

Our Ref: 1/1/12/7

Your Ref: _____

Date: 6 December 2019

Cell: _____

COUNCIL ITEM

MANGAUNG METROPOLITAN MUNICIPALITY: OBLIGATORY MEMBERSHIP OF THE MANGAUNG FIRE PROTECTION ASSOCIATION IN TERMS OF THE NATIONAL VELD AND FOREST FIRE ACT

1. BACKGROUND

The purpose of the National Veld and Forest Fire Act, Act 101 of 1998 (the NVFFA), is to prevent and combat veld, forest and mountain fires throughout the Republic and to provide for a variety of institutions, methods and practices for achieving the purpose.

Section 2 (1) (xii) of the NVFFA defines "municipality" to include a Metropolitan Municipality.

Section 2 (1) (xiii) (d) of the NVFFA stipulates that "owner" has its common law meaning and in relation to a local authority includes the Chief Executive Officer or a person authorised by the Chief Executive Officer.

Chapter 2 of the NVFFA regulates the establishment, registration, duties and functioning of a Fire Protection Association (FPA) by "owners" in respect of an area which has regular veldfires or a relatively uniform risk of veldfire or uniform climatic conditions or relatively uniform types of vegetation. In the case of the Mangaung Metropolitan Municipality (the MMM) not one but all four of the factors listed indeed exist especially during the veldfire season.

On 16 October 2017 the National Minister of Agriculture, Forestry and Fisheries registered the Mangaung Fire Protection Association (the MAFPA) in terms of section 4 (2) of the NVFFA. A copy of the Registration Certificate is attached marked "A". A copy of the Constitution of MAFPA is also attached and marked "B".

2. DISCUSSION

2.1 RESPONSIBILITY OF MMM AS MUNICIPALITY TO BECOME A MEMBER OF THE MAFPA

Insofar as the responsibility of the MMM goes with regards to the preventing and combating of veldfires in its area of jurisdiction, cognisance should to be taken of the under-mentioned statutory provisions:

The Constitution of the Republic of South Africa, Act 108 of 1996

Mangaung as a category A municipality has exclusive executive authority to administer fire fighting services within its area of jurisdiction. Fire – fighting services to be provided includes all types of fires and possible risk of fires including veldfires.

The Fire Brigade Services Act, Act 99 of 1987 (FBSA)

1/1/12/7 1

The FBSA has as its purpose the establishment, maintenance, employment, coordination and standardisation of fire brigade services and for matters related to it. The FSBA defines a service as:

“A fire brigade service intended to be employed for:

- a) *Preventing the outbreak or spread of fire;*
- b) *Fighting or extinguishing fire;*
- c) *The protection of life and property against fire or any other threatening danger;*
- d) *.....”*

From the above definition it is evident that a fire brigade service established in terms of the FBSA is intended to be employed to prevent or extinguish fires and is inclusive of every possible risk of fire including veldfires. The MMM Fire Service having been established in terms of the FBSA is therefore required to address and be employed for the purposes mentioned above, which includes preventing the outbreak or spread of veldfires, fighting or extinguishing veldfires and protection of life and property against veldfires. The MMM is responsible to prevent and extinguish veld fires in its entire municipal area comprising more than 9 887 km², of which 94.5% is made up of undeveloped rural land where the risk of veldfires is both real and well known.

The National Veld and Forest Fire Act, Act 101 of 1998

It has already been highlighted that the NVFFA has as its purpose the prevention and combating of veldfires through a variety of institutions, methods and practices.

Fire Protection Associations

Fire Protection Associations are one of the institutions / arrangements envisaged by the NVFFA for the prevention and combating of veldfires.

The NVFFA provides for FPAs for the following reasons:

- Veldfires often become emergencies because they threaten life and assets on the property where they have started, or when they spread, or threaten to spread, beyond the boundaries of any one property;
- Veldfires require co-operation to manage the conditions that determine their occurrence, to prevent and control veldfires, and to use controlled burning for environmental and other purposes.
- Effective management of veldfires requires organisational structure, strategy, plans, information, networks, skills, and equipment that can seldom be provided adequately by any one landowner alone. Also, government cannot take on the duties and responsibilities of landowners for fire protection. The NVFFA places this responsibility on the owner, where it belongs.

