



This bulletin is published by the Department of Water Affairs and Forestry

FPA regulations have been published and the Department of Water Affairs and Forestry is ready to register FPAs. Thank you for your feedback and comments during the process to finalise the regulations.

REGISTRATION OF FPAs WILL HELP PREVENT VELDFIRES

Regulations allowing Fire Protection Associations to be registered and empowered by the Department of Water Affairs and Forestry (DWAF) were published on 16 May and brought into effect on 1 August 2003.

Fire Protection Associations (FPAs) are voluntary associations that may be formed by landowners to prevent, predict, manage and extinguish veldfires under the National Veld and Forest Fire Act of 1998. Annually, uncontrolled veldfires cause serious damage to property, livelihoods and the environment. Lives are lost almost every year in veld, forest and mountain fires, with people in rural areas suffering enormous damage to grazing, livestock and homesteads during some fire seasons. Large-scale losses to the forestry industry are also incurred regularly.

In anticipation of the regulations, landowners all over the country have been establishing FPAs - DWAF has received more than 60 applications for registration, with most applications from the Eastern and Northern Cape. About 40 other groups have indicated their intention to form FPAs in their areas.

DWAF is ready to start registering FPAs, with a specially

designed, web-enabled FPA Registration Management System in place. Applicants who have completed the relevant forms, available from any office of DWAF, should wait no longer than 30 days for their registration. Specially trained Fire Advisors are available throughout the country to assist with the formation of FPAs. Registration enables the FPA to appoint a Fire Protection Officer (FPO), who has the authority to act as the chief executive officer of the FPA.

The registered FPA also has a number of powers and duties. For example, it must develop and apply a veldfire management strategy which aims to reduce veldfire risk in its area, and in doing so it must co-operate with neighbouring FPAs. FPAs must also assist neighbouring communities to prevent and manage veldfires.

The regulations set out the procedure for establishing an FPA, including a model constitution. The application process to have an FPA or a Fire Protection Officer registered, can also be found in the regulations. Copies of the regulations and forms are available from any office of DWAF. Contact details can be found on page 4.



DWAF Fire Advisors have been specially trained to assist landowners forming FPAs



EVERYTHING YOU NEED

Who can form an FPA?

Any group of owners who wish to co-operate to predict, prevent, manage and extinguish veldfires may form an FPA.

Who is an owner?

An "owner" means any landowner with a title deed as well as a lessee or other person legally controlling land, the executive body of a community, the manager of State land, and the chief executive officer of any local authority, or their duly appointed agents in the cases of State land (including SANDF land) and local authorities. Am I obliged to join an FPA if one forms in my area? Membership of FPAs is voluntary for most landowners. This is because the right to freedom of association in the Constitution must be upheld, but also because landowners themselves need to make a firm commitment, voluntarily, to co-operate through FPAs. The owners of State and municipal land must join an FPA if one forms in their area. This includes communities who are in control of land held in trust for them by the State.

What should the boundaries of an FPA be?

The Act says that the area where an FPA is formed should be relatively uniform in terms of having regular veldfires, veldfire risk, climatic conditions or forest types or other vegetation. It does not state exactly what the size should be. The area under the jurisdiction of the FPA should not be too big for the FPA to fulfil its duties properly, or too small to justify the costs of forming the FPA. The Act leaves this matter open, and each case must be judged on its particular circumstances.

What happens to Fire Control Committees?

FPAs will replace the Fire Control Committees (FCCs) established in terms of the Forest Act of 1984. FCCs can also apply to be registered under the new Act as FPAs.

Who will pay the costs of forming an FPA?

FPAs should only be formed where the cost of formation is outweighed by the benefits. Where this is the case, FPAs are expected to raise funds themselves by levying fees on members. These can be determined in whatever way the FPA chooses, and it may decide that some members of the FPA are exempted from paying fees. The FPA can raise funds from the local government's Integrated Development Plan (IDP) and through the local Disaster Management funding. DWAF is able to

provide funds and assistance to FPAs where this is justified.

What must I do to establish an FPA?

