



**SOUTHERN CAPE FIRE PROTECTION ASSOCIATION
CONSTITUTION
FEBRUARY 2013**

Contents

Nr	Chapter	Pg
1.	Name of the Association	3
2.	Body Corporate	3
3.	Area of the Association	3
4.	The Address of the Association	4
5.	Application of the Act to this Constitution	4
6.	The Objectives of the Association:	4
7.	Duties and Functions of the Association	5
8.	Membership	5
9.	Membership Database and Communication	6
10.	Responsibilities of Members	6
11.	Termination of Membership	6
12.	Income and Assets	7
13.	Fees, Charges and Interest	7
14.	Liability of Members	8
15.	The Executive Committee and Management Committee	8
16.	Employees	9
17.	Finances	9
18.	Annual General Meeting	9
19.	Special General Meeting	10
20.	Voting	10
21.	Dissolution	11
22.	Dispute resolution	11
23.	Approval of the Constitution	11

1. Name of the Association

1.1 The name of the Association is the:

SOUTHERN CAPE FIRE PROTECTION ASSOCIATION

herein referred to as "the Association".

1.2 The shortened name will be "SCFPA".

2. Body Corporate

The Association shall exist in its own right, separately from its members, and will continue to exist even if membership or office bearers are amended.

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

The domain of the Association includes the following areas:

See attached map.

4. The Address of the Association

The postal address of the Association is:

Southern Cape Fire Protection Association
Private Bag x12
Knysna
6570

The physical address of the Association is:

Demar Centre (Top Floor DAFF Office)
Main Street
Knysna
6570

The electronic correspondence address of the Association is: adminfpa@telkomsa.net

5. Application of the Act to this Constitution

This constitution must adhere to Chapter 2 of the National Veld and Forest Fire Act, 1998 (No. 101 of 1998) (the Act) and the regulations promulgated thereto.

6. The Objectives of the Association

The primary objective of the Association is to provide a community fire management service to members of the Association, and

The secondary objectives of the Association are to:

- (1) Predict, prevent and assist with wildfires, where possible,
- (2) Assist members to comply with the Act, the regulations made in terms of the Act, this constitution and it's rules,
- (3) Improve the knowledge base for the implementation of integrated fire management strategies,
- (4) Improve awareness on integrated fire management and prevention,
- (5) Reduce fire risk associated with the occurrence of wildfires by devising integrated fire management plans,

7. Duties and Functions of the Association

The duties and functions of the Association are to –

- (1) Ensure the co-operation of the Fire Departments and Municipalities,
- (2) Develop and implement a veld fire management strategy for the area,
- (3) Make rules which will bind members,
- (4) Regularly communicate the fire danger rating referred to in sections 9 and 10 of the Act to its members,
- (5) Organise and train its members in fire fighting, -management and -prevention,
- (6) Inform its members of equipment and technology available for preventing and fighting veld fires,
- (7) Provide management services, training and assistance for members in their efforts to manage and control veld fires,
- (8) Annually provide the Minister with statistics about veld fires within the Association,
- (9) Provide any information requested by the Minister in order to prepare or maintain the fire danger rating system,
- (10) Assist members to prepare applications for exemption from the duty to prepare and maintain fire breaks in terms of Section 15 of the Act,
- (11) Carry out the powers and duties passed on to it by the Minister,
- (12) Appoint personnel to ensure compliance to the Act and to improve management capacity within the Association,
- (13) Provide fire fighting resources to members at a fee, when available, and
- (14) When possible, provide technical support and information to members. This would include instances where insurance claims were being investigated.

8. Membership

- (1) All land owners as defined by the Act and within the domain of the Association can become members.
- (2) All land owners, lessees, state entities, municipalities, or communities, who have applied for membership, completed and submitted membership application forms and who have paid their membership fees are members,
- (3) If any member of the executive committee (EC) objects to any applicant's admission as a member or any member's continued membership, the EC must within 14 days -
 - (a) give the applicant or member written reasons for the objection,
 - (b) consider application at the next executive committee meeting, and
 - (c) notify the applicant or member of the date, time and place of the meeting.
- (4) The applicant or member has the right -
 - (a) to speak at the meeting and argue for admission or continued membership, and
 - (b) to make a complaint to the Minister if not satisfied with the executive committee's decision.

9. Membership Database and Communication

- (1) Every new member must provide the FPA Area Managers with a fully completed and signed application form in order to ensure that the correct information is available for the database.
- (2) Every member must inform the FPA Area Managers of any change of address, telephone number, e-mail address or transfer of property, within two weeks.
- (3) The FPA Area Managers or any other designated employee must keep all the details referred to in sub-paragraphs (1) and (2), and other relevant information, in a Register of Members.