Section 4 (7) of the NVFFA is clear and specific on a municipality having to become a member of a FPA where it states that:

"Where a fire protection association has been registered in an area –

- a) all or part of which is controlled by a municipality and that municipality has a service; or*
- b) in which there is a designated service,*

the municipality or designated service must become a member of the fire protection association"

The registration of the Mangaung Fire Protection Association by the Minister of Agriculture, Forestry and Fisheries coupled to the fact the MMM "has a service" (as defined in the FBSA), obligates MMM to become a member of the Mangaung Fire Protection Association (the MAFPA).

Section 5 (1) of the NVFFA outlines the duties of a fire protection association which are as follows:

"5. (1) A fire protection association must at least –

- a) develop and apply a veldfire management strategy for its area;*
- b) provide in the strategy for agreed mechanisms for the co-ordination of actions with adjoining associations in the event of a fire crossing boundaries;*
- c) make rules which bind its members;*
- d) identify the ecological conditions that affect the fire danger;*
- e) regularly communicate the fire danger rating referred to in sections 9 and 10 to its members;*
- f) organise and train its members in fire fighting, management and prevention;*
- g) inform its members of equipment and technology available for preventing and fighting veldfires;*
- h) provide management services, training and support for communities in their efforts to manage and control veldfires;*
- i) supply the Minister at least once every 12 months with statistics about veld fires in its area;*
- j) furnish any information requested by the minister in order to prepare or maintain the fire danger rating system;*
- k) exercise the powers and perform the duties delegated to it by the Minister; and*
- l) appoint a fire protection officer, unless there is a chief fire officer contemplated in section 6 (2) (a) who is willing to assume the powers and duties of fire protection officer."*

The duties of a FPA as set out in section 5 (1) of the NVFFA can be broadly summarised as follows:

- Developing and applying a veldfire management strategy for its area;
- Regularly communicating the forecast fire danger rating to its members;
- Organising and training its members in fighting, managing and preventing veldfires;
- Providing management services, training and support to communities;
- Providing statistics about veldfires in its area to the Minister;
- Furnishing information needed to prepare or maintain the National Fire Danger Rating System;
- Dealing with firebreaks in its overall veldfire management strategy by providing for standards, for exemptions from boundary firebreaks, and the maintenance of communal, strategic firebreaks.

Perusal of annexure "B" (the Constitution of MAFPA) reveals that two (2) functionaries from the MMM are to serve on the Executive Committee of MAFPA by virtue of the positions that they hold / occupy. These functionaries are:

- The Fire Chief; and
- The General Manager: Disaster Management.



The duties expected from a FPA have already been alluded to and given the operational nature, namely veldfire prevention and veldfire fighting as well as the close linkage to the Municipality's Disaster Management planning the inclusion of the two functionaries on the MAFFPA Executive Committee makes complete sense.

By virtue of Mangaung's land ownership the MAFFPA Constitution provides for a representative from the Sub – Directorate Parks and Cemeteries to also serve on the MAFFPA Executive Committee.

Section 5 (4) of the NVFFA deals with the "rules" as alluded to in section 5 (1) (c) of the NVFFA and reads as follows:

"(4) The rules contemplated in section (1) (c) must provide for –

- a) any matter which may or must be dealt with in terms of this Act;*
- b) the minimum standards to be maintained by members in relation to all aspects of veldfire prevention and readiness for firefighting;*
- c) controlled burning to conserve ecosystems and reduce the fire danger; and*
- d) any other matter which is necessary to achieve its objects."*

Attached hereto and marked "C" is a copy of the rules of the MAFFPA.

The tariff for membership of a registered FPA by owners of land falling within the boundaries of a FPA is determined by the rules of the particular FPA as provided for in section 5 (1) (c) of the NVFFA. The Free State Umbrella FPA has in order to ensure consistency between the various FPA's in the Free State determined the membership fee for District and Metropolitan Municipalities at a rate of R 0.15 cents per hectare of the size of the municipal area of jurisdiction per year. A copy of the communiqué from the Free State Umbrella FPA is attached marked "D".

