
GENERAL NOTICE

NOTICE 1775 OF 2001

The draft regulations under the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) ("the Act"), as amended by the National Veld and Forest Fire Laws Amendment Act, 2001 (Act No. 12 of 2001), are published in terms of section 154(2) of the Constitution of the Republic of South Africa and section 21(1)(a) of the Act.

Organised local government, municipalities and the general public may make written representations with regard to the draft.

The representations must be sent by post, e-mail or fax to:

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The representations should reach Mrs. Swanepoel by 12 September 2001.

MINISTER OF WATER AFFAIRS AND FORESTRY

**DEPARTMENT OF WATER AFFAIRS AND FORESTRY
CHIEF DIRECTORATE: FORESTRY**

**REGULATIONS UNDER THE NATIONAL VELD
AND FOREST FIRE ACT, ACT NO. 101 OF 1998**

DRAFT REGULATIONS

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REGULATIONS

1. General

- (1) In these regulations -
 - (a) any word, phrase or expression, which has been given a meaning in the Act,¹ has the same meaning, unless -
 - (i) the way it is used indicates otherwise
 - (ii) it is defined in these regulations.
 - (b) reference to a section or sub-section is a reference to a section or sub-section in the Act, unless another Act is mentioned.
 - (c) reference to a regulation or sub-regulation is a reference to a regulation or sub-regulation in these regulations.
 - (d) the small numbers point you to footnotes on the same page.
 - (e) Footnotes -
 - (i) explain definitions in the Act
 - (ii) refer to the definition in regulation 2, where a defined word is used the first time
 - (iii) summarise sections in the Act, where a section is referred to for the first time
 - (iv) give explanations or examples
 - (v) give cross-references to regulations, sub-regulations or other footnotes.
 - (f) the singular includes the plural, unless the way it is used indicates that it only refers to the singular.
 - (g) the plural includes the singular, unless the way it is used indicates that it only refers to the plural.

2. Interpretation

- (1) In these regulations, unless the way it is used indicates otherwise -
 - (a) "applicant" means a person, municipality or community applying for membership of a fire protection association under these regulations.
 - (b) "arbitrator" means an agreed person appointed to decide a dispute.
 - (c) "Department" means the Department of Water Affairs and Forestry.
 - (d) "deregistration" means, in relation to a fire protection association, cancelling its registration.

¹ See regulation 2(1)(i).

- (e) "Director-General" means the Director-General of the Department of Water Affairs and Forestry.
 - (f) "dissolution" means, in relation to a fire protection association, its being formally closed down.
 - (g) "mediator" means an agreed person appointed to help the people or bodies involved in a dispute to find a way to resolve the dispute.
 - (h) "quorum" means the minimum number of members you need to have at a meeting for the meeting to take place officially.
 - (i) "The Act" means the National Veld and Forest Fire Act, 1998 (Act no. 101 of 1998).
 - (j) "The Minister" means the Minister of Water Affairs and Forestry.
- (2) Words derived from the words defined have corresponding meanings, unless the way they are used indicates otherwise.
- (3) A reasonable interpretation of parts of these regulations which is consistent with the purposes of the Act and these regulations must be preferred over another interpretation which is not.
- (4) In these regulations, neither -
- (a) a reference to a duty to consult specific persons or authorities, nor
 - (b) the absence of any reference to a duty to consult or give a hearing,
- exempts the official or authority exercising a power or performing a duty from the duty to act fairly towards all persons who have a right to be heard.
- (5) Footnotes are used only as an aid to readers and must not be used to interpret these regulations.

3. Formation of fire protection association

- (1) The formation of a fire protection association must take place in a properly constituted² meeting -
- (a) attended by
 - (i) a substantial and representative proportion of the individual owners within the proposed area of the FPA or
 - (ii) a substantial and representative proportion of the categories of owner within the area;
 - (b) after reasonable notice has been given to all owners, or as many of them as is reasonably possible.

² Correctly set up and attended.