10. Responsibilities of Members

Members of the Association are responsible to-

- (1) Follow this constitution and the rules of the Association,
- (2) Adhere to guidelines and management practices that may be determined by the Association,
- (2) Commit themselves to the implementation of a fire management plan where such plans exist,
- (4) Pay any fees and charges as set by the Association from time to time, and

- (5) Actively involve and participate in activities and capacity building programmes offered by the Association.

11. Termination of Membership

- (1) A member may terminate his or her membership by written notice to the FPA Area Managers or when selling the property,
- (2) If a member terminates membership, he or she gives up all fees and charges already paid, and remains liable for any outstanding monies to the Association,
- (3) Membership is automatically terminated if a member does not pay his/her membership fees within three months after receiving the invoice for their annual membership fee,
- (4) The property of a member who dies will still be protected under this Constitution if -
 - (a) on his or her death, the fees, charges and interest are fully paid, and
 - (b) his or her successor-in-title re-applies for registration.

12. Income and Assets

The Association will keep a record of all assets and procurements and will not give or donate any funds or property to its members or office bearers, except if such person or office bearer has been in service of the Association and is paid in accordance with such duties. A member may only be reimbursed for any expenses if he/she has paid for such expenses in line with his/her duties.

Members or office bearers will have no vested rights over any assets belonging to the Association.

13. Fees, Charges and Interest

- (1) The executive committee will from time to time -
 - (a) Determine fees and charges for membership and services that are necessary for the proper management of the Association, and
 - (b) charge interest on unpaid fees that will be calculated according to rates of financial institutions applicable at that time.
- (2) The fees of the Association are -
 - (a) a once off joining fee, as set out in Attachment 2,
 - (b) annual fees will be based on the size of the property at a rate as set out in Attachment 2, and
 - (c) a fee may be charged for any other services and resources provided by the Association.
- (3) Annual membership fees must be paid within 90 day after receiving the annual membership invoice.

- (4) Any increase in registration and membership fees must
 - (a) be decided at an annual general meeting by the majority of members present, and
 - (b) if not done at an annual general meeting, be decided on by the majority of members present at a special general meeting called for that purpose.

14. Liability of Members

Members are not individually liable for any debts or duties owed by the Association, but they are liable for unpaid fees, charges or interest.

15. The Executive Committee and Management Committee

- (1) The Executive Committee (EC) of the Association consists of -
 - (a) The Chairperson,
 - (b) The Vice Chairperson,
 - (c) The FPA Area Managers,
 - (d) The Fire Protection Officer,
 - (f) Representatives from CapePine, Steinhoff,
 - (g) Co-opted management unit representatives from each area,
 - (h) A representative from each Government Department and Local Authority that manages land within the boundaries of the Association,
 - (i) One representative from Working on Fire, and
 - (j) Any other member that has been co-opted for a specific input or task. This person does not have voting rights on the EC but can provide input to the issue in hand.
- (2) Except for the appointed Fire Protection Officer and FPA Area Managers, any member of the Association may be elected to the executive committee.
- (3) The Chairperson and Vice Chairperson are elected for a period of 3 years, but may stand for re-election at the end of that period.
- (4) The additional members are elected by the EC for a period of 1 year, but may stand for re-election at the end of that period.
- (5) If any EC member resigns, dies, becomes incapacitated or disqualified, or is removed from office, the Executive Committee will appoint / elect a suitable candidate for the remaining period until the next Annual General Meeting.
- (6) A member of the executive committee becomes disqualified if he or she -
 - (a) is declared to be of unsound mind by a court of law
 - (b) is convicted of a crime involving fraud or corruption. Any member serving a suspended sentence may not serve on the executive.
 - (c) has been absent without a valid reason from two consecutive executive committee meetings.

- (7) A minimum of 6 Executive Committee members, the 6 members can only have 50% of the management committee as part of the EC, present at a meeting will constitute a quorum. The 6 EC members must include the Chairperson or Vice Chairperson.
- (8) The Executive and/or the Management Committee may from time to time delegate responsibilities and specific tasks to a member, employee, a person or an institution.
- (9) The Chairperson, Vice Chairperson, the FPA Area Managers and the Treasurer will constitute the Management Committee of the Association.
- (10) Duties of the Management Committee will be to:
 1. Guide, oversee and assist the FPA Personnel in performing their day to day management duties. This includes but is not restricted to, communication with key role-players and members.
 2. Assist in the strategic decision making processes,
 3. Compile special reports, documents and policies,
 4. Procure the needed items for effective management of the Association,
 5. Represent the Association on other committees or meetings as needed from time to time, and
 6. Signing off of annual financial documents after membership approval.

