

2016



CONSTITUTION

OF

**PLATORAND AREA FIRE PROTECTION
ASSOCIATION
(P.A.F.P.A.)**

Association registered 9 June 2004; Registration Number 835/01

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1. Name of the Association

The name of the association is the **PLATORAND AREA FIRE PROTECTION ASSOCIATION (PAFPA)**, hereafter referred to as "the Association".

2. Area of the Association

The area covered by the Association is described in Annexure 1 hereto.

3. Address of the Association

The physical and postal addresses of the Association are as set out in Annexure 2 hereto.

4. Application of the Act to this Constitution

This constitution is to give effect to Chapter 2 of the National Veld and Forest Fire Act, 1998 (No. 101 of 1998, hereafter referred to as "The Act") and the regulations under it.

5. Aims of the Association

The aims of the Association are to -

- 5.1.** Predict, prevent, manage and extinguish veldfires in its area as referred to in section 3.(1) of The Act.
- 5.2.** follow The Act, the regulations under it, this constitution and its rules on behalf of and in the interests of its members

6. Duties and Functions of the Association

The duties and functions of the Association, as set out in section 5.(1) of The Act are to -

- 6.1.** develop and apply a veldfire management strategy for its area,
- 6.2.** provide in the strategy for agreed mechanisms for the co-ordination of actions with adjoining fire protection associations in the event of a fire crossing boundaries
- 6.3.** make rules which bind its members,

- 6.4. identify the ecological conditions that affect the fire danger
- 6.5. regularly communicate the fire danger rating referred to in sections 9 and 10 of The Act to its members,
- 6.6. organise and train its members in fire-fighting management and prevention
- 6.7. inform its members of equipment and technology available for preventing and fighting veldfires,
- 6.8. provide management services, training and support for communities in their efforts to manage and control veldfires,
- 6.9. supply the Minister at least once every 12 months with statistics about veldfires in its area,
- 6.10. furnish any information requested by the Minister in order to prepare or maintain the fire danger rating system,
- 6.11. exercise the powers and perform the duties delegated to it by the Minister,
- 6.12. appoint a Fire Protection Officer,
- 6.13. do all else necessary to carry out its aims, duties and functions.

7. Wards; Members; Quasi Wards; Affiliates; the Association's Executive Committee

The association functions through a system of wards and quasi-wards as described below

- 7.1. All owners of land in the Association's area of operation, whether natural persons or bodies of persons have a right to become members of the Association, provided they undertake to abide by the Association's constitution and rules and provided that they complete the prescribed application form to the satisfaction of the Executive Committee and pay the prescribed fee.
- 7.2. A certificate of membership issued in accordance with the procedures laid down by the Executive Committee of the Association shall be prima facie evidence of a person's membership of the Association. Such membership shall endure from the date of acceptance of the

application by the Association or the date of payment of the prescribed fee (whichever is the later) to the last day of March of the following year.

- 7.3.** The Association is divided into operating wards according to geographical areas as set out in Annexure 3. These shall be referred to as wards, as distinct from quasi-wards and affiliates referred to below. Landowners in each ward having the right to become members of the Association may apply for and become members of a ward.
- 7.4.** Members of a ward shall appoint a chairman, or joint chairmen to represent them at meetings of the Executive Committee of the Association ("Exco") and at the Annual General Meeting ("AGM") of the Association. With the approval of members, the ward chairman may, if necessary, appoint a deputy or other delegate to attend Exco and AGM meetings on his behalf. Any such representative shall be referred to hereafter as a ward chairman.
- 7.5.** Notwithstanding the fact that ward chairmen represent ward members at Exco meetings and AGMs, any member may attend such meetings and be heard thereat.
- 7.6.** Each ward shall meet regularly to enable members to discuss matters of mutual interest, to inform the ward chairman of matters they wish to be referred to Exco, and to be informed by the ward chairman of matters raised at Exco meetings. In each financial year one of the meetings of the ward shall be a ward AGM. Minutes of all ward meetings must be kept.
- 7.7.** Each ward shall, with the authority of resolutions passed in general meetings, set its own fees and handle its own finances in furtherance of its obligations as set out in 7.7. below. Among its expenses shall be the annual ward fee and levies set by Exco.
- 7.8.** Each ward shall have an obligation to strive towards the achievement of the aims of the Association as set out in 5. above and to perform the duties and functions of the Association as set out in 6. above
- 7.9.** Municipalities which control an area within the Association's area of operation and which have a service (as defined in The Act) or in which there is a designated service (as defined in The Act)) must become members of the Association. They shall be quasi-wards and shall pay ward fees and levies laid down by Exco and they shall be entitled to

appoint persons to represent them at Exco meetings.

