

Section 1: Background and Introduction

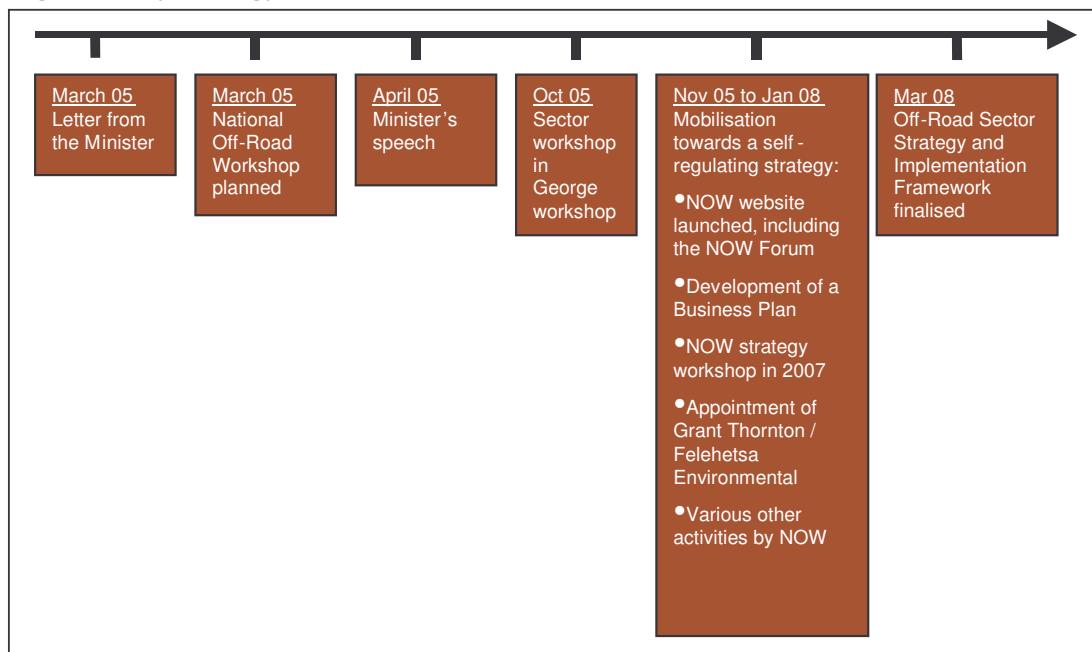
1.1 Background

In a letter in March 2005 (see **Annexure A**), followed up by a speech in April 2005, the Minister of Environmental Affairs and Tourism indicated that he believed that “*owners and users of inland 4x4 recreational driving tracks*” should move more rapidly towards better-regulated and more equitable practices as there are some irresponsible 4x4 vehicle and trail/track owners whose activities continue to damage sensitive sections of South Africa’s inland environment.

In response to this call by the Minister, a National Off-Road Workshop was held in October 2005, after which the National Off-Road Workgroup (“**NOW**”) was formed. The key objective of NOW was to develop a self-regulation strategy and implementation framework for the off-road sector. **Figure 1** provides an overview of key activities conducted in developing the strategy from March 2005, when the Minister submitted a letter to NOW, through to March 2008, when the strategy and implementation framework were finalised.

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Figure 1: Key Strategy Development Activities, March 2005 to March 2008



In 2007, NOW appointed Grant Thornton (who in turn sub-contracted Felehetsa Environmental) to assist in developing the strategy and implementation framework. The project involved 3 key phases, viz:

- **Phase 1** – A legal scan and benchmarking exercise, viz:
 - A **Legal Scan** of applicable legislation (authorisation and process requirements) that apply to the off-road sector was conducted so that potential existing legal requirements could be understood and used / enforced as required, and all legal gaps could be identified.
 - A **Benchmarking Exercise** of both legal regulation and self-regulation in the off-road sector elsewhere in the world and other sectors in South Africa.
- **Phase 2** – Stakeholder Consultation; and
- **Phase 3** – Strategy Development.

Information used in the development of the strategy is included in the following separate reports, viz:

- NOW Business Plan (see **Annexure B**);
- Legal Scan and Benchmarking Report;
- Stakeholder Consultation Report;
- Questions and Answers Report.

These reports are available on request from NOW.

The off-road sector has been afforded many opportunities to provide input into the strategy development process, including:

- During the workshop held in George in 2005;
- On the NOW forum and other fora;
- Via the 7 associations that constitute NOW; and
- During stakeholder consultation for the Grant Thornton project.

The final strategy is presented in this document. The implementation framework is included in a separate document document. This framework will evolve and develop during the pre-planning and set up phases.

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1.2 Off-Road Sector Challenges

At the 2005 workshop, several challenges to the off-road sector were identified. These challenges have contributed to the need for an off-road sector strategy, and in developing the strategy, addressing these challenges has been considered. These challenges include:

1. Minister May Impose Legislated Regulations in the Absence of a Timeous Off-Road Sector Self-Regulation Strategy:

- In a speech delivered in April 2005, the Minister of Environmental Affairs and Tourism indicated that he believed that “*owners and users of inland 4x4 recreational driving tracks?*” should move more rapidly towards better-regulated and more equitable practices, as there are some irresponsible 4x4 vehicle and track owners, whose activities continue to damage sensitive sections of South Africa’s inland environment; and
- He went on to say that “*a grading system for 4x4 tracks, including environmental grading, and the creation of a representative industry body would be positive steps. However regulations will still be required and if there are not concrete proposals forthcoming from the industry within the next 6 months, Government will have to issue these unilaterally although this would not be our first choice?*”.

2. Environmental Challenges:

- There is increasing concern for the environment, particularly in light of reports of the impact of global warming on South Africa. This has resulted in increased political and social pressure to ensure responsible environmental practices at all levels; and
- There are detrimental environmental impacts resulting from actions or activities associated with off-road trails, tracks and routes and their use.

2.1 Driver & Rider Challenges:

- Some ignorant or irresponsible off-road vehicle drivers’ and riders’ activities cause environmental and other damage as well as compromise the safety of the drivers, their passengers, the riders, other trail, tracks & route users and animals.

2.2 Challenges Associated with Trail, Tracks & Route Owners & Operators:

- Many trail, track & route owners & operators do not comply with appropriate environmental and other legislation. This may, in some cases, be due to the confusion created by conflicting legislation; and

- Many trail and track owners and operators do not have systems in place or activities designed to protect the environment e.g. do not control access on their trails and tracks etc.

3. Current Legislative Environment:

- The current regulatory environment is not off-road friendly, which impacts on the sustainable growth of the off-road sector in South Africa. This is compounded by a wide spectrum of national, provincial and local policies and legislation, which are, in some cases duplicated or conflicting, and thus prone to variation of interpretation and cause procedural delays for the industry.

4. Challenges to the Sustainability and Growth of the Off-Road Sector:

- Key challenges in this regard include:
 - The sustainability and economic viability of trails, tracks & routes and other off-road sector players in South Africa;
 - Identifying and realising opportunities to open up new and interesting off-road trails, tracks & routes and experiences in South Africa;
 - Growing and developing the off-road sector in South Africa to meet the needs of, and provide opportunities for local and international “experience-seekers”, particularly in adventure, ecotourism, outdoor activities, escapism etc;
 - Lack of an enabling environment to promote business and entrepreneurial development; and
 - The negative perception of the off-road sector, as a result of inappropriate and environmentally damaging off-road practices and activities.
- There is a lack of understanding and appreciation by government, sector players and communities of the actual nature and extent of the positive and future potential positive impact of the off-road sector in South Africa.
- Some associations operating within the off-road sector, most noticeably the 4-Wheel-Drive Guides Association of South Africa (“4WDGA”), South African National Off-Road Trainers Association (“SANOTA”) and Southern Africa Route Owners and Operators Forum (“SAROOFF”) are relatively new and operate under severe capacity constraints. Capacitating these and other associations remains a challenge.

5. Transformation within the Off-Road Sector:

- There is a general lack of transformation within the off-road sector, which is seen in all sub-sectors, including trails & tracks, off-road tourist

guides, drivers & riders, trainers & training providers etc. A key challenge remains encouraging transformation throughout all sub-sectors and at all levels. Involving communities in off-road sector activities must be encouraged; and

- Transformation is required to contribute to rural development and socio-economic upliftment in South Africa.

6. Industry Co-operation:

- The private sector (NOW) and government (Department of Environmental Affairs and Tourism (“DEAT”)) are working closely together in developing the off-road sector strategy. However, a general “resistance to change” culture, relating to transformation, knowledge transfer, collaboration, acceptance etc. by sector players, remains an issue.

7. Sensitive Areas – Challenges specific to sensitive areas include:

- To reach consensus in the off-road sector regarding relevant definitions and meaningful and practical criteria for identifying/classifying eco-sensitive areas;
- To ensure that all current and prospective off-road owners and users know how to identify/recognise sensitive areas/attributes and importantly, how to behave in such areas; and
- To motivate/guide farmers/owners that have current and potential off-road venues/sites to develop such areas in a responsible and sustainable manner. A further challenge will be to encourage trail and track owners to only allow competent and responsible users access to such facilities.

8. Challenges Associated with Trails and Tracks:

- To ensure that trails and tracks have the necessary checks and balances in place to ensure that all vehicles, persons and activities in such areas adhere to responsible principles and practices;
- A longer-term challenge is to decommission trails and tracks where there are problems and to pro-actively restore damage to sensitive areas as a result of off-road initiatives; and
- To ensure that trail and track marketers adhere to ethical marketing principles and deliver (ideally exceed) on expectations created.

9. Challenges Associated with Off-Road Drivers & Riders:

- A key element of the strategy (discussed in further detail in **Section 5**) is that drivers and riders will have to obtain a driver / rider competency certificate. Challenges associated with this include:

- To get training service providers accredited and moderators, assessors and instructors registered as soon as possible, without compromising on quality and service excellence; and
- Co-ordinate and collaborate with the South African Qualifications Authority (“SAQA”) regarding the registration of appropriate unit standards.

10. Challenges Associated with Off-Road Tourist Guides:

- There are unregistered and unqualified guides operating in the sector; and
- Some current tourist guides lack appropriate off-road knowledge. This is compounded by a lack of registered off-road guiding training unit standards.

The self-regulation strategy meets the challenges that the sector currently faces, as well as growing and developing the off-road sector in South Africa. In meeting these challenges and developing the sector, the Minister’s concerns regarding the damage to the environment by off-road vehicle activity will be addressed.

1.3 Vision

The current vision for NOW is:

To develop and implement an off-road user’s template to protect the environment for future generations

Other ideas, with regards to a longer-term vision include:

- To optimize the potential of the off-road sector in Southern Africa to the benefit of all stakeholders in a responsible and sustainable manner;
- An off-road sector that is so well managed/regulated that both the industry and the environment benefit to the maximum;
- An off-road industry that is so well managed/regulated that all stakeholders benefit in a balanced manner with due consideration for the triple bottom-line impacts and benefits; and
- To grow the off-road industry to the benefit of all stakeholders in a responsible manner.

This vision will be refined and adjusted to a vision for the off-road industry in the first phases of strategy implementation.

From what could be determined from the benchmarking research no other off-road sector in the rest of the world and no other sectors in South Africa have developed a strategy encompassing as many focus areas and aspects as this strategy. It is hoped that the strategy will in time be rolled out to the rest of southern Africa and will be viewed as a benchmark for the off-road sector and other sectors both in South Africa, and internationally.

1.4 Guiding Values and Principles

The guiding values and principles for all off-road sector stakeholders are:

- Striving to balance the triple bottom-line (social, economic and environmental) in everything undertaken in the sector;
- Trust, respect and understanding among all stakeholders in a spirit of co-optition (co-operating, while competing);
- A positive, innovative and future-orientated attitude and approach;
- Inclusiveness and representivity in the unfolding of the off-road strategy and self-regulation plan for South Africa;
- Open, transparent and continuous communication at all levels;
- Adherence to responsible and sustainable principles and ethical behaviour on the part of all stakeholders;
- Adherence to a strict code of conduct and self-management/self-regulation principles; and
- A commitment to furthering the interests of the off-road sector in Southern Africa.

1.5 Strategy Focus and Objectives

There are 5 key objectives of the off-road self-regulation strategy:

1. To minimise environmental impacts and ensure environmental sustainability
2. To stimulate off-road tourism
3. To increase the socio-economic benefits generated by off-road activity including the upliftment of communities impacted by the sector
4. To create appropriate linkages between and within the sector and government
5. To achieve the strategy through self-regulation within an appropriate legal framework

Table 1 provides an overview of the strategy objectives.

Table 1: Overview of the Strategy Objectives

Objectives	Discussion and Challenges
1	To minimise environmental impacts and ensure environmental sustainability
2	To stimulate off-road tourism
3	To increase the socio-economic benefits generated by off-road activity including the upliftment of communities impacted by the sector

	Objectives	Discussion and Challenges
4	To create appropriate linkages between and within the sector and government	<ul style="list-style-type: none"> Implementing the self-regulation strategy will be dependent on creating appropriate partnerships between and within government (at local, provincial and national level), between the players in the sector and with communities.
5	To achieve the strategy through self-regulation within an appropriate legal framework	<ul style="list-style-type: none"> The self-regulation strategy for the off-road sector, aims for self-regulation within a statutory / regulatory framework i.e. the existing regulatory framework is used, possibly expanded and/or rationalised and government devolves certain legal compliance and other responsibilities (e.g. track environmental registration, policing of activities etc.) to an industry regulatory body. The sector does not want new laws but rather to operate within current legislation, with amendments as necessary. The South African Radio League (“SARL”) is an example of self-regulation within a regulatory framework as government (i.e. Independent Communications Authority of South Africa (“ICASA”)) has devolved compliance and other processes to SARL.

