

REPUBLIC OF SOUTH AFRICA

(As introduced in the National Assembly (proposed section 75))

(The English text is the official text of the Bill)

(MINISTER OF AGRICULTURE, FORESTRY AND FISHERIES)

[B XX—2013]

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with a solid line indicate insertions in existing enactments

BILL

To amend the National Veld and Forest Fire Act, 1998, so as to provide for a new Long Title; to provide for the amendment of the Arrangement of sections; to provide for the amendment of definitions; to provide for the insertion of new definitions; to provide for public trusteeship of the nation's forestry resources; to provide for the assignment of administration, the delegation of powers and the assignment of duties to provincial Members of the Executive Council; to provide for the inventory of assignments and delegations; to provide for assignment between spheres of government; to provide for the legal effect of delegation of power; to provide for delegation proceedings to be in writing; to provide for a record of delegations; to provide for monitoring, evaluation and assessment and reporting; to provide for performance auditing; to provide for the national monitoring of provinces; to provide for the applicability of intergovernmental relations framework policy and legislation; to provide for categories, powers, functions and duties, as well as the dissolution and reconstitution of governance and other structures; to provide for the establishment, composition, powers, functions and duties of the Intergovernmental Forum on Forestry Resources; to provide for the establishment and functioning of the Forestry Resources Review Board; to provide for the submission of review applications to the Forestry Resources Review Board; to provide that decisions of the Forestry Resources Review Board are final; to provide for appeals against decision by the Forestry Resources Review Board to the High Court; to provide for public participation and coordination; to provide for administrative justice; to provide for the promotion of access to information; to provide that the Act, Regulations and Notices must be maintained and copies be made available; and to provide for matters connected therewith.

Amendment of the Long Title of Act 101 of 1998

1. The Long Title of Act 101 of 1998 (hereinafter referred to as the "principal Act") is hereby amended by the substitution for the Long Title of the following:

“To reform the law on veld and forest fires; to repeal certain provisions of the Forest Act, 1984; [and to provide for related matters.]to provide for public trusteeship of the nation's forestry resources; to provide for the formation of fire protection associations and the registration of fire protection associations; to provide for the duties of fire protection associations; to make provision for fire protection officers; to provide for financial and other assistance; to provide for the de-registration of fire protection associations; to establish fire danger rating and the communication of fire danger rating; to provide for the delegation of powers and duties; to establish the duty to prepare and maintain firebreaks; to provide for requirements for firebreaks; to make provision for firebreaks on borders of Republic; to provide for exemption from duty to prepare and maintain firebreaks and exemption from prohibitions on damaging plants; to provide for readiness for fire fighting and actions to fight fires; to establish agreements for mutual assistance; to provide for regulations and the procedure for making regulations; to provide for the assignment of administration, the delegation of powers and the assignment of duties to provincial Members of the Executive Council; to provide for the inventory of assignments and delegations; to provide for assignment between spheres of government; to provide for the legal effect of delegation of power; to provide for delegation proceedings to be in writing; to provide for a record of delegations; to provide for offences and penalties, to provide for monitoring, evaluation and assessment and reporting; to provide for performance auditing; to provide for the national monitoring of provinces; to provide for the applicability of intergovernmental relations framework policy and legislation; to provide for categories, powers, functions and duties, as well as the dissolution and reconstitution of governance and other structures; to provide for the establishment, composition, powers, functions and duties of the Intergovernmental Forum on Forestry Resources; to provide for the establishment and functioning of the Forestry Resources Review Board; to provide for the submission of review applications to the Forestry Resources Review Board; to provide that decisions of the Forestry Resources Review Board are final; to provide for appeals against decisions by the Forestry Resources Review Board to the High Court; to provide for public participation and coordination; to provide for administrative justice; to provide for the promotion of access to information; to provide that the Act, Regulations and Notices must be maintained and copies be made available; and to provide for matters connected therewith.”.