The MMM annual membership fee will amount to **R 148 305.00** (one hundred and forty – eight thousand, three hundred and five rand) when calculated by multiplying the 988 700 hectares of the Municipal area with the factor / tariff of R 0.15 cents as directed in annexure "D" to this submission. Approximately 5.5% of the Mangaung Municipal area is built up and therefore not prone to veldfires. The view is thus held that the municipal area should be reduced with 5.5% (54 378 hectares) to 934 322 hectares. It is further suggested that the factor / tariff for Mangaung be determined at R 0.08 per hectare which will result in a membership fee of **R 74 745.76** (seventy – four thousand seven hundred and forty – five rand and seventy – six cents) for the 2019 / 2020 year.

Veldfire prevention through firebreaks

Chapter 4 of the NVFFA deals with veldfire prevention through firebreaks and places a duty on owners of land to prepare and maintain firebreaks.

Section 12 (1) of the NVFFA states the following:

"Every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak on his or her side of the boundary between his or her land and any adjoining land."

Throughout Mangaung there are undeveloped public open spaces belonging to the municipality which border on to private land. The residential areas surrounding Naval Hill, Signal Hill and Grants Hill are but some examples of the rural / urban interface which poses unique challenges from a fire fighting perspective.

In addition there are portions of undeveloped land that belong to MMM like for example the farms Klipfontein and Nalisview which were acquired for development as cemeteries as well as Kwaggafontein, which also borders private land. Undeveloped land at Bloemindustria as well as the areas of Brandkop, Cecilia and the Airport Development Node is further examples where firebreaks are required.

MMM operates a number of municipal landfill sites. Similar sites operated by other municipalities have unfortunately in the past been the source from where a number of veldfires originated and thereafter spreading from the municipal land to adjoining private owned land.

In all of the abovementioned scenario's section 12 (1) of the NVFFA requires MMM to prepare and maintain firebreaks so as to prevent the spread of fire from municipal to private land.

Presumption of negligence

Section 34 of the NVFFA introduces a presumption of negligence and states the following:

"34. (1) If a person who brings civil proceedings proves that he or she suffered loss from a veldfire which –

(a) the defendant caused; or

(b) started on or spread from land owned by the defendant, the defendant is presumed to have been negligent in relation to the veldfire until the contrary is proved, unless the defendant is a member of a fire protection association in the area where the fire occurred.

(2) The presumption in subsection (1) does not exempt the plaintiff from the onus of proving that any act or omission by the defendant was wrongful."

The aforementioned presumption of negligence places landowners / defendants, including municipalities, on the back foot as they are burdened with the onus of having to prove that they were not negligent in a case where for example a veldfire spread from their property. Unlike private landowners who can control access to their land, municipalities own land to which the general public has access. In addition municipalities cannot at all times fully control what members of the public do on municipal land to which they have this unrestricted access. Municipalities may find themselves liable for a fire started on municipal property / land by an unknown / unidentified person.

Becoming a member of a FPA restores the situation to "normal" in that the presumption of negligence as contained in section 34 (1) of the NVFFA "disappears" with the claimant having to prove negligence. The MMM by merely becoming a member of the MAFPA, which it is in fact legally obliged to do, places the burden of proof for negligence in any legal action with the opposing party.

Based on the above discussions it will be recommended that the Mangaung Metropolitan Municipality becomes a member of the Mangaung Fire Protection Association as required / prescribed by section 4 (7) of the National Veld and Forest Fire Act, Act 101 of 1998 and pay the prescribed annual membership fee.



MANGAUNG

METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKGOTLA LA MOTSE

DIRECTORATE
SOCIAL SERVICES

2.2 MEMORANDUM OF UNDERSTANDING WITH THE MANGAUNG FIRE PROTECTION ASSOCIATION

Reference has already been made to Chapter 4 of the NVFFA which deals with veldfire prevention through firebreaks and the duty placed on owners of land to prepare and maintain firebreaks in order to prevent the spread of a veldfire.

Chapter 5 of the NVFFA is titled "Fire Fighting" and places a duty on all landowners to acquire equipment and have personnel available to fight fires.

It is an unfortunate reality that currently MMM has no fire fighting capacity in close proximity to Dewetsdorp, Wepener and Van Stadensrus to deal with fire related emergencies in the area of Ward 50. Available information indicates that the area is prone to veldfires with the potential of becoming runaway out of control conflagrations.