This strategy focuses on:

- **Off-road sector vehicles** including 2-wheel, 3-wheel and 4-wheel vehicles, e.g:
 - 2x4 and 4x4 motor vehicles
 - Quad bikes
 - Motorbikes (e.g. trail bikes, off-road bikes and on-and-off road bikes)
- **Inland** (i.e. not beach)
- **Recreational use** on private, public and government-owned land
- **Sensitive areas** – both recreational and other use (e.g. access to land for commercial/ business purposes) in sensitive areas

Table 2 provides an indication of the size of the off-road sector.

Table 2: Size of the Off-Road Sector

Category		Number
1	4x4 vehicles	600 000 <ul style="list-style-type: none"> • 100 000 commercial • 500 000 private individuals (of which 10 000 are club members)
2	Rental 4x4 vehicles	750 to 1 000
3	Quad bikes	102 500 sold between January 1998 and October 2007
4	Motorcycles, quadrucycles and tricycles	307 911 registered with eNaTIS as of July 2007
5	Trails and tracks	\pm 430 “official” trails and tracks, excluding the Parks Boards’ trails and tracks
6	Off-road tourist guides	\pm 200 of a pool of 8 000 to 10 000 tourist guides
7	Off-road tourist guide training providers	< 5 with Masazane being the key player
8	4x4 club trainers	\pm 50
9	Quad and motor bike club trainers	\pm 20
10	Independent driver and rider training providers	\pm 75

The strategy activities are grouped into the following focus areas under each objective:

1. Sensitive areas;
2. Driver and rider competency;
3. Off-road tourist guides;
4. Trails and tracks;
5. Tourism development; and
6. Broad-based black economic empowerment (“**BBBEE**”) / transformation and community involvement and upliftment.

Section 2: Structure / Bodies

2.1 Introduction

In developing the strategy, consideration of the structures (i.e. organisations and other bodies) required to implement the strategy followed the development of the core strategy (i.e. the strategy was developed first). In this report however, the structures required are covered first, for ease of understanding.

There are three stages of implementation for the self-regulation strategy, viz:

1. Pre-planning;
2. Set-up of the specified activities that form part of the strategy; and
3. Roll-out or implementation of the activities.

Thereafter, the 4th stage comes into effect, i.e. the ongoing operation of the strategy.

There will be several bodies that will carry out the responsibilities under these phases. The key role players, in terms of implementing the strategy are:

1. Representative body / NOW – NOW is currently fulfilling this role and will continue as the representative body fulfilling two functions, viz:

- Representative functions; and
- Regulatory functions.

2. **Individual associations**, that currently form part of NOW, viz:
 - 4-Wheel-Drive Guides Association of South Africa (“**4WDGA**”);
 - Association of All-Wheel Drive Clubs of Southern Africa (“**AAWDC**”);
 - Association of Motorcycle Importers and Distributors (“**AMID**”);
 - National Association of Automobile Manufacturers of South Africa (“**NAAMSA**”);
 - South African National Off-Road Trainer Association (“**SANOTA**”);
 - South African Route Owners and Operators Forum (“**SAROOF**”); and
 - Southern African Vehicle Renting and Leasing Association (“**SAVRALA**”).

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3. **DEAT** – including both the departments of Environment and Tourism.
4. **Provinces** – all 9 provinces will be provided with the opportunity to be involved in the strategy; and
5. **Potential new bodies** e.g. a national quad bike and motor bike clubs association.

Another group of stakeholders will also be considered. These are major stakeholders that currently conduct off-road activities and will be impacted by the strategy, and typically include commercial or government users who participate in off-road activities for non-recreational purposes. These include the following stakeholders:

- Contractors operating within the construction and civil engineering sectors e.g. dams, fuel lines, pipe-lines, bridges etc.
- Mining operations;
- Agricultural operations;
- Railways;
- Defence force;
- Eskom;
- Telkom;
- Forestry; and
- Motorsport South Africa.

It is important that NOW interacts with these stakeholders, promoting their involvement in and compliance with the strategy. Where possible, these organisations should be represented on NOW.

For the purpose of this strategy, these stakeholders are referred to as “no-recreational off-road users”. They will not be responsible bodies for strategy roles.

Other stakeholders that should be included in the strategy implementation include, for example:

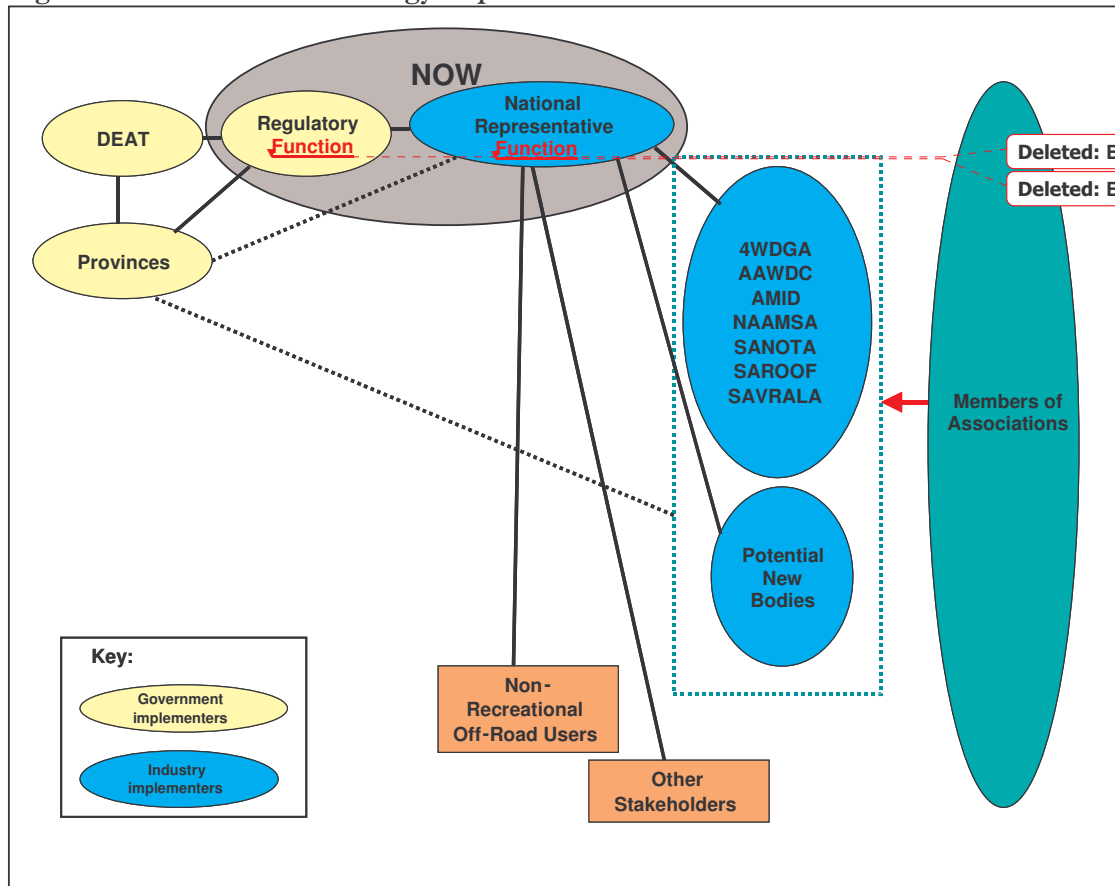
- Nature conservation agencies e.g. South African National Parks (“**Sanparks**”), Cape Nature Conservation etc.;
- Other DEAT agencies e.g. South African National Biodiversity Institute; and
- Industry associates e.g. insurance, Automobile Association (“**AA**”) etc.

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The representative body / NOW will need to actively engage with these stakeholders early in the next phase of strategy implementation as a matter of priority. DEAT can be used as a contact point with regard to the governmental entities.

Figure 2 provides a diagrammatic representation of the stakeholders.

Figure 2: Off-Road Sector Strategy Implementers



The specific roles of the various associations and organisations are detailed in the Implementation Framework (contained in a separate document) for the self-regulation strategy. These include specific activities and actions to address the 5 identified objectives and includes:

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- Timings i.e. start date and completion date; and
- Organisation responsible.

Activities will be phased in over a 5-year period, with this phasing based on the priority of the activity concerned, and timeframe required for implementation.

Each of the key role players is discussed in further detail below.

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2.2 Discussion of the Representative and Regulatory Functions

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It is important to understand the representative and regulatory functions that the representative body / NOW will need to fulfill.

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The Minister has provided the off-road sector with an opportunity to self-regulate. The Minister could simply have regulated the off-road sector, through the introduction of various laws, and at worst case, banned all off-road driving. The off-road sector would then have been under unilateral government control.

Initially, it was envisaged that the strategy would be a self-regulation strategy, with self-regulation defined as “...a term used to describe private governance systems where groups of organisations co-operate to set and meet standards. The purpose of such systems may be to avoid government regulation or to enhance an industry’s reputation where it is crucial to profits (Source: Wikipedia)”.

However, as the strategy has been developed, it has evolved from self-regulation to co-regulation, i.e:

Co-Regulation

Co-regulation includes elements of regulation and self-regulation i.e. self-regulation within a regulatory framework.

The existing regulatory framework is used, possibly expanded and/or rationalised and government devolves certain legal compliance and other responsibilities to an industry regulatory body, in which industry plays an important and vital role.

The off-road sector strategy contains elements of regulation both on the industry side and government side.

In developing the off-road sector strategy a variety of activities have been determined, some of which are regulatory in nature, and others not.

In order to successfully implement the strategy and support the concept of co-regulation both functions need to be carried out, viz:

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- Regulatory functions – to enforce the regulatory framework; and
- Representative functions – to support and promote the regulatory framework and adherence to the regulatory framework, and to inform the industry of regulatory issues, as well as conduct non-regulatory activities e.g. marketing and development, BBBEE etc.

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Although regulating is essentially a government or government-related activity, there is a need to bring the industry into regulation in order to ensure the element of self-regulation. The development and enforcing of the regulatory framework as a government activity will also require government funding and resources, and government has to be involved formally in any body which would draw on government funds. The regulatory function therefore brings together government and industry / private sector, to develop and enforce the regulatory framework for the off-road sector together.

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NOW is the sector's "mouthpiece". It will be independent of government (i.e. no government representation), and will represent the interests of the sector. Although it will support the sector in regulatory compliance, it will not enforce the regulatory framework. It will be involved in organising the sector, this being an industry/private sector activity. It will therefore carry out a number of non-regulatory functions and roles which are nevertheless needed to develop the sector appropriately.

Though examples do exist in which both functions are housed in one body, it is more common to find the functions separated in other industries.

However, although separating the representative and regulatory functions into two separate bodies was considered at length in developing the strategy, it was ultimately decided that these two functions should be housed in one body i.e. the representative body / NOW.

Details of the roles and responsibilities of the regulatory and representative bodies are given below.

2.3 Interim Body / Process

The regulatory function of the representative body will be set-up over an estimated 3-year period, starting towards the end of 2008, and being fully set-up by March 2011. The regulatory function of the representative body and its

structures and roles in enforcing the regulatory framework, will be specified in Environmental Norms and Standards (discussed in further detail elsewhere in this strategy). These Norms and Standards are still to be developed, and are only expected to be finalised by March 2011.

However, some of the functional regulatory roles of the representative body are required prior to 2011. Thus, in the pre-planning phase (April 2008 to March 2009) and set-up phase (April 2009 to March 2011) before the regulatory function of the representative body has been fully established, a **legal vehicle** and acceptable joint process will be needed (referred to as the **interim body**). This interim body will carry out many of the activities required, until the regulatory function of the representative body is legally created. The exact nature of the interim body/process will be determined as one of the first steps in the pre-planning phase.

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A committee or council may be appropriate and it will effectively be the forerunner of the final legally constituted regulatory function of the representative body.

2.4 Regulatory Function of the Representative Body

2.4.1 Steps to Establish the Regulatory Function of the Representative Body and Roles / Functions

The regulatory function of the representative body is required to implement the core elements of the regulatory framework for the strategy. The regulatory functions of the representative body activities fall under four phases, viz:

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1. Pre-planning;
2. Set-up;
3. Roll-out; and
4. Ongoing functions.

NOW; i.e. as a function within its structures, must handle an interim phase before the full regulatory functions can be assumed under law. This forerunner to the regulatory function of the representative body, will conduct phases 1 and 2, during which time the regulatory function of the representative body will be fully established. The regulatory function of the representative body will conduct the activities in phases 3 and 4. Activities associated with these 4 phases are detailed in Table 3.