Amendment of the Arrangement of sections of Act 101 of 1998

2. The Arrangement of sections of the principal Act is hereby amended by the substitution for the Arrangement of sections of the following:

“1. Purposes

2. Interpretation

2A. Public trusteeship of nation's forestry resources

3. Formation of fire protection associations
4. Registration of fire protection associations
5. Duties of fire protection associations
6. Fire protection officers
7. Financial and other assistance
8. De-registration of fire protection associations
9. Fire danger rating
10. Communication of fire danger rating
11. Delegation of powers and duties
12. Duty to prepare and maintain firebreaks
13. Requirements for firebreaks
14. Firebreaks on borders of Republic
15. Exemption from duty to prepare and maintain firebreaks
16. Exemption from prohibitions on damaging plants
17. Readiness for fire fighting
18. Actions to fight fires
19. Agreements for mutual assistance
20. Regulations
21. Procedure for making regulations
22. **[Delegation of powers and duties]...**
 - 22A. Assignment of administration of matters pertaining to forests to MECs
 - 22B. Delegation of powers and assignment of duties by Minister to MECs
 - 22C. Inventory of assignments and delegations
 - 22D. Assignment between spheres of government
 - 22E. Legal effect of delegation of power
 - 22F. Delegation proceedings in writing
 - 22G. Record of delegations
23. **[Assignment of powers and duties]...**
24. Penalties
25. Offences
26. Implementation of this Chapter
27. Power to enter and search
28. Power to seize
29. Power to arrest
30. Research
31. Publication of notices in media
32. Notices to owners
33. Limitation of liability
34. Presumption of negligence
35. ...
36. Savings
 - 36A. Monitoring, evaluation and assessment and reporting
 - 36B. Performance auditing
 - 36C. National monitoring of provinces

- 36D. Applicability of intergovernmental relations framework policy and legislation
- 36E. Governance and other intergovernmental structures
- 36F. Categories of intergovernmental structures
- 36G. Powers, functions and duties of intergovernmental structures
- 36H. Dissolution and reconstitution of intergovernmental structures
- 36I. Establishment and composition of Intergovernmental Forum on Forestry Resources
- 36J. Powers, functions and duties of Intergovernmental Forum on Forestry Resources
- 36K. Establishment of Forestry Resources Review Board
- 36L. Operation of Forestry Resources Review Board
- 36M. Submission of review applications to Forestry Resources Review Board
- 36N. Decisions of Review Board
- 36O. Appeals from decisions of Forestry Resources Review Board
- 36P. Public participation and coordination
- 36Q. Administrative justice
- 36.R Promotion of access to information
- 36S. Act, Regulations and Notices to be maintained and copies to be made available
- 37. Short title
- 38. Commencement”.

Amendment of section 2 of Act 101 of 1998

3. Section 2(1) of Act 101 of 1998 (hereinafter referred to as the “principal Act”) is hereby amended–

(a) by the insertion of the following definition:

“assignment” means–

(a) the permanent or temporary transfer of a power, duty, role or function from the functional domain of national government to one or more provincial governments; and

(b) of the administration of a matter listed in Schedule 4 (Part A) of the Constitution,

and “assign” has a corresponding meaning.”;

(b) by the substitution for the definition of “municipality” of the following definition:

“municipality” means a [local council, a metropolitan council, a metropolitan local council, a representative council, a rural council or a district council] municipality as defined in section [10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and any successor to such a council]2 of the Local Government: Municipal System Act, 2000 (Act No. 32 of 2000);and

(c) by the substitution for the definition of “veldfire” of the following definition:

“veldfire” means [a veld, forest or mountain]any vegetation fire on any area of land, whether cultivated or uncultivated.”.

Insertion of section 2A in Act 101 of 1998

4. The following section is inserted in the principal Act after section 2:

“Public trusteeship of nation's forestry resources

2A.(1) As the public trustee of the nation's forest resources the National Government, acting through the Minister, must ensure that these resources, together with the land and related ecosystems which they inhabit, are protected, conserved, developed, regulated, managed, controlled and utilised in a sustainable and equitable manner, for the benefit of all persons and in accordance with the constitutional and developmental mandate of government.

