

How to be a Legal Tour Guide

and

How not to be ripped off by charlatans pretending to offer National Qualifications

The purpose of this information is to clearly explain the legislative requirements of becoming a tourist guide as well as what to look out for to prevent the many instances of guides being offered qualifications that are not valid.

The Law in simple terms:

Tour Guiding is governed by the Tourism Act no.72 of 1993. This act states that any person or body who wishes to operate as a tourist guide for reward, whether monetary or otherwise, must:

1. Register as a Tourist Guide with the relevant Provincial Registrar¹
2. Be in possession of a certificate of competency issued by the South African Qualifications Authority²
3. Sign and adhere to the code of conduct and ethics provided by the Provincial registrar.

How do I gain a certificate of competency?

The certificate can be in two formats: 1) National Certificate, or 2) Certificate of Achievement. Both are issued by the Tourism Hospitality Sport & Recreation Education Training Authority (THETA).

To gain a certificate of competence you will need to be assessed by an accredited and registered Assessor who is a subject matter expert in the field you wish to guide in. This assessment could include any or all of the following processes:

- Practical assessment
- Theoretical assessment
- The development of a portfolio of evidence

How do I know the Assessor is genuine before I hand over my money?

Assessors must be registered with THETA. You can check this by either phoning THETA on 011 803 6010 or by checking the Assessors list on the THETA website at:

<http://www.theta.org.za/assessment/index.asp?thepage=list.asp>

The Assessor must also be able to show you an Assessors registration number which should be in the following format: “613/A/*****/2005” The stars are a unique number to the Assessor. Ask them to show you their letter of scope as well – This will indicate the areas they are permitted to assess. Assessors cannot just assess anything they like, it is strictly controlled.

¹ Provincial Registrars are usually attached to the Provincial Tourism Authority – contact your local authority.

² In Tour Guiding this will be issued by THETA

The Assessors scope letter will be on a THETA letterhead and will have content something like the following: (Note this is just a sample)

ASSESSOR REGISTRATION

In terms of the ETQA regulations 11.27 (e), THETA ETQA hereby confirms your registration as an Assessor for the nationally registered unit standards listed below.

| Name of Qualification/Unit Standard | Number of Qualification/Unit Standard | NQF Level |
|--|---------------------------------------|-----------|
| National Certificate: Tourism: Guiding | 17174 | 2 |
| National Certificate: Tourism: Guiding | 20155 | 4 |
| Adventure Site Guide – Mountaineering | TGD/ASGMnt/2/0031 | 2 |
| Adventure Site Guide Mountaineering | TGD/ASGMnt/4/0038 | 4 |
| Adventure Site Guide - Marine Guiding | TGD/ASGMar/4/0041 | 4 |
| Adventure Site Guide - Marine Guiding | TGD/ASGMar/2/0042 | 2 |

Please be advised of the following conditions:

- Valid registration as a THETA Assessor is from 16 August 2005 until the expiry date of the Qualifications and Unit standards.

The Assessor must also be linked with an Accredited Provider. This is the THETA approved organisation through which the Assessor is permitted to assess.

How do I know the Provider is genuine?

Again check by phoning THETA or checking the following link on the THETA website:

http://www.theta.org.za/etqa/index.asp?thepage=accredited_providers.asp

The screenshot shows the THETA website interface. At the top, there is a navigation menu with links for Capacity Building, SMME, Providers & Programmes, and Assessors, Moderators. Below the menu is a search form with the following fields: Provider (Adventure Qualifications Network), Province (dropdown menu), Accreditation Type (dropdown menu), and Chamber (dropdown menu). There are Submit and Reset buttons. Below the search form, it says "Total results found: [1]". The search results are as follows:

| | |
|---|--|
| Provider name: | Adventure Qualifications Network (Wildways) |
| Provider status: | Provisional |
| Accreditation number: | 613/P/000005/2004 |
| Accreditation start date: | 8/17/2004 |
| Accreditation expiry date: | 8/16/2006 |
| Chamber: | Conservation |
| Province: | KZN |
| Last monitoring and auditing date: | 10/9/2003, 30 Jul 04 |
| Contact person: | Andrew Friedeman |
| E-mail address: | andrew@wildways.za.net / info@wildways.za.et |
| Telephone number: | (031) 767-2160 |

The Provider/Assessor should be able to give you an Accreditation number that looks similar to the following:

613/P/000005/2004.

Use the Providers name to look up confirmation of accreditation on the THETA website.