4. Constitution of fire protection association

The constitution of a Fire Protection Association -

- (1) must -
 - (a) be as close as possible to the model constitution in Schedule 2,³
 - (b) state -
 - (i) the name and address of the association,
 - (ii) that it falls under Chapter 2 of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) and these regulations, and
 - (iii) that membership is open to all owners within the association's area, if they are prepared to follow its constitution and rules;
 - (c) set out -
 - (i) the aims, duties and functions of the association,
 - (ii) all the requirements for membership of the association and its committees, and
 - (iii) the rights, duties and liability⁴ of members, including payment of fees, charges and interest; and
 - (d) provide for -
 - (i) the keeping of a register of members,
 - (ii) the appointment of employees or agents,⁵
 - (iii) the raising of loans and other financial assistance,
 - (iv) accounting and the presentation of annual reports and financial statements, and
 - (v) procedures for the dissolution⁶ of the association and the winding up of its affairs;⁷ and
- (2) may deal with any other relevant matter.

5. Application for recognition and registration

- (1) An application -
 - (a) for registration under section 4(1)⁸ and these regulations, or

³ See page 18.

⁴ Legal responsibility.

⁵ People to act on behalf of a fire protection association.

⁶ See regulation 2(1)(f).

⁷ Closing down its business.

⁸ Dealing with applying for registration.

- (b) for recognition and registration under section 4(3),⁹
must be made on Form 1 in Schedule 1.¹⁰
- (2) The application -
- (a) must include -
- (i) the intended name of the association, which must incorporate the words “fire protection association”,
 - (ii) an accurate description of the area of its intended operation, with the names of recognisable features on the boundaries,
 - (iii) a statement of owners within the Association’s proposed area, in the following categories: State land, communal land, municipal land or private land, or a combination of any of these,
 - (iv) a statement of the level of support expressed by owners for the Association,
 - (v) a statement of reasons for the proposed Association,
 - (vi) a statement of the likely capability of the Association,
 - (vii) a statement setting out the approximate number of owners in the area who would be members and the approximate number of owners who would not be members,
 - (viii) the names and addresses of its executive committee,
 - (ix) the name and address of its Fire Protection Officer, if already identified, or if an umbrella organisation is to provide the services of a Fire Protection Officer, a statement to that effect
 - (x) the name of any proposed or existing umbrella fire protection association to which the proposed association might be attached, and the services it will provide the Association,
 - (xi) the contact details of the person making the application for the Association,
 - (xii) a copy of its constitution if drawn up, and
- (b) may contain any other relevant information.
- (3) As soon as reasonably possible after the founding meeting of the fire protection association the Secretary must send the completed application form for registration together with the necessary attachments to the Director-General.

⁹ The Minister's power to recognise and register bodies as fire protection associations.

¹⁰ See page 10.

6. Registration of a fire protection association

- (1) The Minister must consider an application for registration, together with any other relevant and available information. The Minister may judge capability on criteria that may include the following:
 - (a) Evidence of previous co-operation in managing the environment
 - (b) Evidence of common purpose and commitment to veldfire management
 - (c) Leadership and management skills including financial management
 - (d) Commitment from municipal services such as disaster management and fire and emergency services
 - (e) Availability of resources including equipment
 - (f) A manageable area
 - (g) Collective knowledge of the area with respect to fires
 - (h) Capacity to communicate the fire danger rating
 - (i) Individual and institutional competence in veldfire management
 - (j) Availability of services from an umbrella organisation
 - (k) Competence of the Fire Protection Officer.
- (2) The Minister may judge representivity on criteria that may include the following:
 - (a) support from a substantial proportion of individual owners within the proposed area of the association, or
 - (b) support expressed by structures representing a substantial proportion of the categories of owner within the area (private title-holders, communities, State, and municipalities), and
 - (c) absence of substantial objection to the formation of the association and
 - (d) lack of evidence of the exclusion of any owner or category of owner.
- (3) After considering an application, the Minister may
 - (a) decide to register the association, or
 - (b) decide to conditionally register the association in terms of section 4(4) or
 - (c) refuse to register the association. The Minister will refuse to register an association if within its boundaries there exists or will exist the whole or part of another association;
- (4) If the association has been conditionally registered, but fails to meet the conditions within 12 months, it shall be deregistered in terms of section 8.
- (5) The Minister will register an association if in its application it shows it meets all the requirements set out in sub-regulations (1) and (2).

