



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

COMMENTS AND RESPONSES REPORT ON THE PUBLIC HEARING MEETINGS HELD ON THE NATIONAL VELD AND FOREST FIRE AMENDMENT BILL (B24-2021), FROM 27 MAY – 23 OCTOBER 2022

Acronyms

DFFE	Department of Forestry, Fisheries and the Environment
DMA	Disaster Management Act, 2002 (Act No. 57 of 2002)
EWS	Early Warning System
IFM	Integrated Fire Management
FPA	Fire Protection Association
FPO	Fire Protection Officer
NDMC	National Disaster Management Centre
NFA	National Forests Act, 1998 (Act No. 87 of 1998)
NFDRS	National Fire Danger Rating System
NVFFA	National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998)
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
PDMC	Provincial Disaster Management Centre
PPE	Personal Protective Equipment
PCFFE	Portfolio Committee on Forestry Fisheries and the Environment
UFPA	Umbrella Fire Protection Association
WoF	Working on Fire Programme
WoF (Pty) Ltd	Working on Fire Private Company

1. EXECUTIVE SUMMARY

- 1.1. Veldfire is an unplanned, uncontrolled, and unpredictable fire in an area of combustible vegetation in rural areas, that is outside a city, town, or its adjoining industrial and residential areas.
- 1.2. Communities outside the urban areas face a serious threat of veldfires and these veldfires destroy their economies, livelihoods, and environment.
- 1.3. South Africa has a long history in the administration of veldfire management, a history that reflects the growing risk constituted by veldfires. In 1998, South Africa promulgated legislation – the National Veld and Forest Fire Act, 1998 (Act No.101 of 1998) (NVFFA), with the aim to prevent and combat veld, forest and mountain fires throughout the Republic and provide for a variety of institutions, methods, and practices for achieving the purpose.
- 1.4. Since the promulgation of the NVFFA in 1998, it was amended twice, in 2005 and in 2010. Due to changes in other pieces of legislation and to ensure that the NVFFA remains responsive and relevant, it requires another amendment.
- 1.5. The Portfolio Committee on Forestry, Fisheries and the Environment embarked on a public consultation process to engage South African citizens on proposed amendments to the NVFFA. The proposed amendments are currently the National Veld Forest Fire Amendment Bill [B24-2021] (Bill). The consultation was undertaken in the period 27 May and 23 October 2022 in all 9 provinces.

2. BACKGROUND AND INTRODUCTION

- 2.1 Veldfire is a common and natural feature of South Africa's landscape. It is necessary for the maintenance of healthy ecosystems and for biodiversity. However, if not properly managed, veldfires can kill people and animals; destroy crops, grazing land, plantations, and homes. The occurrence of veldfire depends on the simultaneous existence of at least three conditions, namely sufficient fuel to burn; warm, dry weather; and a source of ignition. The frequency with which this happens differs across Southern Africa, resulting in different probabilities of fire occurrences.
- 2.2 During the consultations, the Bill received overwhelming support, and numerous inputs were received.

3. OBJECTIVES OF THE BILL

3.1 The main objective of the Bill is to effect amendments to the NVFFA to:

3.1.1 Improve the administration of the NVFFA;

3.1.2 Deal with several important technical enhancements;

3.1.3 Align the legislation with the post 1997 Constitutional framework; and

3.1.4 Ensure the NVFFA remains responsive and relevant in the field of combatting and preventing veld and forest fires.

4. CONSULTATION

4.1 The consultations were held from 27 May 2022 – 23 October 2022 covering all 9 provinces, with 3 public hearings per province. The table below gives an overview of the consultations.

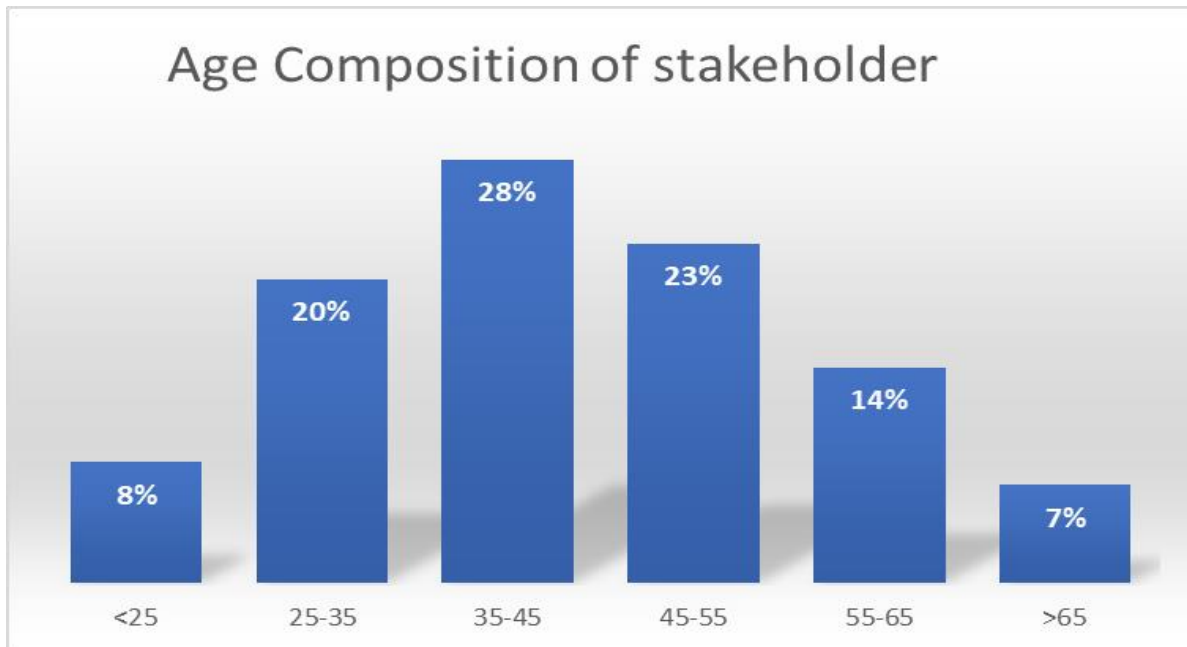
Table 1: Overview of Public Hearings

Province	Dates	Number of Attendees	% of those who supported the Bill	% of those not sure and/or did not specify support	% of those who did not support the Bill
Free State	27-29 May 2022	455	86,8%	13.2%	0%
Northern Cape	10-12 June 2022	557	75.0%	23.1%	1.9%
Mpumalanga	10-18 July 2022	565	65.3%	31.9%	2.8%
Kwazulu-Natal	12-14 July 2022	704	64.7%	35.3%	0%

North West	26-28 August 2022	531	55.9%	44.1%	0%
Limpopo Province	2-4 September 2022	890	61.9%	36.5%	1.6%
Gauteng Province	16-18 September 2022	468	55.6%	44.4%	0%
Eastern Cape Province	30 September -02 October 2022	501	68.6%	29.4%	2.0%
Western Cape	21-23 October 2022	468	58.6%	31.6%	10.6%

4.2 A total of 5,139 stakeholders from 9 provinces attended the public hearings. During the hearing, inputs were raised and received on the NVFFA Bill, the principal Act (NVFFA), veldfires as well as on service delivery issues.

Graph 1:



5. ANALYSIS OF THE PROVISION OF THE BILL

5.1 Clause 1.

Clause 1 seeks to amend certain definitions and inserts new definitions relating to the additional clauses.