7.10. The owner in respect of State land in the Association's area of operation must join the association, as must public utilities formed by the state, including Eskom, Transnet and Telkom, and Public Works and Roads Departments if they have interests in the area covered by the Association. They shall be quasi wards and shall pay ward fees and levies laid down by Exco and shall be entitled to appoint persons to represent them at Exco meetings.

7.11. Committees and other bodies such as TransAfrica Concessions, who have interests in the area covered by the Association may, on application, become affiliates of the Association and they shall pay affiliation fees as laid down. These affiliates shall not be members of the association, but they shall be entitled to appoint persons to represent them and be heard at Exco meetings.

8. Membership

8.1. Members are:

8.1.1. All persons having the right to become members as set out in 7.1. and 7.2. above who have applied to and been accepted by the Association and who have paid the current year's membership fee; and

8.1.2. Municipalities as set out in 7.8. above who have applied to and been accepted by the chairman of Exco.

8.1.3. The owner in respect of State land and other bodies as set out in 7.9. above which have applied to and been accepted by the chairman of Exco.

8.2. Notwithstanding the foregoing, no person, municipality or owner in respect of State land shall be a member unless and until membership fees in respect of the current year have been paid to Pafpa.

8.3. If any member of the executive committee objects to any applicant's admission as a member or any member's continued membership, they must:

8.3.1. give the applicant or member written reasons for the objection,

8.3.2. call a meeting of the executive committee to consider the objection, and

8.3.3. notify the applicant or member of the date, time and place of the meeting

8.4. The applicant or member has the right:

8.4.1. to speak at the meeting and argue for admission or continued membership, and

8.4.2. to lodge a complaint with the Minister if not satisfied with the executive committee's decision.

8.5. If the Minister appoints a mediator or arbitrator acceptable to the executive committee, and the applicant or member, from a panel referred to in section 45(1) or 45(2) of the National Forests Act, everyone will have to co-operate with the mediator or follow the decision of the arbitrator.

9. Register of Members

9.1. All members must give the Association and their ward chairman:

9.1.1. their names, addresses (physical and postal), telephone numbers and, if applicable, email addresses and

9.1.2. the names, addresses and telephone numbers of their agents or representatives.

9.2. Any

9.2.1. change of address, telephone number or email address or

9.2.2. transfer of property or change in ownership

must be communicated to the ward chairman within a reasonable time.

9.3. The Association and the ward chairmen must keep all the details referred to in sub-paragraphs 9.2.1. and 9.2.2. and other relevant information, in a register of members. This register should further indicate whether Association and Ward subscriptions are up to date. Failure by the Association or the Ward chairmen to comply with this

requirement shall not affect the membership status of a member vis a vis the Association or the Ward respectively. Any member shall be entitled to bring evidence of his status and standing to the attention of Exco.

9.4. Ward chairmen must, on a regular basis, provide the secretary of Exco with the information contained in their registers of members.

10. Rights and Obligations of members

Membership of the Association

10.1. Shall be dependent and conditional on the payment of any fees and levies set by the Association from time to time.

10.2. allows members to have all the benefits of membership including the right to attend and be heard at meetings and, to vote at meetings as provided for herein

10.3. does not give a member a right to any of the money, property or assets of the Association.

11. Termination of Membership

11.1. A member may terminate his or her membership by written notice to the chairman of his ward.

11.2. If a member terminates membership, such person forfeits all fees and levies already paid to the Association, and remains obliged to settle all outstanding fees and levies.

11.3. Membership shall automatically terminate at the end of March following the end of the Association's financial year, and shall be applied for anew for the period 1 April to the end of March the following year.

11.4. The membership of all persons who were members of the Association as at 29 February 2016 shall terminate automatically on 31 March 2016 and shall be applied for afresh for the ensuing period.

11.5. The land of a member, being a natural person, who dies will still be protected under this constitution if

11.5.1. on his or her death, the fees, charges or interest are fully paid, and

11.5.2. his or her successor-in-title applies for registration as a member

12. Fees, Levies, Interest and Finances

12.1. Ward chairmen, on approval from their wards expressed in general meeting, may from time to time:

12.1.1. fix fees for membership of each ward and levies to meet charges for goods and services that are necessary for the proper management and conduct of the Association, the achievement of its aims and the fulfilment of its duties and functions;

12.1.2. charge interest on unpaid amounts that the law allows;

12.2. The executive committee may from time to time by resolution passed by a competent meeting

12.2.1. fix fees and levies for members, wards, quasi wards and affiliates necessary for the proper management and conduct of the Association and to meet charges for goods and services that benefit members and the Association as a whole.