- (6)
- (a) In the case where the Minister registers an association conditionally, he or she must in writing explain to the applicant association which criteria have not been met in the application and how the applicant can meet these criteria.
 - (b) The applicant then has 12 months in which to meet the conditions.
- (7) If the constitution of the proposed association did not accompany the application, the Minister must make it a condition that its constitution should be submitted within 12 months.
- (8) Once an association has been registered, whether conditionally or not, it must submit its rules and its veldfire management strategy within 12 months.
- (9) If the Minister decides that the association qualifies for registration, he or she must refer the application, constitution and the approval to a designated¹¹ officer in the Department,¹² who must -
- (a) enter the association in a register of fire protection associations, and
 - (b) issue a registration certificate and a registration number.
- (10) If the Minister is not satisfied that the association qualifies for registration, he or she must notify it of -
- (a) the reasons why it does not qualify, and
 - (b) the steps it must take to qualify for registration.
- (11) The Minister may fix a tariff to be paid to the Department by any person or organisation for information in the register, or for a copy of the constitution of any fire protection association.

7. The Fire Protection Officer

- (1) A Fire Protection Officer -
- (a) is appointed for a period of not less than three years and may, at the end of this period, be re-appointed.
 - (b) if he or she is a Chief Fire Officer, is the Fire Protection Officer for a period not less than the period that he or she remains a Chief Fire Officer.
- (2) If for any reason a Fire Protection Officer -
- (a) stops performing his or her duties, resigns or otherwise becomes unable or incapable of performing duties, or
 - (b) is no longer a Chief Fire Officer,
- he or she must, as soon as reasonably possible, notify the Chairperson.

¹¹ Specially appointed for these tasks.

¹² See regulation 2(1)(c).

- (3) Within 14 days of becoming aware of the need to replace the Fire Protection Officer, the Chairperson must call a special general meeting to appoint or elect a new Fire Protection Officer.

8. Registration of Fire Protection Officer

- (1) Within one month of his or her appointment, election or delegation, the Fire Protection Officer must apply to the Director-General for registration.
- (2) An application for registration -
 - (a) must include -
 - (i) the name and address of the officer,
 - (ii) the name and address of the association,
 - (iii) the period of appointed, elected or delegated service, and
 - (iv) his or her curriculum vitae
 - (v) copies of certificates of his or her relevant qualifications
 - (vi) a statement as to his or her experience in veldfire management
 - (vii) a statement as to his or her knowledge of relevant legislation;
 - (b) may include any other relevant information.
- (3) Once registered, a Fire Protection Officer remains registered for as long as he or she holds the position of Fire Protection Officer.

9. Invitation of Chief Fire Officer or authorised officer

Whenever -

- (a) the Minister convenes a meeting under section 3(3), and
 - (b) there is in the area, a municipality with a service or a designated service,
- the Minister must invite the Chief Fire Officer of the municipality, or an authorised officer, to attend the meeting.

10. Dispute resolution

Any person, municipality or organisation -

- (a) claiming to have been excluded from participation in the formation of the association, its membership, the adoption of its constitution or the election of its officers,
- (b) claiming that the process or any part of it was not fair, or
- (c) objecting to any other issue or process in connection with the formation of the association,

may make a complaint to the Minister who may, if he or she is satisfied that the complaint is valid -

- (i) refuse to register the association until the issue has been resolved to the Minister's satisfaction, or
- (ii) appoint a mediator¹³ or arbitrator¹⁴ acceptable to the affected parties¹⁵ from the panel referred to in section 45(1) or (2)¹⁶ of the National Forests Act, 1998 (No. 84 of 1998).

11. Veldfire management strategy

- (1) Within a year of being registered as a Fire Protection Association, the Fire Protection Association shall submit to the Director General a veldfire management strategy.
- (2) The veldfire management strategy shall contain the information indicated in Schedule 3.