5.2 Clause 2.

Clause 2 seeks to amend section 3 of the NVFFA, which deals with the formation of fire protection associations. Clause 2 inserts section 3(3A). The clause makes provision for municipalities and traditional leaders in communal lands to facilitate the formation of fire protection associations if the

Minister of Forestry, Fisheries and the Environment (“the Minister”) is of the opinion that a fire protection association is needed.

5.3 **Clause 3**

Clause 3 amends section 4 of the NVFFA, which provides for the registration of fire protection associations. Clause 3 provides that state-owned enterprises, public entities, organs of state and municipalities should join registered fire protection associations.

5.4 **Clause 4**

Clause 4 seeks to amend section 10 of the NVFFA, which provides for communication of fire danger rating. Clause 4 empowers the Minister to set conditions for the exemption of landowners when a warning in terms of section 10(1)(b) of the NVFFA, read with section 10(2) has been issued that no person may light, use or maintain a fire in the open air in the region where the fire danger is rated as high.

5.5 **Clause 5**

Clause 5 seeks to amend section 11 of the NVFFA, which provides for the delegation of powers and duties. Clause 5 provides that the Minister may delegate powers and duties to the South African Weather Services.

5.6 **Clause 6**

Clause 6 amends section 26 of the NVFFA, which deals with the implementation of Chapter 8 of the NVFFA. This clause provides for the inclusion of peace officers and traditional leaders to enforce the Act under certain conditions.

5.7 **Clause 7**

Clause 7 seeks to insert section 32A to the NVFFA. The proposed section 32A provides for appeals to the Minister against decisions or actions taken under delegation by delegated officers or entities, and the process to be followed.

5.8 Clause 8

Clause 8 seeks to change the name of the NVFFA, to the National Veldfire Act, 1998. Clause 9 deals with the title and commencement of the Act.

6. PROVINCIAL ISSUES RAISED AND FEEDBACK

The comment and response report table below, is per province as follows:

6.1 Free State

6.2 Northern Cape

6.3 Mpumalanga

6.4 KwaZulu Natal

6.5 Northwest

6.6 Limpopo

6.7 Gauteng

6.8 Eastern Cape

6.9 Western Cape

6.1 Free State Province

The Free State public hearings took place from the 27th to the 29th of May 2022.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 1</p> <p>Amendment of section 2 of the National Veld and Forest Fire Act 1998, (Act No. 101 of 1998) (hereinafter to be referred to as Act 101 of 1998).</p>	<p>“traditional council” means a traditional council as defined in section 1 of the Traditional Leadership and Governance Framework Act;</p> <p>Issue raised: The Traditional Leadership and Government Framework Act, 2003 (Act No. 41 of 2003), has been repealed by the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).</p>	<p>Supported.</p> <p>It is recommended that all references to the “Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), in the Bill, be replaced with the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).</p>	<p>“traditional council” means a traditional council as defined in section 1 of the [Traditional Leadership and Governance Framework Act] <u>Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).</u></p>
<p>Clause 2</p> <p>Insertion of section 3A of Act 101 of 1998.</p>	<p>“The municipality concerned, and in the case of a communal land, a traditional council established in that area in terms of section 3 of the Traditional Leadership and Governance Framework Act, if any, may facilitate the formation of a fire protection association process as contemplated in subsection (3), if the Minister is of the opinion that a fire protection association is required.”.</p>	<p>Supported.</p>	<p><u>“The municipality concerned, and in the case of a communal land, a traditional council established in that area in terms of section 16 of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019), if any, may facilitate the formation of a fire protection</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	The Traditional Leadership and Government Framework Act, 2003 has been repealed by the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).		<u>association process as contemplated in subsection (3), if the Minister is of the opinion that a fire protection association is required.”.</u>
<p>Clause 3</p> <p>Amendment of section 4 of Act 101 of 1998.</p>	Amend section 4 of the Act by inserting “all” and replacing the municipality with “municipalities” in subsection 7 so that it reads “all municipalities”.	<p>Not supported.</p> <p>The amendment refers to “The Municipality concerned...” this specific reference to a municipality is to align with the language used in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).</p>	N/A
	There should be further clarification on the roles of the district and local municipalities in this Act. The possibility is the transfer of some district municipality responsibilities to the local municipality because fire disasters affect local municipalities, less so district municipalities.	<p>Not supported.</p> <p>The roles and responsibilities of municipalities in fighting fires are outlined in the Municipal Systems Act 2000, (Act No. 32 of 2000), the Local Government: Municipal Structures Act 1998 (Act No.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		117 of 1998), and the Fire Brigade Services Act, 1987 (Act No. 99 of 1987).	
	<p>Amend section 7 of the Act to ensure that there is a duty on the Minister to assist the envisaged Fire Protection Association (FPA) under traditional leadership because they don't have the resources. The current phrasing makes it discretionary for the Minister to offer financial (loan or grant) and other assistance to FPAs. The second proposal is the creation of a dedicated fund that can be accessible to FPAs since complying with the Act is beyond affordable.</p>	<p>Not supported.</p> <p>Section 7 of Act 101 of 1998 envisages that the Minister may provide assistance to FPAs. The Minister may have to exercise discretion to ensure the appropriate governance structures are in place and funds will indeed be spend efficiently and effectively as per the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA). The assistance will be for registered FPAs.</p> <p>DFFE is currently finalising the FPA and Landowners Support Strategy to give effect to section 7 of Act 101 of 1998.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 4</p> <p>Amendment of section 10 of Act 101 of 1998.</p>	<p>Amend section 10 of the Act by inserting subsection 2(c) after 2(b) to read as <u>The Minister must within 30 days, in writing, grant or dismiss with reasons an application for exemption. Failure by the Minister to, in writing, within 30 days either grant or dismiss the application for exemption constitutes a grant of exemption until such date that the Minister provides a response in writing of dismissal with reasons.</u></p>	<p>Not supported.</p> <p>A decision on a fire break exemption is subject to section 15 of Act 101 of 1998 and the Promotion Administrative Justice Act 2000, (Act No. 3 of 2000), and requires consultation with the local FPAs and necessitates in loco inspection to establish what conditions if any should be attached to an exemption. This process can be lengthy as there is also a need to consult neighbouring landowners. Including an automatic 30-day time frame will undermine the purpose of the provision, namely the practice (firebreaks) to prevent veld, forest and mountain fires.</p>	N/A
<p>Clause 6</p> <p>Amendment of section 26 of Act 101 of 1998</p>	<p>Concerned about Traditional Leaders as Peace Officers, as this will make them part of the Government and Traditional</p>	<p>Not supported.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Leaders will not be able to comply with the Criminal Procedure Act. Traditional leaders must be removed from the Act.	Traditional Leaders will be receiving accredited training to be competent to enforce Act 101 of 1998.	
	Amend sections 12 and 13 of the Act to ensure that the duty to comply with the Act is extended to land users and lessees – not just limited to landowners. In these sections, wherever landowner appears it should read as “ <i>landowner, lessee or land user</i> ”.	<p>Not supported.</p> <p>Section 2 of Act 101 of 1998 provides a definition of an “owner” as follows: <i>An owner has its common laws meaning and includes under section (a), a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of the High Court. Landowner thus caters for lessee and land user.</i></p> <p>Therefore, a lessee is also an owner who must comply with Act 101 of 1998.</p>	N/A
	Amend section 24 of the Act to make penalties for deliberately and negligently starting a fire harsh. The current penalties are not a deterrent to would-be arsonists. The penalties should	Supported. The fines are currently linked to the Adjustment of Fines Act, 1991 (Act No. 101 of 1991) which are very low.	Suggestion is that the fines be aligned with section 49B of the National Environmental Management Act, 1998 (Act No.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	take into account the losses (livelihood, property and sometimes life) suffered as a result of the fire.		<p>107 of 1998) (NEMA), as it will be amended by the National Environmental Management Laws Amendment Act, 2022, 2022 (Act No. 2 of 2022).</p> <p>First Category Offence in terms of section 24 of the Principle Act: A fine not exceeding R10 million or imprisonment not exceeding 10 years, or to both such fine and such imprisonment.</p> <p>Second category offence: a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p>exceeding 10 years, and in both instances to both such fine and such imprisonment.</p> <p>Third category offence: a fine not exceeding R1 million or imprisonment for a period not exceeding one year, or to both such fine and such imprisonment; or community service up to six months or both such fine and such community service.</p> <p>A provision similarly to section 34 of NEMA can be considered to address loss or damages caused by the criminal act.</p>
EMERGING ISSUES			
	<i>The high costs of preparing or maintaining firebreaks</i>	DFFE is aware of the cost of fire breaks, however, Act 101 of 1998 makes	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>For large farms, it is impossible to prepare firebreaks around the farm because of the high costs involved and the inaccessibility of some high-risk areas, such as mountainous boundaries.</p>	<p>provision for firebreaks as a preventative measure to stop the spread of veldfire and thus reducing risk for damage to property, livestock, agricultural land and in the unlikely event the death of the country's citizen.</p>	
	<p><i>Firefighting equipment and training</i></p> <p>Most rural farmers and communities do not have the money, training and equipment to combat or manage fires, as contemplated in the Act. There is a need for fire extinguishers and fire hydrants.</p> <p>The available firefighting service comes from far and only arrives when infrastructure has burnt to the ground and large tracts of grazing land have been lost in fires.</p>	<p>FPAs organize and train their members and inform them of equipment and technology available for preventing and fighting veldfires. It is advisable for rural farmers to join FPAs to have access to this support.</p> <p>The draft FPA Support Strategy was developed to provide financial and non-financial support. FPAs are voluntary associations, however, the rural farmers can also form their own FPAs as prescribed in Chapter 2 of Act 101 of 1998.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>Rural farmers and other landowners, who do not belong to an FPA, must also adhere to Act 101 of 1998. The following provisions are compulsory for such landowners:</p> <p>Chapter 4- duty to prepare and maintain a firebreak, requirement for a firebreak.</p> <p>Chapter 5- Readiness for firefighting and action to fight fire.</p> <p>Section 12 (1) permits all landowners, irrespective of being FPA members or not, to form firebreaks around their properties, and failure to do so, will be in contravention of Act 101 of 1998.</p> <p>Section 13 of Act 101 of 1998 further outlines that the firebreak should be wide enough and long enough to have a reasonable chance to prevent veldfires from spreading to or neighbouring land.</p>	

