialisation for tourist guides, viz:

- Nature guiding;
- Culture guiding; and
- Adventure guiding.

4x4 Guiding falls into adventure guiding (see **Table 7.1**).

Table 7.1: Categories of Tourist Guiding

Category	Description
Nature Guiding	<ul style="list-style-type: none"> • Tsitsikamma snorkel trails • Braille trail at Botanical Gardens • Caving • Beaches • Walking in forests • Bird guides • Natures reserves • Open vehicle field guides • Marine guides • Eco-access tourism for the disabled • Botanical gardens – tours to areas of flora within a city environment • On foot trail guides (wilderness game reserves) • Tented and other wilderness trails • Horse trails in game reserves • Elephants and camel back safaris • Underground interpretation of geology and significance of Cango Caves and Sterkfontein
Culture Guiding	<ul style="list-style-type: none"> • Story telling • Townships • Cultural experiences in rural areas • Guided tours in art, cultural, natural history, house, museums sites or other cultural heritage sites • Shebeen crawl – driving and drinking tour to townships • Living cultures • Natural heritage cultural sites • Information giving (take groups on walking tours of factories / educational campuses in a particular locality) • Illustrate cultural elements at a homestead • Struggle site tours (e.g. Mandela route, Hector Peterson route, Robben Island etc.) • Photographic interpretative (specialist, disabled) • History and development of feather industry (ostriches) • Restaurants – refreshment stations • Wine tours in and around wine estates / cellars • Explain wine-making techniques.
Adventure Guiding	<ul style="list-style-type: none"> • Underground / underwater / in heritage sites such as caves, etc. • Tiffendal – Skiing in South Africa • 4x4 guiding trails • Whale watching

Category	Description
	<ul style="list-style-type: none"> • Mountain climbing / hiking • Underwater trails • River rafting • Great White Sharks / Shark Guides • Scuba diving and spear fishing • Adventure guiding (abseiling, bungee jumping, kloofing) • Sea kayaks

Source: Theta

7.3 Registration of Tourist Guides

The guiding industry is governed by the Tourism Act, Act 72 of 1993, which deals with the regulation of tourist guides.

DEAT is the governing body, which sets the rules and regulations. Regulations for registration as a tourist guide state that you need to be:

- At least 21 years old;
- A South African citizen;
- In possession of a valid first aid certificate;
- In possession of a tourist guide qualification.

Good English communication skills and an additional language are an advantage.

In South Africa, tourist guides are registered with the provincial tourism department concerned. These guides may only operate in the category in which they have been trained and for which they have been registered.

The nine provincial registrars are:

- **Eastern Cape** – Eastern Cape Tourism;
- **Free State** – Department of Tourism, Environmental and Economic Affairs;
- **Gauteng** – Gauteng Tourism Authority;
- **KwaZulu-Natal** – Tourism KwaZulu Natal;
- **Limpopo** – Department of Finance and Economic Development;
- **Mpumalanga** – Department of Economic Development and Planning;
- **North West** – Department of Agriculture, Conservation, Environment and Tourism;
- **Northern Cape** – Department of Tourism, Environment and Conservation; and
- **Western Cape** – Department of Economic Development and Planning.

There are some 8 000 tourist guides registered with the provincial departments, but according to industry stakeholders, not all tourist guides are registered, and thus there are most likely more than 8 000 operating in the industry. The figure of some 8 000 tourist guides includes independent tourist guides (self employed or freelance) as well as those that are employed by an organisation. It is currently not known how many of these are 4x4 guides.

In order to register as a site guide specialising in culture, nature, or adventure guiding one needs different combinations of Unit Standards (discussed in **Section 7.4**).

In order to register as a regional or national guide, one needs, as a minimum, the NQF4 qualification (Matric / Grade 12) plus the required Unit Standards for that area of specialization.

7.4 Training of Tourist Guides

There are only two qualifications registered on the National Qualifications Framework (“NQF”), viz:

- National Certificate in Tourism: Guiding (NQF2); and
- National Certificate in Tourism: Guiding (NQF4).