12. Umbrella fire protection organisations

- (1) Umbrella fire protection organisations should be formed when several FPAs would benefit from shared services from such an organisation. These FPAs need not be contiguous.
- (2) Umbrellas should ideally be formed to coincide with either Districts or Provinces, to co-ordinate with Disaster Management Centres, but need not confine their scope in this way if circumstances require jurisdictions that cut across such boundaries.
- (3) Formation of an umbrella organisation may be initiated by any one Association, the Disaster Management Centre or by any group of people or organisations who wish to organise for the purposes of the Act.
- (4) Any umbrella must include within its scope at least two Associations or proposed Associations.
- (5) Duties which may be assigned to an umbrella may include:
 - (a) appointment of a common FPO who would delegate certain powers and duties to individuals affiliated under the direction of the member Associations
 - (b) assistance to fire protection associations in the preparation of veldfire management strategies
 - (c) communicating fire danger ratings
 - (d) training, in cases where training is not provided by the training industry
 - (e) awareness campaigns regarding veldfire management strategies or their elements

¹³ See regulation 2(1)(g).

¹⁴ See regulation 2 (1)(b).

¹⁵ The people or bodies involved in the dispute.

¹⁶ The Minister's power to set up a list, or to use an existing list of mediators or arbitrators to help solve disputes.

- (f) weather data collection for improvements to the predictions from the national fire danger rating system, and collection and dissemination of other relevant data and information
 - (g) supply of fire incident command specialists or support
 - (h) assistance to members where court cases arise, such as providing expert witness, and statistical and weather information
 - (i) facilitating mutual aid agreements (between parties within the umbrella association)
 - (j) management and maintenance of aerial support
 - (k) co-ordination functions, such co-ordination of equipment and other resources between individual Associations, though such measures as mutual assistance agreements and the standard operating procedures they contain
 - (l) overall strategic direction and planning, including the contributions to local disaster management plans
 - (m) providing equipment standards, where the fires services have not provided these
 - (n) helping new Associations to establish in the area covered by the umbrella organisation, in cases where Associations are still needed.
- (6) A proposer of an umbrella must notify the Minister of the proposed organisation, supported with the following documentation:
- (a) Name and address of the Umbrella Fire Protection Organisation
 - (b) Area of jurisdiction (District or Province or parts of Districts or Provinces)
 - (c) Associations to be included
 - (d) Statements of support from Associations
 - (e) Duties to be performed on behalf of member Associations
 - (f) Draft constitution and proposed legal status
 - (g) Delegations desired from the Minister
 - (h) Delegations to Associations.
- (7) If satisfied as to the need and desirability of the proposed umbrella, the Minister will recognise the umbrella in writing and give the required written delegations.

SCHEDULE 1**APPLICATION FOR RECOGNITION AND REGISTRATION
OF FIRE PROTECTION ASSOCIATION****[SECTION 4(1) OF ACT NO. 101 OF 1998, REGULATION 5(1)]**

-
1. What is the proposed name of the Fire Protection Association?
 2. Describe the Association's proposed geographical boundaries. Attach a 1:50 000 map.
 3. Give a list of owners in the area under these headings:
 - 3.1 A list of all municipalities in the proposed area of the Association
 - 3.2 A list of owners of State land
 - 3.3 A list of communities
 - 3.4 A list of private land owners
 4. Please indicate the level of support expressed by owners for the establishment of the Association:
 - 4.1 List the owners who express support. Attach the minutes of the founding meeting. The minutes should indicate clearly who supported, who did not support and who had no opinion about the need for an Association.
 - 4.2 Have there been any objections to the formation of an Association? If so, provide copies of the relevant documents.
 5. Statement of need and desirability

State the reasons for the proposed Association. This should include the following:

 - 5.1 Some historical perspective on fires in the area, ie the history of fire and fire damage, economic losses etc;
 - 5.2 A brief preliminary assessment of fire risk and vulnerability within the area of the proposed Association;
 - 5.3 A statement about the benefits of collaboration anticipated from the Association, for example, better environmental management, conflict resolution, improved infrastructure, co-ordinated response and planning and consensus on the rules.

