

THE NATIONAL VELD AND FOREST FIRE ACT, No 101 of 1998



LEGISLATIVE TRAINING WORKSHOP TO PORTFOLIO COMMITTEE



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Presentation Outline

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1. THE PURPOSE OF THE NVFFA

- The purpose of the Act is to prevent and combat veld, forest and mountain Fires throughout the Republic.
- It makes provision for compliance with environmental requirements as well as for the management of risk to life and property
- It set out minimum enforceable standards which must be achieved by all landowners e.g. firebreaks & preparedness
- It provides for a variety of institutions, methods and practices to achieve its purpose.(e.g. FPAs).



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2. FIRE PROTECTION ASSOCIATIONS

- These are community based voluntary organizations for the local management of veldfires within the framework provided by the Act.
- Membership is voluntary in accordance with the Bill of rights except for state landowners.
- They are formed by any group of landowners who wish to co-operate, predict, prevent, manage, or extinguish veldfires.
- Chapter 2 (Section 3 - 8) stipulates the Formation, Registration & Deregistration, Duties and the Role of the FPO.
- Currently there are more than 225 FPAs in South Africa and 8 Provincial Umbrellas.



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Number of Fire Protection Associations....

Provinces	No. of FPAs
Eastern Cape	48
Free State	42
Gauteng	21
KZN	24
Limpopo	25
Mpumalanga	15
Northern Cape	24
North West	20
Western Cape	6
Total FPAs Registered	225



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3. FIRE DANGER RATING

- Chapter 3 of the Act provides for the prevention of veldfires through a fire danger rating system (NFDRS).
- The Minister sets up and maintains the system, although he or she may delegate his or her powers and duties to do so to an organization with the necessary expertise
- A NFDRS allows for the prediction of potentially hazardous conditions conducive to large and potentially damaging veldfires.
- This will allow for preventative measures to be taken to both reduce the risk of unwanted ignitions and to increase the state of readiness for dealing with veldfires.



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Fire Danger Ratings

<i>Classification</i>	<i>Description of Classification</i>
Insignificant	The fire danger is so low that no precaution is needed
Low	Fires including prescribed burns may be allowed in the open air on the condition that persons making fires take reasonable precautions against fires spreading
Moderate	The fire danger is such that no fires may be allowed in the open air except those that are authorised by the Chief Fire Officer of the local fire service and those in designated fireplaces; authorised fires may include prescribed burns
High	The fire danger is such that no fires may be allowed under any circumstances in the open air
Extremely High	The fire danger is such that no fires may be allowed under any circumstances in the open air, and special emergency fire preparedness measures must be invoked



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4. CLASSIFICATION OF VELDFIRE RISK IN SOUTH AFRICA

- A study by CSIR in 2010 indicated that more than 60% of the country has high to extreme veldfire risk.
- In areas having high to extreme veldfire risk it is necessary to take precautions to safe lives, livelihoods, property and the environment.
- Government is using this veldfire risk classification to prioritize the establishment of FPAs in high to extreme areas.