The initiators of an FPA must take care to consult widely about its formation. Disaster Management and the Chief Fire Officer should be consulted, as well as all major landowners. The first formal step in establishing the FPA is to hold a founding meeting. The regulations set out the requirements for this meeting. The founding meeting is the place at which landowners formally vote on whether to establish the FPA. The initiators of the founding meeting must take reasonable steps to invite all landowners in the area to the meeting.

Why must an FPA register?

To qualify for assistance under the Act and to receive the powers and duties that the Act provides for. For example, a registered FPA can make rules that bind members, like when and how fire breaks should be prepared.

How does an FPA register?

There are two steps in the registration process. The first step is to complete and submit Form 1, "Application to register a fire protection association Part 1", for DWAF's approval. The reason for this is that before FPAs spend the large amount of time and effort required to fill in Form 2, the Department needs to be sure that four basic prerequisites for the formation of the FPA have been met:

- the name of the FPA is unique;
- the area of the FPA is appropriate (not too small, too large or overlapping with another FPA);
- no other FPA exists within the same area; and
- local government is aware of the formation of the FPA.

The second step is the completion and submission of Form 2, "Application for the registration of a fire protection association and the fire protection officer Part 2", along with the documents required:

- the minutes of the founding meeting;
- the FPAs constitution; and
- the FPAs business plan, which includes its veldfire management strategy and rules.

When will the Minister register an FPA?

The Minister must be satisfied that the FPA is capable of performing its duties under the Act and is



WHAT YOU NEED TO KNOW ABOUT FPAs

representative of owners in its area. Form 2 ensures that the Minister will have enough information to do this. The main way in which the Minister will judge the FPAs ability is by examining its business plan, which is designed to fulfil all the duties required of FPAs by the Act.

What is a business plan?

The Act sets out in section 5 the duties of an FPA. The business plan addresses each of these duties. For example, the Act requires an FPA to develop and apply a veldfire management strategy for its area. DWAF has developed a guideline for FPAs to develop business plans which are built logically around this core requirement of a veldfire management strategy, which in turn is based upon the method of risk analysis and management. The guideline prescribes the minimum requirements and structure required by the Department to evaluate and approve the business plan and be satisfied that the FPA will be able to fulfil its duties. Copies of the guidelines are available at any DWAF office. DWAF Fire Advisers can assist FPAs to draw up their business plans.

How long will it take to register an FPA?

DWAF will take a maximum of 30 days to process Form 1, giving FPAs the go-ahead to complete Form 2. When Form 2 is submitted, DWAF needs another 30 days to evaluate it. If the Minister agrees that the FPA should be registered, a registration number and certificate will be issued to the FPA and it will be entered into a register of FPAs. If the Minister decides not to register the FPA, he or she must give reasons and indicate what actions the FPA should take to remedy its shortcomings.

Who is the Fire Protection Officer?

The Fire Protection Officer is the chief executive officer of the FPA, and has a number of powers under the Act, including the ability to take charge of fire fighting within the area of the FPA. If there is a fire service in the FPAs area, and the Chief Fire Officer is willing to be the FPO, she or he will automatically be appointed. If there is no fire service or the CFO is unwilling the FPA can appoint someone else as the FPO.

Must the Fire Protection Officer be registered?

The FPO must apply in Form 2 to the Director General (DG) of DWAF. The DG will register the FPO if she or he is sure the FPO will be able to enforce the Act in a responsible manner. The DG will look at the skills of the FPO and the support that will be given to him or her by other roleplayers or an Umbrella FPA.

COSTS AND BENEFITS OF FPAs

There will be costs involved in forming an FPA, even if only the costs of the time needed for meetings. Once an FPA is registered, the Act also requires it to report to the Minister on fire statistics and to provide the information required to prepare or maintain the fires danger rating system. This reporting should be no more than what the FPA would need to do for its own good governance anyway.

The Act does not intend that an FPA should be formed in cases where its costs are greater than the benefits it provides its members. FPAs should be cost-beneficial and therefore established in areas where the hazard of veldfires justifies the benefits of the costs of organising and maintaining the association. The justifiable level of hazard must be judged locally.

Advantages of FPAs

- Benefits of co-operation in fighting and preventing veldfires through veldfire management strategies developed by FPAs;
- Cost-saving by avoiding duplication of services: for example disaster management plans and agricultural conservation programmes;
- Enforceable rules of FPAs will protect members;
- Fire Protection Officers are empowered to enforce provisions of the Act and rules which protect members;
- Advice and assistance to members in meeting the statutory requirements for readiness for fire fighting, including skills development;
- Improved communication among members e.g. of fire hazard conditions;
- Possible relief from certain prevention measures, such as preparation of firebreaks, depending on the contents of the FPA's veldfire management strategy in its business plan;
- Decreased risk of veldfires as the capacity of members of the FPA increases;
- Free access to research commissioned by the Minister on the prevention and combating of veldfires and on the use of controlled fire in sustainable forest management;
- No presumption of negligence in civil claims for damage where a fire from the member's land causes damage or loss to another person.



VISION OF A FUNCTIONING FPA

Ready – FPA has developed the structures and systems to prevent and fight veldfires

- Developing the veldfire management strategy prepares everyone's mind;
- Veldfire management strategy has proper risk and vulnerability assessment;
- Fire protection and prevention measures in place;
- Rules are agreed and applied: ready with equipment, trained employees, legally sound;
- FPO is registered and has assumed powers under the Act;
- Early warning system (NFDRS) operating, communicated, aligned (rules and practices);
- Communication works between members, FPA and Fire and other services.

Steady – FPA is organised to fight veldfire

- Owners know and have rehearsed roles and responsibilities;
- Municipal Fire Services and Disaster Management know their respective roles - agreed veldfire contingency plans in place;
- Mutual assistance agreements in place, also with neighbouring FPAs;

- Support available from umbrella FPA (e.g. aerial support);
- Joint operating centres (JOCs) work to co-ordinate resources;
- JOC under control of single person, e.g. FPO;
- All organisations involved in firefighting are included and representatives are empowered to take decisions;
- Emphasis on co-ordination - communications, resources, etc.

GO! – FPA knows how to respond

- Trained in standard veldfire incident command - fire bosses know what to do and how to do it;
- Escalation procedures in place - how to pass the command upwards, for example from owner to FPO to Province;
- Standard operating procedures are known and applied;
- Systems are in place, e.g. resource tracking systems; Emergency services can take care of the knock-on effects of veldfires (traffic control, evacuations, etc).

Special Veldfire Bulletin on FPAs

A special Bulletin on FPAs is available from DWAF offices. It is ideal for anyone who is setting up or helping an FPA. Available in English and Afrikaans, it has information and guidelines about a host of issues you need to know about if you are starting or in an FPA, including:

- A summary of the regulations on FPAs;
- How to hold a founding meeting;
- How to register a FPA – how to complete Forms 1 and 2;

- What should be in a FPAs annual report and constitution;
- The criteria which will be used for registering FPAs and FPOs.

There is a special section on FPA business plans including:

- A summary of the requirements for a business plan;
- Steps in veldfire risk analysis.

National office and regional offices of the Department of Water Affairs and Forestry

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National	Waterbron Building, 191 Schoeman St, Pretoria	012 336 6692	012 336 6660
Eastern Cape	2 Hargreaves Avenue, King Williams' Town	043 604 5400	043 604 5587
Free State	2nd floor, Sanlam Plaza Building Cnr East Burger and Maitland Street, Bloemfontein	051 430 3134	051 430 8146
Gauteng	15th floor, Sanlam Plaza East Building, 285 Schoeman St, Pretoria	012 392 1300	012 382 1304
KwaZulu-Natal	185 Longmarket St, Pietermaritzburg	033 342 8101	033 394 1849
Limpopo	Magistrates Building, Magistrates St, Makhado	015 516 0201	015 516 1062
Mpumalanga	5th floor Prorum Building, corner Brown and Paul Kruger St, Nelspruit	013 759 7300 013 759 7385	013 755 4003
North-West	1st floor Motsoedi House, Dr James Moroka Drive Mmabatho	018 384 3270 018 381 3480	018 381 7407
Northern Cape	Cnr Knight and Stead St, Kimberley	053 831 4125	053 831 5682
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