6. Statement of capability

Give a statement about the likely capability of the proposed Association. This should include the following:

- 6.1 Evidence of previous co-operation in managing the environment
 - 6.2 Skills and experience that will be available to the Association including leadership and management skills
 - 6.3 The available relevant municipal services
 - 6.4 The available resources including equipment
 - 6.5 The available knowledge of the area with respect to fires
 - 6.6 Capacity to communicate the fire danger rating
 - 6.7 Skills and experience in veldfire management that will be available to the Association
 - 6.8 Competence of the Fire Protection Officer. Please include the curriculum vitae of your proposed Fire Protection Officer.
7. Please confirm that no other Association is intended or exists within your area.
8. Are you aware of or do you have proposals for the establishment of an umbrella fire protection association of which your Association would be a member?
- 8.1 If so, please name or describe the umbrella fire protection association.
 - 8.2 Identify the services that will be available to your Association from the umbrella fire protection association.
9. Will the proposed Association be attached to a currently existing organisation as listed in section 4(3) of the Act?
- 9.1 Identify the organisation.
 - 9.2 Include a copy of its constitution and business plan if one exists.
10. Has the proposed Association elected its executive committee? If so, provide a list of their names, addressess, phone, cellphone and fax numbers and email addresses.
11. If you have been able to agree on a constitution for the proposed Association, please attach it. The constitution should be substantially the same as the model constitution in Schedule 2 of these regulations.

-
12. Please note that the Minister may register your Association subject to conditions. These may include such things as the submission of your constitution, veldfire management strategy and rules.
13. Details of Secretary acting on behalf of the proposed Association:

Name:

Postal address:

Phone number:

Cellphone number:

Fax number:

Email address:

SIGNATURE OF SECRETARY ACTING ON
BEHALF OF ASSOCIATION

DATE

SCHEDULE 2**MODEL CONSTITUTION**

Notes on using this model Constitution:

- a) Try to make your constitution as close as possible to this model constitution.
- b) Fill your association's details in all the empty spaces.
- c) Use the explanatory footnotes to help you understand the model constitution and to adapt it to suit your needs.

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This is the model Constitution:

1. Name of the Association

The name of the association is theFire Protection Association (“the Association”).

2. Area of the Association

Describe the area in which your FPA will operate¹⁷. Attach a map on a scale of 1:50 000.

3. Address of the Association

The address of the Association is -

Physical address:

Postal address:

4. Application of the Act to this constitution

This constitution follows Chapter 2¹⁸ of the National Veld and Forest Fire Act, 1998 (No. 101 of 1998) and the regulations under it.

5. Aim of the Association

The aim of the Association is to predict, prevent, manage and extinguish veldfires in its area.

6. Duties and functions of the Association

The duties and functions of the Association are to -

¹⁷ Here you can put in any description which clearly identifies the position and boundaries of the association.

¹⁸ This Chapter deals with fire protection associations.

- (1) develop and implement a veldfire management strategy for the area,
- (2) provide in the strategy agreed mechanisms of co-ordinating actions with adjoining fire protection associations in the event of a fire crossing boundaries,
- (3) make rules which bind its members,
- (4) identify the ecological conditions¹⁹ that affect the fire danger,
- (5) regularly communicate the fire danger rating referred to in sections 9 and 10²⁰ to its members,
- (6) organise and train its members in fire-fighting, management and prevention,
- (7) inform its members of equipment and technology available for preventing and fighting veldfires,
- (8) provide management services, training and support for communities in their efforts to manage and control veldfires,
- (9) supply the Minister at least once every 12 months with statistics about veldfires in its area,
- (10) give any information requested by the Minister to prepare or maintain the fire danger rating system,
- (11) exercise the powers and perform the duties delegated to it by the Minister,
- (12) appoint a Fire Protection Officer,
- (13) ²¹, and
- (14) do all else necessary to carry out its aims, duties and functions.

7. Membership

- (1) Any owner in the area of the Association may at any time become a member. Every municipality or organ of State must be a member.
- (2) A member is any owner -
 - (a) whose name is in the register of members referred to in section 8 (3) of this constitution,²² and
 - (b) who has declared that he or she is willing to follow this constitution and the rules of the Association.

8. Register of members

- (1) All members must give the Secretary -

¹⁹ For example, dry vegetation, strong winds.

²⁰ These sections explain the fire danger rating system, including: how the country is divided into fire danger regions and how fire danger warnings must be publicised.

²¹ You can add duties and functions here, as long as they support the aims of the Act.

²² See page 21.