(2) Without limiting subsection (1), the Minister is ultimately responsible to ensure that all forest resources are equitably accessed and used beneficially and in the public interest, while—

(a) ensuring long term—

(i) sustainability of all forest resources together with the land and related ecosystems which they inhabit; and

(ii) food security;

(b) promoting economic and social development; and

(c) promoting environmental values.”

Amendment of section 3 of Act 101 of 1998

5. Section 3 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If no fire protection association has been registered within one year after the Act comes into effect in an area where the Minister is of the opinion that a fire protection association should be formed, he or she must convene a meeting of owners in the area to—

(a) explain the provisions of this Chapter;

(b) see if there is support for the forming of a fire protection association; [and]

(c) identify what assistance the Department can provide in the formation, registration and management of a fire protection association, if there is such support; and

(d) where necessary, in the opinion of the Minister, request the municipality concerned to facilitate the process referred to in subsection (1).”

Amendment of section 4 of Act 101 of 1998

6. Section 4 of the principal Act is hereby amended by

(a) the substitution for subsection (7) of the following subsection:

“(7) An owner of land which belongs to—

(i) the state;

(ii) a state owned enterprise, public entity or other organ of state; or

(iii) a municipality,

must join the fire protection association registered in the area in which the land is situated.”; and

(b) the repeal of subsection (8).

Amendment of section 7 of Act 101 of 1998

7. Section 7 of the principal Act is hereby amended by the substitution for section 7 of the following section:

“The Minister **[may]** must give a loan, grant or other assistance to—

(a) any fire protection association for any of its activities, including, as a priority, those fire protection associations that are affected by fires on an annual basis; and

(b) any owner who prepares a firebreak in terms of section 14 and in doing so incurs expenses in excess of what he or she would reasonably be expected to incur if the boundary of his or her land did not coincide with that of the Republic.”

Amendment of section 10 of Act 101 of 1998

8. Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) When the Minister has published a warning in terms of subsection (1)(b), no person may light, use or maintain a fire in the open air in the region where the fire danger is high or extreme, unless prior exemption for ecological purposes has been obtained from the Minister in writing.”

Amendment of section 11 of Act 101 of 1998

9. Section 11 of the principal Act is hereby amended by the substitution for subsection (a) of the following subsection:

“(a) the South African Weather **[Bureau]**Services, if the Director-General of the Department **[of Environmental Affairs and Tourism]**responsible for the administration of the South African Weather Service Act, 2001 (Act No. 8 of 2001) agrees;”

Amendment of section 16 of Act 101 of 1998

10. Section 16 of the principal Act is hereby amended by the substitution for section 16 of the following section:

“**16.** The right or duty to prepare and maintain a firebreak in terms of this Chapter **[prevails over any prohibition in any other law on the]** is subject to compliance with the legal requirements in respect of cutting, disturbance, damage, destruction or removal of any plant or tree, except that the owner must where—

(a) **[where]** possible, transplant any plant which is protected in terms of any law; or

(b) **[where]** it is safe and feasible, position the firebreak so as to avoid such plant or tree.”

Amendment of section 22 of Act 101 of 1998

11. Section 22 of the principal Act is hereby repealed.

Insertion of Sections 22A to 22G in Act 101 of 1998

12. The following sections are inserted in the principal Act after section 22:

“Assignment of administration of matters pertaining to veld and forest fire management to MECs and municipal councils

22A. The Minister may, subject to the Constitution, relevant national legislation and such conditions as he or she may determine, in consultation with an MEC responsible for veld and forest fire management, in writing assign a matter or matters relating to the administration of matters pertaining to veld or forest fires to the MEC concerned or to a municipal council.

Delegation of powers and assignment of duties by Minister to MECs and municipal councils

22B.(1) The Minister may, subject to the Constitution, relevant national legislation and such conditions as he or she may determine, in consultation with an MEC responsible for veld and forest fire management, in writing delegate any power or assign any duty conferred on him or her by or under this Act, other than the power to —

(a) publish a notice contemplated in sections 21 and 23; and

(b) make regulations contemplated in section 21,

to the MEC concerned or to a municipal council, as the case may be.