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		However, firebreak exemption is regulated by section 15 of Act 101 of 1998.	
	<p><i>Fire Protection Association</i></p> <p>FPA's have been helping non-FPA members when there is a fire, and do not get compensation for used resources or the work done by members.</p> <p>All commonage users do not belong to an FPA, there is a need for FPA's in commonages and townships so that fires can be locally managed.</p> <p>FPA's have limited resources and are not always able to serve everyone, hence the focus is on high-risk areas.</p> <p>There should be clarity on whether the government will allocate an annual budget to new rural FPA's for them to be functional, particularly in impoverished communities.</p> <p>Increasingly, FPA's are doing municipal work in combating fires and raising awareness in communities.</p>	<p>DFFE notes the co-operation at local level and support such interventions.</p> <p>Commonage users are also landowners and should comply with Act 101 of 1998. The Bill makes provision for municipalities to form an FPA, and in so doing can incorporate commonage users as their members.</p> <p>DFFE will assist with the formation of FPA's as per section 2 of Act 101 of 1998, and support will be in line with the draft FPA Support Strategy.</p> <p>District and/or Local municipalities are the dedicated fire service. The White Paper on Fire Service is currently under</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>State Owned Enterprises (SoE) example ESKOM, SANRAL, and Municipalities are owners of State Land, however they refuse to join FPAs and are not compliant with the Act</p>	<p>discussion and one of the aims of the White Paper is to have a competent fire service at local municipal level.</p> <p>Under the Bill, SoEs and Municipalities are compelled to join FPAs in their areas.</p>	
	<p><i>Working on Fire (WoF)</i></p> <p>The workers should be given permanent employment as opposed to perpetual short-term contracts.</p> <p>Local youths should be prioritized in WoF or other firefighting jobs.</p> <p>There should be a consideration for amending the scope of WoF workers to be able to execute functions from the National Veld and Forest Fire Act, and part of the fire extinguishing functions from the Fire Brigade Services Act No. 99 of 1987. This is particularly pertinent when considering that sometimes structural and 'open air' fires happen at the same time or one lead to another.</p>	<p>Working on Fire participants are employed under the Extended Public Works Program (EPWP). EPWP aims to provide poverty and income relief through temporary work for the unemployed to carry out socially useful activities at the EPWP. WoF is targeting the youth with more than 55% of participants being youth.</p> <p>WoF is attending to veldfires, however, WoF is not a fire service as defined by the Fire Brigade Services Act 1987 (Act No. 99 of 1987), such services are provided by either the District or Local Municipality.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Unresponsive Minister and municipality to written submissions</i></p> <p>The Minister does not respond to requests, proposals and applications from FPAs, and there should be a mechanism to compel the office of the minister to respond within specific timeframes. The same mechanism should apply to municipalities.</p> <p>Competent and qualified people should be employed to handle queries and written communication from stakeholders.</p>	<p>DFFE engages with FPAs via various forums and provide responses to queries. The Minister's office reply within a specific time frame.</p> <p>DFFE employs competent staff who do engage with FPAs and provincial disaster management structures.</p>	N/A
	<p><i>Invasive alien species aiding fire</i></p> <p>The uncontrolled invasive alien vegetation increases fuel load, thus increasing the intensity of fire leading to uncontrollable, difficult to control, long-burning and possibly runaway fires. The Department and municipality should use the removal of invasive alien species to create jobs.</p>	<p>The fight against invasive alien plants is spearheaded by the Working for Water (WfW) program launched in 1995 and administered previously through the Department of Water Affairs and Forestry, and now the DFFE. This program works in partnership with local communities, to whom it provides jobs, and also with Government departments including DFFE, the departments responsible for</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>Tourism, Agriculture, Trade and Industry, provincial departments of Agriculture, Conservation and Environment, Research Foundations, and private companies.</p> <p>Since its inception in 1995, the program has cleared more than one million hectares of invasive alien plants providing jobs and training to approximately 20 000 people from among the most marginalized sectors of society per annum.</p>	
	<p><i>Reporting veld fires</i></p> <p>There is a general lack of information on where or how to report veld fire incidents. This includes when community members see a person starting a fire.</p>	<p>Veldfire should be reported to the FPA and/ or the local municipality's Fire Services.</p>	N/A
	<p><i>Medicinal plants and animals</i></p> <p>The collection or digging of medicinal plants or hunting of medicinal animals should be regulated or controlled to ensure</p>	<p>Uncontrolled veldfires are destructive. They not only destroy grazing and animals, but also medicinal plants on</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>the sustainability of traditional healing practice, either through formal registration or exemption.</p> <p>Fires destroy medicinal plants and animals and there should be a way of protecting or propagating these resources.</p>	<p>which a large section of our citizens depend for their health needs. It is therefore very important that the necessary institutions, methods, and practices are in place to prevent the destruction of the veld. The control of access and collection of medicinal plants in natural forests is regulated under of Act 101 of 1998.</p>	
	<p><i>Firebreaks</i></p> <p>SANRAL and Municipalities do not prepare firebreaks on the Nation (N3) and Regional (R) roads, major source of veldfires.</p> <p>Legal and illegal dumping sites are a major source of veldfires; there is no firebreaks around these sites.</p>	<p>Section 12(1) of Act 101 of 1998 states that every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak(s) on his or her side of the boundary between his or her land and any adjoining land.</p> <p>Failure by municipalities and SANRAL to prepare firebreaks is in breach of Act 101 of 1998. Failure to prepare firebreaks is a</p>	<p>The Portfolio Committee may consider to add the administrative enforcement power to issue a Compliance Notice similar to section 31L, read with section 34N of NEMA and also make the non-compliance thereof an offence.</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		second category offence in terms of section 25(3) of Act 101 of 1998.	
	<i>Awareness:</i> Kids, communities, and drivers throwing cigarette buds out of cars should be made aware of the dangers of veldfires.	DFFE will in consultation with the various fire stakeholder increase its awareness campaign to ensure that all relevant stakeholders are reached.	N/A