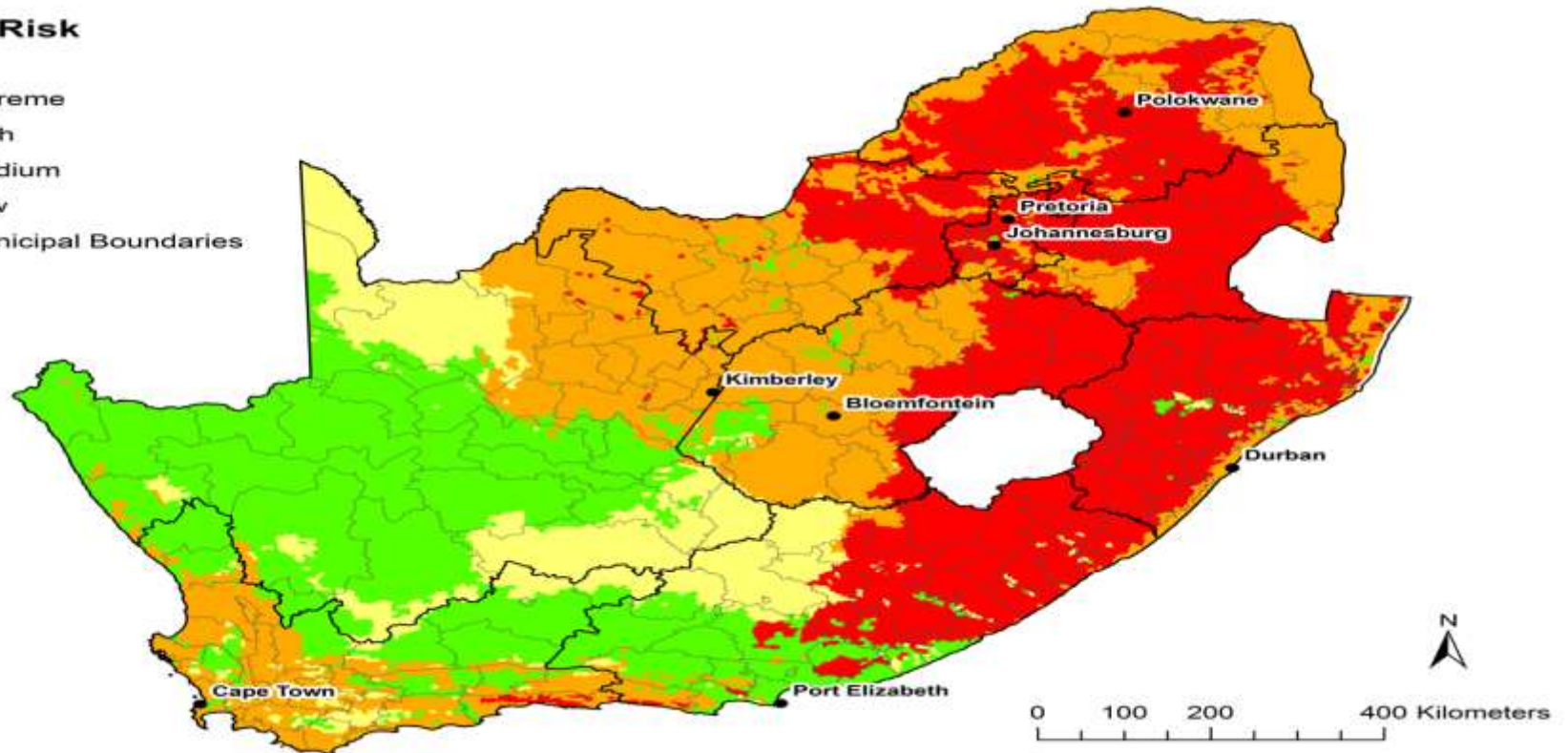


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Classification of veldfire risk in South Africa....

Overall Risk Class



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5. VELDFIRE PREVENTION THROUGH FIREBREAKS

- Chapter 4 Sec 12-16 places a duty on owners to prepare and maintain firebreaks.
- All Landowners including FPAs are expected to prepare and maintain a firebreak.
- An owner who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain and vegetation of the area.
- Provision is also made for the making of firebreaks on the international boundary of the Republic.
- The Minister is given the power to exempt any owner from making a firebreak for good reason and he or she is expected to consult the fire protection association for the area, if any, before granting any exemption.



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6. FIRE FIGHTING

- Sec. 17 of the Act places a duty on all owners to acquire equipment including Personal Protective Equipment and have available personnel to fight fires.
- An owner may appoint an agent to do all that he or she is required to do in terms of this section.
- Sec. 18 also places duties on Owners with reasons to believe that a fire on any land may endanger life, property or the environment, may, together with any other person under his or her control, enter that land.
- Sec 19 provides for two or more fire protection associations to enter into an agreement to provide mutual assistance in fighting and extinguishing fires on the land of or constituting a threat to their respective members



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7. PROGRESS MADE IN IMPLEMENTATION PROCESS OF THE ACT TERMS OF NVFFA

- More than 224 FPA registered at high risk areas around the country.
- Establishment of 8 Umbrella FPA except Northern Cape
- Development of a National Fire Danger Rating System (Lowveld Model)
- Collection and analysis of veldfire statistics from FPAs around the country
- Development of policies, guidelines and regulations (Fire Protection Associations)
- Facilitate cross-border fire management agreements
- Delegated powers to institutions/organisations with necessary expertise
- Coordinate and promote Stakeholder engagements (National and Provincial Fire Working Groups).
- Established relations with institutions of High Learning such as Nelson Mandela University, University of Venda



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8. KEY CHALLENGES WITH THE IMPLEMENTATION OF THE ACT

- Insufficient collaboration and cooperation amongst land users (private and state owned entities)
- Non-compliance with the provisions of the Act by landowners especially those that do not belong to the Fire Protection Associations.
- Insufficient understanding on the role of veldfires risk reduction institutions and their inability to get support from relevant stakeholders
- Ambiguity of the terms which leads to different interpretations resulting in conflict and/or challenges in the prevention and management of veld fires.
- Lack of enforcement by enforcement agencies and authorities (Traditional & Municipality) due to insufficient institutional mechanisms.
- Inadequate support, guidance and policy implementation which lead to dysfunctional FPAs



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9. PREVIOUS AMENDMENTS OF THE NVFFA

2001 AMENDMENTS :

❖ Sec. 5	See	Pg. 39
❖ Sec. 6	See	Pg. 40
❖ Sec. 9	See	Pg. 40
❖ Sec. 21	See	Pg. 41

2005 AMENDMENTS :

❖ Sec. 9	See	Pg. 42
❖ Sec. 10	See	Pg. 42
❖ Sec. 20	See	Pg. 43



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10. LEGISLATION RELATED TO NVFFA

- Constitution South Africa
- National Forests, Act No. 84 of 1998
- Conservation of Agricultural Resources, Act No. 43 of 1983
- Fire Brigade Services, Act No. 99 of 1987
- National Environmental Management, Act No. 107 of 1998
- National Disaster Management, Act No. 57 of 2002
- Local Government Municipal Systems, Act No. 32 of 2000
- Local Government Municipal Structures, Act No. 117 of 1998



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