(2) Such delegation or assignment, as the case may be, does not prevent the carrying out of the assigned duty, or the execution of such power, as the case may be, by the Minister.

(3) The Minister may at any time withdraw or amend, in writing, a delegation or assignment as contemplated in subsection (1).

(4) The delegation of any power or the assignment of any duty does not divest the Minister of the accountability concerning the execution of the delegated power or carrying out of the assigned duty, as the case may be.

Inventory of assignments and delegations

22C.(1) The Minister, and at provincial level, every MEC, and at a municipal level, the Municipal Manager, must establish and maintain an inventory of all assignments and delegations made in accordance with this Act by the Minister to—

(i) an MEC;

- (ii) a municipal council;
- (iii) the head of the Department;
- (iv) an official of the Department;
- (v) an official of another Department of the National Government in accordance with section 97 of the Constitution, a Provincial Government or an official in the employ of the municipal council concerned, as the case may be; and
- (vi) an entity established as contemplated in this Act.

(2) The inventories contemplated in this section must also include all sub-delegations.

(3) The head of the Department, the head of every Provincial Department and the Municipal Manager of every municipality, as the case may be, must publish an updated version of the inventory contemplated in this section on the departmental website concerned on the first day of every financial year.

Assignment between spheres of government

22D.(1) Any assignment to an MEC or a municipal council, as the case may be, of a matter contemplated this Act must be in accordance with the assignment and delegation framework that must be developed by the Minister in consultation with all the MECs responsible for veld and forest fire management and published in the *Gazette* within a period not exceeding six months after the commencement of this Act.

(2) Any person or entity effecting an assignment must—

- (a) ensure the availability of sufficient funding and other resources required for the full and effective implementation of such assignment; and
- (b) monitor and review its implementation.

Legal effect of delegation of power

22E.(1) The delegation of a power does not prevent a competent authority from exercising that power, subject to sub-section (3).

(2) The delegation of a power does not relieve the competent authority from accountability for the exercise of the power.

(3) When an MEC or a municipal council, as the case may be, exercises a power that has been delegated in accordance with the Act, the exercise of the power has the same force as if it had been exercised by the competent authority.

(4) Any activity in the exercise of a power by an MEC or a municipal council, as the case may be, which was carried out within the scope of the delegation, remains in force and is not invalid by reason—

- (a) of the competent authority electing subsequent to the activity contemplated in this subsection, to exercise that power; or
- (b) a subsequent amendment to, or withdrawal of, the delegation.

Delegation proceedings in writing

22F.(1) All proceedings relating to any delegation contemplated in this Act must be in writing.

(2) The record of proceedings contemplated in subsection (1), must be available for inspection and copying by any person, at all reasonable times.

Record of delegations

22G.(1) Both the competent authority and the organ of state to whom a power has been delegated, must compile and maintain an updated inventory of all delegations made as contemplated in this Act.

(2) The inventory contemplated in subsection (1), must be available for inspection and copying by any person, at all reasonable times.”.

Amendment of section 23 of Act 101 of 1998

13. Section 23 of the principal Act is hereby repealed.

Amendment of section 25 of Act 101 of 1998

14. Section 25 of the principal Act is hereby amended by the addition of the following subsection:

“(8) An owner of land which belongs to the state, a state owned enterprise, public entity, other organ of state or a municipality, who does not, within a reasonable time, acquire membership of the fire protection association as contemplated in section 4(7), is guilty of a first category offence.”.

Amendment of section 26 of Act 101 of 1998

15. Section 26 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections:

“(2)(a) A forest officer, a police officer, a Peace Officer and an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), have the power to enforce the Act[**in terms of this Chapter**].

(b) A reference to a fire protection officer in sections 27, 28 and 29 includes the officers referred to in paragraph (a).

(3) A fire protection officer and any officer contemplated in subsection (2)(a), exercising powers under this Act must carry with him or her, and produce on request, the prescribed proof of his or her identity and applicable authority[**appointment as a fire protection officer**].”.

