

CONSTITUTION OF THE MARULENG FIRE PROTECTION ASSOCIATION



JC le Roux



MARULENG FIRE PROTECTION ASSOCIATION



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1. Name of the fire protection association

- A. The name of the association is the
Maruleng Fire Protection Association
- B. Herein referred to as "the Association".,
- C. The shortened name will be "MFPA".

which falls within the Mopani district municipality and the Maruleng local municipality.

2. Body Corporate

- A. The Association shall exist, separately from its members, and will continue to exist even if membership or office bearers are amended.
- B. The Association will be able to own property, capital, or other assets, and will be able to sue and be sued in its own name.

3. Area of the Association

- A. The domain of the Association falls within the Maruleng Municipal boundaries.
- B. The general boundaries of the Association are described in Annexure A.
- C. The land use in the domain includes rural commercialized agricultural properties (commercialized and non-commercialized), rural communally owned properties, large conservation areas managed by conservation authorities and by private landowners, urban areas managed by local authorities, and other state land managed by various government departments.

4. Address of the fire protection association

- A. Physical address:
Shop 5, Admin Building, Surgotruim Complex,
Hoedspruit Wildlife Estate,
Hoedspruit,
1380
- B. Postal address:
Postnet suite 260
PO Box X3008
Hoedspruit
1380
- C. The electronic communications address of the Association is: admin@marulengfpa.co.za



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5. Application of the Act to this constitution

- A. 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.

6. Aim of the fire protection association

- A. The primary objective of the Association is to implement integrated fire management principles and activities by, among others, assisting in co-ordination of firefighting resources, applying for financial assistance and implementing veld and forest fire related projects and providing overall assistance in preventing and managing veld and forest fires through dissemination of information, allocation of resources and the implementation of integrated management plans.
- B. The secondary aim of the association is to:
- (a) predict,
 - (b) prevent,
 - (c) manage
 - (d) assist members to comply with the Act, the regulations made in terms of the Act, this constitution, and its rules,
 - (e) improve the knowledge base for the implementation of integrated fire management strategies,
 - (f) improve awareness on integrated fire management and prevention, and
 - (g) reduce fire risk associated with the occurrence of wildfires by devising integrated fire management plans.
- C. Funds and activities of the association will solely be utilised in the role as described in 6A and 6 B.



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7. Duties of the association

- A. The duties of the association are to—
- (a) Assist members to become legally compliant, as per national regulations.
 - (b) Assist members to prepare applications for exemption from the duty to prepare and maintain fire breaks in terms of section 15 of the act.
 - (c) Assist members to prepare for burning permit applications.
 - (d) Offer advice on compliance with the law (national veld and forest fire act).
 - (e) Identify high risk areas and help with risk reduction.
 - (f) Develop, apply and support veldfire management strategies and plans for its area.
 - (g) Facilitate fire break planning for communal areas and strategic fire breaks.
 - (h) Facilitate fire management unit preparedness.
 - (i) Provide management services, training, and support for communities in their efforts to manage and control veld fires.
 - (j) Assist in organising training its members in firefighting, management, and prevention.
 - i. Including courses on basic fire suppression, controlled burning, infield simulation and more).
 - (k) Inform its members of equipment and technology available for preventing and fighting veldfires.
 - (l) Offer advice on integrated fire management (including fire breaks, fuel reduction, equipment needed, etc.).
 - (m) Provide firefighting resources to members at a fee, when available.
 - (n) Make rules which bind its members.
 - (o) Identify the ecological conditions that affect the fire danger.
 - (p) Regularly communicate the fire danger rating referred to in sections 9 and 10 of the Act to its members.
 - (q) Watch the advanced fire information system (AFIS), which provides early fire detection warning.
 - (r) Support awareness: media, social media, and public.
 - (s) Appoint personnel to ensure compliance to the act and to improve management capacity within the association,
 - (t) Provide technical support and information to members, including instances where insurance claims are being investigated, when possible.
 - (u) Provide in the strategy for agreed mechanisms for the co-ordination of actions with adjoining fire protection associations.
 - (v) Conclude agreements with adjoining fire protection associations relating to matters of common interest and collaboration, where appropriate.
 - (w) Support stakeholder engagement (including with the fire brigade, Eskom, farmers' associations, working on fire, municipality, forestry, Transnet, Sanral, GKFPFA and SANParks, NGO's, national government departments, donors, conservancies, landscape initiatives, and more.).



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- (x) Supply the minister with statistics about veldfires in its area at least once every 12 months.
 - (y) Give any information requested by the minister to prepare or maintain the fire danger rating system.
 - (z) Exercise the powers and perform the duties delegated to it by the minister.
 - (aa) Appoint a fire protection officer.
- B. The following are NOT duties of the association:
- (a) Provide burning permits.
 - (b) Provide a firefighting service.
 - (c) Fulfil the role of the fire brigade services.
 - (d) Receive any income from the collection of rates levied by municipalities. Neither do we pay over any funds towards municipalities.
 - (e) Get involved in structural firefighting or related issues.
 - (f) Enforce membership to the organisation. Membership is voluntary other than for state organisations that own land or manage land, for which membership is compulsory.

8. Membership

- A. All landowners as defined by the Act and within the domain of the Association can become members.
- B. All landowners, lessees, state entities, municipalities, or communities, are members if they have –
 - 1. applied for membership and completed and submitted membership application forms, and
 - 2. paid their membership fees as set out in Section 13.
- C. If any member of the Board objects to any applicant's admission as a member or any member's continued membership, the Board must within 14 days –
 - 1. give the applicant or member written reasons for the objection,
 - 2. consider application at the next Board meeting, and
 - 3. notify the applicant or member of the date, time, and place of the meeting.
- D. The applicant or member has the right –
 - 1. to speak at the meeting and argue for admission or continued membership, and
 - 2. to make a complaint to the Minister if not satisfied with the Board's decision.



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9. Register of members

- A. Every member must give the FPA Chairman—
 - (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.
 - a. Any—
 - (d) change of address or contact details; and
 - (e) transfer of property or change in ownership must be communicated to the FPA Chairman within a reasonable time.
- B. The FPA Chairman must keep all the details referred to in sub-paragraphs (1) and (2), and other relevant information, in a register of members.
- C. The Association cannot be held responsible should any member information be incorrect at any point and time.

10. Voting rights

- A. At any meeting where voting is required, each member will have one vote.
- B. In the event of a split vote, the chairman will have the casting vote

11. Rights and duties of members

- A. A member of the association is responsible to —
 - (a) follow this Constitution,
 - (b) follow the rules of the Association,
 - (c) follow the rules of the FMU in which their property is located, if applicable,
 - (d) adhere to guidelines and management practices that may be determined by the Association,
 - (e) commit themselves to the implementation of a fire management plan where such plans exist,
 - (f) pay any fees and charges as set by the Association from time to time,
 - (g) actively involve and participate in activities and capacity building programmes offered by the Association, and
 - (h) comply with the requirements of the Act, particularly in relation to the establishment of fire breaks, the reduction of fuel loads, the retention of firefighting equipment and staff, and preventing the starting of fires on their land or the spread to adjoining land.
 - (i) does not have a right to any of the money, property, or assets of the association.



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12. Termination of membership

- A. 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.
- B. If a member terminates his or her membership, fees and charges are non-refundable.
- C. 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
 - (b) after these fees, charges or interest are due.
- D. The association may terminate membership of any member who fails to comply with the rules within a reasonable period after receiving a notice of failure to comply with an agreed rectification plan from the fire protection officer.

13. Fees, charges, and interest

- A. 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.
- B. The fees and charges of the association will be determined by the association in terms of its rules.
- C. The association may exempt any member from the payment of fees and charges and accord him or her full membership status.
- D. Annual membership fees must be paid on or before the 1st day of March every year.
- E. 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.
- F. Should any member who was previously removed from the Maruleng FPA due to not paying their annual fees on time wish to reapply, must again pay the joining fee.
- G. Any increase on this charge 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.
- H. If a member should die, their successor-in-title shall not be liable for the payment of the once-off joining fees, provided that the membership of the deceased has not lapsed.



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14. Liability of members

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

15. Assets

- A. The Association may acquire and dispose of any asset.

16. Training

- A. The executive committee and its employees
 - (a) From time-to-time training needs to be attended for the EXCO members and employees to fulfil their duties within the Maruleng PFA.
 - (b) This training, travels and accommodation will be funded from the FPA.

17. The executive committee

- A. The executive committee of the association consists of—
 - (a) the chairperson.
 - (b) the secretary.
 - (c) the treasurer
 - (d) sector leaders
 - (e) co-opted members as required.
- B. Any member of the association may be elected to the executive committee.
- C. The chairperson is elected for a period of three years but may stand for re-election at the end of this period.
- D. The secretary and other members are elected for a period of three years but may stand for re-election at the end of this period.
- E. If any member of the executive committee resigns, dies, becomes incapacitated or disqualified, or is removed from office by a majority vote of the association, his or her position becomes vacant.
- F. 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, Theft, fraud; or
 - (d) has been absent without an apology and a good reason at two consecutive meetings of the executive committee.
- G. If there is a vacancy in the executive committee, it must be filled by the election or co-option of another member for the remaining period of service.



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18. Directors

- A. Directors may receive remuneration as set out by the Maruleng FPA committee.

19. Employees

- A. The executive committee may employ any person it deems suitable to help the association in carrying out its functions.
- B. 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.

20. Loans

- A. The association may not enter into any loan agreements.
- B. Certain accounts will be allowed for small day to day operational requirements.

21. Finances

- A. The financial year of the association runs from the 1st of April every year to 31st March of the next year.
- B. The secretary is responsible for all the financial business of the association and must keep a record of all its business transactions.
- C. The secretary must present an annual 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 every year at the annual general meeting.
- D. The financial statement must be available for inspection at reasonable times by any member for a period of 4 weeks after the date of the annual general meeting.

22. Annual general meeting

- A. An annual general meeting must be called by the executive committee—
 - a. within 90 days after the end of the financial year; and
 - b. on 21 days' notice to all members.
- B. 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 annual financial statements of the association; and the introduction and approval of any increase in fees, charges, or interest.
- C. A quorum will be 20 members present and eligible to vote.
- D. If there is no quorum, members must be given notice that the meeting is adjourned for at least seven days.
- E. If there is no quorum at the next meeting, the members present form a quorum.
- F. Only those members whose registration and membership fees are fully paid up have a right to vote.
 - a. These members can appoint a proxy to vote on their behalf.



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23. Special general meeting

- A. The executive committee may convene a special general meeting at any time on 21 (twenty-one) days' notice.
- B. A special general meeting must be convened by the executive committee if—
 - a. 10% 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.
- C. A quorum will be 20 members present and eligible to vote.
- D. 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.
- E. Only those members whose registration and membership fees are fully paid up have a right to vote.
 - a. These members can appoint a proxy to vote on their behalf.

24. Dispute resolution

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

25. Dissolution

- A. 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.
- B. The resolution to dissolve the association must be passed by a two-thirds majority of members present who constitute a quorum.
- C. 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.



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26. Declaration

This constitution was adopted as the constitution of the Maruleng FPA at the General meeting held on the at

.....
Chairman
Executive committee of the Maruleng FPA

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Date

.....
Co- Chairman
Executive committee of the Maruleng FPA

.....
Date