



TO: NOW/ORCSA Board  
AAWDC, OGATO, SANOTA, SAROOF  
AMID, NAAMSA, SAVRALA  
Adventure Bike-Users, Quad-Users  
Off-Road Internet Forums  
Off-Road Media  
Off-Road Interested and Affected Parties

25 September 2012

## **NOW/ORCSA NEWSLETTER 2012/01**

Dear Off-Road Colleagues,

NOW/ORCSA is pleased to share the following information and updates. We are working towards self-regulation and a sustainable, responsible Off-Road Industry, and hope the following information would share our progress to date.

(1) Let's clarify some terminologies off-the-cuff:

**NOW:** National Off-Road Workgroup

**ORCSA:** Off-Road Council of South Africa

**NOW/ORCSA:** A term that has been used the past months to indicate that NOW is in transition towards ORCSA.

**NORS:** National Off-Road Standards (Previously called Norms and Standards or by the full name of "Draft Norms and Standards for the Management and Recreational Use of Off-Road Routes and Recreational Use Areas in Inland Sensitive Areas in the Republic of South Africa". NORS is still in draft format, but was submitted and accepted by Department of Environmental Affairs as Standards for the Off-Road Industry.

**DEA:** National Department of Environmental Affairs

**NDT:** National Department of Tourism

**NEMA:** National Environmental Management Act

(2) Let's clarify the current (25 September 2012) status for Board members to NOW/ORCSA

**AAWDC:** Association of All Wheel Drive Clubs – Southern Africa represented by Salo de Swardt

**AMID:** Association of Motorcycle Importers and Distributors represented by Rehann Coetzee

**NAAMSA:** National Association of Automobile Manufacturers of South Africa represented (non-executive\*) by Ekhart Kruger

**OGATO:** Off-Road Guides and Tour Operators represented by Lizette Swart

**Quad Bike Sector:** Represented by Kobus de Witt

**SANOTA:** South African National Off-road Trainers Association (currently vacant) but represented by Peet Hendriks for the interim until new Board member is nominated

**SAROOF:** South African Route Owners and Operators Association represented by Francois Smit

**SAVRALA:** Southern African Vehicle Rental and Leasing Association represented (non-executive\*) by Paul Pauwen

\* Non-Executive – NAAMSA / SAVRALA, this means they are not involved with the day-to-day management of NOW/ORCSA, but only participate in high-level Board discussions.



### (3) Feedback on the NOW transition to ORCSA:

Colleagues, after months of planning and consultation we have reached the end of this transition process. NOW was established in 2005, with a mandate to establish a legal framework that will foster self-regulation within the off-road industry. With the submission of the National Off-Road Standards (NORS) in 2011, NOW has completed this mandate. However, to implement self-regulation as per NORS, it was necessary to change (or transition) NOW from a Representative Industry Body to a Representative AND Regulatory Industry Body – thus the transition from NOW into the OFF-ROAD COUNCIL OF SOUTH AFRICA (ORCSA).

Towards the end of 2011, when the NOW Board decided to investigate the transition into ORCSA, a comprehensive industry consultation process was initiated to inform, gather input and secure comments on the proposed transition. This process consisted out of three distinct phases:

Phase 1: Discussions with key partners such as Government and Tourism Business Council of South Africa. These partners supported the transition, the new name and broader industry representation at ORCSA.

Phase 2: Discussions with the Executive Committees of the NOW Associations. Special NOW meetings were requested with the NOW Associations. All of the Association Executive Committees or their delegated representatives that responded to the NOW request, supported the transition, the new name and the broader industry representation at ORCSA.

Phase 3: A National Roadshow to George, Port Elizabeth, Cape Town, Durban, Gauteng and Louis Trichardt. No formal objections were lodged against the transition, the new name or broader representation. Very useful comments were raised, especially regarding communication and representation.

All the input gathered during these consultation processes were consolidated and included in the NOW Transition Report – the formal report detailing the transition from a representative body (NOW) to a representative, self-regulating body (ORCSA). The key recommendations in the Transition Report are as follow:

- **TRANSITION:** To implement NORS (in a cost effective and efficient manner) NOW must transition from a representative body to a representative and regulatory body
- **NAME:** The transitioned body will be called Off-Road Council of South Africa
- **REPRESENTATION:** NOW provided representation to seven (7) sectors in the Off-Road Industry, ORCSA will provide representation to ten (10) sectors in the Off-Road Industry. This is to provide broader participation at national level (see table below regarding changes)
- **PARTICIPATION:** To further increase participation, and to ensure more transparency with efficient decision-making, three standing committees will be established:
  - o Technical Advisor Committee – this committee will make use of the wealth of experience and knowledge available within the Off-Road Industry to provide technical advice to ORCSA to aid ORCSA in decision making.
  - o NORS Committee – this is the self-regulatory component of ORCSA and will also consist of members of government (national and provincial). This committee will deal with all legal, compliance, auditing and registration processes.
  - o Recreational Use Area Committee – within NORS, these are special geographical areas that cannot be managed as a single track. A classic example is Atlantis Dunes outside of Cape Town. This committee will provide support for the planning and implementation of Recreational Use Areas.
- **COMMUNICATION:** A big change will be the Communication Strategy. ORCSA will establish its own communication channels and strategies, website, branding, public relations and social media. ORCSA will continue to broadcast information via the Associations. ORCSA will have an Annual Roadshow and an Annual Strategy Workshop, where broader participation will be encouraged and promoted.