Mangaung is by far the Metropolitan Municipality that covers the largest area. The table below affords an indication of the extent of the MMM area of jurisdiction compared to the other seven Metropolitan Municipalities.

METROPOLITAN MUNICIPALITY	MUNICIPAL AREA
Mangaung	9 887 km ²
Tshwane	6 298 km ²
Buffalo City	2 750 km ²
eThekweni	2 556 km ²
Cape Town	2 446 km ²
Ekurhuleni	1 975 km ²
Nelson Mandela Bay	1 957 km ²
Johannesburg	1 645 km ²

From what was already mentioned under item 2.1 of this report, the NVFFA places a duty on the MMM to attend to and have the means, equipment and other resources to combat veldfires in its area of responsibility, a duty which due to limited resources coupled to the sheer extent of the municipal jurisdictional area, is extremely difficult to perform effectively.

For the MMM to discharge its legal responsibility of having to provide veldfire fighting services throughout the municipal area and to further fortify MMM against any potential liability claims emanating from the spread of veldfire(s) from municipal land, formalising a partnership with the MAFPA by way of entering into a memorandum of understanding / agreement appears to be the most cost effective and beneficial option available to the MMM at this point in time. It will be recommended that the MMM concludes an agreement with the MAFPA, so as to formalise an arrangement whereby the MAFPA resources could be utilised and activated in the event of a veldfire incident within the MMM municipal area, based on the following motivation namely:

- a. As a member of the MAFPA, the MMM will be in a position to enter into a formal aid agreement with the MAFPA, ensuring that privately owned resources of MAFPA members, be availed to the benefit of MMM and its rural communities during veldfire incidents should the need arise. A recent tentative survey conducted by the MAFPA in its area of operations to determine the extent of resources available revealed that over and above the resources that are under control of the MMM Fire and Rescue Service, considerable privately owned resources are available in the MAFPA area which could be accessed during a veldfire emergency. The conclusion of an agreement as recommended will ensure that the MAFPA resources can be accessed without delay.

The table below provides an indication of MAFPA member resources available.

DESCRIPTION	NUMBER AVAILABLE
MAFPA members	108
Workers in agricultural sector trained in veldfire fighting	307
Light Delivery Vehicles equipped with veldfire fighting skid unit (500 litre water tank and pump)	130
Tractor drawn water tankers	17
"Working on Fire" team members	75
"Working on Fire" Fire Tenders (2 500 litre water tank and pump)	3
"Working on Fire" Fire Tenders (1 500 litre water tank plus pump)	3

The information contained in the table above is indicative of the seriousness with which land owners view their responsibility towards compliance with the requirements of the NVFFA and their preparedness to address the threat posed by out of control veldfires. More importantly for the MMM is that these resources, under a formal agreement, may be utilised on behalf of the MMM in order for the MMM to fulfil its responsibilities relating to veldfire prevention and combating. In addition it should be mentioned and noted that, should an agreement exist between MMM and MAFPA, the utilisation of all the "Working on Fire" (WoF) resources, would be availed to and be under the command and control of the MMM Fire and Rescue Service for deployment to any veldfire in the MMM area during the veldfire season (1 July to 30 November) and during the rest of the year for utilisation by the Sub – Directorate Parks and Cemeteries to for example make / maintain firebreaks on municipal land.

- b. Should MMM however at this stage opt to improve / increase / enhance the capacity of the Fire and Rescue Service to a level where it would be able to meet the veldfire challenge throughout the entire MMM area of jurisdiction, the financial implications per year for the MMM will be considerable in comparison to the annual MAFPA membership fee of R 74 745.76 which is roughly 31% of the total cost to employ one single full time Firefighter. By becoming a MAFPA member and entering into the proposed agreement with MAFPA, the MMM will have access to all the resources depicted in the table above. It is therefore humbly submitted that it makes financial and operational sense for the MMM to at this point in time conclude an agreement with the MAFPA with regards to the prevention and fire fighting of veldfires in order for the MMM to meet its legal responsibilities in terms of the NVFFA.