The next thing you will want to check is if the Provider has the correct scope for the qualification you wish to gain. Do this by asking to see a copy of the Providers Scope letter. It should look similar to the example on the next page, again on a THETA letterhead:

Confirmation of Provider Accreditation

In accordance with Regulation 16 of the SAQA Act 58 of 1995, please be advised that **'Providers Name'** has been awarded the status of Provisional Accreditation as a provider for the period 25/05/2004 to 25/05/2006.

'Providers name' has met the requirements to offer the following

| SAQA/THETA ID | Title | Qualification Type | Level | Credits | Accreditation Type |
|-------------------|-------------------------------------|--------------------|-------|---------|--------------------|
| TGD/ASGMnt/2/0031 | Adventure Site Guide Mountaineering | Skills programme | 2 | 40 | Assessment |

Why is this scope so important?

The scope tells us what the Provider and Assessor may assess. You as the guide must hold an 'Elective' (*your speciality*) that is consistent with the type of guiding you do. For example a guide who has "Culture" as their elective, may not offer "Hiking" trips and visa versa. It is very important that you as the guide hold the appropriate elective for what it is you do. Do not let an assessor tell you it is okay to hold any elective. It's not. Your elective must match what you do. This is just a ploy to try to get your business, don't fall for it as it will cost you more in the future.

I cannot find a qualification for what I do?

Due to the slow process required to get standards registered, and the fact that many new activities are being developed, there are quite a lot of guides for which no elective standards exist yet. However this does not mean you are exempt from the law. All qualifications needed to register as a guide with DEAT have at least one common standard. This is the one titled "8478 Create a guided experience for customers". So even if you do not have an elective available to you yet, you must at least hold this one standard. Provincial Registrars, or, at least the one in KZN does, recognise this problem and will not prosecute you if you have at least done what is available to you. This generic standard is at level 2 and there is a set of generic standards (3) at level 4 for those that prefer.

At present there are the following elective standards available:

SAQA Code

| | |
|-------|---|
| 9284 | Conduct a guided mountain walking experience in a limited geographical area |
| 9283 | Provide a guided single pitch abseiling experience of less than 60 meters |
| 9282 | Provide a guided single pitch abseiling experience of more than 60 meters and less 150 meters |
| 9285 | Provide a guided single pitch rock climbing experience |
| 9286 | Plan and provide a guided rock climbing experience |
| 9287 | Plan and provide a guided canyoneering experience |
| 9288 | Plan and conduct a guided mountain walking experience |
| 9289 | Plan and conduct a guided mountaineering experience |
| 10189 | Conduct a guided fly fishing experience |
| 10191 | Conduct an advanced fly fishing experience |
| 11313 | Conduct a guided birding experience in a limited geographical area |
| 12122 | Provide land based support for a paddling experience |
| 12123 | Conduct a placid water guided paddling experience |
| 12124 | Conduct a guided paddling experience |
| 12126 | Conduct a guided marine environmental experience |

How can I confirm I am registered for a learning programme?

Before you start your actual assessment after you have registered with your assessor, you should have been given a Learner registration number, if not query this with your assessor. The number should be in the format: 613/L/*****/2005. Without this number you have not been registered so I would not hand over any money to your assessor till you have been.

How can I tell if my qualification or the qualification of someone I wish to employ is valid?

Again simply go to the THETA website at:

<http://www.theta.org.za/etqa/index.asp?thepage=cert/index.asp>

ETQA > Certificates > Learners

Certificate Details:

Selective search:

Learner Surname:

Learner ID number:

Certificate Number:

Total results found: [1]

LEARNER DETAILS:

| | |
|------------------|---------------|
| Learner ID: | 6304015125001 |
| Learner Name: | Andrew |
| Learner Surname: | Friedemann |
| Learner Status: | Enrolled |

CERTIFICATE DETAILS:

| | |
|----------------------------|---|
| Provider Name: | ADVENTURE QUALIFICATIONS NETWORK |
| Provider SDL No: | L000000280 |
| Certificate: | 613/C/012148 |
| Qualification Code: | |
| Qualification Description: | |
| Programme Code: | TGS10 |
| Programme Description: | Adventure Site Guide (Mountaineering) |
| Achievement: | Programme/Qualification (Non-Agreement) |

Type in the surname of the person you wish to check and you will see what qualifications that person has and their certificate number.

Be aware though that there is still some backlog in the issuing of certificates so some peoples certificates will not show yet.

Okay so I have my certificate of competence, what now?