Table: NOW Representation vs ORCSA Representation

NOW Sectors	ORCSA Sectors	NOW Member	ORCSA Member
Off-Road Guides and Tour Operators	Off-Road Guides and Tour Operators	OGATO	OGATO
Off-Road Trails and Tracks	Off-Road Trails and Tracks	SAROOF	SAROOF
Off-Road Training	Off-Road Training	SANOTA	SANOTA
Off-Road Users: 4x4 Clubs	Off-Road Users: 4x4 Clubs	AAWDC	AAWDC
-	Off-Road Users: Internet Forums	-	To be Nominated
-	Off-Road Users: Bikes	-	To be Nominated
-	Off-Road Users: Quads	-	To be Nominated
Industry: Bikes/Quads	Industry: Bikes/Quads	AMID	AMID
Industry: Rentals	Industry: Rentals	SAVRALA	SAVRALA
Industry: Vehicles	Industry: Vehicles	NAAMSA	NAAMSA

The formal conclusion and legal transition will take place at the NOW AGM, scheduled to take place within the next month. At the same time, ORCSA will host a two-day Strategy Workshop, where a three-year Implementation Plan for ORCSA will be developed. We will ask all sectors to nominate three representatives to attend this Strategy Workshop. An invitation letter will be sent to all representative Associations (and new Sectors) of ORCSA to nominate attendees to this workshop.

#### (4) National Off-Road Standards (NORS)

Previously called Norms and Standards or by the full name of "Draft Norms and Standards for the Management and Recreational Use of Off-Road Routes and Recreational Use Areas in Inland Sensitive Areas in the Republic of South Africa"

We have received feedback from DEA. I am only going to provide some key pointers as NOW/ORCSA is in the process of drafting a formal communication on NORS with DEA that will be circulated.

The following for your information:

- The content of the draft NORS as submitted at the end of 2011 has been accepted by government.
- However, from a technical legal perspective, enforcement and co-regulation is not "allowed" in secondary legislation (Standards), but must be included in the primary legislation, in this case, NEMA.
- This means that DEA need to amend NEMA to include enforcement and co-regulation.
- We have foreseen the challenges with "enforcement" last year and it is included in the current NEMA amendment process.
- Co-Regulation will however only be included in the next NEMA amendment process, which is expected to be completed by the end of 2014.
- Does this mean that we have to wait until the end of 2014 before we start to do anything? Not at all, but implementation will change somewhat:
  - o ORCSA will start with voluntary registration in 2013 (registration will be tested and piloted with Trails and Tracks, and then with off-road users who have completed Unit Standard 254135 – the off-road driver competency certificate)
  - o When NORS come into effect at the end of 2014, there will be NO TRANSITION period – you will have to comply to NORS from date of effect.
  - o Voluntary registration from 2013-2014 will be (through an administrative process) changed to the legally required registration when NORS come into effect.



- Hence it is in everybody's interest (especially for Trails and Tracks) to comply to NORS in 2013-2014 through the voluntary registration process with ORCSA.
- Some glass-half-empty viewers will say that this is another delay that indicates registration will never become a reality. Colleagues, we are the pilot industry hence everything takes longer as we need to develop the framework. Currently there are four (4) other industries that are developing their own standards similar to NORS. It took us two years, but it is taking them only 8 months to complete their processes since they are using the framework that we have developed.

#### (5) Piloting Implementation by ORCSA

NOW/ORCSA promised earlier this year that we are going to implement this year. True to our word, we are prioritizing the following projects:

#### **Testing / Pilot NORS to 10-12 Trails:**

We need 10-12 Trails / Tracks across South Africa for ORCSA to pilot the National Off-Road Standards (include Legal Compliance, developing Environmental Management Plan, and Audit requirements). Several trails (on public and private land) have already shown interest, but herewith we urge trailowners to contact Jaco Venter should they be interested to participate. The deadline to send Jaco your details if you are willing to participate is 12 October 2012. Due to limited time and resource availability, late applicants will not be considered, and a selection process will determine the final 10-12 trails for participation. Make use of this opportunity if you want your trail to be amongst the first to be compliant to NORS.

#### **Assist Trails with Legal Compliance:**

We need 5 trails across South Africa that do NOT have legal authorization for the construction and/or expansion of an Off-Road Trail in terms of the EIA Regulations. ORCSA is willing to FACILITATE a process with government whereby we want to assist trailowners to become legally compliant. This is an exciting opportunity so please contact Jaco ASAP if you want to participate. The deadline for interest is 12 October 2012. Due to limited time and resource availability, late applicants will not be considered, and a selection process will determine the final 5 trails for participation.

#### **Off-Road Trail Auditors:**

In line with the National Off-Road Standards, ORCSA is looking for 10-15 people who are interested in becoming Trail Auditors. At this stage we are only asking for "expression of your interest". We are currently registering the auditing scheme and as soon as that is done, we will develop an associated course for training (focus on Environmental Law, the National Off-Road Standards, Auditing and Evaluations). Based on the requirements from the auditing scheme further details will be made available. The deadline for sending Jaco your interest is the 12 October 2012.

#### **ORCSA Logo & Slogan:**

ORCSA is established to serve the off-road industry, both in a representative and regulatory function. As such, we thought it only apt to ask and open up the design of a logo and slogan for ORCSA to industry stakeholders. We will take all the ideas received to our logo designer for a new look and feel. The deadline for input is 12 October 2012 to Jaco.



Even though there are lots more to be discussed (ie Environmental Sensitive Areas, Driver Competency Certificate, Atlantis Dunes, new Guide Qualification for Off-Road Guides, etc, etc), it will have to wait for the next communication - to prevent this newsletter from becoming a book! Do take the time to let me know if you found this communiqué informative and helpful. Please send all your responses to [jacoventersa@gmail.com](mailto:jacoventersa@gmail.com).

Kind regards,

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