RECOMMENDATIONS

It is recommended that Council approves:

- The membership by the Mangaung Metropolitan Municipality of the Mangaung Fire Protection Association, registered in terms of section 4 (2) of the National Veld and Forest Fire Act, Act 101 of 1998, on 16 October 2017 by the National Minister of Agriculture, Forestry and Fisheries, as stipulated by section 4 (7) of the National Veld and Forest Fire Act, No 101 of 1998;
- The payment of the annual membership fee as determined by the Mangaung Fire Protection Association which is currently calculated at R 0.08 per hectare of municipal area reduced by 5.5% to provide for urban areas not prone to veldfires and amounts to R 74 745.76 (934 322 hectares x R 0.08) for the 2019 / 20 financial year to the Mangaung Fire Protection Association against vote number 5601230452026MRCZZ12 (Professional Bodies Membership and Subscription); and
- The conclusion of an agreement between the Mangaung Metropolitan Municipality and the Mangaung



Fire Protection Association, in terms of which agreement the Mangaung Metropolitan Municipality will be assisted by the Mangaung Fire Protection Association with all aspects of veldfire prevention and veldfire fighting and any matter related to veldfires as intended by / provided for in the National Veld and Forest Fire Act, Act 101 of 1998; and

It is recommended that Council notes:

- a. The Constitution and Rules of the Mangaung Fire Protection Association attached to this report as annexure "B" and annexure "C" respectively as well as the representatives of the Mangaung Metropolitan Municipality on the Mangaung Fire Protection Association.

Submitted by:


Mr MG Nkungwana
Head: Social Services

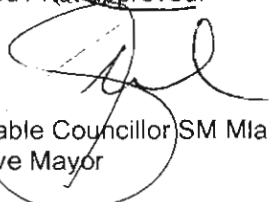
Date: 11/12/19

Supported / ~~not supported~~.


Adv TB Meats
City Manager

Date: 11/12/2019

Approved / ~~not approved~~.


Honourable Councillor SM Mlameli
Executive Mayor

Date: 12/12/2019

Certificate

Fire Protection Association

This is to certify that

Mangaung FPA

has been registered by the Minister of
Agriculture, Forestry and Fisheries
in terms of section 4(2) of the National Veld and Forest Fire
Act No. 101 of 1998



Minister
Agriculture, Forestry
And Fisheries

15.10.2017

Date

1018/01

Registration number



agriculture,
forestry & fisheries

Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA



THE CONSTITUTION OF THE MANGAUNG FIRE PROTECTION ASSOCIATION AS ADOPTED ON 30 MARCH 2017

1. Name of the Fire Protection Association

The name of the association is the Mangaung Fire Protection Association ("the association"), which mainly falls within, but is not limited to borders of the Mangaung Metropolitan Municipality.

2. Address of the Fire Protection Association

Physical address: Jimmie Roos School Premises Farm Rooipoort Dewetsdorp district

Postal address: Private Bag X3 Dewetsdorp 9940

3. Area of the Fire Protection Association

The Mangaung FPA encompasses approximately 9708km² in an area corresponding with but not limited to the borders of the Mangaung Metro Municipality as well as all areas that was historically part of the Dewetsdorp Fire Protection Association.

4. Application of the Act to this constitution

This constitution is in accordance with Chapter 2 of the National Veld and Forest Fire Act, 1998 (No. 101 of 1998) ("the Act") and the regulations under it.

5. Aim of the Fire Protection Association

The aim of the association is to predict, prevent, manage and extinguish veld fires in its area and to build the integrated Veld Fire Management capacity of the association. The FPA aims to protect lives, livelihoods and the environment in a sustainable and equitable manner.

6. Duties of the Association

The duties of the association are to—

- (a) develop and apply a veldfire management strategy for its area;
- (b) provide in the strategy for agreed mechanisms for the co-ordination of actions with adjoining fire protection associations;
- (c) make rules which bind its members;
- (d) identify the ecological conditions that affect the fire danger;
- (e) regularly communicate the fire danger rating referred to in sections 9 and 10 of the Act to its members;
- (f) organise and train its members in fire-fighting, management and prevention;
- (g) inform its members of equipment and technology available for preventing and fighting veldfires;
- (h) provide management services, training and support for communities in their efforts to manage and control veld fires;
- (i) supply the Minister with statistics about veldfires in its area at least once every 12 months.
- (j) give any information requested by the Minister to prepare or maintain the fire danger rating system;
- (k) exercise the powers and perform the duties delegated to it by the Minister;
- (l) appoint a fire protection officer.