Well done. Now you need to register with your Provincial Registrar. To do this you must have the following:

- 1) Fill in an application to be registered as a Tourist Guide. *Forms are available from your registrar or downloadable from www.aqn.za.org*
- 2) Submit valid proof of THETA assessment (certificate). *If you have not received your THETA certificate/letter of competence please provide the Registrar with a certificate from your training provider e.g. Alex Educational, Details, NGT, AQN etc. The Registrar will process these documents in the interim and issue ID cards which will be valid until THETA certificates are issued.*
- 3) Submit a copy of your Record of Learning from your assessor indicating clearly the category (Scope) for which you have been assessed e.g. *Site Guide – Mountaineering - Abseiling.*
- 4) Pay R240 (*registration renewable every 2 years*).
- 5) Include 4 passport size, colour photos with your registration.
- 6) Include proof of South African citizenship *i.e. certified copy of a South African ID or a valid residential/work permit.*
- 7) Include a signed copy of the Tourist Guide Code of Conduct and Ethics. *Downloadable from www.aqn.za.org*
- 8) Be at least 21 years of age. (*18 for adventure guides*)
- 9) Submit a valid First Aid certificate, from an institution recognized by the Department of Labour (*e.g. Red Cross, St John's, the Fire Brigade etc.*).
- 10) Submit a letter of verification from a consulate should you speak a foreign language.

On the following page is a list of the relevant Provincial Registrars.

Final Checklist:

- Have you seen your assessors Theta registration letter and been given their assessors (613/A) registration number?
- Have you received your own Theta (613/L) registration number from your assessor as proof of your registration with Theta?
- Have you checked that your Assessor is linked to an accredited Provider and do you have the Providers (613/P) registration number?
- Have you checked your Assessors and Providers scope is correct for the elective you wish to guide?
- Are you sure your elective (scope) is correct?

PROVINCIAL REGISTRAR'S CONTACT LIST

| PROVINCE | REGISTRAR | TELEPHONE | FAX | POSTAL ADRS | EMAIL ADRS |
|------------------|--|--|----------------------------------|--------------------------------------|--|
| NATIONAL | Lulamile Stuurman (Acting) | (012) 310 3587 | | | LStuurman@deat.gov.za |
| Limpopo | Veronica Rikhotso Moses Ngobeni Sonya - (registrations) | (015) 293 8443 (015) 293 8510 (015) 293 8341 | | P/BAG X 9486 POLOKWANE 0700 | RikhotsoV@ledet.gov.za NgobeniM@ledet.gov.za dts@ledet.gov.za |
| Mpumalanga | Anthony Ngomane | (013) 766 4181 | (013) 766 4614 | P/BAG X 11215, NELSPRUIT, 1200 | angomane@nel.mpu.gov.za |
| Gauteng | Klaas Skosana Florence – (registrations) | (011) 832 2780 | (011) 832 2781 | P. O. BOX 155 NEWTOWN 21003 | klaas@gauteng.net Florence@gauteng.net Pat@gauteng.net |
| Kwazulu Natal | Uveshnee Ragavan | (031) 366 7543 | (031) 305 6693 | P. O. BOX 2516 DURBAN, 4000 | uveshnee@zulu.org.za |
| North West | Bella Gumede George Mosomako (registrations) | (018) 387 7801 | (018) 384 7479 | P/BAG X 90 MMABATHO, 2735 | bgumede@nwpg.org.za gmosomako@nwpg.gov.za |
| Eastern Cape | Michael Sompunzi Thembeka Mbanga (registrations) | (043) 701 9603 (043) 701 9612 (043) 701 9600 | (043) 701 9604 (043) 701 9604 | P. O. BOX 18373 QUIGNEY, 5211 | Michael@ectourism.co.za thembekam@ectourism.co.za |
| Western Cape | Noxolo Ntenetya Linah Maqashu – (registrations) | (021) 483 2960 | (021) 483 2957 | P. O. BOX 979 CAPE TOWN, 8000 | registrar@pgwc.gov.za Imaqashu@pgwc.gov.za |
| Northern Cape | Andries Mokgele | (053) 807 4846 | (053) 831 3530 | P/BAG X 5017 KIMBERLEY, 8300 | jduze@half.ncape.gov.za |
| Free State | Charles Tshabalala | (051) 400 9582 | (051) 400 9590 | P/BAG X 20801 BLOEMFONTEIN, 9300 | tshabalalam2000@yahoo.com |