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Table 3: Specific Roles of the Regulatory Function of the Representative Body

Pre-Planning Phase
1. Obtain the Minister’s blessing i.e. the Minister’s official approval and sign-off of the strategy
2. Obtain seed funding – funding required for the pre-planning activities will be obtained, from DEAT. See Section 10 for further details.
3. Determine the interim body required and determine interim processes
4. Appoint board members to the interim body/process
5. Interact with the Sensitive Areas Project and equivalent provincial processes (see Section 3)
6. <u>Engage proactively with other key stakeholders e.g. Sanparks, AA etc.</u>
7. Develop a Business Case for the off-road sector: <ul style="list-style-type: none"> • This will include conducting a sector socio economic analysis, to show what the impact of the off-road sector is, and will demonstrate the merit of the strategy and motivate for the funding required to implement; and show the extent to which the environment is impacted by off-road activities and the importance of ensuring this happens in a sustainable manner. • It is envisaged that the analysis can be conducted based on existing data and there is thus probably no need to undertake a detailed research project.
8. Finalise funding methods and obtain funds for the set-up and operational phases: <ul style="list-style-type: none"> • DEAT and other potential funders must be approached in a targeted manner, with only one appointed person (possibly the manager/CEO of the interim body) fulfilling this role. • The conditions under which funding will be accepted and used must be documented and clearly articulated to all funders.
9. Develop a policy for the funding of activities: <ul style="list-style-type: none"> • The regulatory <u>function of the representative</u> body will be responsible for managing and allocating funds to the various organisations and strategy activities. • A policy will be developed that will document the conditions under which funding will be available, how to apply for funding, the criteria under which applications for funding will be assessed etc.
10. Develop a communication plan and communicate with and inform the sector on strategy developments
11. Commence development of environmental Norms and Standards for all off-road activity (see Section 4) <ul style="list-style-type: none"> • These will be developed under NEMA¹ as amended and will be used to define the environmental trail /track registration requirement as well as requirements for driver and rider competency and off-road tourist guiding in sensitive areas.
12. Recruit a CEO for the interim body/regulatory <u>function of the representative</u> body. The CEO will: <ul style="list-style-type: none"> • Develop a Business Plan documenting the agreed mandate of the regulatory <u>function of the regulatory</u> body, including detailed responsibilities, staff requirements and associated job descriptions, financial projections, all functions and roles and a 3 to 5 year plan; • Finalise the premises and other office requirements; and commence staff recruitment.

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¹ National Environmental Management Act (“NEMA”)

Set-Up Phase
13. Develop National Off-Road Values and Principles – this essentially constitutes the mission statement for the sector at a national level and will provide the guiding principles and values for all stakeholders.
14. Interact with the Sensitive Areas Project and equivalent provincial processes (see Section 3)
15. Finalise the environmental Norms and Standards for all off-road activity (see 8 above) – this includes the final sign-off by the Minister
16. Develop and finalise a framework and processes for all off-road activities, control and regulation to be handled by the regulatory function of the representative body: <ul style="list-style-type: none"> This will relate to the process for registration (environmental compliance) of trails and tracks and processes associated with driver competency, off-road tourist guiding etc.
17. Set-up / outsource appropriate databases: <ul style="list-style-type: none"> The regulatory function of the representative body will be the default central hub / repository for all databases: <ol style="list-style-type: none"> Drivers and riders with a driver competency certificate (“DCC”); Sector education and training authority (“Seta”)-accredited training providers; Registered trails and tracks; and Registered (with DEAT) and trained off-road tourist guides. Although databases may appear to be duplicated (e.g. databases of drivers and riders with a DCC will reside at the Setas, training service providers and the regulatory function of the representative body), there is a need to centralise all databases at the regulatory function of the representative body, for control (e.g. rescinding registration), with these databases being the default for the sector. There will be an overlap between the regulatory function of the representative body databases and the association membership lists, but not everyone on the regulatory list will be a member of an association, and vice versa. New databases may not be required and outsourcing of database set-up and/or management will be investigated e.g. the National Registrar of Tourist Guides and SAQA, both already have systems in place and could be used. The key aim is to achieve synergy across all databases and control and responsibility lies with the regulatory function of the representative body.
18. Issue driver DCCs (see Section 5)
19. Develop linkages with key role players – Setas, provinces, DEAT, DWAF, Heritage etc.
20. Communicate with and inform the sector on strategy developments
21. Finalise the establishment of the regulatory function of the representative body, including staffing composition and recruitment
22. Appoint board members to the regulatory function of the representative body

Roll-Out Functions	
23. Inform the industry of the regulatory requirements:	<ul style="list-style-type: none"> The regulatory <u>function of the representative</u> body will be responsible for dissemination of information with respect to compliance required. All off-road users, whether club members or not, must be appropriately informed. The representative body will be responsible for marketing. The regulatory <u>function of the representative</u> body will work through the representative body for information dissemination in terms of registration requirements for trails and tracks, and the regulatory framework associated with drivers and off-road tourist guides, as well as relevant current and new tourism legislation.
24. Environmental accrediting / registering trails and tracks:	<ul style="list-style-type: none"> All of the estimated 430 formal trails and tracks in South Africa need to be registered, including providing an environmental management plan (“EMP”) (in full) (discussed in detail under Section 4 below).
25. Continue to manage and allocate funds (see 6 above)	
26. Compile and certify sub-sector databases (see 17 above)	
Ongoing Functions	
27. Compliance with ongoing environmental trail and track audit requirements:	<ul style="list-style-type: none"> There will be environmental audits of trails and tracks at specified time intervals (discussed in Section 4). The regulatory <u>function of the representative</u> body will ensure compliance with these trail and track audit requirements for continued environmental registration.
28. Trail and track registration / authorisation for new and upgraded trails and tracks:	<ul style="list-style-type: none"> All new trails and tracks developed, or existing trails and tracks that are upgraded, will need to go through the environmental registration process to be registered with the regulatory <u>function of the representative</u> body.
29. Monitor the <u>issue of and possibly</u> re-issue DCCs if it is decided that the DCC should be renewable (see Section 5)	
30. Maintain sub-sector databases:	<ul style="list-style-type: none"> These databases will be updated and maintained. This could be conducted internally by the regulatory <u>function of the representative</u> body, or by an external organisation, if database management is outsourced.
31. Source funds and collect funds	
32. Manage and allocate funds	
33. <u>Develop and run an ongoing education campaign:</u>	<ul style="list-style-type: none"> <u>Marketing and awareness creation is vital to the success of the strategy and goes beyond simply informing people about the strategy and need for a DCC to access sensitive areas. Rather an ongoing education campaign is required to inform drivers and riders about the importance of appropriate behaviour to ensure sustainable use and protection of the environment.</u>

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Where required, government will devolve the functions involved in the legal compliance process (listed in the table above) to the regulatory function of the representative body.

Appropriate legislation (in the form of Norms and Standards, discussed in detail under **Section 4**) will allow for this devolvement of responsibility.

2.4.2 Board

The regulatory function of the representative body will be governed by a board. NOW will take a decision as to whether this board can also be the NOW board, or whether an alternative board or forum for the representative function is required. It is envisaged that the Minister of Environmental Affairs and Tourism, will, in conjunction with the industry, appoint the board.

The proposed board composition and the selection process to appoint the board members will be in-line with accepted practice in similar bodies. The roles of the board will be specified as the regulatory function of the representative body is established.

Final control over top level types of decisions will reside with the board and requirements for each decision type will be determined e.g. whether 100% unanimous, or if the majority (e.g. more than 50%), or if some board participants' agreement is needed for certain decisions etc. Some decisions will reside at executive level. These details of which decisions have to be taken by the board and the required level of votes will be determined during establishment of the regulatory function of the representative body.

The chairman will be appointed by the board, with the exact system / process associated with the chairman's appointment to be determined.

Table 4 details the regulatory function of the representative body's board.

Table 4: Regulatory ~~Function~~ Board

	Category	Description
1	Industry representatives	<ul style="list-style-type: none"> These will be 7 or 8 mandated positions. Initially this will probably include the 7 associations that currently constitute NOW, viz: <ul style="list-style-type: none"> – 4WDGA; – AAWDC; – AMID; – NAAMSA; – SANOTA; – SAROOF; and – SAVRALA. Industry may appoint other board representatives e.g. a representative of a newly formed Quad Bike and Motor Bike Club Association etc.
2	DEAT	<ul style="list-style-type: none"> There will be more than one DEAT representative, with the interests of environment and tourism covered. The DEAT board positions, like the NOW board positions, will be mandated.
3	Provincial Representation	<ul style="list-style-type: none"> All 9 provinces may be provided with the opportunity to be represented on the board, although it is envisaged that not all 9 provinces will be represented. Details will be decided as the regulatory function of the representative body is established. National to provincial and inter-provincial issues will be dealt with by separate DEAT processes outside of the regulatory function. This requirement will be included in the documented mandate and responsibilities of the board, and clearly articulated to the appointed provincial representatives.
4	External Independent Representatives	<ul style="list-style-type: none"> Consideration will be given to external independent representation. External independent people are important as they provide additional skills to those provided by the industry and government representatives. Examples of external people who may be appointed to the board include lawyers, with specific environmental expertise. Such board members are the same as corporate non-executive board members and provide a balanced and entirely non-partisan perspective.

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Travel and other expenses will be covered for all board members to attend board meetings and carry out other board activities required. External representatives may be paid a fee for their time. Industry and government representatives will not be reimbursed for time spent in carrying out their board duties, as they are as part of their designated job or activity mandated as representatives of another body. This is a fairly common practice adopted by other similar bodies e.g. the Tourism Grading Council of South Africa (“**TGCSA**”).

2.4.3 Staff Complement

It is envisaged that the regulatory function of the representative body will require 5 permanent staff members (see **Table 5**).

The director will be appointed by the board, who in turn will appoint the other staff members.

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Table 5: Permanent Regulatory Staff Members

	Position	Job Functions
1	<u>Director</u>	<ul style="list-style-type: none"> • Overall office management, including management of the staff etc. • Identification and sourcing of funding. • Management and allocation of funding. • Oversee the environmental process. • High-level linkages. • Communication.
2	Trail and Track Environmental Officer	<ul style="list-style-type: none"> • All issues associated with the environmental compliance of trails and tracks. This includes: <ul style="list-style-type: none"> – Development of the environmental Norms and Standards. – Development of the framework and processes. – Trail and track registration. – Compliance with trail and track audits. – Designation of sensitive areas.

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	Position	Job Functions
3	Process Manager	<ul style="list-style-type: none"> All process-related issues associated with Setas, DEAT, other government departments, provinces etc. This person will be responsible for streamlining current processes, taking legislation, Setas, other government departments, provinces etc. into account. Ongoing updating, aligning and maintenance of all unit standards and qualifications.
4	Information Officer	<ul style="list-style-type: none"> There is an option to manage the databases and IT infrastructure in-house or outsource these functions. If managed in-house, these roles will be fulfilled by this person.
5	Secretarial Function	<ul style="list-style-type: none"> General admin and secretarial responsibilities e.g. reception, answering the phone, setting up meetings, travel arrangements etc.

A legal person will be employed on a retainer basis, with their services being used as and when needed. It is envisaged that the bulk of their services will be needed in the early stages of strategy implementation, when systems and processes are being set up, and Norms and Standards developed.

2.5 **Representative Function of NOW / Representative Body**

2.5.1 Introduction

NOW has been involved in the development of the strategy, and has delivered on its current mandate from the industry.

NOW will continue as the representative body. Its memorandum and articles may be revisited and updated and a constitution developed if necessary, in order to fulfil the role of the representative body.

In refining NOW as the representative body, the following will be considered and/or conducted:

- Determine and agree the mandate of the representative function, including detailed responsibilities;
- Appoint a suitably qualified convener;
- Determine and agree the decision-making processes, including ultimate control over decisions; and
- Determine membership principles and structures.

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2.5.2 Roles and Responsibilities

The roles of the representative body will be:

1. **Representing the interests** of the off-road sector in South Africa towards government at all levels and to other interest groups e.g. tourism, environmental etc;
2. **Facilitating assistance** to off-road sector stakeholders as needed to adhere to the strategy, primarily through its member associations;
3. **Promoting the adherence to standards**, primarily through their member associations. This includes:
 - Codes of Conduct aligned to the National Values and Principles and ensuring that these are maintained up to date;
 - The promotion of adherence to standards; and
 - The development of new standards where required.
4. **Marketing** – Marketing will include:
 - The promotion of a positive industry image; and
 - The promotion of domestic and foreign off-road tourism.
5. **Growing the industry** – This will include:
 - Promotion of membership of the individual associations;
 - Information dissemination; and
 - Joining the Tourism Business Council of South Africa (“**TBCSA**”) (NOW has engaged with the TBCSA in developing the strategy).
6. **Promoting BBBEE/transformation and community involvement and upliftment** – This is discussed in further detail in **Section 8** below.

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2.5.3 Staff Complement

A permanent convener will be required. The specification of the type of person required will be determined, but it is likely to include some who:

- Is passionate about the off-road sector, and has been involved in the off-road sector for many years;
- Although involved in some capacity in the sector, someone who can be objective and will not show bias towards any sub-sector; and
- Has experience in putting together and rolling out marketing or communication campaigns.

Marketing will largely be driven and managed by the convener. The secretarial function of the representative body could be outsourced and the convener can be home-based.