- (a) a copy of the title deeds or in the case of communities, a copy of the map showing the boundaries of the communal land, and in the case of municipalities and organs of state, copies of title deeds or maps showing the boundaries of properties.
 - (b) their names, addresses, telephone numbers, email addresses and fax numbers and
 - (c) the names, addresses, telephone numbers, email addresses and fax numbers of their agents or representatives.
- (2) Any -
- (a) change of address or telephone number
 - (b) transfer of property or change in ownership
- must be communicated to the Secretary within a reasonable time.
- (3) The Secretary must keep all the details referred to in sub-paragraphs (1) and (2), and other relevant information, in a register of members.

9. Rights and duties of members

Membership of the Association -

- (1) includes paying any fees and charges set by the Association from time to time
- (2) allows members to have all the benefits of membership
- (3) does not give a member a right to any of the money, property or assets of the Association.

10. Termination of membership

- (1) A member may terminate²³ his or her membership by written notice to the Chairperson except in the case of municipalities and organs of State.
- (2) If a member terminates membership, he or she gives up all fees and charges already paid to the Association.
- (3) Membership is automatically terminated if a member does not pay the membership fees, charges or interest within ... days -
 - (a) after the annual general meeting, or
 - (b) after these fees, charges or interest are due.
- (4) The land of a member who dies will still be protected under this constitution if -
 - (a) on his or her death, the fees, charges or interest are fully paid, and
 - (b) his or her successor-in-title²⁴ applies for registration as a member.

²³ End his or her membership.

²⁴ The person or body that takes over the dead person's land.

11. Fees, charges and interest

- (1) The executive committee may from time to time -
 - (a) fix fees and charges for membership and services that are necessary for the proper management of the Association
 - (b) charge interest on unpaid fees that the law allows.
- (2) The fees of the Association²⁵ shall be determined by the Association and set out in its rules.
- (3) The Association may exempt any member from the payment of fees and charges, and accord him or her full membership status.
- (4) Annual membership fees must be paid on or before the ... day of every year.
- (5) Any increase in registration and membership fees or charges for services must -
 - (a) be decided at an annual general meeting
 - (b) if not done at an annual general meeting, be decided on by the majority of members present at a general meeting called for that purpose.

12. Liability of members

Members are not individually liable²⁶ for any debts owed or duties of the Association, but they do have to pay unpaid fees, charges or interest.

13. Assets

The Association may acquire and dispose of any asset.

14. The executive committee

- (1) The executive committee of the Association is -
 - (a) the Chairperson
 - (b) the Secretary
 - (c) ²⁷
 - (d) an additional member.
- (2) Any member of the Association may be elected to the executive committee.
- (3) The Chairperson is elected for a period of three years, but may stand for re-election at the end of this period.
- (4) The Secretary and the additional member are elected for a period of three years, but may stand for re-election at the end of this period.

²⁵ You can structure this section to suit your particular needs and conditions.

²⁶ Not legally responsible as individuals.

²⁷ You can add other positions, depending on your needs, eg a treasurer.

- (5) If the Chairperson, the Secretary or additional member resigns, dies, becomes incapacitated²⁸ or disqualified, or is removed from office by a majority vote of the Association, this position becomes vacant.
- (6) A member of the executive committee becomes disqualified if he or she -
 - (a) is declared to be of unsound mind by a court
 - (b) is declared insolvent by a court
 - (c) is convicted of a crime involving dishonesty
 - (d) has been absent without leave or a good reason from two consecutive meetings of the committee.
- (7) If there is a vacancy in the committee, it must be filled by the election of another member for the remaining period of service.

15. Employees

- (1) The executive committee may employ any person it considers necessary to help the Association to carry out its functions.
- (2) The employment of any person, or any change to the contract of employment of any employee, must be approved by a resolution of the executive committee.
- (3) All employees remain in employment when there is any change in the executive committee.

16. Loans

- (1) The executive committee may use loans, including overdrafts, to raise the funds it needs to carry out any of its functions.
- (2) Whenever the executive committee wants to raise a loan of more than R..., it must call a meeting of all members, with at least 21 days' notice, to get a mandate to raise the loan.
- (3) The executive committee cannot make a loan that will lead to increased registration or membership fees, unless this is approved by a majority of the members at the meeting.