Insertion of sections 36A to 36S in Act 101 of 1998

16. The following sections are hereby inserted in the principal Act after section 36:

“Monitoring, evaluation and assessment and reporting

36. The Minister must, by notice in the *Gazette* and within six months after commencement of this Act, taking into account national and provincial norms and standards, publish a framework—

(a) providing for the minimum norms and standards in respect of the procedures for, and the frequency of, monitoring, evaluation and assessment of all matters relating to veld and forest fire management; and

(b) establishing the necessary mechanisms, processes, procedures and indicators, to report on, monitor, evaluate, assess, and determine the impact of the exercise of powers, the performance of functions and the execution of duties in accordance with this Act and any other law by entities in the public and private forestry sector.

Performance auditing

36B.(1) All programmes and projects executed, grants allocated, funds allocated, delegations or assignments effected, service level agreements or public private partnerships entered into, or any other administrative action performed in terms of this Act, are subject to monitoring, evaluation, impact assessment and the submission of a written report by the structures as established in terms of section 36E of this Act.

(2) The structures established in terms of section 36E of this Act must—

(a) in respect of national and provincial frameworks for monitoring, evaluation and impact assessment—

(i) be guided by such frameworks;

(ii) develop structures and systems as required in terms of such frameworks;
and

(iii) submit reports as required in terms of such frameworks; and

(b) take into account any written—

(i) report that must be submitted from time to time by a veld and forest fire management organisation; and

(ii) submission, which relates to the provision of veld and forest fire management services by an organisation, made by any interested party.

(3) On receipt of the written report referred to in subsection (1), every Head of a Department—

- (a) may take whatever steps he or she may deem appropriate;
- (b) must inform the Minister or the MEC, as the case may be, in writing of the steps he or she has taken, and of the reasons for such steps; and
- (c) must inform the organisation concerned in writing of the steps he or she has taken, and of the reasons for such steps.

National monitoring of provinces and municipalities

36C.(1) The Minister must, in consultation with the MECs responsible for veld and forest fire management, establish mechanisms, processes and procedures to monitor Provincial Governments and municipalities, as the case may be, in respect of their performance of the forestry function.

(2) In the event of the Department submitting a report to the Minister in respect of the non-delivery or the insufficient delivery of forestry services by a Provincial Government or a municipality, as the case may be, the Minister may, after consultation with the MEC responsible for veld and forest fire management —

- (a) issue a directive to the Provincial Government concerned or the municipality concerned, as the case may be, describing the extent of its failure to provide the specified forestry service and stating any steps such Provincial Government or such municipality, as the case may be, must follow in order to meet its required obligations; or
- (b) determine that one or more specified provincial veld and forest fire management services must be performed by the Department or a veld and forest fire management service provider or a veld and forest fire management service provider appointed by the Department, for such period and subject to such conditions as the Minister may determine.

(3) In the event of the Minister electing to proceed in terms of subsection (2)(b), the Minister must send written notice to the Provincial Government concerned or the municipality concerned, as the case may be, informing such Provincial Government or such municipality of the—

- (a) nature and extent of services to be performed by the Department or veld and forest fire management service provider;
- (b) reason(s) for the taking over of the performance of the specified service(s); and
- (c) date on which the service will be taken over.

Applicability of intergovernmental relations framework policy and legislation

36D.All intergovernmental relations in respect of matters pertaining to veld and forest fire management between the Department and every MEC responsible for veld and forest fire management is governed by the —

- (a) relevant national policy framework and legislation;
- (b) provincial transversal policy framework; and

(c) legislation regulating intergovernmental relations.

Governance and other intergovernmental structures

36E.(1) The Minister may, at the request of an MEC, a provincial Head of Department, or at the Minister's own discretion, establish by notice in the *Gazette*, one or more governance and other structures to assist in the promotion of the objects and the realisation of the provisions of this Act.