During the pre-planning phase, a part-time convener will be appointed to manage some pre-planning activities and participate in the interim body.

2.5.4 Membership

The representative body will include the current 7 NOW associations. In addition to the 7 NOW associations, a national association for quad and motorbike clubs needs to be established, and join the representative body. The establishment of this association will be driven by AMID.

As a representative body intended to comprise membership from associations and clubs, no individuals or individual companies will be able to be members of the representative body.

An association that wishes to form part of NOW / representative body will have to meet certain criteria e.g. must be representative or intend to represent a significant portion of the interests of a sub-sector of the off-road sector.

No “member body” or association for non-clubs is needed.

Aside from the 7 NOW associations, there are several other stakeholders involved in the off-road sector. These include:

- Media (printed etc.);

- Other clubs and umbrella bodies;
- Government (including Department of Water Affairs and Forestry (“**DWAF**”), Department of Transport other relevant national government departments);
- Industry associates e.g. insurance, AA;
- Ancillary companies e.g. accessories;
- **Other Role Players:**
 - Tourism guiding associations;
 - Tourism associations e.g. TBCSA, Federated Hospitality Association of Southern Africa (“**FEDHASA**”), Southern African Tourism Services Association (“**SATSA**”) etc;
 - Tourism, Hospitality and Sport Education and Training Authority (“**THETA**”), SAQA and other relevant Setas;
 - Nature conservation agencies e.g. e.g. Sanparks, Cape Nature Conservation etc;
 - Non-governmental organisations (“**NGOs**”) e.g. World Wide Fund for Nature (“**WWF**”) etc;
- **Non-recreational off-road users e.g:**
 - Contractors operating within the construction and civil engineering sectors e.g. dams, fuel lines, pipe-lines, bridges etc.
 - Mining operations;
 - Agricultural operations;
 - Railways;
 - Defence force;
 - Eskom;
 - Telkom;
 - Forestry; and
 - Motorsport South Africa.
- Neighbouring countries;
- Metroserve; and
- Mapping and geographic information system (“**GIS**”) e.g. Tracks4Africa.

Other stakeholders will be invited to be members of **NOW**, on some type of structured membership basis e.g. associate membership, or possibly directly.

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Careful consideration will be given to any entities that are not a club or association wanting to join **NOW**.

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Key individual stakeholders representing significant portions of the off-road sector e.g. Sanparks, may be offered direct NOW membership.

Details of membership, including types of membership as well as those organisations that can be members of ~~NOW~~, will be determined during refining of NOW to fulfil the total representative body ~~function~~.

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~~NOW's~~ function in the case of the regulatory body is to participate in regulation with government. In the representative ~~function~~ passionate industry representation is vital to its success to ensure that the industry goes beyond regulation and does the many essential things that fall outside regulation.

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Consideration may be given to changing the name from NOW to a new more permanent name than “workgroup”.

2.6 Industry Associations (7 Current NOW Associations)

Each of the 7 NOW associations will be involved in and responsible for implementing parts of the strategy. Specific roles are discussed in further detail under each of the focus areas.

Associations will require assistance, including financial support. This assistance will vary from association to association, according to needs, strategy priorities etc.

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Through targeted activities to support their members, the associations will make membership of their associations attractive.

2.7 DEAT

DEAT will be involved in the strategy in several ways, and at several levels, viz:

- As a representative on the regulatory ~~function~~ board;
- In the identification and gazetting of sensitive areas;
- Involved in developing Norms and Standards and the final signing-off of the Norms and Standards i.e. their inclusion into the legally enforceable legislative framework;
- Provision of funding; and
- Liaison and facilitation of provincial linkages (see **Section 2.8** below).

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These are discussed in detail elsewhere in the strategy.

2.8 Provinces

In addition to being represented on the regulatory ~~function~~ board, the provinces will play a key role in identifying geographically sensitive areas in their provinces.

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Maintaining consistency in the application of Norms and Standards across the provinces will be a challenge. DEAT will, where possible, promote consistency at a national level through interaction with the provinces in aligning provincial implementation.

2.9 Other New Associations/Bodies

Although NOW currently represents the interests of most of the off-road sector stakeholder groupings, not all stakeholders are currently members of associations, and in some sub-sectors (e.g. quad-bike and motor-bike riders) there is no national level representation. AMID will drive the establishment of a national association representing the quad bike and motor-bike clubs, and this association will be encouraged to join the representative body.

There may also be groupings of associated stakeholders, e.g. insurance companies, media, conservation agencies etc, that will be set up (or already exist) and be encouraged to formally interact with NOW, through appropriate membership mechanisms.

As the strategy unfolds and is implemented, new associations may be formed, and may join NOW.

2.10 Quality Control

Throughout the process, quality assurance and control will be managed, through formal processes. This will be done at various levels and by different players.

Examples of activities requiring quality control / assurance and the quality assurance responsible body include:

- Unit standards developed – SAQA;
- Training materials produced – Setas;
- Training delivered – Setas;

- Environmental assessment process – Regulatory function of the representative body; and
- Off-road tourist guiding services – DEAT and Setas.

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Section 3: Sensitive Areas

3.1 Introduction

The Implementation Framework (~~contained in a separate report~~), ~~includes specific activities and timings~~, associated with Sensitive Areas.

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3.2 Identification of Sensitive Areas

Sensitive areas will be identified through a DEAT project and equivalent provincial projects and processes. For the purposes of this report, the DEAT project is referred to as the “*Sensitive Areas Project*”. DEAT has appointed service providers to identify sensitive areas at the national level.

The project has two parts, viz:

- Part 1 – The **identification of nationally important geographical areas**, based on environmental attributes (e.g. existing protected areas, mountain water catchment areas, indigenous forests, areas with high potential for the expansion of protected areas or new protected areas etc.) **within which off-road activities** (e.g. the development of a new trail or track, alteration (width or route) of existing trails and tracks) **will be a listed activity for environmental impact assessments (“EIAs”)** (Basic Assessment as well as Scoping and full EIA). These areas will be mapped; and
- Part 2 – The **identification of environmental attributes** (e.g. steep slopes, high risk for wind or water erosion, risk of endangering sensitive vegetation cover etc.) that will result in an area being deemed to be sensitive to off-road driving. These attributes will be described but not mapped.

The provinces can also determine sensitive areas through similar processes. The national Minister must concur with any provincially-designated sensitive areas.

The Sensitive Areas Project started in December 2007. ~~NOW~~ and SAROOF in particular, will liaise closely with the Sensitive Areas Project team during the identification of sensitive areas. In addition, the provinces are at various stages in

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determining their sensitive areas and the representative body and SAROOF must also interact with these provincial processes.

There will therefore be 3 types of trails and tracks, viz:

1. Those in geographically mapped sensitive areas and for which trail and track development and operation is a listed activity. These will be mapped and listed, by DEAT or the provinces;
2. An off-road trail or track exists, or is to be developed, that, by evaluation against defined environmental attributes for sensitivity, is determined to be in a sensitive area; and
3. In all other areas not falling into 1 or 2 above.

Annexure C contains a matrix, which provides an example of the level of permissible activity based on the relative sensitivity of land i.e. natural zone, utilization zone, degraded zone and heritage zone. This has been developed by SAROOF and will be taken into account in the development of the Norms and Standards for different types/levels of sensitive land within the three major categories.

Sensitive areas will be gazetted by DEAT.

All trails and tracks will be required to be registered under the Norms and Standards to be developed.

Until the environmental trail and track registration process to be developed under this strategy is in place, if a trail or track is to be developed or upgraded in a geographically mapped sensitive area, when trail and track development is a listed activity a normal EIA process will be triggered.

Once the environmental registration process detailed in this strategy is in place, it will supercede this requirement, and a prescribed environmental assessment process will apply to trails and tracks in all areas.

The environmental registration process will determine the level of access which will be allowed, and new trails and tracks will not be allowed / existing trails and tracks closed, if the process determines that an area is so sensitive as to require that no access is allowed i.e. a totally natural/wilderness zone.

Section 4: Trails and Tracks

4.1 Introduction

The Implementation Framework (contained in a separate document) includes specific activities and timings associated with Trails and Tracks.

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Trail and track owners and operators in both public and private sectors, for recreational and non-recreational use, are the Key element in the successful implementation of the self-regulation strategy as they ultimately control off-road use and access onto their land, and thus control off-road activities in all areas, including sensitive areas.

4.2 Development of Norms and Standards

Trails and tracks operating in all areas, irrespective of the environmental sensitivity of the area, landowner or intended use, will be required to be registered with / accredited by the regulatory function, according to required environmental principles and a prescribed environmental process, both to be developed by the regulatory function of the representative body.

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There will be 3 levels of trails and tracks, viz:

- Those in a **geographically defined area with off-road activity as a listed activity**, defined by the national Sensitive Areas Project and equivalent provincial processes;
- Those defined by meeting the **attributes** defined by the national Sensitive Areas Project; and
- Those that fall in outside of the first 2 i.e. **low-sensitivity areas**.

A category of trails to be considered in low sensitivity areas, is “playgrounds” i.e. areas where users can drive or ride their vehicles off-road and where there is no chance of environmental damage.

Environmental Norms and Standards² appropriate to the activities of the off-road sector will be developed by the regulatory [function of the representative](#) body. The Western Cape series of off-road guidelines and Sanparks off-road route documentation and processes will be used as a base for the Norms and Standards, as they already cover significant areas which the Norms and Standards must address and will expedite the process. The Norms and Standards for the sector will be developed by legal environmental specialists. They will encompass a wide range of requirements for an environmentally sound, co-regulated off-road sector.

The process of developing Norms and Standards includes:

- The Minister’s official approval for this strategy to start the process;
- Development of Norms and Standards under the interim body with input from NOW and DEAT;
- Submission of the Norms and Standards to the Minister;
- Upon approval by the Minister, the publishing of the Norms and Standards in the Government Gazette for comment;
- Public consultation process;
- Finalisation of the Norms and Standards; and
- Signing off of the Norms and Standards by the Minister.

It is important to note that the Norms and Standards will apply to all trails and tracks, even if developed prior to the Norms and Standards being in place. Therefore, from an effective date in the future, all operating trails and tracks will be required to comply with the prescribed environmental process and be registered with the regulatory [function of the representative](#) body.

The Norms and Standards prescribed environmental process will supercede the EIA process for trails and tracks i.e. should trail and track development trigger and EIA, the Norms and Standards will supercede this.

Broadly the Norms and Standards will cover the following requirements:

² Under Section 24(10) of the proposed National Environmental Management Act (“NEMA”) Bill, the Minister or MEC can adopt Norms and Standards for an identified activity e.g. off-road trails, tracks and vehicle activity

1. Off-road specific streamlined “EIA-type” process for all trails and tracks
2. Environmental management plan (“**EMP**”) for all trail and track operations
3. Environmental trail and track environmental audits
4. Specification of the regulatory function of the representative body and its structures
5. Accredited, trained off-road environmental assessors
6. Access control for driver and rider competency
7. Trail and track safety and rescue services
8. Transitional periods for compliance and Section 24(G) applications
9. Driver competency requirement to access sensitive areas (see **Section 5**)
10. Unacceptable driver behaviours for all areas (see **Section 5**)

With the exception of 9 and 10, discussed in **Section 5**, these requirements are discussed in more detail below:

1. An **off-road specific streamlined “EIA-type” process** for the development and upgrading all trails and tracks.

This will be a prescribed environmental compliance process which will result in the equivalent of a record of decision (“**RoD**”), enabling the trail or track to be registered as environmentally compliant.

Provision will be made for decommissioning of trails and tracks, including the closure and rehabilitation of trails and tracks which have outlived their life, or which fail the environmental compliance / registration process.

Registration requirements will depend entirely on the environmental sensitivity of the trail, with trails and tracks in highly sensitive areas having far stricter environmental compliance requirements than those in less sensitive areas. A trail or track in a non-sensitive area for example, may have minimal environmental compliance requirements, and a simple check-list may be sufficient for registration.

It is recognised that trail and track owners and operators will require assistance, including financial assistance, in order to become compliant. This is discussed in further detail in **Section 10**.

The Norms and Standards will not compromise on environmental considerations in any way. The EIA process will no longer be required,

but the Norms and Standards will be specific to off-road activities only i.e. the process is being tailor-made for the sector.

2. A requirement for an **EMP** for trail and track operations in all areas.

The EMP will include:

- Individual trail and track capacity criteria and usage limits; and
- Individual trail- and track-specific environmental behaviours (i.e. a list of do's and don't's).

An EMP template will be developed to assist trail and track owners and operators. SAROOF will drive the development of this template.

The EMP template will include actions e.g. planning, operating, monitoring, remediation, rehabilitation and corrective action, each of which will need to be populated by each trail and track owner / operator as appropriate.

3. A requirement for **environmental trail and track audits**, with the frequency and type of audit depending on the environmental sensitivity of the area.

In terms of the types of audits, these are likely to be done at various levels, by various role players, e.g:

- Self-audits by the trail and track owners / operators – facilitated by SAROOF;
- Peer audits; and
- Inspection audits – by the regulatory function of the representative body.

Examples of possible audit frequency include:

- Self-audits in non-sensitive areas e.g. every 2 or 4 years;
- Inspection audits every 2 years and self-audits or peer audits every year in moderately sensitive areas; and
- Inspection audits every year in highly sensitive areas.