17. Finances

- (1) The financial year of the Association runs from the date of its registration to of the following year, and then from every year to of the next year.
- (2) The Secretary is responsible for all the financial business of the Association and must keep a record of all this business.²⁹
- (3) The Secretary must every year at an annual general meeting -

²⁸ For example, too ill to carry out duties.

²⁹ You can change this sub-section if you have a treasurer.

- (a) present an audited financial statement of the Association's accounts for the previous financial year, including full details of any salary paid to members of the executive committee and employees of the Association,³⁰ and
 - (b) give a report of the Association's activities.
- (4) The financial statement must be available for inspection at reasonable times by any member for a period of ... weeks from the date of the annual general meeting.

18. Annual general meeting

- (1) An annual general meeting must be called by the executive committee -
 - (a) within 60 days of the end of the financial year, and
 - (b) on 21 days' notice to all members.
- (2) In addition to any other business, the annual general meeting must deal with -
 - (a) the Chairperson's report on the general affairs of the Association,
 - (b) the Secretary's presentation of the financial statements of the Association,³¹
 - (c) the Fire Protection Officer's report on his or her activities, and
 - (d) the introduction and approval of any increase of fees, charges or interest.
- (3) A quorum³² will be ...% of all members.
- (4) If there is no quorum, the members present must be given notice that a further meeting will be held at least 7 days later.
- (5) If there is no quorum at the further meeting, the members present form a quorum.
- (6) Only those members whose registration and membership fees are fully paid up, have a right to vote.

19. Special general meeting

- (1) The executive committee may convene a special general meeting at any time on 14 days' notice.
- (2) A special general meeting must be convened by the executive committee if -
 - (a) ...% of paid-up members request this meeting in writing and name the issues to be dealt with,
 - (b) the requested meeting is to be held at least 60 days before an annual general meeting.³³

³⁰ You can change this sub-section if you have a treasurer.

³¹ You can change this sub-section if you have a treasurer.

³² See regulation 2(1)(h).

³³ In other words, a special general meeting cannot be called less than 90 days before an annual general meeting.

(c) A quorum will be ...% of all members.

- (3) If there is no quorum at a special general meeting, the meeting must be closed, and the business for discussion will go to the next annual general meeting.

20. Dispute resolution

- (1) The rules of the Association must provide for dispute resolution between members.
- (2) If the Minister appoints a mediator or arbitrator acceptable to the executive committee from a panel referred to in section 45(1) or 45(2)³⁴ of the National Forests Act, everyone, including the complainant, will have to co-operate with the mediator and follow the decision of the arbitrator.

21. Dissolution

- (1) The Association may be dissolved -
- (a) by a resolution passed at an annual general meeting or a special general meeting called for that purpose and by its deregistration³⁵ by the Minister under section 8 of Act 101 of 1998 or
- (b) by its deregistration³⁶ by the Minister under section 8 of Act 101 of 1998.³⁷
- (2) The resolution to dissolve the Association must -
- (a) be passed by a two-thirds majority of members present and forming a quorum, and
- (b) be confirmed at another special general meeting, held after at least 30 days, by a majority vote of the members present and forming a quorum.
- (3) After confirmation of the dissolution and at that meeting, the members must pass a resolution for the appointment of a liquidator³⁸ to dispose of the Association's assets,³⁹ pay its debts and settle its liabilities.

³⁴ See footnote 29 on page 18.

³⁵ See regulation 2(1)(d).

³⁶ See regulation 2(1)(d).

³⁷ The Minister's power to deregister a fire protection association if it is not active or effective.

³⁸ Official responsible for closing down a business or body.

³⁹ Giving, selling or transferring things like furniture and equipment.