12.2.2. charge interest on unpaid amounts that the law allows

12.3. Fees payable to a ward, or ward fees payable to Exco, must be paid on or before the 30th day of June every year.

12.4. Membership and ward affiliation fees, and fees payable to wards, shall be set at the AGM of Exco or of each ward respectively, or at a general meeting called for the purpose.

12.5. Ward chairmen shall cause proper account to be kept of all fees, levies and other monies collected by the ward, and of all expenses and outgoings. Any member of the ward, and the chairman of Exco, may, on reasonable notice, inspect such records.

12.6. The secretary of Exco shall keep proper account of all the finances of Exco and any member of the Association may, on reasonable notice, inspect such records.

12.7. All finances of the Association, whether of each ward or of Exco, shall be applied bona fide for the benefit of the Association and its members. All fees and other charges shall be levied, and all expenses and other outgoings paid, in accordance with the wishes of the Association expressed in duly convened meetings. At all times the constitution and rules of the Association and the requirements of The Act shall be complied with in setting such fees and charges and making such payments.

12.8. The Association shall at no time be involved in profit making activities and shall charge members only such fees and levies necessary for it to achieve its aims and fulfil its duties and functions. No portion of the funds of the Association may be distributed to any person other than:

12.8.1. in the case of a ward, to another ward with similar objectives or to Exco;

12.8.2. in the case of Exco, to an association similar to the Association.

13. Liability of Members

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

14. The Executive Committee; Exco Meetings and Quorums

In addition to those matters regarding Exco set out in 7. above, the following shall apply:

14.1. The Fire Protection Officer, ward chairmen and representatives of quasi wards shall *ipso facto* be members of Exco, but Exco shall be entitled to appoint other functionaries such as a chairman or secretary who need not be ward chairmen.

14.2. Exco may invite other parties such as representatives of DWAF, WOF and of affiliates to attend its meetings.

- 14.3.** The secretary shall maintain a register of the members of Exco from time to time.
- 14.4.** Exco's purpose shall be to ensure that the Association achieves its aims and performs its duties and functions through its wards, quasi wards and their respective representatives.
- 14.5.** At ordinary meetings and AGMs, while any member, or affiliate in good standing present may be heard on any matter, only the ward chairmen and representatives of quasi wards (being members in good standing) shall be entitled to vote, such votes being on behalf of their respective wards and quasi wards.
- 14.6.** Exco shall meet regularly and shall have at least 6 general meetings per year, one of which shall be the Annual General Meeting (hereafter "AGM"). Minutes of all meetings must be kept.
- 14.7.** The Chairperson is elected for a period terminating at the conclusion of the following AGM, but may stand for re-election at that meeting. If the office of chairman becomes vacant for any reason it may be filled by resolution of a general meeting called especially for the purpose by any ward chairman.
- 14.8.** The Secretary and any additional functionaries are elected for a period terminating at the conclusion of the following AGM, but may stand for re-election at that meeting. If the office of secretary or any additional functionary becomes vacant for any reason it may be filled by resolution of an ordinary general meeting.
- 14.9.** Notice for Exco ordinary general meetings is to be at least 7 days and is to be given to ward chairmen or other ward representatives and to representatives of quasi wards by email, SMS or telephone. Invited affiliates shall be notified in the same way.
- 14.10.** At ordinary general meetings the chairman shall report on matters affecting the Association that have arisen since the last meeting. Ward chairmen or other representatives shall report on matters arising in and affecting their wards. Such meetings shall be competent to raise and decide on financial and other matters not required to be dealt with at Special Meetings or Annual General Meetings.
- 14.11.** A quorum for an Exco ordinary general meeting shall be the chairmen or other representatives of at least 3 wards personally

present.

14.12. If no quorum is present at the appointed time of the meeting or for 15 minutes thereafter, the meeting shall be cancelled.

15. Exco Annual General Meeting

15.1. An AGM must be called by Exco to be held within 60 days of the end of the financial year.

15.2. Notice of the AGM is to be given by ward chairmen to their wards at least 21 days before the meeting. Representatives of quasi wards and invited affiliates shall also be given at least 21 days notice. The notice may be given by email, SMS or telephone and shall also be posted in at least two public places in the town of Dullstroom, such as at the Dullstroom Inn and the Post Office.