4. The specification of the **regulatory function of the representative body and its structures** and role in developing and implementing the

“EIA-type” process, the registration of tracks, the lodging of EMPs and environmental audits;

5. The requirement for **accredited, trained, environmental assessors** to provide environmental assessment services for the “EIA-type” process for and trails and tracks.

The regulatory function of the representative body will include assisting trail and track owners and operators in complying through the facilitation of assessors to advise trail and track owners and operators on what they need to do. Assessors will effectively provide an environmental assessment, indicating what, if any, and to what degree, specialist environmental expertise and steps need to be taken for a trail and track, and define the required process. Assessors will determine if the trails and tracks are in moderately sensitive or low sensitivity areas.

Whether or not a trail or track is in a sensitive area will also impact on the extent of the process.

Trail and track owners and operators can be trained and used as assessors, but will not be able to assess their own trails and tracks i.e. the assessment must be independent.

Assessors are expected to be independent qualified practitioners, with environmental expertise (the details of which will be outlined in the Norms and Standards) trained in the specifics of the Norms and Standards requirements.

Where possible, existing practices, processes and people must be incorporated into the assessor process.

6. The requirement with respect to trails and tracks in sensitive areas to **control access for competency**, capacity utilisation and tracking of offending drivers.

Trail and track owners and operators in sensitive areas must control access onto their trail/track. This will be based on two levels:

- **Proof of driver and rider competency** – Only drivers and riders that meet one of the following 2 conditions will be allowed to access sensitive areas:

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- If they are in possession of a DCC; and
- If they are accompanied by a registered and trained off-road tourist guide with a DCC.
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 For a transitional period of 3 years, if they are accompanied by another driver or rider with a DCC, who takes responsibility for the other drivers or riders in the group. The number of vehicles allowed per group may also be limited.

This is principally for environmental and safety reasons and required in all sensitive areas.

- **Vehicle Capability** – Including but not limited to 4-wheel drive, low-range, diff lock or traction control as well as the presence of specified recovery equipment. This is primarily for safety and also environmental reasons and will be based on the level of track difficulty. It will be a requirement in all areas.

7. Requirements for **Trail and Track Safety and Rescue Services** for all trails and tracks. This will include documented safety and rescue services e.g. the nearest emergency facilities, contact numbers etc. for all trails;

8. **Transitional periods** for compliance. There are 3 categories of trails and tracks to be considered, viz:

- Existing trails and tracks;
- Trails and tracks to be developed or upgraded in the next 3 years, before the Norms and Standards come into effect; and
- Trails and tracks that will be developed or upgraded after the Norms and Standards come into effect.

Existing Trails and Tracks

There will be a transitional period for existing trails and tracks to comply with the Norms and Standards and become registered. There will possibly be different periods for trails and tracks in / not in sensitive areas.

The Section 24(G) process will be used for the off-road trails and tracks currently in contravention of EIA Regulations during this period.

Assistance in submitting Section 24(G) applications will be facilitated by the regulatory function of the representative body and SAROOF.

Toolbox 1: Existing Trails and Tracks in Contravention of Environmental Legislation

Although the development and operation of trails and tracks is not currently a listed activity in terms of environmental legislation, activities that form part of trail and track development may be listed. Thus, in developing trails and tracks, relevant environmental legislation must be considered. There are two environmental acts, which currently impact on the off-road sector, viz:

- NEMA No. 107 of 1998 and its associated EIA Regulations (July 2006) that require trails and tracks developed or upgraded after 6 July 2006 to undertake an EIA, if the trail or track development includes any of the listed activities; and
- Environmental Conservation Act (“ECA”) No. 73 of 1989 and its associated EIA Regulations (September 1997) that require trails and tracks developed or upgraded between September 1997 and July 2006 to undertake an EIA, if the trail or track development includes any of the listed activities.

Trails and Tracks to be Developed or Upgraded in the Next 3 Years

There will be an interim phase where trails and tracks developed in the next 3 years, before the environmental Norms and Standards come into effect, may be required to undergo an EIA (either under Phase 1 of the Sensitive Areas Project and equivalent provincial processes or if their development triggers an EIA with respect to another listed activity). However, the Norms and Standards will ultimately supercede this and an EIA will no longer be required, once they are in place. Instead the prescribed environmental compliance process under the Norms and Standards will apply.

The regulatory [function of the representative](#) body will develop processes for trail and track registration.

The strategy assumes that the Norms and Standards will take up to 3 years to come into effect. Thus the compulsory application of the Norms and Standards (i.e. trail and track registration etc.) is assumed to start in April 2011.

4.3 Provide Environmental Compliance and Registration Support

Guidelines will be developed and facilitation provided to trail and track operators on how to comply with the regulatory framework. The EMP template will form

part of these guidelines. SAROOF will be responsible for guidelines and facilitation of support.

There will be funding available for trail and tracks to undergo environmental compliance, and SAROOF will assist trail and track owners in accessing this funding.

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4.4 Implement Off-Road Destination Experience and Activity Grading

The grading framework, which has been developed by SAROOF in conjunction with others, will be finalised. It will include grading of:

- Aesthetic, nature, cultural and heritage experiences;
- Off-road driving experience & trail/track difficulty;
- Hospitality facilities; and
- Level of hospitality service.

Hospitality facilities and the level of hospitality service will be graded by the TGCSA. Aesthetic experience and off-road driving experience & trail/track difficulty will be done by trained assessors. A central unified process for grading will be developed, so that trail and track owners and operators only have to deal with one agency. The specifics thereof will be developed and managed by SAROOF.

The AAWDC will assist in providing trail and track assessment services.

SAROOF, who has been driving this process, will be responsible for implementation thereof.

4.5 Facilitate Trail and Track Business and Tourism Development Guidance

“How to” manuals will be developed to assist trail and track owners and operators with business management, opportunity identification and tourism development. These manuals will include guidelines regarding the service, standards, marketing, other business aspects and other tourism aspects associated with developing and operating trails and tracks. Training in this regard will also be facilitated / provided.

Marketing and business advisory services will be provided to trail and track developers and operators on various tourism aspects, according to the principles of “*Responsible Tourism*”.

The creation of sub-associations for trails and tracks operating in the same area will be encouraged as will joint marketing by these trails and tracks.

Trail and track development guidance will be done by SAROOF.

This will serve to promote the economic/financial success and sustainability of trails.

4.6 Adopt the Tourism BEE Charter

Trail and track owners and operators will be encouraged to adopt the Tourism BEE Charter.

Trail and track owners’ and operators’ understanding of BBBEE compliance will be facilitated by ~~NOW~~ (at representative body level the same material can be used for different industry sub-sectors). This may include:

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- Workshops;
- Manuals; and
- Websites.

Incentives for BBBEE compliance will be investigated. These may include, for example, awards for the top / best performing trail/track in terms of BBBEE.

Community and/or black ownership of trails and tracks will be encouraged, through the active identification of community-owned or black-owned land suitable for trails and tracks. This will be driven by SAROOF and NOW.

4.7 Develop Community Socio-Economic Benefit Strategies

Community socio-economic benefit and upliftment strategies for trails and tracks will be developed. Examples of activities include:

- Facilitation of employment for disadvantaged communities through their involvement in trail and track building, trail and track maintenance and tourism; and
- Training of local communities to act as off-road ~~tourist~~ guides.

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This will be done by SAROOF, in conjunction with SANOTA, the 4WDGA and ~~NOW~~.

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Community-owned land suitable for trails and tracks will be identified and trail and track development on this land will be encouraged. This will be driven by SAROOF and NOW.

4.8 Establish or Strengthen Associations

SAROOF, the key association representing the interests of South African trails and routes will be strengthened. This will include a targeted approach to increase membership. Funding will also be required and funding support for key regulatory compliance activities will be given (see **Section 10**). This will cover the costs for at least a part-time convener.

4.9 Formalise Linkages and Communication

Linkages or partnerships and communication between trails & tracks, the government and communities will be developed and formalised.

SAROOF will work through the national representative ~~function~~ in dealing with national and provincial government, and will facilitate community communication through sub-associations and groupings of trails and tracks.

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Section 5: Driver and Rider Competency

5.1 Introduction

The Implementation Framework ~~(contained in a separate document)~~ includes activities ~~and timings~~ associated with Driver and Rider Competency.

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Driver and rider competency is the second crucial element of the self-regulation strategy.

Drivers and riders including private individuals and government & corporate users will be covered by this strategy.

Organised racing and other events are under the control of Motorsport South Africa. If any drivers or riders participating in any organised events access sensitive areas, they will be subject to the same rules and regulations that apply to recreational drivers that access sensitive areas.

5.2 Compulsory Driver and Rider Competency in Sensitive Areas

5.2.1 Introduction

The environmental Norms and Standards that will be developed will include requirements for:

- Driver and rider competency to access sensitive areas i.e. proof of driver or rider competency will be required; and
- Definitions of unacceptable driver behaviour.

The Norms and Standards will specify the regulatory ~~function of the representative~~ body and its structures and role in enforcing the driver and rider competency requirement in sensitive areas, as well as unacceptable driver and rider behaviour.

The interim body will be responsible for the development of these Norms and Standards.

Once registered, these unit standards will be reviewed and updated after 3 years in line with SAQA requirements. This will be driven by the regulatory function of the representative body in conjunction with SAQA and TETA.

Independent training providers and club trainers will be assisted in registering with and becoming accredited by the appropriate Seta. This support will be two-fold, viz:

- Meetings with Setas to facilitate the streamlining of the accreditation process – this will be done by the Process Manager from the regulatory function of the representative body; and
- Develop and provide information / documentation on what is required and facilitate assistance – this will be done by NOW, NAAMSA, AAWDC and SANOTA. Funding in this regard will be required.

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Specific assistance will also be required for the following:

- Accreditation/registration of a training service provider for 4x4 clubs;
- Accreditation of ± 50 4x4 club trainers;
- Accreditation/registration of a training service provider for quad bike and motor bike clubs; and
- Accreditation of ± 20 quad bike and motor-bike club trainers.

The identification of club trainers that will receive funding will be decided by the AAWDC and AMID / a new association of quad bike and motor bike riders, according to documented criteria and conditions to be developed.

This assistance is required as these trainers are voluntary enthusiasts, and are not offering training for financial gain only. Assistance will not be provided to independent training providers, whose sole business for profit is the provision of training.

Funding will be provided to SANOTA, on the same basis as provided to the AAWDC (discussed in more detail in Section 10) to cover capacity building including the development of course materials, training aids etc. In this way, SANOTA will be able to assist independent training providers.

Any club trainer that is also an independent trainer will not receive any funding support.

There is a shortage of training facilities for independent trainers to use. NOW and SANOTA will proactively facilitate the development or availability of suitable training facilities for the use by the independent professional trainers.

While such facilities will ultimately be a private sector responsibility the associations will endeavour to source subsidy funding, business assistance etc. for the development of such facilities in key areas where they are lacking.

The training course, to obtain the driver competency certificate, will be 1 to 3 days in duration, depending on previous experience. Training will be available as a 1 to 3 day course or as separate shorter sessions over several days.

The cost of the course will be market-related, ranging from a few hundred Rands to around R2 000, in 2008 Rands.

The exact process of issuing DCCs is to be finalised. It is likely that the training service provider will issue the certificate using an agreed and authorised template developed by the regulatory function of the representative body, and in compliance with any Seta-specific requirements. Details will be uploaded from the training service provider to the Seta. In addition, the DCCs issued will also be reported to the regulatory function of the representative body. The regulatory function or training provider will also be able to issue a temporary DCC for foreigners that have completed their DCC training. The temporary DCC can be initiated by a fax or email sent by the training provider, or a temporary card from the training service provider.

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Renewal of the DCC will be considered as a means of sanctioning drivers and riders i.e. the DCC can be revoked depending on infringements (see Section 9 for more detail on monitoring and sanctioning). If it is decided that the DCC should be renewed after a stipulated period of time, the regulatory function of the representative body will trigger a standard renewal process (i.e. after 1 to 2 years) i.e. telling the service provider to re-issue a card, or it will re-issue the cards itself.

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The expiry date and renewal of DCC cards is essential to ensure an ultimate sanction is available of rescinding a person's DCC. It may also offer an option for a revenue stream if a fee is charged for renewal.

The DCC will be a credit card-type format, making it easier for drivers to carry around with them, and will include their ID or passport number. Each card will have a unique issue number.

Other representative body regulatory functions, with regards to driver competency include:

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- Obtaining the details of trained drivers from the appropriate training providers, and maintaining this database;
- Developing and maintaining a database of Seta-registered and accredited training service providers, which will be made available to all parties interested in training; and
- Rescinding driver competency as an ultimate sanction for unacceptable behaviour (see **Section 9**).

Off-road driving courses will be made available to those foreign tourists that wish to acquire competency. Car rental companies will have access to the database (maintained by the regulatory function of the representative body) of accredited training providers that offer training, to enable them to direct clients to these providers.

Recognition of prior learning (“**RPL**”) or refresher courses will be made available for drivers with existing non-SAQA qualifications, enabling them to achieve competency. It is intended that the RPL process should be completed in a shorter timeframe.