6.2 Northern Cape Province

The Northern Cape public hearings took place from the 10th to the 12th of June 2022.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 1 Amendment of section 2 of Act 101 of 1998.	‘traditional council’ means a traditional council as defined in section 1 of the Traditional Leadership and Governance Framework Act; Issue raised: Traditional Leadership and Government Framework Act, 2003 has been	Supported.	“traditional council” means a traditional council as defined in section 1 of the [Traditional Leadership and Governance Framework Act] <u>Traditional and</u>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	repealed by the Traditional and Khoi-San Leadership Act, 3 of 2019.		<u>Khoi-San Leadership Act, 2019</u> <u>(Act No. 3 of 2019);”</u>
	Amend the definition of “owner” in the principal Act to explicitly mention Communal Property Associations in line with the Communal Property Associations Act, 1996 (Act No. 28 of 1996)	Not supported Section (2) (1) (xiii) provides a definition of an “owner” which includes “(b) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom.”	N/A
	Amend sections 12 and 13 of the Act to limit the responsibility of preparing and maintaining firebreaks in commonages to municipalities, instead of passing that responsibility to commonage users. Municipalities have graders, so they should use them to make boundaries or firebreak.	Not supported Commonage users are also landowners and should comply with Act 101 of 1998. The Bill makes provision for Municipalities to form an FPA, and in so doing can incorporate commonage users as their members.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		Sections 12 and 13 are applicable to all landowners including commonage users, and they are all expected to create firebreaks.	
<p>Clause 2</p> <p>Insertion of section 3A in Act 101 of 1998.</p>	<p>The municipality concerned, and in the case of a communal land, a traditional council established in that area in terms of section 3 of the Traditional Leadership and Governance Framework Act, if any, may facilitate the formation of a fire protection association process as contemplated in subsection (3), if the Minister is of the opinion that a fire protection association is required.”.</p> <p>Traditional Leadership and Government Framework Act, 2003 has been repealed by the Traditional and Khoi-San Leadership Act, 3 of 2019. Amend accordingly.</p>	Supported.	<p><u>“(3A)The municipality concerned, and in the case of a communal land, a traditional council established in that area in terms of section 16 of the Traditional and Khoi-San Leadership Act 2019, (Act No. 3 of 2019) if any, may facilitate the formation of a fire protection association process as contemplated in subsection (3), if the Minister is of the opinion that a fire protection association is required.”</u></p>
	<p>Section 3 should consider that some municipalities have many traditional councils. There should thus be clarity on governance arrangements, such as</p>	Not supported	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	which traditional council will be the point of contact with the municipality or the process of setting up such an FPA. The Bill should spell out who the landowners are in communal land or tribal authorities.	<p>Chapter 1 of the Traditional and Khoisan Leadership Act, 2019, (Act No. 3 of 2019) defines <i>‘traditional leadership’ as the institutions or structures established in terms of customary law or customs, or customary systems or procedures of governance, recognised, utilised or practiced by traditional communities.</i></p> <p>It is therefore very important to recognise all traditional leaders within each municipality (local/district) and should all be given equal recognition and status they deserve.</p>	
<p>Clause 2</p> <p>Insertion of section 3A in Act 101 of 1998.</p>	Under Section 3, the Act should include the Department of Agriculture, Land Reform and Rural Development (DALRRD), and assign them a clear responsibility since most of the veld fires occur in agricultural or farming settings. The responsibility should be included in their Annual Performance Plan or Key Performance Areas, and be monitored	DALRRD land or land which vests in the national or a provincial government is classified as state land in terms of section section 2 of Act 101 of 1998. Wherever State Land is leased or utilized by third parties, the third parties assume the ownership of the land.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Section 7 of the principal Act is silent on how the Government will help in funding operations of the upcoming FPAs.</p> <p>The Bill or Regulations should speak to the funding for training, capacitation and equipment allocation to FPAs to enable them to be functional.</p> <p>Government should also be explicit about budget allocations to the new FPAs because new functions must be funded. It will be unrealistic to expect struggling small-holder farmers to finance the operations of FPAs.</p> <p>If traditional authorities are landowners, who will provide the budget for appointing and training locals in firefighting, providing Personal Protection Equipment (PPE), and complying with the responsibilities and functions of FPAs among traditional leaders?</p>	<p>Not supported</p> <p>Section 7 envisage the Minister may provide assistance to Fire Protection Association (FPA). The Minister may have to exercise discretion to ensure the appropriate governance structure are in place and funds will indeed be spend efficiently and effectively as per the Public Finance Management Act 1 of 1999 (PFMA). The assistance will be for registered FPAs.</p> <p>DFFE is currently finalising the FPA and Landowners Support Strategy to give effect to this clause. The Strategy clearly outlines the criteria, guidelines, administrative process and oversight by DFFE in providing support, financial and non-financial, to FPAs and Landowners.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	In 2012, the Department did not financially support a community driven FPA that eventually failed, and there are fears that the same may happen again with the many upcoming FPAs.		
	The Bill should align or be consistent with recently reviewed by-laws relating to the Fire Brigade Services Act within the municipality.	Act 101 of 1998 is not inconsistent with the Fire Brigade Services Act 1987 (Act No. 99 of 1987). DFFE is currently consulting with the Department of Cooperative Governance and Traditional Affairs (COGTA) on some of the amendments proposed.	N/A
Clause 6 Amendment to section 26 of Act 101 of 1998.	Sections 7 and 26 of the principal Act should spell out who will be responsible for the training of the traditional leaders or elected leader in the case of a CPA, their mentorship and assistance with knowledge sharing, particularly from experienced FPAs.	Not supported DFFE acknowledges section 20(2) (c), (e) and (g) of the Traditional Leadership Framework Act, 2003 (Act No. 43 of 2003) which states that: <i>“(2) Whenever an organ of state within the national government or a provincial government considers allocating a role for traditional councils or traditional leaders in terms of subsection (1), that organ of state must-</i>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p><i>(c) ensure that the allocation of a role or function is consistent with the Constitution and applicable legislation;</i></p> <p><i>(e) strive to ensure that the allocation of a role or function is accompanied by resources and that appropriate measures for accounting for such resources are put in place;</i></p> <p><i>(f) promote the ideals of co-operative governance, integrated development planning, sustainable development and service delivery through the allocation of roles and functions.”</i></p> <p>DFFE will further provide training to traditional leaders who will become peace officers.</p>	