The table below details the various NQF levels:

NQF LEVEL	BAND	QUALIFICATION TYPE	
8	HIGHER EDUCATION AND TRAINING	<ul style="list-style-type: none"> • Post-doctoral research degrees • Doctorates • Masters degrees 	
7		<ul style="list-style-type: none"> • Professional Qualifications • Honours degrees 	
6		<ul style="list-style-type: none"> • National first degrees • Higher diplomas 	
5		<ul style="list-style-type: none"> • National diplomas • National certificates 	
4	FURTHER EDUCATION AND TRAINING	<ul style="list-style-type: none"> • National certificates 	
3			
2			
1	GENERAL EDUCATION AND TRAINING	Grade 9	Adult Basic Education and Training Level 4
		<ul style="list-style-type: none"> • National certificates 	

The NQF consist of three bands, viz:

- **General Education** – Level 1, schooling up to grade 9 and adult basic education and training;
- **Further Education and Training** – Levels 2 to 4, Grade 10–12; and
- **Higher Education** – Levels 5–8.

After completion of Level 1 of the NQF, a learner could achieve a General Education and Training Certificate (i.e. Levels 2-4), and after completion of Level 4 of the NQF, a learner could a Further Education and Training Certificate.

Thus, in terms of the guiding qualifications, the NQF4 qualification is higher than the NQF2 qualification, viz:

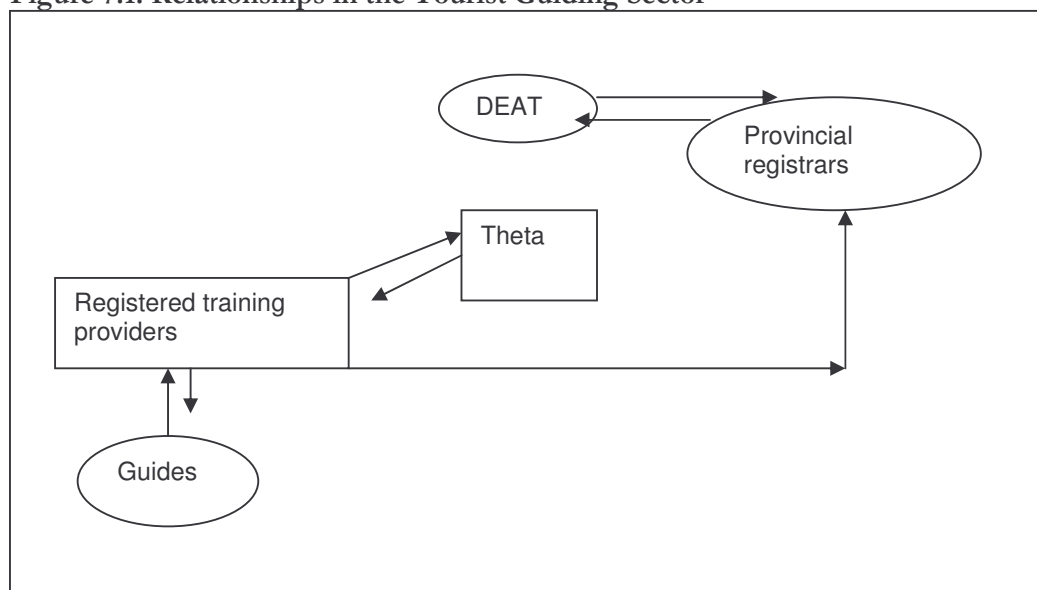
- **National Certificate in Tourism: Guiding (NQF2)** – A learner must have literacy, numeracy and communication equivalent to NQF Level 1, to enter a programme leading to this qualification; and
- **National Certificate in Tourism: Guiding (NQF4)** – A learner must have literacy, numeracy and communication equivalent to NQF Level 3, to enter a programme leading to this qualification

However, it should be noted that although there are only two qualifications, several Unit Standards, within the different areas of specialisation, have been registered on the NQF.

There is no off-road specific Unit Standard currently registered, although this is currently in progress.

Service providers that offer guide training have to be accredited by THETA. Once a service provider is registered with THETA, the service provider can register new guides with the provincial registrars.

Figure 7.1: Relationships in the Tourist Guiding Sector



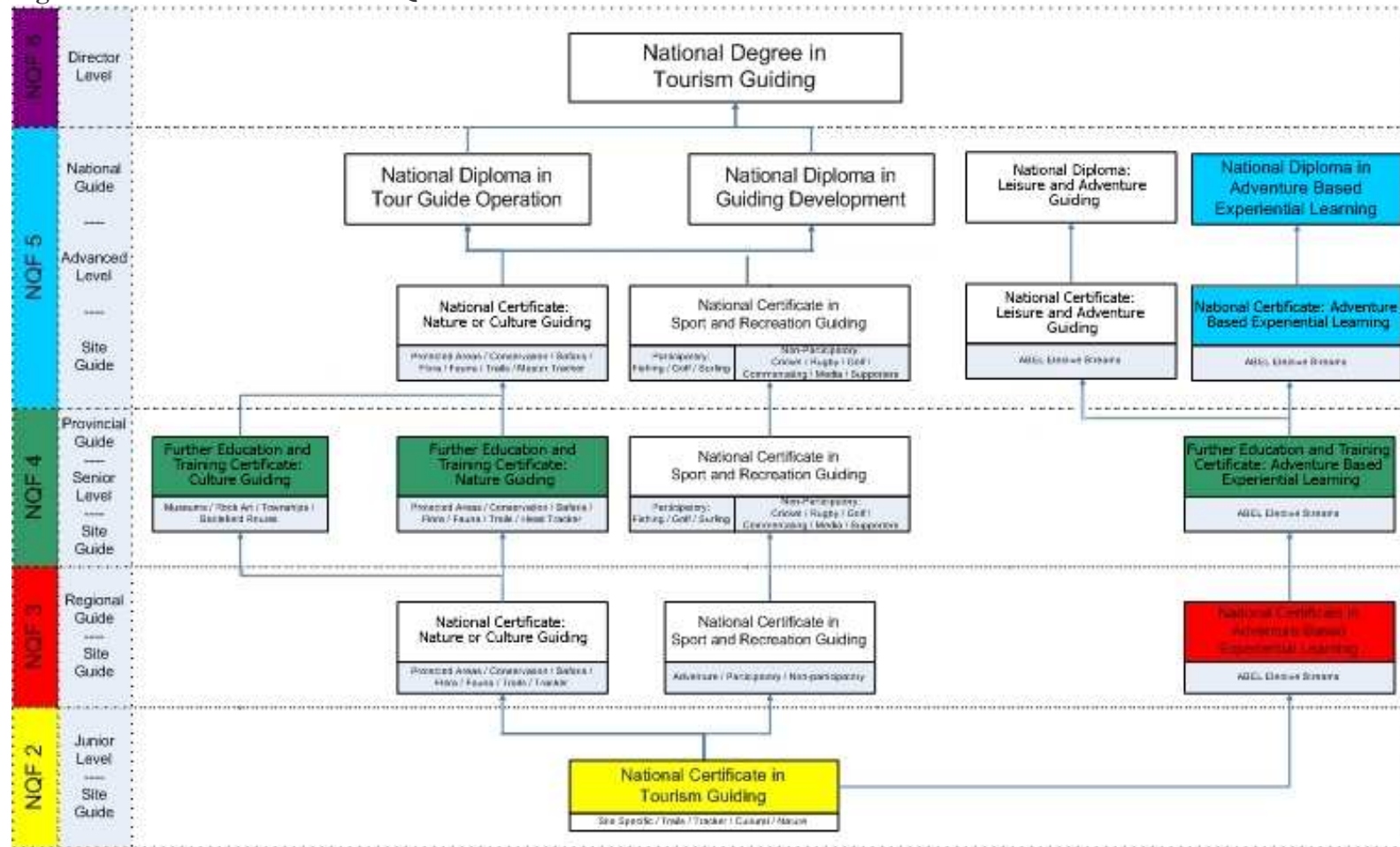
Most training providers offer nature guiding and cultural guiding training. Some of the adventure training activities require that the guide have some level of experience in the other guiding categories.

There are currently no specific 4x4 guiding unit standards and thus there are no THETA-accredited trainers and courses available.

However, service providers and trainers currently provide 4x4 guide training, albeit not THETA-accredited.

See **Figure 7.2** for an overview of tourist guide qualifications.

Figure 7.2: Current Tourist Guide Qualifications



Existing Qualifications are displayed in colour

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7.5 Gap Analysis and Conclusion

There is legislation in place that governs the compulsory registration of tourist guides in South Africa. Many unregistered tourist guides still operate however. There is perhaps only one gap in the legislation and that is that there is no specific category for off-road guides. This gap is addressed in the final strategy.

Training of guides is indirectly legislated because tourist guides need to undergo training, before they can become registered. However, although training does exist, which is linked to the NQF, there are no specific off-road tourist guides Unit Standards in place, although this is currently in progress. Training of off-road tourist guides does still happen outside of the NQF framework.