

Rule of Law Project calls on tourism dept to shelve Tourism Amendment Bill

The Tourism Amendment Bill represents a legally and economically unjustifiable intervention in the private and commercial affairs of ordinary South Africans, the Rule of Law Project said in a statement released this week. The organisation believes the tourism department should abandon the bill and any similar plans to stifle the emerging short-term home rental market.



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"Short-term home rentals like Airbnb have enabled people previously unable to do so to make a living for themselves. Just as ridesharing platforms like Uber opened up a whole new market for people in transportation, Airbnb has the same transformative potential in tourism. The Tourism Amendment Bill undermines this potential," the Rule of Law Project commented.

"In the first quarter of 2019, the gross domestic product of South Africa contracted by over 3%, and the number of unemployed in this country is now dangerously close to 10 million individuals. The economy is not able to handle more paternalistic interference from the State, like the present bill. What is needed is less interference and an opportunity for the economy to breathe; for ordinary South Africans to be allowed to provide for their own livelihoods freely, for instance, by making their homes available for short-term rental," it said.

"Interventions such as those contained in the bill, which raise the cost of doing business, have a cumulative effect that leads directly to the poor performance of the economy. The government departments that propose, and the Members of Parliament that adopt, these measures, should be held personally responsible for any damage such legislation does to the economy."

The organisation believes the bill is also constitutionally problematic, saying it contains vague, ambiguous and unclear terminology, and bestows upon officials in the executive government law-making powers that should be reserved for Parliament.

"It is, furthermore, irrational. The claim that the bill seeks to level the playing field between the existing bed and breakfast and hospitality industry and the emerging short-term home rental industry, is misguided and ill-considered. If the Department of Tourism is truly concerned for the welfare of traditional establishments, it should rather remove restrictions on those businesses to make it easier for them to compete with short-term home rental hosts, rather than saddling the latter with unnecessary meddling in their affairs."

The Rule of Law Project recommends the bill as a whole be reconsidered in light of the spirit, purport, and values underlying the Constitution and the Bill of Rights, such as freedom, equality, human dignity, and property rights.

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