As part of access control, trail and track owners and operators in sensitive areas will record a driver’s ID number and competency certificate card number on a registration / booking form before allowing drivers access to their trails and tracks. Usually this will be combined with the indemnity form.

Driver and rider competency, as described above, will also contribute to stimulating off-road tourism. The more drivers who develop off-road competency, the greater the take-up of, and enjoyment of, off-road driving.

5.2.3 Driver and Rider Behaviour

A list of unacceptable driver and rider behaviours will be included in the Norms and Standards. This may include, but not be limited to:

- Driving off the trail/track;
- Drinking and driving;
- Speeding;
- Damage to flora and fauna;

- Noise; and
- Littering etc.

The exact definitions and/or levels of these behaviours which are unacceptable will be carefully developed in the Norms and Standards. Enforcing compliance and ultimate punishment for abhorrent behaviour can then be enforced through environmental laws and policing.

5.3 Transformation

Previously disadvantaged drivers and riders will be encouraged to become trained and obtain their driver competency certificate.

This will be driven by clubs, the AAWDC and the manufacturers.

In the case of clubs and the AAWDC previously disadvantaged drivers and riders will be encouraged to become driver and rider trainers & club members and participate in off-road activities.

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The industry will facilitate this through the associations which will both facilitate membership training and participation in club activities for currently disadvantaged drivers and riders, and attract existing “black diamond” off-road vehicle owners into the clubs and the industry.

Clubs which regularly use certain areas/routes will be encouraged to develop community benefit programmes.

In the case of the manufacturers, branded training programmes will be provided to previously disadvantaged drivers and riders.

If community-owned land is used for training purposes, this would contribute to BBBEE / transformation and community upliftment, through community ownership of off-road training facilities.

5.4 Establish or Strengthen Associations

The AAWDC and clubs currently represent the interests of South African off-road drivers. SANOTA represents the training businesses, which will offer DCC training. The AAWDC, SANOTA and others will be strengthened through a

targeted approach to increase membership. Funding will also be required in this regard (see **Section 10**).

The development of a national association representing quad-bike and motor-bike clubs will be encouraged, with this being facilitated by AMID.

Any new associations will require assistance, both financial and other, in setting up.

5.5 Formalise Linkages and Communication

Linkages or partnerships and communication between off-road clubs, other relevant associations & organisations, the government and communities will be developed and formalised.

This will mainly be through ~~NOW~~ for national and provincial government. Clubs which regularly use certain areas/routes will be encouraged to develop community linkages.

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Section 6: Off-Road Tourist Guides

6.1 Introduction

The Implementation Framework (~~contained in a separate document~~) includes activities ~~and timings~~ associated with off-road tourist guides.

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6.2 Training and Registration of Off-Road Tourist Guides

There are three main categories of generic tourist guides, viz:

- Those who work at a particular site i.e. **site guides**;
- Those who work in a region i.e. **regional guides**; and
- Those who work nationally i.e. **national guides**.

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

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

All off-road tourist guides operating in the off-road sector will be required to be registered with DEAT, under a specialised off-road tourist guide category.

Off-road guiding currently falls into adventure guiding, but the industry will approach DEAT to make off-road guiding into a category of its own.

~~There will be two levels of national off-road tourist guides, viz:~~

- ~~Trail national guides~~ – guides that take tourists on one-day or shorter trails and tracks; ~~and~~
- ~~Overland national guides~~ – guides that develop overnight tour packages and take tourists on these tours throughout South Africa.

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Deleted: Regional guides – guides that take tourists on one-day or shorter trails and tracks. These guides are not trail- and track-specific but providing guiding services in a specified province or area and can work across different trails and tracks; and¶
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For a transitional period (e.g. 3 years) while the off-road strategy is being developed and rolled out, an appropriate nature guiding qualification with a DCC will be sufficient to allow off-road tourist guides to offer their services. The unit standards and qualifications required for nature guiding are already in place. Thus in order to meet the transitional requirements, off-road tourist guides need to be trained and registered in nature guiding and have completed a DCC.

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During the transitional period guides operating on all off-road trails and tracks will be required to have these two qualifications. They are then registered with DEAT under both nature guiding and only but listed at the regulatory function of the representative body.

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In terms of national (both trail and overland) off-road tourist guides, there are no unit standards currently in place. The unit standards are currently under development and finalising these unit standards and getting them registered with SAQA is an important early step in the pre-planning phase of the strategy. They will include appropriate environmental sustainability, nature guiding and off-road components.

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There is currently an MoU in place with Masazane Expeditions, to allow them to register guides against their training material in the absence of a unit standard. Once the unit standard is registered with SAQA, an RPL should be sufficient to allow guides who have completed the Masazane course to obtain the national off-road tourist guiding qualification.

There will be two main thrusts to develop off-road tourist guides:

1. The focus on developing the national off-road guiding unit standards and training and registering an estimated 200 national overland off-road tourist guides; and
2. Identifying and developing new national trail guides, who will require training and registering under the off-road unit standards to be developed.

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It is likely that any additional new guides will be trail guides for the following reasons, viz:

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- Provides new employment opportunities related to tracks and trails which are crucial in transformation in the off-road sector community development and community benefits;
- Trail guides are at the “coal-face”, and thus can bring about effective environmental policing;

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- The cost and time-frame associated with becoming a trail guide will be less than that for an overland off-road tourist guide.

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There are currently an estimated 200 national overland off-road tourist guides requiring the national level qualification.

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According to the 4WDGA, as per a challenge driven by the Minister, the number of tourist guides needs to grow from the current ± 10 000 to 35 000 by 2010. Off-road tourist guides might constitute 5% of the 25 000 additional guides, meaning that 1 250 off-road tourist guides are required. Given the estimated number of trails at 430, this is a high number of guides.

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If we assume that these new off-road tourist guides will be trail guides, this means more than 2 guides per trail and track which is unlikely to be economically feasible and the off-road sector is unlikely to be able to support the activities of so many guides.

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The adjusted and more realistic target for trail off-road guides to be trained and registered under this strategy will be:

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- 500 trail; and
- 200 overland.

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200 regional

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However, even these numbers are high, and in the implementation may be reduced to attainable and manageable levels, taking into account realistic demand and sustainable livelihoods for the guides.

Tourist guide training providers will be assisted in registering with and becoming accredited by THETA to offer off-road tourist guiding training. This support will be two-fold, viz:

- Meetings with THETA to facilitate the streamlining of the accreditation process – this will be done by the Process Manager from the regulatory function of the representative body; and
- Develop and provide information / documentation on what is required and facilitate assistance – this will be done by NOW and the 4WDGA.

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The 4WDGA will drive the development of the unit standards. Funding in this regard will be required (see **Section 10**).

Finalising the development of the unit standards and registering them with SAQA is likely to be a long process, and thus it is assumed that implementation of the strategy actions requiring the unit standards (i.e. accreditation of training providers, registration and training of national off-road tourist guides etc.) will only happen from 2010.

Training and registration of ~~off-road guides as part of the transitional period while unit standards are being developed,~~ will be done as soon as the DCC is available.

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~~Regulatory functions of the representative body include~~ developing and maintain~~ing~~:

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- A database of registered and trained off-road tourist guides; and
- A database of Seta-registered and accredited training service providers, which will be made available to all parties interested in training.

Service providers offering the national off-road guiding qualification and nature guiding qualifications will be maintained on the database.

Off-road tourist guides that are drivers will have to obtain a driver competency certificate in order to access sensitive areas. Accredited driver competency training providers are already on ~~the regulatory function~~ database under driver and riders.

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The issue of the number of people that one off-road tourist guide may accompany may be trail- or track-specific. If trail- or track-specific, it would fall under that trail or tracks' EMP.

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6.3 Stimulate Off-Road Tourism

Compulsory registration and training of off-road tourist guides as described above, will contribute to stimulating off-road tourism, as these guides promote off-roading for their business.

Off-road tourist guide performance will be recorded by DEAT which requires that all tourist guide registrations be renewed every 2 years.

The utilisation of only trained and registered off-road tourist guides on all trails and tracks will be driven by the 4WDGA and ~~NOW~~.

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6.4 Community Socio-Economic Benefit Strategies

Community socio-economic benefit and upliftment strategies for off-road tourist guides will be developed. This will include the identification and training of historically disadvantaged tourist guides. Skills transfer programmes, as well as mentorship programmes will be developed to enable qualified guides to partner or support developing previously disadvantaged guides.

These activities will be the responsibility of the 4WDGA. The 4WDGA will interact with SAROOF, Sanparks and provincial parks associations in order to assist trail and track owners and operators identify and train staff as off-road tourist guides.

Trails, tracks and destinations located in sensitive areas will identify registered and trained guides in their area, whose services can be used on their trails and tracks, and ensure access to these guides is facilitated for drivers and riders without DCCs who wish to enjoy these trails and tracks.

6.5 Establish or Strengthen Associations

The 4WDGA currently represents the interests of South African off-road tourist guides, with SANOTA representing driver and rider training providers.

Off-road guide trainers will be encouraged to join the 4WDGA, which will support them in the process to become accredited.

The 4WDGA and SANOTA will be strengthened through a targeted approach to increase membership. Funding will also be required in this regard.

The AAWDC has members that are registered tourist guides, who will obtain the off-road tourist guiding qualification, when available.

Some sort of reciprocity for club membership should be considered between the AAWDC and 4WDGA for these guides.

6.6 Formalise Linkages and Communication

Linkages or partnerships and communication between off-road tourist guide associations & organisations, the government and communities will be developed and formalised.

This will mainly be done through the representative function at national level and for provincial government. Sub-associations of guides within areas will be encouraged and community linkages facilitated at this level.

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Section 7: Tourism Development

7.1 Introduction

The Implementation Framework ~~(contained in a separate document)~~ includes activities ~~and timings~~ associated with Tourism Development.

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7.2 Tourism Development

Many of the actions discussed in other focus areas will stimulate tourism development.

Tourism development is an objective that cuts across all off-road sub-sectors, and will be achieved in the following ways:

- ~~NOW~~ will collaborate with appropriate tourism industry bodies. This will include joining the TBCSA.

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- Off-road tourism will be stimulated in new areas and expanded in existing areas. ~~NOW~~ will interface with national and provincial departments and processes for rural and tourism land-use planning and development e.g. DWAF, Conservation authorities, World heritage sites, conservation areas, Spatial Development Initiatives, Trans-Frontier Parks, communities owning appropriate land etc.

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This will be to continually promote and assess possibilities of developing new trails and tracks in these areas to expand off-road tourism.

- A national and international marketing, communication and awareness strategy for off-road tourism will be developed and implemented, by the representative ~~function~~, to enhance / improve the sector's image and correct negative perceptions e.g. through positive accounts of the sector making a difference to people and the environment.

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The principle of Responsible Tourism, and the show-casing of accounts of positive contributions to people and the environment will be one of the

mechanisms to portray a positive sector image, encouraging tourists to participate in off-road activities, thereby supporting the economic development of the off-road sector.

Off-road websites & magazines, off-road organisations & suppliers and advertising agencies will be approached by the representative body to assist with advertising to change the negative image of the off-sector sector to one of a positive environmentally conscious and sustainable sector. They will also be monitored for any irresponsible information or portrayals that imply that off-roading can/does damage the environment or includes irresponsible behaviour. They will be continually approached / encouraged on this issue, to ensure that negative environmental or behavioural off-road activities are not portrayed in the media. This will also be built into codes of conduct.

NOW should interact with South African Tourism (“SA Tourism”) and other players to promote the off-road sector at Indaba and other international fora, including support of direct marketing to overseas markets with branding that underpins the practices of responsible eco-tourism.

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Ongoing education campaigns are required to inform drivers & riders, trail & track owners / operators, off-road tourist guides and other relevant stakeholders about the off-road sector strategy and why compliance with the strategy is vital for environmental protection, transformation, tourism development etc.

The NOW website will play a vital role in the education drive as it will be a source of key information.

- **Provincial and local sector associations will interact with provincial and local tourism bodies** for marketing off-road tourism.
- A **sector economic analysis** will be developed, to show the extent of the impact of the off-road sector. This will be driven by the interim body, as part of the Business Case in the pre-planning phase.

Section 8: BBBEE / Transformation and Community Involvement & Upliftment

8.1 Introduction

The Implementation Framework (contained in a separate document) includes activities and timings associated with BBBEE / Transformation and Community Involvement & Upliftment.

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8.2 BBBEE / Transformation and Community Involvement & Upliftment

BBBEE / Transformation and Community Involvement & Upliftment is an objective that cuts across all off-road sub-sectors, and will be achieved in the following ways:

- Stakeholders in the off-road sector will be encouraged to adopt the **Tourism BEE Charter**, Department of Trade and Industry (“DTI”) **Codes of Good Practice** or other applicable sector charters.
- **Incentives for BBBEE compliance** will be investigated e.g. awards for the top/the best BBBEE compliance trail/track, trainer, club etc.
- The **sector’s understanding of the Codes will be facilitated** by the representative function of the representative body. This may include:
 - Workshops;
 - Manuals; and
 - Websites.

BBBEE will apply to all companies operating in the sector (e.g. trails & tracks, training service providers etc.) and the sector-specific associations and clubs.

- **Community socio-economic benefit and upliftment strategies** will be developed for each of the sectors.

