



# **NORTH WEST NOORDWES**

**EXTRAORDINARY • BUITENGEWOON**

**PROVINCIAL GAZETTE  
PROVINSIALE KOERANT**

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## PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

## PROVINCIAL NOTICE 497 OF 2023

Department of Economic Development, Environment, Conservation and Tourism

**INVITATION FOR PUBLIC COMMENTS: DRAFT NORTH WEST  
PARKS AND TOURISM BOARD ACT REGULATIONS, 2022**

I, G.T.V Tlhapi, Member of Executive Council responsible for the Department of Economic Development, Environment, Conservation and Tourism, hereby give notice that the draft North West Parks and Tourism Board Act Regulations are made available for public comments. The Draft Regulations are herewith posted on the Government Gazette.

The draft Regulations are herein issued in the Schedule hereto under Section 31 of the North West Parks and Tourism Board Act (No.2 of 2022) in order to regulate Parks and Tourism matters in the province.


All interested persons and organisations are invited to submit written comments and socio economic concerns on the Draft Regulations within 20 days from the time of publication of this notice by:

- i. Email to : [imosiapo@nwpg.gov.za](mailto:imosiapo@nwpg.gov.za)  
[sarahsmanone@gmail.com](mailto:sarahsmanone@gmail.com)
- ii. Posting comments to:  
Department Of Economic Development Environment Conservation & Tourism  
Corner University Drive & Provident Street  
Mmabatho  
2735

Kindly provide the name, postal and email address telephone and fax numbers of the person or organisation submitting the comments.

All enquiries in regard to access to a copy of the Draft Regulations may be made to Adv. Itumeleng Mosiapo, telephone no: 078 388 5839/018 388 5974 or email:  
[imosiapo@nwpg.gov.za](mailto:imosiapo@nwpg.gov.za) or [sarahsmanone@gmail.com](mailto:sarahsmanone@gmail.com)

GIVEN UNDER MY HAND AT MAHIKENG ON THIS 28 DAY OF MARCH 2023



HON. G.T.V. TLHAPI  
MEMBER OF EXECUTIVE COUNCIL

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## PART I INTRODUCTORY PROVISIONS

### Definitions

1. In these Regulations, "the Act" means the North West Parks and Tourism Board Act, 2022 (Act No. X of 2022) and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context otherwise indicates –

"**concessionaire**" means a person or company that has a right to sell a product or to run a business, or has a stake in a business, within a protected area or in a building within a protected area of the Board;

"**CPA**" means a landholding institution established under the Communal Property Associations Act, 1996 (Act No. 28 of 1996);

"**guidelines**" means a policy or procedural manual developed by the Board subject to amendments from time to time when necessary to –

- (a) assist the Board in carrying out its mandate;
- (b) guide the concessionaires and stakeholders in terms of compliance with the Act; and
- (c) guide any other party in terms of compliance with the Act;

"**regulations**" include all the policies made in terms of these Regulations;

"**stakeholder**" means any natural or juristic person who is directly or indirectly affected by this Act;

"**traditional community**" means a traditional community recognised in terms of the Traditional Leadership and Governance Framework Act, and related prescripts; and

"**Traditional Leadership and Governance Framework Act**" means the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003).

PART II  
BIODIVERSITY MATTERS

**Initiation, development, administration, management and maintenance of protected areas in Province (Section 4(a) of Act)**

2.(1) In initiating, developing, administering, managing and maintaining protected areas in the Province as contemplated in section 4(a) of the Act, the Board must strictly comply with the relevant provision of the Promotion of Administrative Justice Act, 2000 (Act No. 2 of 2000).

(2) Before a decision in respect of the initiation, development, administration, management and maintenance of protected areas in the Province is taken, any party whose rights might adversely be affected by the decision contemplated in subregulation (1) must be notified of the planned decision.

(3) Any party whose rights might be adversely affected by the decision contemplated in subregulation (1) must be must be given a reasonable opportunity to make representations.

(4) The representations contemplated in subregulation (3) must be in writing or in person, depending on the circumstances.

(5) The procedure used and the decision contemplated subregulation (1) must be lawful and in a way that is fair.

(6) Once the decision contemplated subregulation (1) has been taken, all affected parties must be notified by the Board.

(7) The Board may deviate from the procedure contemplated in this regulation –

- (a) in urgent cases;
- (b) if related provincial or national related prescripts provide for a better procedure; or
- (c) if such procedure would place an unfair burden on the Board.

**Conservation and preservation of wildlife sector in protected areas in Province (Section 4(b) of Act)**

3. In promoting the conservation and preservation of wildlife sector in protected areas in the Province, as contemplated Section 4(b) of Act, the Board must at all times comply with the



relevant national and provincial prescripts.

**Creation enabling environment for access to markets for new entrants in wildlife sector in Province (Section 4(d) of Act)**

4. The provisions of regulation 1 apply with the necessary changes in respect of the creation enabling environment for access to markets for new entrants in wildlife sector in the Province.

**Contribution to establishment of enabling environment for job creation in wildlife sector in Province (Section 4(e) of Act)**

5. The provisions of regulation 1 apply with the necessary changes in respect of the contribution to the establishment of enabling environment for job creation in the wildlife sector in the Province.

**Undertaking of research aimed at applying new or known methods of nature conservation in protected areas (Section 5(1)(c) of Act)**

6.(1) When undertaking research aimed at applying new or known methods of nature conservation in protected areas under its control and management, the Board must ensure that existing prescripts on biodiversity are adhered to.

(2) In undertaking the research contemplated in subregulation (1), the Board must prioritise the safety of animals within protected areas.