7. Membership

(1) Any person responsible for the management of land in the area of the association may at any time become a member, provided he or she undertakes to abide by this constitution and the rules of the fire protection association and has paid the prescribed membership fee.

(2) Every municipality with a fire service and every owner in respect of State land in the area must become a member.

(3) A member is a person whose name is in the register of members referred to in clause 8(3) of this constitution.

8. Register of Members

(1) Every member must give the secretary—

- (a) the name of his, her or its property or properties, and where necessary, a sketch map of the boundaries of the property;
- (b) his or her name, address and if available, telephone number, cell phone number, e-mail address, fax number and radio frequency; and

(c) the name, address, and if available, telephone number, cell phone number, e-mail address, fax number and radio frequency of his or her agents or representatives.

(2)

(a) change of address or contact details; and

(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. Voting Rights

At any meeting where voting is required, each member in good standing will have one vote.

10. Rights and Duties of Members

A member of the association—

(a) must pay any fees and charges set by the association from time to time;

(b) is entitled to enjoy all the benefits of membership;

(c) must comply with the rules of the association; and

(d) does not have a right to any of the money, property or assets of the association.

11. Termination of Membership

(1) A member may terminate his or her membership by written notice to the chairperson, except in the case of municipalities and owners in respect of State land.

(2) If a member terminates his or her membership, he or she automatically gives up all fees and charges already paid by him or her to the association.

(3) Membership is automatically terminated if a member does not pay the membership fees, charges or interest within 60 days—

(a) after the annual general meeting, or from the 1st of April every year.

(b) after these fees, charges or interest are due from 1 June every year.

(4) The association may terminate membership of any member who fails to comply with the rules within a reasonable period of time after receiving a notice of failure to comply with an agreed rectification plan from the fire protection officer, with the exception of municipal owners and owners in respect of State land.

12. Fees, Charges and Interest

(1) The executive committee may from time to time—

(a) fix fees for registration and membership and charges for services that are necessary for the proper management of the association; and

(b) levy interest on unpaid fees and charges that the law allows.

(2) The fees and charges of the association will be determined by the association in terms of 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 1 May of every year.

(5) Any increase in registration and membership fees or charges for services must be decided at an annual general meeting; and if not decided at an annual general meeting, by the majority of members present at a general meeting called for that purpose.

13. Liability of Members

Members are not personally liable for any claims against, debts owed by or omissions to carry out duties of the association, but they do have to pay unpaid fees, charges or interest owed by them in their individual capacities as members.

14. Assets

The Association may acquire and dispose of any asset.

15. The Structure of the Association

(1). The Association will consist of the following bodies:

- a. The Executive Committee
- b. The Management Oversight Committee
- c. The Management Team
- d. 10 Fire Management Areas

(2). The Executive Committee of the Association

1. The Executive Committee of the Association will -

- a. Be responsible for the governance of the Association.
- b. In consultation with the Management Oversight Committee of the Association:
 - i. set policy for the Association; and
 - ii. determine the strategic direction of the Association and make decisions relating to it.
- c. Appoint any staff of the Association.
- d. Guide, oversee and assist the FPA General Manager in performing their day to day management functions. This includes, but is not restricted to, communication with key roleplayers and members.
- e. Compile special reports, documents and policies.
- f. Ensure Procurement of items needed for effective management of the Association.
- g. Represent the Association on other committees or meetings as needed from time to time.
- h. Prepare and sign off annual financial documents after membership approval.
- i. From time to time assign responsibilities and specific tasks to a member, employee, a person or an institution.