SCHEDULE 3**THE OPERATING STRATEGY FOR A FIRE PROTECTION ASSOCIATION****PART 1: VELDFIRE MANAGEMENT STRATEGY****A. SITUATIONAL ANALYSIS OF THE STATE OF VELDFIRE MANAGEMENT IN THE AREA OF THE FPA**

The document outlining the operating strategy needs a short situational analysis of issues relevant to veldfire management that will place the strategy in the context of local requirements. This may include:

- a) Reference to elements of the local IDP that are relevant to disaster management and veldfire management
- b) Outline of major veld types in area, and conservation status
- c) Features of land ownership
- d) Current institutions and their roles and responsibilities, including an outline of the current state of the fire function in emergency services and other relevant aspects of the service infrastructure
- e) Identity and role of neighbouring FPAs
- f) Current situation regarding availability and use of telecommunications
- g) Current regulations applicable in the area
- h) Customary arrangements regarding veld burning
- i) Analysis of the environmental role of fire, e.g. biodiversity management, pasture management, fuel load reduction, eradication of alien plants
- j) Risk and vulnerability assessment, e.g. fire climate and weather, patterns of fuel build-up, ignition sources, public behaviour; problems at the urban edge; outline the situation regarding vulnerability to veldfires of communities, property and the environment.
- k) Veldfire management resources including gaps between required standards and current levels
- l) issues about veldfire management that arise from conflicting management goals.

B. STRATEGIES AND PLANS

This part outlines the strategic response to the factors outlined in the situational analysis.

- a) Strategic objectives

- b) Veldfire management goals identified for the different types of land use and how they affect veldfire management; identification of conflicts. Note how the strategy is to address conflicts.
- c) Veld management principles and guidelines: seasons and frequency of burning; best practices in using fire for different management goals.
- d) public awareness,
- e) co-ordination of plans within the FPA and with neighbouring FPAs
- f) communication of fire danger ratings
- g) contingency plans for different levels of fire hazard
- h) conditions for invoking the Disaster Management Plan
- i) Fire protection measures, including firebreak plans, prescriptions and guidelines; fire break exemptions required; protection of homesteads, informal settlements and the urban edge
- j) Special forest protection measures
- k) Special measures for the protection of other crops
- l) Training in fire fighting, management and prevention
- m) Competence standards
- n) Training (within NQF) – for fire fighting and veld management (according to standards set by the relevant Sector Education and Training Authority (SETA))
- o) Guidelines to owners on preferred sources of training
- p) Organisational development
- q) Assistance to communities
- r) Measures for fire-fighting and control, including ongoing risk analysis practice, fire response plans including standard operating procedures, fire detection and reporting
- s) Mutual assistance agreements, including with neighbouring FPAs
- t) Communications system – design, maintenance, testing of equipment.
- u) Rules and regulations and their enforcement; examples are:
 - i) Fire prevention measures, including special measures when the fire danger rating is high, fire restrictions i.e. periods when veldfires are not to be made without permission
 - ii) Firebreak specifications of minimum standards, cut-off dates for firebreak preparation, allowable techniques of preparation taking account of the needs for soil and biodiversity protection, use of natural and man-made barriers to veldfires, schedules for firebreak preparation, inspections and maintenance, exemptions, conservation criteria
 - iii) Standards for fire readiness and preparedness on the properties of owners
 - iv) Fire response rules and operating procedures

- v) Minimum equipment standards
- vi) Protection of risk-prone homes and other structures
- vii) Minimum requirements for protection at the urban edge
- viii) Forest protection and special measures for other crops
- ix) Fire fighting rules, e.g Standard Operational Procedures (SOPs) and Best Operating Practice (BOPs), including fire incident logging
- x) Standard fire terminology (type of veldfire, elements of veldfires – head, flank – definitions of containment, extinguishment)
- xi) Procedures after veldfire is contained or extinguished
- xii) Forensics procedures to protect evidence of the cause of a veldfire; investigation procedures
- xiii) Veldfire competence and skills standards
- xiv) Rules for prescribed burning for veld management and environmental purposes
- xv) Radio and telecommunication standards

C. MONITORING, EVALUATION AND CONTINUOUS IMPROVEMENT

- a) Indicators for measuring progress toward strategic objectives
- b) Standard data and information gathering
- c) Internal reports
- d) Reports to umbrella
- e) Requirements for special investigations of veldfire emergencies or disasters

PART II: BUSINESS PLANNING

- a) Five-year outline of objectives and operations
- b) Costing of operations
- c) Revenue sources
- d) Five-year projection of costs and revenues