	<p>Under section 3 of the principal Act, add a responsibility that dumping/landfill sites should be located in suitable sites that do not provide fuel to veld fires.</p> <p>There should be a mechanism to enforce or ensure the implementation of section 3(3) of the principal Act that instructs the Minister to facilitate the formation of FPAs in areas that should have a</p>	<p>Not supported.</p> <p>DFFE does not have any powers or jurisdiction to determine where dumping /landfill sites should be located. This is the Constitutional mandate of the Municipalities.</p> <p>Coordination between DFFE and COGTA as part of cooperative government may assist in influencing the location of such sites as part of</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	registered FPA. The Act prescribes that such an action by the Minister should be done within a year.	mitigating measures to eliminate and reduce rural urban interface veldfires.	
	The Bill should provide direction on who should take responsibility for losses suffered as a result of veld fires.	<p>Section 18(1)(b) of Act 101 of 1998 states that every landowner (member of FPA or not) must do everything in his or her power to stop the spread of fire.</p> <p>Section 25(3) of Act 101 of 1998 also outlines the offence regarding failure by landowners to adhere to the duty to prepare and maintain firebreaks.</p> <p>Section 25(4) of Act 101 of 1998 further emphasises the offence of failure to meet the standards of readiness for firefighting referred to in section 17(1).</p> <p>Section 25 (5) of Act 101 of 1998 states that “Any owner, occupier or person in control of land on which a fire occurs who fails to take reasonable steps to extinguish the fire or to confine it to that land or to prevent it from causing damage to</p>	See recommendations above.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<i>property on adjoining land, is guilty of a first category offence”.</i>	
	Amend section 24 of the Act to make penalties for deliberately and negligently starting a fire harsh. The current penalties are not a deterrent to would-be arsonists. The penalties should take into account the losses (livelihood, property and sometimes life) suffered as a result of the fire.	DFFE will consider amendment.	
EMERGING ISSUES			
	<p>Community Property Associations (CPA) requested to be referenced separately in the NVFFA Bill</p> <p>CPA wants to be trained as Peace Officers</p> <p>CPA needs funding to prepare fire breaks</p>	<p>Not supported.</p> <p>CPAs are reflected in the definition of owner in Act 101 of 1998.</p> <p>Section 2 of Act 101 of 1998 states that an “owner” has its common law meaning and includes:</p> <p>“(a) a lessee or other person who controls the land in question in terms of a contract,</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>testamentary document, law or order of the High Court.”</p> <p>CPA members can be trained as Peace Officers.</p> <p>As Landowners, a CPA has a duty to prepare fire breaks; DFFE will liaise with WoF to explore the viability of preparing firebreaks for CPAs should WoF be operating in the area.</p>	
	<p><i>Firefighting equipment and training</i></p> <p>Most emerging farmers, township communities and informal settlements do not have the money, training and equipment to combat or manage fires, as contemplated in the Act. These are the needed investments toward effectively fighting or preventing fires.</p>	<p>DFFE is aware of the cost of fire breaks, however Act 101 of 1998 makes provision for firebreaks as a preventative measure to stop the spread of veldfire and thus reducing risk for damage to property, livestock, agricultural land and in the unlikely event the death of the country’s citizen.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Municipalities should scrape vegetation around residential areas so that fires may not escape to the nearby veld or farms, and vice versa.</p> <p>The available firefighting service comes from far and only arrives when infrastructure has burnt to the ground and large tracts of grazing land have been lost in fires. In some instances, lives are lost. Local capacity should be developed in terms of firefighting skills and equipment</p>		
	<p><i>Fire risks</i></p> <p>Operations from the military base, Eskom and Transnet present a fire risk for veld fires because their work cause sparks that can easily start fires. These stakeholders should be at the forefront of fire prevention and there should be a mechanism to claim for livelihood losses suffered from fires that can be traced to their operations.</p>	<p>Supported.</p> <p>Compensation is provided under section 34 of Act 101 of 1998 where presumption of negligence is provided for which assist when landowners intend to claim damages from their neighbour's if they have not complied with Act 101 of 1998.</p>	<p><u>“29.A Power to issue compliance notices. — (1) A registered fire protection officer, a designated forest officer, a police officer, and an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act 1987 (Act No. 99 of 1987), within his or her mandate, may issue a compliance notice in the</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>A court may award compensation for loss or damages under section 300 of the Criminal Procedures Act, 1977. (Act No. 51 of 1977).</p> <p>DFFE recommends an amendment to issue compliance notices to assist to hold the state liable.</p>	<p><u>prescribed form and following a prescribed procedure if there are reasonable grounds for believing that a person has not complied –</u></p> <p><u>(a) with a provision of the law for which that officer has been designated; or</u></p> <p><u>(b) with a term or condition of a permit, authorisation or other instrument issued in terms of such law.</u></p> <p><u>(2) A compliance notice must set out—</u></p> <p><u>(a) details of the conduct constituting noncompliance;</u></p> <p><u>(b) any steps the person must take and the period within which those steps must be taken;</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>(c) anything which the person may not do, and the period during which the person may not do it; and</u></p> <p><u>(d) the procedure to be followed in lodging an objection to the compliance notice with the Minister.</u></p> <p><u>(3) A fire protection officer may, on good cause shown, vary a compliance notice and extend the period within which the person must comply with the notice.</u></p> <p><u>(4) A person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Minister agreed to suspend</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>the operation of the compliance notice.</u></p> <p><u>(5) A person who receives a compliance notice and who wishes to lodge an objection may make representations to the Minister, to suspend the operation of the compliance notice pending finalisation of the objection.”</u></p> <p>Failure to comply with a Compliance Notice should be made a second category offence under section 25 of Act 101 of 1998.</p> <p>Wording similar to section 31N of NEMA could also be considered.</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Unresponsive municipality</i></p> <p>The Municipality does not respond to requests, proposals and applications from individuals and local organisations.</p> <p>Farmers have pleaded for larger commonages and their requests for alternative land do not get responded to. There should be a mechanism to compel municipalities to respond within specific time frames.</p>	Noted.	N/A
	<p><i>Firefighting equipment and training</i></p> <p>Most emerging farmers, township communities and informal settlements do not have the money, training and firefighting equipment to combat or manage fires, as contemplated in the Act. These are the needed investments toward effectively fighting or preventing fires.</p>	Noted.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Municipalities should scrape vegetation around residential areas so that fires may not escape to the nearby veld or farms, and vice versa.</p> <p>The available firefighting service comes from far and only arrives when infrastructure has burnt to the ground and large tracts of grazing land have been lost in fires. In some instances, lives are lost. Local capacity in townships, villages and commonages should be developed in terms of firefighting skills and provided with firefighting equipment that can be easily transported or carried.</p> <p>The municipality is building a fire station and will need financial resources to staff and train personnel for the fire station to deliver fire awareness, prevention and fighting support.</p>		