This will include the facilitation of employment opportunities for disadvantaged communities through, for example:

- Trail & track building and trail & track maintenance activities;
- Acting as off-road trail tourist guides; and
- Tourism opportunities e.g. involvement in tourism and hospitality establishments as employees, entrepreneurial activities e.g. crafts and retailing etc.

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BBBEE and community upliftment activities must, where possible, be aligned with Charters and Codes e.g. tourism opportunities that are created or encouraged will be “recorded” for Charter and Codes purposes.

In striving for transformation, although job creation is critical, it is not the only issue requiring attention. Business opportunities for previously disadvantaged individuals must also be sought. This includes ownership opportunities (e.g. trails and tracks, tour operator businesses etc.).

Where possible, groups and communities, as opposed to individuals must be supported to take ownership roles in the industry e.g. trails and tracks on community land.

Support must be provided in establishing businesses, and mentoring owners to ensure that they become, and remain, sustainable.

In developing the community upliftment strategies the **economic impact of opportunities must be investigated**, through market and financial feasibility assessments to ensure sustainability. These studies will be driven by the sub-sector associations concerned.

- The **use of local suppliers and service providers will be encouraged**. Incentives in this regard will be investigated.
- **Collaboration** between the sub-sectors of the off-road sector will be vital to achieve these strategies i.e. trail and track owners and operators must identify local people to become off-road tourist guides, and work with the 4WDGA for training. Trails & tracks and clubs must use these guides where possible etc.

Sector associations should target previously disadvantaged communities and persons to become members and active members of their associations.

Linkages/partnerships and improved communication will be developed and formalised between sector players, the government and communities.

Section 9: Monitoring, Sanctions and Incentives

9.1 Monitoring and Sanctions

9.1.1 Introduction

Implementation of the strategy and its associated activities will require monitoring and sanctions. There are essentially 4 key areas that require monitoring and sanctions, namely:

- Drivers and riders;
- Trails & track owners and operators;
- Off-road tourist guides; and
- Training providers, trainers and training facilities.

Monitoring and sanctioning will be conducted at several levels, including at association level and by the regulatory function of the representative body. A panel or ombudsman will be appointed to deal with issues that cannot be rectified by the associations or regulatory function, either where there are no legal ramifications or where the industry prefers to first try and resolve the issue.

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Each of the 4 key areas is discussed in further detail below.

The fact that the Norms and Standards are aligned to NEMA and signed off by the National Minister provides for their legal application and adherence is required under law.

Adherence to Responsible Tourism Guidelines will also be encouraged.

9.1.2 Drivers & Riders

Off-road drivers and riders will be monitored for:

- Possession of a driver competency certificate when accessing sensitive areas; and
- Driver compliance with Norms and Standards on trails and tracks.

The Norms and Standards will provide the legal framework requiring a driver or rider to have a DCC. In addition, the Norms and Standards will also contain unacceptable driver and rider behaviour, including, but not limited to:

- Driving off the trail or track;
- Drinking and driving;
- Speeding;
- Damage to flora and fauna;
- Noise; and
- Littering etc.

Monitoring of drivers' and riders' adherence to the Norms and Standards will be conducted by trail & track owners/operators, clubs, other trail and track users and off-road tourist guides.

Trail and track owners and operators in sensitive areas will perform the first level of monitoring, by requiring proof of competency (i.e. the DCC) before allowing drivers and riders to access their trails and tracks. This will include taking pertinent details, which will allow the driver or rider to be identified, if required later.

Once drivers and riders are on a trail or track, their behaviour will be monitored by trail & track owners/operators, clubs, other off-road users and off-road tourist guides. A process will be developed for categories of offence, to be reported by different groups at different levels e.g. trail and track users that are members of a club can report drivers to the AAWDC, who can in turn take this up with the regulatory body.

A framework for sanctioning will be developed, with the type of offence being taken into account e.g. some offences could require that the DCC be removed at the first offence, while others may be cumulative i.e. a specified number of repeat offences before the driver loses their certificate, under a demerit-type system.

[Transgressions, and whether or not the DCC can / will be revoked will be determined during strategy implementation.](#)

The process will include initial informal steps, such as verbal feedback and reprimanding letters, disciplinary committees etc, finally resulting in the removal of competency and black-listing. Final formal steps will be recourse to the law through the Green Scorpions environmental policing, environmental management inspectors (“EMIs”) etc, which could result in prosecution.

Once the Norms and Standards have been developed, the relevant authorities will be educated on their sanctioning powers under these. This will be done by the regulatory function of the representative body.

The only potential loophole is that of foreign drivers who rent off-road vehicles for use on South African trails and tracks. The number of these drivers will be limited in sensitive areas due to the guide/competency requirement. Unfortunately if they exhibit behaviour in contravention of the Norms and Standards, the recourse to both the clubs or regulatory body sanctioning, or law, has no teeth as they leave the country. These drivers are however in the minority. (The car hire industry and traffic police deal with this as a major problem with foreign driver offences under the Road Traffic Act.)

9.1.3 Trails & Tracks

The regulatory function of the representative body will not register, or will de-register contravening trails and tracks that do not comply with the environmental Norms and Standards. All such trails and tracks will be communicated to the representative function for dissemination to the industry and users will be instructed not to use such trails and tracks. This information will be posted on the NOW website informing potential users, and other trail and track owners / operators about the status of all trails and tracks.

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Environmental monitoring will be through a compliance process during trail and track development (similar to EIAs for other developments), the lodging of an EMP, and environmental audits to be conducted at regular intervals. Trails and tracks in default will be given time periods to rectify situations and then be re-inspected. Results of the audits could possibly be made available on the NOW website.

The Norms and Standards will provide the legal framework for monitoring and sanctioning under environmental legislation and the appropriate environmental policing mechanisms will be used i.e. the Green Scorpions and EMIs.

In addition, monitoring of trails and tracks will be conducted at various levels, mainly by SAROOF as well as by drivers & riders and off-road tourist guides. People will be encouraged to report environmental negligence and deviation to the regulatory function of the representative body.

9.1.4 Off-Road Tourist Guides

Monitoring of off-road tourist guides will be conducted at various levels, mainly by the 4WDGA, the regulatory function of the representative body and DEAT.

According to the Second Tourism Amendment Act, 2000, which pertains to tourist guides, it is compulsory for individuals practicing as tourist guides to register with the relevant provincial registrar, and this strategy simply brings the off-road guiding sector into line with this national legislation.

This is currently being policed, with spot checks being conducted. Although not targeted specifically at off-road tourist guides, this mechanism will assist in the policing of these guides, and thus support this strategy. The 4WDGA will interact with provincial authorities to encourage or direct spot checking of off-road tourist guides.

Trail & track owners/operators and off-road driving clubs will be instructed to use registered off-road tourist guides only. This will be facilitated through NOW.

Registered guides will be identifiable by their DEAT issued identity cards,

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Tourist guides are required to renew their registration every 2 years.

The 4WDGA, the provinces and DEAT will be open to receive and handle any complaints with respect to registered guides.

Trail & track operators and clubs and other users will be asked to report any incidences of non-registered guides to the 4WDGA which will coordinate liaison with the provinces to stop such illegal guiding, resorting to prosecution of deemed appropriate.

9.1.5 Training Providers / Trainers / Training Facilities

Monitoring of training providers, trainers and training facilities will be conducted by SANOTA, drivers and riders, as well as other training providers, trainers and training facilities.

SANOTA in particular will report any non-accredited trainers or accredited trainers delivering obviously sub-standard training, to the regulatory function of the representative body. SANOTA must make their databases available to

DEAT, who can in turn make trainer details available to the provincial registrars. This will assist in the monitoring of activities.

9.2 Incentives

Incentive schemes for trail & track owners & operators, drivers & riders, off-road tourist guides etc. need to be devised to encourage compliance with the strategy, including effective ways of ensuring compliance.

Table 6 suggests some incentives to encourage compliance with the strategy.

Table 6: Incentives for Compliance with the Off-Road Sector Strategy

Focus Area		Incentive
1	Drivers / riders	<ul style="list-style-type: none"> • Access to sensitive areas. • Lower insurance premiums for drivers with a driver competency certificate. Insurance companies will be approached by the representative body in this regard.
2	Clubs	<ul style="list-style-type: none"> • Clubs that assist by acting as guardians in certain areas or on certain trails and tracks will receive benefits, e.g. special access to certain areas. • Volume incentives based on the number of people trained e.g. after 100 trainers have been trained, the club gets 5 trained for free from the regulatory body funds.
3	Trail and track owners and operators	<ul style="list-style-type: none"> • Awards for the top or the best environmental compliance. • BBBEE awards for top compliance.
4	Off-road tourist guides	<ul style="list-style-type: none"> • Only registered and trained off-road tourist guides will be included in relevant databases. Off-road clubs and car rental companies will promote use of these guides. • Tour operators must be instructed to use only registered off-road tourist guides. This must be linked to the tour operators' credibility i.e. no registered off-road tourist guide, no credibility.

Section 10: Budgets and Funding

10.1 Introduction

Annexure D contains the proposed budget for the first 5 years of strategy implementation. It includes:

- Sources of funding and potential amounts;
- Pre-planning phase funding and activities;
- Start-up costs required e.g. costs associated with the establishment of the regulatory body;
- Implementation costs over a 5-year period; and
- Ongoing operation costs from year 6 onwards.

Activities associated with regulatory compliance (e.g. driver and rider competency, trail and track registration etc.) are indicated as fully funded.

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In the case of other activities not directly associated with compliance (e.g. increasing association membership), a central “pot” of funding is indicated, and associations will motivate in an application to the representative body, for this funding. A policy outlining the conditions under which this funding may be made available will be developed by the regulatory function of the representative body.

Inflation of 6% has been assumed on an annual basis, with all expenses inflated at 6% year-on-year.

10.2 Budget

10.2.1 Phasing of Activities

The main strategy implementation will start in 2009. A pre-planning phase will run during 2008, including all the steps and preparation required to start the full process in 2009, and some key strategy elements which can be expedited earlier. DEAT will be approached to provide seed funding of R500 000 in this regard.

Implementation is phased over 5 years, starting in April 2009. The 1st of April 2009 has been selected as the start date as this coincides with the start of DEAT's financial year, and 2009 is the earliest that significant funding can be made available.

It is assumed that the strategy will take 2 years to fully develop (i.e. Norms and Standards developed etc.), from April 2009 to March 2011 and will then be implemented over 3 years, from April 2011 to March 2014.

Thus implementation is effectively phased over 6 years, starting in year 0 (April 2008) and ending in year 5 (March 2014). A 7th year has been budgeted to give an indication of the ongoing costs of maintaining the strategy, once the existing industry has complied.

10.2.2 Pre-Planning Activities

Pre-planning activities, totalling R517 000 are planned for year 1, with these activities being phased over this time. These activities include:

- Hold a sector workshop to inform stakeholders about the strategy and obtain buy-in;
- Obtain the Minister's formal blessing;
- Obtain seed funding;
- Set up a steering committee between government and NOW to run the pre-planning process;
- Determine the interim processes required to manage activities until the regulatory function of the representative body is fully established;
- Appoint interim process board members;
- Appoint a part-time convener for NOW – to be paid on a retainer basis;
- Liaise with the Sensitive Areas Project team;
- Actively engage with other relevant stakeholders e.g. Sanparks, AA etc;
- Develop the industry business case;
- Finalise funding methods and obtain funds for the set-up and operational phases;
- Develop a policy for the funding of activities;
- Run a communication campaign;
- Start the development of the Norms and Standards;
- Start finalising the off-road tourist guide unit standards;
- Finalise the off-road driver competency training SAQA accreditation;

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- Fund and run a workshop to develop a national quad bike and motor bike association;
- Appoint a full-time NOW convener;
- Recruit a director for the regulatory function of the representative body;
- Develop a business plan for the regulatory function of the representative body; and
- Recruit staff for the regulatory function of the representative body.

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By April 2009, the start of the first year of set-up, the regulatory function personnel will be ready to take up positions, initially in the interim body and ready to carry out their activities.

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10.2.3 Interim/Regulatory Function Budget

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Administration

The regulatory function of the representative body will require an estimated R2,5 million for administrative costs in 2009, increasing to R3,1 million in 2013. An estimated R3,3 million will be required annually from year 6 (starting April 2014).

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These costs include:

- Salaries, for the following staff members:
 - Manager;
 - Trail and track environmental office;
 - Process manager;
 - Database administrator / IT;
 - Girl Friday; and
 - Legal person on a retainer basis.
- Telephone;
- Accounting and auditing fees;
- Insurance;
- Stationery;
- Rent and office costs;
- Information technology;
- Travel for board members to attend meetings and for the staff to attend relevant meetings;
- Entertainment; and
- Payment of external board members.

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An indication of the estimated monthly and annual cost per expense type is included in **Annexure D**.

The regulatory function of the representative body will be established over a 3-year period starting April 2008 and ending March 2011. This is due to the fact that the regulatory function can only be fully established once the Norms and Standards are in place.

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Norms and Standards

An estimated R300 000 will be required to develop the Norms and Standards, with this split equally over the 3 years. The R100 000 required in 2008 forms part of the seed R500 000 funding that will be requested from DEAT.

Environmental Compliance of Trails and Tracks

The estimated 430 existing trails and tracks will be registered from April 2011 to March 2014, once the Norms and Standards are in place.