(3) In undertaking the research contemplated in subregulation (1), the Board must prioritise knowledge empowerment, especially from previously disadvantaged communities living around protected areas.

**Promotion of awareness on protection of wildlife and nature conservation in protected areas in Province (Section 5(1)(d) of Act)**

7.(1) In promoting awareness on the protection of wildlife and nature conservation in protected areas under its control and management, in the Province, the Board may collaborate with strategic partners.

(2) In collaborating with strategic partners contemplated in subregulation (1) the Board must prioritise the historically disadvantaged groups.

**Taking reasonable steps to create awareness by public with regard to any matter related to but not limited to measures to protect and conserve wildlife (Section 5(1)(e))**

**of Act)**

8.(1) In taking reasonable steps to create awareness by the public with regard to any matter related to but not limited to –

- (i) measures to protect and conserve wildlife;
- (ii) safety precautions that must be adhered to when visiting protected areas or being around wildlife; and
- (iii) safety precautions that must be adhered to when attacked by any dangerous wildlife species,

the Board must develop policy.

(2) The policy contemplated in subregulation (1) must also include promoting such awareness in traditional communities living within a 40 kilometres radius outside protected areas.

**Promoting biodiversity by striving to reduce any negative environmental impact within protected areas under its control and management (Section 5(1)(e) of Act)**

9. In promoting biodiversity by striving to reduce any negative environmental impact within protected areas under its control and management, the Board must comply with both national and provincial biodiversity prescripts.

**PART III  
TOURISM MATTERS**

**Marketing Province as tourism destination locally, provincially, nationally and internationally (Section 4(f) of Act)**

10.(1) In marketing the Province as a tourism destination locally, provincially, nationally and internationally, the Board may collaborate with strateegic partners

(2) In collaborating with strateegic partners contemplated in subregulation (1) the Board must prioritise the historically disadvantaged groups.

**Providing tourism training and skills transfer (Section 4(g) of Act)**

11.(1) In providing tourism training and skills transfer in the tourism sector in the Province, the Board may collaborate with strateegic partners.

(2) In collaborating with strateegic partners contemplated in subregulation (1) the Board must prioritise the historically disadvantaged groups.

**Facilitating tourism investment promotion in Province (Section 4(h) of Act)**



**12.(1)** In facilitating tourism investment promotion in the Province, the Board may collaborate with strateegic partners.

(2) In collaborating with strateegic partners contemplated in subregulation (1) the Board must prioritise the historically disadvantaged groups.

**Contribution to establishment of enabling environment for job creation in tourism sector in Province (Section 4(i) of Act)**

**13.(1)** In contributing to the establishment of enabling environment for job creation in the tourism sector in the Province, the Board may collaborate with strateegic partners.

(2) In collaborating with strateegic partners contemplated in subregulation (1) the Board must prioritise the historically disadvantaged groups.

**Contribution to establishment of enabling environment for job creation in tourism sector in Province (Section 4(ij) of Act)**

**14.(1)** In contributing to the establishment of enabling environment for job creation in the tourism sector in the Province, the Board may collaborate with strateegic partners.

(2) In collaborating with strateegic partners contemplated in subregulation (1) the Board must prioritise the historically disadvantaged groups.

**PART IV  
GENERAL PROVISIONS**

**Determining measures to safeguard public against fatal wildlife attacks within protected areas under its control and management, in Province (Section 5(2)(a) of Act)**

**15.(1)** In determining measures to safeguard the public against fatal wildlife attacks within protected areas under its control and management, in the Province., the Board may enter into agreements with consertionaires.

(2) The agreements contemplated in subregulation (1) must prioritise the previously disadvantaged communities.

(3) The agreements contemplated in subregulation (1) must be in compliance with the relevant prescripts.

**Determination of fees and tariffs for concessionaires operating within Protected Areas, in Province**

**16.(1)** The responsible Member may by notice in the Gazette, determine fees and tariffs for concessionaires operating within protected Areas, in the Province.

(2) The determination of fees and tariffs contemplated in subregulation (1) may, by notice in the Gazette, be reviewed by the responsible Member.

(3) The review contemplated in subregulation (2) must comply with the relevant provision of the Promotion of Administrative Justice Act, 2000 (Act No. 2 of 2000), in respect of concessionaires whose agreements preceed the promulgation of these regulations.

(4) Before a review contemplated in subregulation (2) is finalised, any concessionaire whose rights might be affected by the review contemplated in subregulation (2) must be notified that the planned review.

(5) A concessionaire whose rights might adversely be affected by the review contemplated in subregulation (2) must be must be given a reasonable opportunity to make representations.

(6) The representations contemplated in subregulation (5) must be in writing or in person, depending on the circumstances.

(7) The procedure used and the decision contemplated subregulation (1) must be lawful and the decision must be taken in a way that is fair.

**Stakeholder engagement by Board**

**17.(1)** Before a decision that may adversely affect the rights of CPAs and other relevant stakeholders is taken by the Board, such CPAs and other relevant stakeholders must be notified of the planned decision.

(2) A CPA or other relevant stakeholder whose rights might adversely be affected by the decision contemplated in subregulation (1) must be must be given a reasonable opportunity to make representations.

(3) The representations contemplated in subregulation (2) must be in writing or in person, depending on the circumstances.

(4) The procedure used and the decision contemplated subregulation (1) must be lawful and the decision must be taken in a way that is fair.

**Guidelines**

18. In addition to these regulations the Board may from time to time develop guidelines to –

- (a) assist the Board in carrying out its mandate;
- (b) guide the consertionaires and stakeholders in terms of compliance with the Act; and
- (c) guide any other party in terms of compliance with the Act.

**Short title**

19. These Regulations are called the North West Parks and Tourism Board Regulations, 2022.



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