16. Employees

- (1) The Executive Committee may employ and / or co-opt any person it considers necessary to help the Association and the FPA Area Managers to carry out their functions.
- (2) All employees remain in employment when there is any change in the Executive Committee.

17. Finances

- (1) The financial year of the Association starts on the 1st April and ends on the 31st March of the following year,
- (2) The Association will appoint a suitably qualified person and/or institution to be responsible for the financial administration of the Association,
- (3) 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,
- (4) The financial statement must be available within reason for inspection by any member for a period of 3 weeks (21 days) from the date of the annual general meeting,
- (5) All financial year end documents must be signed off by the Chairman of the Management Committee,
- (6) The Association will be operating as a Public Benefit Organization/Non Profit Company registered with CIPRO (old Section 21),
- (7) A bank account and, if necessary, petrol and debit/credit cards will be opened at an accredited financial institution as decided by the Executive Committee,

- (8) The year-end financial statements must be signed off by a Chartered Accountant.
- (9) The Management Committee may apply for asset financing if needed.

18. Annual General Meeting

- (1) An annual general meeting must be called by the Executive Committee
 - (a) within 60 days after completion of the financial statements, and
 - (b) with 14 days of written or emailed notice to all members.
- (2) In addition to any other business, the annual general meeting must include
 - (a) the annual report presented by the FPA Area Managers or the Chairperson of the Association,
 - (b) presentation of the financial statements of the Association,
 - (c) the Fire Protection Officer's report,
 - (d) the introduction and approval of any increase of fees, charges or interest,
 - (e) changes to the constitution, business plan and rules,
 - (f) additional agenda points that have been submitted to the FPA Area Managers at least 7 days prior to the meeting.
- (3) Members present will constitute a quorum.
- (4) Discussion at the meeting will be limited to the circulated and notified agenda.
- (5) Only those members whose registration and membership fees are fully paid up, have a right to vote subject to the number of votes described in Section 20.

19. Special General Meeting

- (1) The executive committee may convene a special general meeting at any time giving 14 days notice stating the reason for the meeting and providing an agenda.
- (2) A special general meeting must be convened by the executive committee if
 - (a) 25% of paid-up members request this meeting in writing and name the issues to be dealt with,
 - (b) the members requesting the meeting promise in writing to pay for the administrative costs of the meeting, and
- (3) Members present will constitute a quorum.
- (4) Discussion at the meeting will be limited to the circulated and notified agenda.

20. Voting

- (1) Only members described under Section 8 of this constitution may vote.
- (2) Votes will be allocated as follows:
 - 1 - 10 000ha = 1 vote
 - 10 001 – 20 000ha = 2 votes
 - 20 001 – 30 000ha = 3 votes
 - 30 001 – 40 000ha = 4 votes
 - 40 001 – 50 000ha = 5 votes
 - 50 001 – 60 000ha = 6 votes
 - >60 000ha = 7 votes
- (3) A member or an EC member may vote for other members by means of a written and signed proxy.

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 /or
 - (b) by its deregistration by the Minister under section 8 of the National Veld and Forest Fire Act, Act 101 of 1998.
- (2) 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 its liabilities.
- (3) Any net proceeds from the assets of the Association, will be paid over by the liquidator to a non-profit organization with basically the same objectives as the Association.

22. Dispute resolution

- (1) In the event of a dispute between members regarding operational matters, members must negotiate to resolve the dispute.
- (2) If such negotiations fail, any member may approach Exco, who shall appoint an independent arbitrator of good standing to resolve the dispute and whose decision shall be final. Any costs incurred shall be borne by the parties to the dispute.
- (3) In the event of a dispute between members of the Association and Exco, then the process in paragraph 22(2) should be followed with the exception that the appointment of the arbitrator shall be by the Chairman of the Association and the members to the dispute by consensus.

23. Approval of the Constitution

This Constitution was presented and discussed at the Annual General Meeting of the Southern Cape Fire Protection Association on 04 March 2013 held in Knysna.

This Constitution was approved by members present at the Special Meeting held on in Knysna.

_____	_____	_____
PJ Gerber	L Du Plessis	T Marshall
Chairperson/Director NPC	Vice Chairperson/Director NPC	Director NPC