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Invasive alien species aiding fire:</i></p> <p>The uncontrolled invasive alien vegetation increases fuel load, thus increasing the intensity of fire leading to uncontrollable, difficult to control, long-burning and possibly runaway fires. The Department and municipality should use the removal of invasive alien species to create jobs.</p>	Noted.	N/A
	<p><i>Further consultations</i></p> <p>The Department and municipality need to improve communication with traditional leaders, as there are gaps on what will be expected from traditional leaders, their new responsibilities, and legal implications.</p> <p>Future meetings should be communicated to traditional leadership timeously and the Department should present practical plans and accountability channels.</p>	Supported.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Preparing or maintaining firebreaks</i></p> <p>There is less cooperation among farmers, hence it is impossible to unite and prepare firebreaks around farms. Emerging farmers need assistance to be organised before they can be allocated firefighting equipment or resources to prepare and maintain firebreaks.</p> <p>The Bill places an extra compliance burden on emerging farmers, yet the national Government and municipality are not helping developing farmers.</p> <p>The Minister of Sport, Arts and Culture should channel resources towards the preparation and maintenance of firebreaks, upkeep and maintenance of the Kuruman Moffat Mission that operates as a heritage site to boost tourism and employment in the area.</p>	Noted.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Working on Fire</i></p> <p>The workers should be visible, particularly before the fire season begins. Ideally, the WoF programme should be absorbed as part of the municipal plan to ensure that human resources are adequately spread and used by the municipality.</p> <p>A special grant could be sourced from Treasury to expand the WoF activities that focus on fire prevention in fire-prone areas.</p>	Noted.	N/A
	<p><i>Awareness programmes</i></p> <p>There should be awareness programmes targeting children through incorporation in the curriculum to cover the protection, mitigation and prevention of fires.</p> <p>There should be special training or awareness for people living in informal settlements on ways</p>	Noted.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>to prevent and extinguish fires, as well as the provision of appropriate firefighting equipment.</p> <p>There needs to be more effort in raising awareness on the handling of braziers during the winter season to minimise flare-ups of fire.</p>		

6.3

6.4 Mpumalanga Province

The Mpumalanga public hearing took place from the 08 to the 10th of July 2022.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 1</p> <p>Amendment of section 2 of Act 101 of 1998.</p>	<p>“fire in the open air” means any fire not within a building or structure but does not include a fire in an area specifically designed for such fire and maintained by the owner.</p> <p>Fires in the open air per Act 101 of 1998, are only not permitted when a warning has been issued. There are many instances when “fire in the open air” can be deemed to include prescribed burning, i.e. where fire is used as a land management tool.</p>	<p>Not supported.</p> <p>Not supported. The definition must be read in the context of section 10 of the Act, when the Minister has published a warning when the fire danger is rated high or extreme. Under these circumstances normal land management practices, such the making of fire breaks, the burning of veld as part of a land management tool should be discontinued. However, the amendment in the Bill makes provision that an exemption can be applied for.</p>	N/A
	<p>The Bill is silent on the protection of people living and working in forested areas, particularly their working conditions and exposure to fire. The Bill should provide a</p>	<p>Not supported.</p> <p>The purpose of Act 101 of 1998 is to prevent and combat veldfire, forest and mountain fires and in so doing is forming the basis for protection of vulnerable communities</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	clause to protect the poor and vulnerable people who may not fend for themselves when fire erupts.		
	The Bill should consider that most Blacks cannot afford to pay insurance for their livestock or agricultural enterprise. Therefore, the Bill should provide an avenue for compensation or formal government assistance when a fire disaster had occurred. The claiming or compensation process should not be cumbersome.	<p>Not supported.</p> <p>Compensation is provided under the Disaster Management Act 2002, (Act No. 7 of 2002) and under section 34 of Act 101 of 1998 where presumption of negligence is provided for which assist when landowners intend to claim damages from their neighbour's if they have not complied with Act 101 of 1998.</p> <p>A court may award compensation for loss or damages under section 300 of the Criminal Procedures Act, 1977. (Act No. 51 of 1977).</p>	The Portfolio committee may also consider adding a power similar to section 34 of NEMA where the criminal court is given the power to award compensation for loss or damages as a result of an offence committed.
	The Bill needs to create a space through which Government will help new FPAs.	<p>Not supported.</p> <p>Section 7 of Act 101 of 1998 empowers the Minister to provide financial or other assistance to FPAs, without obliging him or her to do so. This section also allows for financial help in cases where owners (whether members</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>of an FPA or not) prepare firebreaks on an international boundary and incur more costs than they would have if they had not been situated on such a boundary.</p> <p>DFFE has developed an FPA Support Strategy to give effect to this section. This Strategy is being consulted on prior to its approval and implementation.</p>	
	Amend section 24 of the Act to make penalties for deliberately or negligently starting a fire harsh. The penalties should take into account the losses (grazing land, livelihood, property, and sometimes life) suffered as a result of the fire.	<p>Not supported</p> <p>Arson is dealt with under the Criminal Law and the Criminal Procedure Act, 1977 (Act No. 51 of 1977).</p> <p>A court may award compensation for loss or damages under section 300 of the Criminal Procedures Act, 1977.</p>	N/A
	The Bill should create space for non-governmental organisations to help in the implementation of the Act once signed into law. The Bill is silent on what needs to happen after a veld or forest fire has caused damage.	<p>Not supported</p> <p>FPA's are non-governmental organisations that are helping in implementing Act 101 of 1998. The amendment of section 26 to empower Traditional Leaders to enforce the</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		Act increases the institutional capacity to implement Act 101 of 1998.	
Clause 6 Amendment of section 26 of Act 101 of 1998	The Bill should be explicit on the role of law enforcement in combating forest and veld fires.	Not supported Section 26 (2) of Act 101 of 1998 empowers fire protection officers to enforce the provisions of the Act. Sections 27, 28, and 29 empowers them to enter and search, seize, and arrest respectively.	N/A
Clause 1 Amendment of section 2 of Act 101 of 1998	Section 2(f) of the Bill should provide clarity on whether the referred traditional council is the local traditional council or the district traditional council.	Not supported Traditional Councils are at the local municipal level, therefore this refers to the local traditional councils.	N/A
Clause 4 Amendment of section 10 of Act 101 of 1998, as amended by section 10 of Act 35 of 2005	Section 10(2b) should provide clarity on the scope of the FPA to be consulted on whether it will be at the level of award, municipality, or district.	Not supported Section 4(5) of Act 101 of 1998 states that only one (1) FPA may be registered in respect of an area. The FPA to be consulted is the one covering the area applying for exemption. If the FPA of the area is at a municipal level,	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		the municipal FPA will be consulted and a district FPA if the FPA of the area is at a district level.	
<p>Clause 1</p> <p>Amendment of section 2 of Act 101 of 1998</p>	<p>Section 2(g) of the Bill differentiates between structural and veld or forest fires, instead of trying to merge with the Fire Brigade Services Act. Harmonising or merging the two legislations will help in pooling resources and contribute to the effective and efficient use of firefighting capacity and resources. There should be no differentiation, instead, FPAs can be a function of the Fire Brigade Service.</p>	<p>Not supported</p> <p>Act 101 of 1998 is specific to veldfires hence section 2 of Act 101 of 1998 differentiates between structural and veldfires, its purpose is to prevent and combat veld, forest, and mountain fires (Veldfires) throughout the Republic. Structural fires are dealt with under the Fire Brigade Services Act 1987 (Act No. 99 of 1987).</p>	N/A
<p>Clause 2</p> <p>Amendment of section 3 of Act 101 of 1998</p>	<p>Section 3 provides for the formation of an FPA but does not explicitly provide for the funding of the new FPA. Who will be financing the operations of the FPA in communities where there is already high unemployment and Black farmers barely afford the upkeep of their livestock?</p>	<p>Not supported</p> <p>Section 7 of Act 101 of 1998 empowers the Minister to provide financial or other assistance to FPAs, without obliging him or her to do so. This section also allows for financial help in cases where owners (whether members of an FPA or not) prepare firebreaks on an international boundary and incur more costs than they would have if they had not been situated on such a boundary.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		DFFE has developed an FPA Support Strategy to give effect to this section. This Strategy is being consulted on prior to its approval and implementation.	
	There should be a clause for the creation of an FPA support grant as some municipalities have financial problems general landowners may not afford the payment of FPA membership fees.	Not supported Section 7 of the Act empowers the Minister to provide financial or other assistance to FPAs, without obliging him or her to do so. DFFE Is developing an FPA Support Strategy to give effect to this section. This Strategy is being consulted on prior to its approval and implementation. It will provide a guide on how DFFE will support FPAs financially and otherwise to ensure they are functional.	N/A
EMERGING ISSUES			
	<i>Lack of resources to prepare or maintain firebreaks and fire belts</i> Land reform farms do not have suitable tractors or equipment to prepare firebreaks or fire belts around their restituted farms.	Section 3 of Act 101 of 1998 states that any group of owners who wish to cooperate for the specific purpose of predicting, preventing, managing, and extinguishing veldfires may form an FPA. The Land Reform farms can join FPAs to share resources and work together in achieving the purpose of Act 101 of 1998.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Some of the farms are located in inaccessible mountainous areas.</p> <p>Where government fails to build more fire stations or fire engines, high-risk communities should be supplied with fire beaters and fire devices and garments.</p>	Supporting the FPAs with the resources they require to be fully functional and to achieve the purpose of Act 101 of 1998 is part of the FPA support Strategy the DFFE is developing.	
	<p><i>Firefighting equipment and training</i></p> <p>There is a need for government to invest in firefighting equipment and infrastructures such as buying more fire engines, building more accessible fire stations, and provision of portable firefighting equipment.</p> <p>Land reform beneficiaries, rural farmers, and township residents need training on combating or management of fires, as contemplated in the Act.</p>	<p>FPAs have a duty to organise and train their members on veldfires and to inform them of equipment and technology available for preventing and fighting veldfires. It is advisable that land reform beneficiaries and rural farmers must join FPAs to benefit from such.</p> <p>The FPA Support Strategy is being developed to give effect to section 7 of Act 101 of 1998 which empowers the Minister to provide financial and non-financial support to FPAs. It is through this Strategy that the FPAs will be assisted with firefighting equipment and training where there is a need.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>The available firefighting service comes from far and only arrives when infrastructure has burnt to the ground and large tracts of grazing land have been lost in fires.</p> <p>The proposal was that fire safety and firefighting tools such as extinguishers, bakkies, water tanks, tank trailers, and fire retardants should be kept in a central location or firefighting office to ease access when needed.</p> <p>There should be increased budget allocation towards recruitment and training of firefighters that will be assigned to each ward of a municipality.</p>		