9 Trail and track environmental assessors (one per province) will undergo training from April 2010 to March 2012, with R5 000 being provided towards the training for each assessor.

In addition from year 3, it is assumed that 1 new assessor will be trained every other year.

From year 3 (April 2011) it is assumed that 9 new trails or tracks will be developed each year, one per province.

In 2008 Rands, an estimated average subsidy of R25 000 will be provided to each of the 430 estimated existing trails and tracks for environmental compliance / registration. In reality, some trails and tracks will require no subsidy or a minimal subsidy, while others will require a larger subsidy.

An estimated R28 000 will be required in 2010, increasing to R5 million in 2013. An estimated R326 000 will be required annually from year 6 onwards (starting April 2014).

Driver Competency

The following driver competency activities require funding, viz:

- Accreditation/registration of a training service provider for 4x4 clubs;
- Accreditation of \pm 50 4x4 club trainers;
- Accreditation/registration of a training service provider for quad bike and motor bike clubs; and
- Accreditation of \pm 20 quad bike and motor-bike club trainers.

These people carry out training related activities for no gain as club members.

~~SANOTA will be provided with funding which can be used for capacity building, including course material and training aid development, which will assist the independent training providers.~~

Deleted: No funding is provided for the 75 independent training providers as training is their professional business for profit, and thus they should carry the costs associated with accreditation.

Accreditation/registration of a training service provider for 4x4 clubs and for quad bike and motor bike clubs will be done in 2009, at an estimated cost (in 2008 Rands) of R25 000 per service provider.

Club trainers (both 4x4s and quad & motor bikes) will be accredited in 2009 and 2010, at an estimated cost of R5 000 per trainer (in 2008 Rands).

An estimated R239 000 will be required in 2009 with R197 000 required in 2010.

Capex Expenditure

Table 7 details the estimated Capex expenditure, with ongoing costs estimated at 10% of total initial Capex.

Table 7: Estimated Capex, 2008 Rands

Item	Number of Units	Cost per Unit	Total Cost (R'000)
Computers			
Computer	5	10 000	50
Server (including back-up system)	1	50 000	50
Software – general office	5	5 000	25
Software – debtors/creditors	1	10 000	10
Printer/Fax/Copier	1	10 000	10
ISDN line	1	1 000	1
ISDN modem	1	3 000	3
Telephone system	1	20 000	20
Database	1	100 000	100
Sub-Total			269
Office Furniture			
Meeting desk	1	3 000	3
Chairs	10	300	3
Desk	5	2 000	10
Credenza	5	1 000	5
Office chair	5	500	3
Tea/Coffee equipment	1	300	0
Bar Fridge	1	1 000	1
Filing Drawers	2	500	1
Lockable cupboards	2	500	1
Sub-Total			27
TOTAL (excluding contingency)			296
Contingency (10%)			30
TOTAL (including contingency)			325

Total Regulatory Function BudgetDeleted: Body

The regulatory function of the representative body requires R3,1 million in 2009, increasing to R8,2 million in 2013. In year 6 (starting April 2014) R3,7 million is required for ongoing operation of the regulatory function (see **Table 8**).

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Table 8: Total Regulatory Function Budget

Year	0	1	2	3	4	5	Sub- Total (Years 1 to 5)	6
	2008	2009	2010	2011	2012	2013		2014
R'000	290	3 125	2 980	7 424	7 850	8 147	29 526	3 678

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Large amounts of funding are indicated in years 3-5, largely due to subsidies provided for the backlog of 430 trails and tracks that will be registered during this period.

10.2.4 Representative Function Budget

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Administrative Costs

NOW will require an estimated R774 000 in 2009, increasing to R945 000 by 2013. This includes the costs for a full-time convener, travel & entertainment costs and secretarial services.

R50 000 has been set aside for a part-time convener in 2008 under the seed funding budget.

Marketing

In terms of the marketing campaigns required, two stages of marketing will be needed, viz:

- **Initial campaign** – R50 000 in 2008 and R25 000 in 2009, at the start of the process, and another R30 000 in 2011, after the finalisation of the Norms and Standards; and
- **Ongoing industry marketing** – R100 000 in 2009, inflated at 6% per annum. This will include an ongoing education campaign.

Total NOW Budget

NOW is budgeted to require R774 000 in 2009, increasing to R945 000 by year 5 (ending March 2014). See Table 9 for details.

Table 9: Total NOW Budget

Year	0	1	2	3	4	5	Sub- Total (Years 1 to 5)	6
	2008	2009	2010	2011	2012	2013		2014
R'000	100	774	794	871	892	945	4 276	1 002

10.2.5 Association Budgets

SAROOF: Facilitating Trail and Track Compliance

The environmental compliance of trails and tracks will require facilitation by SAROOF. An estimated R100 000 is budgeted for in 2009 and inflated at 6% per annum thereafter. No funding is provided from year 6 onwards.

4WDGA: Off-Road Tourist Guide Registration and Training

Development of the off-road tourist guide unit standards is likely to take 2 to 3 years, starting in April 2008. Total funding of R60 000 will be required, with this split over a 3-year period. The R20 000 required in 2008 forms part of the seed funding.

Training of a trail guide is estimated at R4 000 per guide, including the DCC. Registration and accreditation of trail guides in particular is a crucial element in driving transformation in the off-road sector, and financial support for these off-road tourist guides is provided as part of this strategy. However, only R3 000 per tourist guide is provided as these guides need to contribute to their training costs to demonstrate commitment to the sector. In addition, according to the 4WDGA, there is funding available from other sources for this purpose.

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The subsidy towards the training of national overland guides has been estimated at R4 000 per tourist guide, including the DCC, in 2008 Rands.

After the training and registration of these 700 guides, due to be complete by March 2012, an additional 15 guides per year (10 trail and 5 overland) will be supported.

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An estimated R1 312 000 is budgeted for in 2010 and R1 370 000 in 2011, decreasing to R67 000 in 2013.

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AMID: Establishment of a National Association of Quad and Motor-Bike Clubs

In order to facilitate the establishment of a national quad and motor-bike association, AMID will facilitate a workshop for industry stakeholders. This budget is estimated at R60 000 for the workshop. This forms part of the R500 000 seed funding.

SANOTA: Assistance to Independent Training Providers

In order to build capacity and assist independent training providers, funding has been budgeted for SANOTA on the same basis as that provided for 4x4 clubs.

Budget for Association Activities

A pot of funding for association activities not associated with legal compliance is required. This is estimated at R100 000 in 2009, and inflated at 6% per annum over the 6-year period. No funding will be required from year 6, starting April 2014.

Associations will be able to apply for this funding, for activities including, but not limited to:

- Driving increased association membership;
- Developing community upliftment strategies;
- Developing BBBEE strategies; and
- Developing tourism.

Total Association Costs

An estimated R468 000 is budgeted for in 2009, increasing to R386 000 by 2013. R142 000 per annum will be required from year 6, starting April 2014.

Table 10: Total Association Costs

Year	0	1	2	3	4	5	Sub-Total	6
	2008	2009	2010	2011	2012	2013	(Years 1 to 5)	2014
R'000	80	379	1 665	1 594	301	319	4 258	71

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10.2.6 Conclusion

An estimated R4 706 is budgeted for in 2009, increasing to R10 353 in 2013. This will level off at R5 2 million in year 6, starting April 2014 (see Table 11).

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Table 11: Total Budget

Year	0	1	2	3	4	5	Sub-Total (Years 1 to 5)	6
	2008	2009	2010	2011	2012	2013		2014
R'000	517	4 706	5 982	10 878	9 947	10 353	41 866	5 226

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10.3 Sources of Funding

10.3.1 Introduction

Funding will be sourced and managed by the representative body, with responsibility for this falling to the Director.

The business case that will be developed as part of the pre-planning phase will be the motivation for the funding required.

A clear set of criteria will be developed, indicating the conditions under which funding will be accepted. A “no strings attached” approach will be adopted and thus donors will not be able to dictate how and where the funding should be spent.

It is envisaged that all funding specific to this strategy will be channelled to the representative body which will then distribute funds to associations as or if required.

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Many sources of funds were considered in developing this strategy. These include:

- “Eco levy” on off-road vehicle sales – a set levy is imposed on the sale of each off-road vehicle;
- DEAT;
- Industry, e.g:
 - Donations / Sponsorship;

- From the NOW associations e.g. increased association membership and increased membership levies;
- “Green levy” on users – a portion of the fee paid to access a trail or track can be contributed to the strategy implementation;
- Levy on the driver training fee;
- Portion of SAVRALA’s current TOMSA levy on 4x4 vehicle hire;
- Driver competency certificate renewal;
- International donors;
- Corporate social investment; and
- Skills development levy.

In view of DEAT’s role in protecting the environment and significant resources it spends on environmental protection in many areas, it is felt that it would be appropriate and apt for DEAT to fund part of the off-road regulation resource requirements. Hence, DEAT will be approached for funding, particularly seed and initial set up funding.

Another agreed source of funding is an eco-levy on off-road quad and motor bike sales.

All further agreed funding will be pursued during the pre-planning phase.

10.3.2 DEAT Funding

DEAT will be approached to provide some funding to develop and roll-out the strategy.

Government is likely to provide some funding for key reasons. DEAT’s core function is to drive for environmental sustainability and it incurs costs in many arenas to achieve this, including regulations, control etc. If DEAT were to regulate the off-road sector in any other way, for example through the introduction of new legislation, they would incur costs to do this in any event.

The following funding will be requested from DEAT, viz:

- Year 0 (2008) – R500 000 – seed funding similar to that obtained for developing the strategy;
- Year 1 (2009) – R1,5 million;
- Year 2 (2010) – R2,5 million;
- Year 3 (2011) – R 2 million; and

- Year 4 (2012) – R1 million.

No funding will be requested from year 5 (2013) onwards.

This provides a total of R7 million funding over years 1 to 4.

10.3.3 Off-Road Vehicle Sales Funding

An “eco-levy” is envisaged on the sale of each new quad bike and off-road motor bike.

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Riders that pay an eco-levy could be provided with a sticker to display on their vehicle indicating that they are eco-friendly off-roaders who support sustainable off-road activity.

For each new quad and motorbike sale, an eco-levy of R50 is proposed. Current annual sales of quad bikes and off-road motor bikes are at an estimated 12 000. If we assume that the eco-levy will come into effect in 2009, and 12 000 quad bike and off-road motor-bike sales a year will incur this levy. This results in R636 000 in 2009, increasing to R803 000 by 2013. R851 000 will be raised in year 6.

Deleted: A total of 53 000 4x4 vehicles were sold in 2007, similar to the number sold in 2006. However, vehicle sales have reportedly declined at an annualised rate of 15% in the latter months of 2007, largely due to rising interest rates and the effect of the National Credit Act. If we assume a drop of 20% in annual sales in 2008, and then a further drop of 10% in 2009, 38 000 vehicles will be sold in 2009, and a total of 34 000 4x4 vehicles will be sold per annum from 2010 onwards.¶

¶ A proposed levy of R175 per vehicle sale will result in funding of R7,1 million in 2009, increasing to R8,0 million by 2013. R8,5 million will be raised in year 6.¶

It is believed that most off-road drivers and riders are environmentally-conscious and are likely to be happy to pay an eco-levy, especially given the low amount per vehicle proposed.

10.3.4 Total Funding

Table 12 summarises the total income that DEAT and other external sources could provide.

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Table 12: Total Funding Income (R'000)

Year	0	1	2	3	4	5	Sub- Total (Years 1 to 5)	6
	2008	2009	2010	2011	2012	2013		2014
DEAT	500	1 500	2 500	2 000	1 000	0	7 500	0
Eco-levy	0	636	674	715	757	803	3 585	851
Additional funding to be sourced	17	2 570	2 808	8 164	8 190	9 550	31 298	4 375
Total	517	4 706	5 982	10 878	9 947	10 353	42 383	5 226

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10.4 Conclusion

Table 13 below provides an indication of the funding required and proposed sources of funding.

Table 13: Funding Required and Potential Funding Available

Year 0 to Year 5 (April 2008 to March 2014)	Amount (R'000)
Total Required Budget (2008 to 2013)	42 383
Total Funding Income (2008 to 2013)	42 383
DEAT	7 500
Quad and motor bike sales	3 585
Additional funding to be sourced	31 298
Year 6 (April 2014)	Amount (R'000)
Total Required Ongoing Budget	5 226
Total Ongoing Funding Income	5 226
Quad and motor bike sales	851
Additional funding to be sourced	4 375

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- Table 14: Cumulative Cashflow
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These activities will be implemented by the following key role players:

- Representative body – regulatory and representative functions:
- DEAT;
- Provinces;
- AAWDC;
- AMID;
- 4WDGA;
- NAAMSA;
- SANOTA;
- SAVRALA;
- SAROOF;
- Trail owners; and
- Training providers.

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NOW;

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<i>Difference – surplus</i>	3 562
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In addition, if one looks at the cumulative cashflow over the period, with enough income is available to sustain the strategy.

Table 14: Cumulative Cashflow

Year	0	1	2	3	4	5	6
	2008	2009	2010	2011	2012	2013	2014
R'000	-17	3 673	7 646	6 605	5 479	3 417	6 979