(2) The notice contemplated in subsection (1) must stipulate—

- (a) the composition of the structure concerned;
- (b) membership of the structure;
- (c) the terms of reference;
- (d) procedural matters;
- (e) reporting requirements; and
- (f) any other matter that the Minister may deem appropriate for the effective functioning of such structure.

Categories of intergovernmental structures

36F. The structures contemplated in section 36E are—

- (a) governance structures consisting of the Department, Provincial Government departments, municipalities, organs of state and public entities;
- (b) stakeholder consultative forums consisting of the Department, veld and forest fire management service providers and other interest groups, and in the discretion of the Minister, also other provincial government departments, organs of state, and public entities; and
- (c) any other structures that the Minister may establish by notice in the *Gazette*.

Powers, functions and duties of intergovernmental structures

36G. The structures established in terms of section 36E—

- (a) must, in respect of their specific functional domain, advise the Minister on—
 - (i) veld and forest fire management policy;
 - (ii) achieving operational uniformity of programs, projects and services relating to veld and forest fire management;
 - (iii) any matter related to veld and forest fire management or the rendering of related services in respect of which the Minister requests advice;
 - (iv) any other function related to the objects and other provisions of this Act as determined in the establishment notice of the structure concerned;
 - (v) any other matter related to the objects and other provisions of this Act as requested by the Minister; and
 - (vi) the performance of any other function or the execution of any duty imposed on it by this Act or any other law;

(b) must—

(i) liaise with national and provincial organisations concerned with veld and forest fire management or the rendering of related services; and

(ii) exercise any power, perform any functions and execute any duty conferred on it by this Act or any other law; and

(c) may generally do everything which is deemed necessary or expedient to achieve the objects of this Act as referred to in subsection (1).

Dissolution and reconstitution of intergovernmental structures

36H. The Minister may, after consultation with the structure concerned, at any time, by notice in the *Gazette*, dissolve or reconstitute any of the structures provided for in section 36E.

Establishment and composition of Intergovernmental Forum on Forestry Resources

36I.(1) The Intergovernmental Forum on Forestry Resources is hereby established.

(2) The Intergovernmental Forum on Forestry Resources consists of the—

(a) Ministers responsible for—

(i) Agriculture, Forestry and Fisheries;

(ii) Environmental Affairs;

(iii) Finance;

(iv) Rural Development and Land Reform;

(v) Trade and Industry;

(vi) Health;

(vii) Cooperative Governance;

(viii) Water Affairs;

(ix) Public Enterprise;

(x) Public Works;

(xi) Transport; and

(xii) International Affairs and Cooperation; and

(b) Chairperson of the National Planning Commission.

Powers, functions and duties of Intergovernmental Forum on Forestry Resources

36J. The Intergovernmental Forum on Forestry Resources must ensure cooperation between national and provincial government departments responsible for, or involved in, matters pertaining to veld and forest fire management and related matters.

Establishment of Forestry Resources Review Board

36K.(1) The Forestry Resources Review Board is hereby established.

(2) The Review Board is an independent body which—

- (a) has jurisdiction in all the provinces of the Republic; and
- (b) may conduct hearings anywhere in the Republic.

(3) The Review Board consists of a chairperson, a deputy chairperson and three other members.

(4) The Chairperson of the Review Board must have at least—

(a) an LLB degree conferred by a South African University; and

(b) 15 years' legal experience in South Africa as a—

(i) retired judge;

(ii) senior advocate in private practice; or

(iii) legal academic with professorial status employed at a South African University.

(5) The deputy chairperson and the other three members must have at least—

(a) an appropriate Honours degrees conferred by a South African University; and

(b) 15 years' experience in South Africa in forestry, forestry resource management and related fields of knowledge: Provided that the persons contemplated in this subsection may, for the last five years, not have been employed in any or more of the three spheres of government or in an organ of state, excluding a higher education institution.

(6) The chairperson, the deputy chairperson and the other members of the Review Board are appointed by the Minister.

(7) The chairperson and the deputy chairperson may be appointed in a full-time or part-time capacity while the other members must be appointed in a part-time capacity.