(3). The Executive Committee of the Association will consist of the following:

1. As full members:

- a. By virtue of their office:
 - i. The Chief Fire Officer of the Mangaung Metro Municipality;
 - ii. The Disaster Manager of the Mangaung Metro Municipality;
- b. By virtue of their land ownership:
 - i. One representative from the Municipal Parks and Cemeteries Department;
 - ii. One person collectively representing other Organs of State and State Owned Enterprises that manages land within the boundaries of the Association;
 - iii. One private landowner from each of the ten Fire Management Areas;
- c. Such private land owner to be nominated by the members of that Fire Management Area at the AGM;
- d. In the event of such private landowner not being nominated or subsequently vacating office, a landowner from that fire management area may be co-opted by the Executive Committee.

2. As associate members:

- a. any other member that has been co-opted for a specific input or task; and
- b. any service provider that can give input for a specific input or task.
- c. an associate member does not have voting rights on the Executive, but can provide input to the issue in hand;

(4). The Executive Committee will be convened as follows:

- a. At the AGM, the members will elect a person who is a member of the Board by virtue of their landownership to serve as the Chairperson,

- b. The members of the Executive Committee, including the Chairperson, are elected for a period of three (3) years, but may stand for re-election at the end of that period. The membership of the Board will be staggered so to ensure continuity with 50% being appointed each year; and
 - c. If any member resigns, dies, becomes incapacitated or disqualified, or is removed from office, the Executive Committee will appoint a suitable candidate to serve on the Executive for the remaining period until the next Annual General Meeting.
 - d. A member of the Executive becomes disqualified if he or she:
 - i. is declared to be of unsound mind by a court of law;
 - ii. is convicted of a crime involving fraud or corruption. Any member serving a suspended sentence may not serve on the Board; and
 - iii. has been absent without a valid reason from two consecutive Executive meetings.
 - e. Between Annual General Meetings the Executive Committee will seek to discharge its business at meetings convened to take place every four months, and
 - f. A minimum of seven (7) Board members, which includes the Chief Fire Officer, present at a meeting will constitute a quorum.
- (5). The Management Oversight Committee:
- a. The function of the Management Oversight Committee is to oversee the day to day function of the affairs of the Association between Board meetings;
 - b. The Chairperson of the Board and the Fire Protection Officer will form the management oversight committee; and
 - c. The Management Oversight Committee will meet monthly with the FPA Manager.
 - d. The Management Oversight Committee may consult with any person/s or organisation/s in order to give strategic guidance to the Association.
- (6). The Management Team:
- a. The Board may employ any person it considers necessary to help the Association to carry out its function, including an FPA manager; and
 - b. All employees remain in employment notwithstanding any change in the Board.
- (7). Fire Management Areas:
- a. Fire Management Areas (FMA) consists of a localised area, in which integrated fire management efforts between individual landowners can be most effectively coordinated, FPA's becoming part of the Association or dissolved FPA's will become a single Fire Management Area; the Association will consist of ten (10) Fire Management Areas.
 - b. FMA's may in turn be divided into fire management Sectors based on logistical fire management requirements;
 - c. FMA's give guidance to the Association on Integrated Fire Management in the area covered by the FMA;
 - d. FMA's is to hold at least two meetings per annum for the purpose of pre-fire season planning and post- fire season feedback; and
 - e. will manage and give account of ring-fenced assets and funds provided by the FPA for the benefit of that Fire Management Area at the AGM.

16. Employees

- (1) The executive committee may employ any person it deems suitable to help the association in carrying 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.

17. Loans

- (1) The fire protection association may raise loans for the funds it needs to carry out any of its functions.
- (2) Whenever the executive committee wishes to raise a loan, it must first call a meeting of all its members, and give to at least a period of notice of 21 days in order to obtain their mandate to raise the loan.
- (3) The executive committee cannot raise a loan that will lead to increased registration or membership fees, unless this is approved by a majority of the members at the meeting.

18. Finances

- (1). The financial year of the Association starts on 1 April and ends on 31 March of the following year.
- (2). The association must transfer at least 60% of private landowner membership fees generated in a Fire Management Area to a bank account nominated by the FMA structure for the purpose of Integrated Fire Management.
- (3). The Association will appoint a suitably qualified person and/or institution to be responsible for the financial administration of the Association.
- (4). The person and/or institution must present a financial statement of the Association's accounts for the previous financial year, including full details of income, expenditure and assets.
- (5). The financial statement must be available within reason for inspection by any member for a period of three (3) weeks (21 days) from the date of the annual general meeting.
- (6). All financial year-end documents must be signed off by the Board.
- (7). The Association will operate as a voluntary association in terms of the common law, unless the national Veld and Forest Fire Act is amended to provide for a non-profit Company and the members then decide to change the nature of the entity.
- (8). The Association will further operate as a non-profit organisation.
- (9). A bank account and, if necessary, petrol and debit/credit cards will be opened at an accredited financial institution as decided by the Board.
- (10). The year-end financial statements must be signed off by the board.