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Work of FPAs</i></p> <p>The existing FPA only assist White farmers and stop fighting fires when they cross to a Black-owned farm.</p> <p>Some Black farmers appreciate the work of FPAs, but due to racial relations and membership costs, they are unable to join local FPAs.</p> <p>There should be clarity on whether the government will allocate an annual budget to new rural FPAs for them to be functional, particularly in impoverished communities.</p> <p>Local FPA members often threaten Black landowners that their farms will be seized or forfeited to Whites should fire escape from Black farms. The farms could be held until compensation money is paid.</p>	<p>Black-owned farms are encouraged to join FPAs for the purpose of cooperating in the prediction, prevention, managing, and extinguishing of veldfires with other farmers in their area. Section 7 of Act 101 of 1998 empowers the Minister to provide support to FPAs. To give effect to this section, DFFE is finalising an FPA Support Strategy, it is through this strategy that FPAs will be assisted with the resources they require to function effectively.</p> <p>In areas where there is no FPA, DFFE will assist with the formation of FPAs as per section 2 of Act 101 of 1998, and support will be in line with the FPA Support Strategy being developed.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Some FPAs are not adequately resourced and therefore fail to execute their functions		
	<p><i>Hostile relations among farmers</i></p> <p>White farmers burn grazing land that is used by Black farmers resulting in a shortage of grazing land.</p> <p>White farmers help each other extinguish fires and stop when the fire crosses to a Black-owned farm and don't help Black farmers to fight fires.</p> <p>It is alleged that a white farmer closed the road on the land that they owned previously, now Black neighbours have to drive long distances around the farm. A similar allegation is that a White farmer blocks delivery of services such as building of RDP houses, supply of water and electricity, and bribes Department of</p>	Noted.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Agriculture officials to delay processing their land claim.</p> <p>It is alleged that livestock farmers often allow their cattle into maize fields of grain farmers, thus resulting in conflicts. Part of the problem is that there is poor fencing and division of land to cater for both cultivation and livestock farming.</p>		
	<p><i>Reporting veldfires</i></p> <p>There is a general lack of information on where or how to report veld fire incidents</p>	<p>Veldfire should be reported to the Fire Protection Association and/ or the local municipality. Throughout the consultations, DFFE has realized that there is a lack of awareness and education about of Act 101 of 1998 and veldfires. As part of the awareness and education strategy to get communities veldfire informed and prepared, reporting of veldfire incidences will form part of the awareness.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Further consultations</i></p> <p>The Bill should be consulted further with traditional leaders because most of the land is under traditional councils. The timing of the Committee's visit inadvertently excluded traditional leaders in the municipality.</p> <p>Parliament should bear in mind that traditional leaders may not be legally capacitated to understand the technical aspects of the Bill or Principal Act, therefore the consultations should be structured in some form of a workshop.</p> <p>Some attendees raised a concern that copies of the Bill were only availed to them at the venue, therefore they did not have adequate time to familiarise themselves with the content of the Bill.</p>	<p>It is suggested that the House of Traditional Leaders Mpumalanga write to the Secretary of the Portfolio Committee (PC) and request to be consulted on the Amendment Bill, since they were not available on the dates the PC visited the province.</p> <p>FPA's, WoF, Municipalities, and DFFE provide awareness and education on of Act 101 of 1998 and veldfires. However, these efforts are not coordinated and do not always reach the intended audience. DFFE will re-evaluate the various veldfire awareness programs and will explore the option to increase the effectiveness of all these engagements. Traditional councils will be considered as one of the integrated fire management stakeholders that should be workshopped on the provisions of Act 101 of 1998 and veldfires.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Training to prepare or maintain firebreaks</i></p> <p>Farmers and landowners are not equally resourced to prepare or maintain firebreaks. The municipality or government should mobilise resources to train farmers to prepare or maintain firebreaks.</p> <p>Youth can be trained and employed to help with the preparation or maintenance of firebreaks or fire belts before the onset of a fire season.</p>	<p>FPA's have a duty to organise and train their members on veldfires and to inform them of equipment and technology available for preventing and fighting veldfires. It is advisable that farmers and landowners must join FPA's to benefit from such.</p> <p>The FPA support strategy is being developed to give effect to section 7 of Act 101 of 1998 which empowers the Minister to provide financial and non-financial support to FPA's. It is through this strategy that the FPA's will be assisted with firefighting equipment and training on veldfire management.</p> <p>DFFE's WoF program which is a government-funded, job-creation program focusing on Integrated Fire Management in South Africa is recruiting youth from marginalised communities and training them in fire awareness and education, prevention, and fire suppression skills. These young men and women form veld and forest fire fighting ground crews, stationed at bases around the country to</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>help stop the scourge of wildfire. Through the FPA support strategy DFFE is developing, FPAs will benefit from this program.</p>	
	<p><i>Firefighting equipment and training</i></p> <p>The localities represented by the speakers do not have the money, training and equipment to combat or manage fires as contemplated in the Act.</p> <p>Only after significant amounts of grazing land have been destroyed by fire and significant amounts of infrastructure have burned to the ground does the nearest firefighting department arrive.</p> <p>There should be youth training on firefighting and fire prevention. The trained youth should then be absorbed or deployed to local stations</p>	<p>Section 7 of Act 101 of 1998 empowers the Minister to provide financial or other assistance to FPAs, without obliging him or her to do so. DFFE is developing an FPA Support Strategy to give effect to this section. Firefighting equipment and training are contained in this strategy.</p> <p>DFFE's WoF program which is a government-funded, job-creation program focusing on Integrated Fire Management in South Africa is recruiting youth from marginalised communities and training them in fire awareness and education, prevention, and fire suppression skills. These young men and women form veld and forest fire fighting ground crews, stationed at bases around the country to help stop the scourge of wildfire. Through the FPA support strategy DFFE is developing, FPAs will benefit from this program.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	with firefighting equipment for each community.		
	<p><i>Direct and direct contribution to pollution</i></p> <p>The Committee should bring other Departments such as the Mineral Resources and Energy because their abandoned mines contribute to fires and pollution of the air and water bodies.</p> <p>The unmanaged pollution from the mines makes people get respiratory illnesses and fail their medical tests – thus can't get jobs in mines.</p> <p>Mines indirectly contribute to pollution through the burning of tyres as a result of unfair employment practices in mines where they overlook local people and employ outsiders.</p>	<p>Mine-related issues are regulated by the Department of Mineral Resources and Energy. All veldfires that start from abandoned mines must be reported to the FPA, municipality, and/or Police. Section 34 of Act 101 of 1998 will apply if losses were incurred due to the veldfire.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Companies not complying with the rehabilitation of disused mines as required by law and the DMRE and DFFE not doing enough to compel mine owners to comply.</p>		