(8) The Minister must determine the employment conditions and the remuneration of the chairperson, the deputy chairperson and all other members of the Review Board in consultation with the Minister of Finance.

Operation of Forestry Resources Review Board

36L.(1) Administrative support for the Review Board must be provided by officials of the Department designated by the head of the department, subject to the laws pertaining to the secondment of officers in the Public Service.

(2) The expenditure of the Review Board must be defrayed out of money appropriated by Parliament for that purpose or from any other source.

(3) The Review Board, the chairperson, the deputy chairperson or any other member is not liable for an act or omission committed in good faith while performing a function in terms of this Act.

Submission of review applications to Forestry Resources Review Board

36M.(1) Following a decision by the Minister or his or her delegatee, or the head of department or his or her delegatee, or the municipal council or his or her delegatee, or any person or entity who has a direct interest in such decision, may submit an application in writing in the prescribed format to the Forestry Resources Review Board to have such matter reviewed.

(2) An application for review must be commenced within 30 days after—

(a) notice of the decision is sent to the appellant; or

(b) reasons for the decision are given,

whichever occurs last.

(3) The chairperson must make rules which—

(a) govern the procedure of the Review Board, including the procedure for lodging and opposing an appeal or an application and the hearing thereof by the Review Board; and

(b) must be approved and published in the *Gazette* by the Minister.

Decisions of Forestry Resources Review Board

36N. A decision of the Forestry Resources Review Board—

(a) is final; and

(b) must, together with the reasons for the decision, be communicated in writing to the all the parties involved in the review application as contemplated in section 36M.

Appeals against decisions by Forestry Resources Review Board

36O.(1) A party to a matter in which the Forestry Resources Review Board has given a decision on review under section 36N, may appeal to a High Court against that decision.

(2) The appeal must be noted in writing within 21 days after the decision of the Review Board has been communicated in accordance with section 36N(b) to all the parties involved in the review application.

(3) The notice of appeal must—

(a) set out the grounds for the appeal;

(b) be lodged with the relevant High Court and with the Forestry Resources Review Board; and

(c) be served on every party to the matter.

(4) The appeal must be prosecuted as if it were an appeal from a magistrate's court to a High Court.

Public participation and coordination

36P.(1) The Minister, in consultation with the MEC responsible for veld and forest fire management within each province, must, in respect of the development and coordination of veld and forest fire management resources, as regards the —

- (a) formulation of policy;
- (b) drafting of legislation;
- (c) determination of priorities; and
- (d) establishment of structures.

implement systems to provide for consultation and inclusive participation of civil society, communities, individuals, and organs of state.

(2) The Minister, in consultation with the MEC responsible for veld and forest fire management within each province, must, in respect of the development and coordination of veld and forest fire management resources at national, provincial and municipal level, take into consideration the —

- (a) national policy and statutory framework; and
- (b) transversal provincial policy and statutory framework as applicable in the province concerned.

Administrative justice

36Q. The Department responsible for veld and forest fire management, every provincial department responsible for veld and forest fire management, every municipality exercising veld and forest fire management functions and every intergovernmental government structure established as contemplated in this Act, must exercise its powers, perform its functions and carry out its duties in full compliance with the constitutional, national legislative and common law framework relating to administrative justice.

Promotion of access to information

36R. The Department responsible for veld and forest fire management, every provincial department responsible for veld and forest fire management, every municipality exercising veld and forest fire management functions and every intergovernmental structure established as contemplated in this Act, must comply with the constitutional and national legislative framework that promotes access to information.

Act, regulations and notices to be maintained and copies to be made available

36S. The Minister must ensure that an electronic version of this Act and all regulations made under, and all notices issued in terms of, this Act, are—

- (a) maintained and updated on a monthly basis; and
- (b) made available to the public at large for their access and perusal, which may be downloaded electronically in digital format free of charge.”.

Short title and commencement

17. This Act is called the National Veld and Forest Fire Amendment Act, 2013 and comes into operation on a date fixed by proclamation in the *Gazette*.