19. 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 annual report on the general affairs of the association;
 - (b) the audited financial statements of the association; and the introduction and approval of any increase in fees, charges or interest.
- (3) A quorum for the annual general meeting will be 25% of the total number of all members of the association.
- (4) If there is no quorum, members must be given notice that the meeting is adjourned for at least seven days.
- (5) If there is no quorum at the next meeting, two thirds of the members present form a quorum.
- (6) Only those members whose registration and membership fees are fully paid up have a right to vote.

20. Extraordinary General Meeting

- (1) The executive committee may convene a extraordinary general meeting at any time on 14 (fourteen) days' notice.
- (2) A extraordinary general meeting must be convened by the executive committee if—
 - (a) 25% of paid-up members request this meeting in writing and identify the issues to be dealt with, and
 - (b) the requested meeting is to be held at least 60 (sixty) days before an annual general meeting.
- (3) A quorum will be 25% of all members of the association.
- (4) If there is no quorum at a special general meeting, the meeting must be closed, and the agenda for discussion will be deferred to the next annual general meeting.

21. Dispute Resolution

- (1) In the case of a dispute between members, members must negotiate to resolve the dispute.
- (2) If such negotiations fail, any member may approach the executive committee, which must appoint an arbitrator whose decision will be final.

22. 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 deregistration by the Minister in terms of section 8 of the Act; or
 - (b) by its deregistration by the Minister in terms of section 8 of the Act.
- (2) The resolution to dissolve the association must be passed by a two-thirds majority of members present who constitute a quorum.
- (3) After confirmation of the dissolution and at that meeting, the members must pass a resolution for the appointment of a liquidator to dispose of the association's assets, pay its debts, and settle all its liabilities.

Accepted on this 30th day of March 2017.

Chairperson :

Johann Andries Breytenbach

Secretary:

Monika Breytenbach



MAFPA

"C

MANGAUNG FIRE PROTECTION ASSOCIATION RULES AND REGULATIONS

The following rules are valid for the members of the Mangaung FPA as from 1 April 2017 as established on 30 March 2017.

All rules are subject to the following laws and all members must act accordingly so that the following laws and regulations can also be taken into account:

- Protection of agricultural resources Law 43 of 1983 (with amendments)
- National environmental management Law (NEMA) Law 107 of 1998 (with amendments)
- Veld and Forest Fire Law, Law 101 of 1998 (with amendments)
- Occupational Health and Safety Law and Regulations (OHASA), Law 85 of 1983 (with amendments)

1. Risk Mapping and Precautions

It is a requirement of the FPA that every member completes a risk analysis and mapping of all land that falls under their control.

If the land is adjoining, a single analysis can be done for adjoining land unless the individual land is pertinently specified in the documentation.

Risk analysis and mapping must be completed in the official format as provided for by MAFPA

Precautionary measures must be clearly indicated on the maps as prescribed and should also be described verbally.

All risk maps must receive a SAPS stamp, and a copy should be handed in to MAFPA as soon as possible, but no later than 31 July.

2. Training

Training must be made available to members in order to increase and improve safety and effectively in fire-fighting. Such training will be done in cooperation with FSUFPA to ensure compliance with standards.

3. Communication

- Mass communication gets done via Whats App group.
- Documentation gets sent via e-mail.
- Operational communication during a fire incident with MARNET radio system.

4. Minimum Personal Protective Equipment and Clothing

The following minimum PPE is prescribed by the FPA in line with the OHASA Regulations:

- 100% cotton overall with 100% t-shirt underneath as a second layer
- Leather gloves
- Leather boots
- Dust proof goggles
- Bandanna
- Cotton sun/bush hat
- Visor and or fireproof balaclava (optional)