15.3. In addition to any other business, at the AGM:

15.3.1. the chairman shall report on the general affairs of the Association;

15.3.2. the secretary shall present financial statements of Exco, which need not be audited, and shall report on the Association's finances and activities;

15.3.3. the Fire Protection Officer shall report on his or her activities;

15.3.4. the introduction and approval of any increase of fees, levies or interest payable by members, wards, quasi wards and affiliates shall be dealt with

15.3.5. the election or re-election of the chairman and other functionaries to take office after the conclusion of the AGM shall take place.

15.4. A quorum for an AGM shall be the chairmen or other representatives of at least 4 wards personally present:

15.5. If no quorum is present at the appointed time of the AGM or for 15 minutes thereafter, the meeting shall be adjourned to a date not less than 7 days later. Members present and ward and quasi ward representatives, whether present or not, are, not less than two days prior to the adjourned meeting, to be notified of the date, time and

place of the adjourned meeting, and at that meeting ward chairmen or quasi ward representatives present form a quorum.

16. Employees

- 16.1.** Any ward or Exco may employ any person it considers necessary to help the Association to carry out its functions.
- 16.2.** The employment of any person, or any change to the contract of employment of any employee, must be approved by a resolution of the members of the ward or of Exco, as the case may be.
- 16.3.** All employees remain in employment when there is any change in the composition of the ward or of Exco, as the case may be

17. Loans

- 17.1.** Exco may raise loans, including overdrafts, to obtain the funds it needs to carry out any of its functions.
- 17.2.** Whenever Exco wants to raise a loan it must call a special general meeting of all members, of the Association with at least 21 days' notice, to get a mandate to raise the loan. At such special general meeting, a quorum for which shall be at least 20 members in good standing, personally present or represented by proxy, every member in good standing shall be entitled to vote on the matter.
- 17.3.** Exco may not raise a loan that will lead to increased ward or membership fees, unless this is specifically approved by a majority of the members at the meeting referred to in 17.2. above.

18. Financial Year End, Financial Records

- 18.1.** The financial year of the Association, for wards and Exco, runs from the date of its registration to the end of February of the following year, and then from 1st of March every year to the end of February of the next year.
- 18.2.** Wards and Exco must cause financial records to be kept of all monetary transactions.
- 18.3.** Ward members shall have access to ward financial records and to Exco financial records after having given reasonable notice.

19. Special Meeting

Despite the fact that the Association functions through wards whose chairmen represent them at Exco meetings, members of the Association in good standing may call on the chairman of Exco to convene a meeting, to be called a Special Meeting. The following shall apply to Special Meetings:

- 19.1.** At least 20 paid-up members must, in writing, present their request for this meeting to the chairman of Exco. This request must set out the issues to be dealt with,
- 19.2.** the members requesting the meeting must promise in writing to pay for the administrative costs of the meeting from their own resources,
- 19.3.** The chairman of Exco shall instruct ward chairmen to give members at least 14 days notice of such meeting. Quasi wards shall be given at least the same such notice.
- 19.4.** The quorum for the Special Meeting shall be at least 20% of the members in good standing of the Association, personally present or represented by proxy.
- 19.5.** If no quorum is present at the appointed time of the meeting, or within 15 minutes thereof the meeting shall be cancelled.
- 19.6.** At Special Meetings all members in good standing shall be entitled to be heard and vote. Any resolution passed thereat shall have the same effect as one passed at a meeting of Exco.

20. Dissolution

20.1. The Association may be dissolved -

20.1.1. by a resolution passed at:

20.1.1.1. a general meeting called for the purpose, notice and publicity of which shall be the same as that for an AGM,
or

20.1.1.2. an Exco AGM, or

20.1.1.3. a Special Meeting called for that purpose

20.1.2. by its deregistration by the Minister under section 8.

20.2. The resolution to dissolve the Association must

20.2.1. be passed by a two-thirds majority of members present, forming a quorum, and entitled to vote

20.2.2. be confirmed at a meeting of Exco held after at least 30 days, by a majority vote of the members present, forming a quorum, and entitled to vote.

20.3. 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 its liabilities. No part of any surplus on dissolution may be transferred to any member. Any such surplus shall be paid only to a similar association.

PAFPA Constitution Accepted: