

Self-Regulation Strategy for the Off-Road Sector in South Africa: Executive Summary

1. Introduction

In response to a call from the Minister of Environmental Affairs and Tourism, a self-regulation strategy and implementation framework for the off-road sector in South Africa has been developed based on extensive work and consultation conducted since 2005. Highlights are included in this Executive Summary, with full details in the strategy document and implementation framework.

2. 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

This strategy scope covers:

- **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

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

1. Sensitive areas
2. Driver and rider competency
3. Off-road guiding
4. Trails and tracks
5. Tourism development
6. BBBEE¹ / transformation and community involvement and upliftment

¹ BBBEE denotes Broad-Based Black Economic Empowerment

The self-regulation strategy will meet the challenges the sector faces and grow and develop the off-road recreational sector. It will also address the Minister’s concerns regarding the damage to the environment by off-road vehicle activity.

3. Key Implementation Structures

The following organisations will be involved in implementing the strategy:

- **Representative body** – National Off-Road Workgroup (“NOW”) fulfilling both regulatory and representative functions;
- **Individual associations** – that currently form part of NOW²;
- **Department of Environmental Affairs and Tourism (“DEAT”);**
- **Provinces;** and
- **Potential new representative associations/clubs.**

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Separate representative and regulatory functions are required to carry out the strategy activities with these functions to be housed within the representative body. The regulatory function involves regulating and enforcing the regulatory aspects of the strategy, and the representative function involves supporting and promoting adherence to the regulations and informing the industry of regulatory issues, as well as conducting non-regulatory activities e.g. marketing, BBBEE, tourism development etc.

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4. Key Strategy Activities

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.

Key elements of the strategy include:

- Identification of 3 levels of sensitive area by DEAT & the provinces (in separate processes)
- Development of environmental Norms and Standards³;
- Establishment of the regulatory function of the representative body;
- Environmental compliance and registration of all trails and tracks;
- Compulsory driver competency certificate (based on SAQA and SETA accredited training courses), or use of a registered off-road guide, for access to sensitive areas;
- Significant promotion of off-road tourist guide development (particularly for PDIs) and all off-road tourist guides to be trained and registered with DEAT; and
- Community socio-economic benefit strategies by sub-sector and promotion of BBBEE compliance.

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² 4-Wheel-Drive Guides Association of South Africa (“4WDGSA”), 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 Trainers Association (“SANOTA”), Southern Africa Route Owners and Operators Forum (“SAROOFF”) and Southern African Vehicle Renting and Leasing Association (“SAVRALA”)

³ 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

Broadly the Norms and Standards will cover the following requirements:

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
10. Unacceptable driver behaviours for all areas

Initially, it was envisaged that the strategy would be a self-regulation strategy. 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 figure below provides an overview of the strategy implementation process.

Strategy 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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5. Monitoring and Sanctions

The Norms and Standards will be developed under NEMA and signed off by the National Minister. This will provide for their legal application, and adherence is required under law.

Monitoring and sanctioning will be conducted at association level, by the regulatory function of the representative body, by an ombudsman or panel and through recourse to the law and environmental policing.

For drivers and riders, the sanctioning process will include initial informal steps, finally possibly resulting in the formal rescinding of competency and ultimately recourse to the law. For trails and tracks, the regulatory function of the representative body will not register, or de-register, contravening trails and the industry will be instructed not to use such trails. The ultimate sanction will be recourse to the law under environmental legislation.

All industry stakeholders will play a role in reporting contravening drivers, trail and track owners/operators, non-registered guides etc to the associations or to the regulatory function of the representative body.

6. Budget and Funding

Pre-planning activities start in April 2008 and implementation is phased over 5 years from April 2009. The strategy will take 2 years to fully develop (mainly to develop and sign off the Norms and Standards), from April 2009 to March 2012. Major implementation will be over 3 years, from April 2012 to March 2014 when the existing industry will comply with the strategy. Thereafter there will be a lower key ongoing operational phase.

The table below indicates the funding required and proposed sources of funding. Funding will be sourced from DEAT, as well as from additional sources including an eco-levy on quad and motor bike sales.

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
<u>Additional funding to be sourced</u>	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
<u>Additional funding to be sourced</u>	4 375

- Deleted:** a proposed eco-levy, to be imposed on the sale of each off-road vehicle i.e. R20 per quad or off-road motor-bike, and R175 per 4x4 vehicle. The estimated income from an eco-levy is more than sufficient to sustain the strategy implementation from year 6 (2014)
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