	<p><i>Awareness programs</i></p> <p>The Department should conduct awareness programs on the importance of trees and work together with law enforcement to combat the cutting down of trees by people who operate illegal charcoal businesses.</p> <p>NGOs are willing to work with municipalities and the Department to conduct awareness programs on environmental programs. They will need support such as funding to execute such responsibilities. Funding to NGOs should be provided in a fair, transparent, and equitable way.</p>	<p>FPAs, WoF, Municipalities, DFFE, and other integrated fire management stakeholders are conducting awareness and education campaigns on Act 101 of 1998 and veldfires. However, these efforts are not coordinated and do not always reach the intended audience. DFFE will work with these stakeholders to ensure they reach where they are needed to increase their effectiveness. Traditional councils and rural communities will be considered as integrated fire management stakeholders that should be workshopped on the provisions of the of Act 101 of 1998 and veldfires.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Firefighting equipment and training</i></p> <p>There should be dedicated firefighting or prevention training centres or programs to build capacity in communities.</p> <p>There should be an investment in early warning systems that can be accessible to those at high fire risk.</p> <p>The available firefighting service is inadequate to service the entire municipal area, and there should be community-based firefighting capacity and resources.</p> <p>Parliament should ensure that firefighting resources are equally distributed in the country. For example, high fire risk areas should also have access to helicopters.</p>	<p>FPA's, WoF, Municipalities, DFFE, and other integrated fire management stakeholders are conducting awareness and education campaigns on Act 101 of 1998 and veldfires. However, these efforts are not coordinated and do not always reach the intended audience. DFFE will work with these stakeholders to ensure they reach where they are needed to increase their effectiveness.</p> <p>DFFE's WoF program which is a government-funded, job-creation program focusing on Integrated Fire Management in South Africa is recruiting youth from marginalised communities and training them in firefighting. These young men and women form veld and forest fire fighting ground crews, stationed at bases around the country to help stop the scourge of wildfire. Through the FPA support strategy DFFE is developing, FPA's especially those in rural communities will benefit from this program.</p> <p>DFFE invested in the development of a National Fire Danger Rating System to disseminate early warning for</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>weather conditions that have the potential of causing runaway veldfires. This system is now under review to improve its accuracy and efficiency in predicting veldfire conditions. Through the FPA Support Strategy that DFFE is developing, communities and FPAs in high veldfire risk areas will receive Fire Danger Index (FDI) as part of veldfire early warning.</p>	
	<p><i>Work of FPAs</i></p> <p>The available FPA is not able to cope with the large scope that it currently has, and it will help to have more supported FPAs.</p> <p>FPAs could be structured to function as a local fire brigade service, where trained FPA members can be absorbed into the fire brigade service.</p> <p>There used to be a fire guard program during apartheid and did exactly what FPAs are expected to do. Such a program should just be reinstated instead of creating a new one.</p>	<p>The FPA Support Strategy that DFFE is developing will assist FPAs with the necessary resources that they require to function and perform their duties effectively.</p> <p>FPAs are established in terms of Act 101 of 1998 while fire brigade services are established in terms of the Fire Brigade Services Act 1987, (Act No. 99 of 1987). An FPA is not a fire brigade service and does not replace such a service in a community.</p> <p>Act 101 of 1998 makes provisions for the formation of FPAs to veldfire prevention strategies, not Fire Guards hence FPAs are being formed.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	It should be made clear whether the government will provide new rural FPAs with an annual budget for them to operate.	Section 3(3) and (4) of Act 101 of 1998 empowers the Minister to provide assistance to and cooperate with landowners in forming an FPA in an area where he/she is of the opinion that an FPA is needed. The FPA support strategy will guide DFFE in administering such assistance to FPAs.	
	<p><i>Biodiversity loss</i></p> <p>Uncontrolled fires are decimating medicinal plants, edible fruit trees and culturally valued trees.</p> <p>Some community members rely on access to special trees and wild animals which fires either threaten or destroy. There should be extensive effort to protect such valuable plant and animal resources.</p> <p>To prevent biodiversity loss, there should be a permit system to allow for controlled access to natural forests, thus will minimise fires and biodiversity loss. For example, only allowing</p>	<p>Uncontrolled veldfires are destructive, not only to socio-economic assets but also ecological assets which include loss of biodiversity. It is therefore very important that the necessary institutions, methods, and practices are in place to prevent veldfires. The control of access to natural forests is regulated under the National Forest Act 1998, (Act No. 84 of 1998).</p> <p>Land reform beneficiaries can join FPAs so they can benefit from collaboration and sharing of resources with other farmers. The FPA support strategy that DFFE is finalising will assist with firebreak preparation and maintenance.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>traditional healers and initiation schools to forests during periods of high fire risks.</p> <p>To prevent biodiversity loss, the municipality, DFFE, and the DALRRD should help land reform beneficiaries to make fire breaks and fire belts.</p> <p>The Department should assist communities who wish to declare certain areas protected areas so that access and activities may be regulated at the community level.</p>		
	<p><i>Recruitment of rangers</i></p> <p>Rangers should be involved in fire awareness and enforcement programs because they are influential and visible.</p> <p>There are currently too few rangers for wildlife protection from the Manyeleti Game Reserve and this endangers the livelihoods of communities who are beneficiaries of proceeds from the reserve.</p>	<p>Section 26 of Act 101 of 1998 gives powers of enforcement to a registered fire protection officer (FPO), a designated forest officer (FO), a police officer, and an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act 1987 (Act No. 99 of 1987). An FPO or one of these officers must carry identification to be able to exercise these powers.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>There should be close cooperation between game reserves, forestry companies, and municipalities in the prevention and fight against veld fires, including the monitoring of reserve fences.</p>	<p>DFFE supports co-operation between landowners to prevent and combat veldfires.</p>	
	<p><i>Awareness programs</i></p> <p>There should be awareness programs targeting children and youth and focus on the protection, mitigation, and prevention of fires.</p> <p>The training and awareness programs should be designed to reach every member of society and so easy to be trained for the next person who did not have an opportunity to attend either a fire awareness or training program. There should be special training or awareness for people living in forests on ways to prevent and extinguish fires, as well as the provision of appropriate fire-extinguishing equipment.</p>	<p>FPAs, WoF, Municipalities, DFFE, and other integrated fire management stakeholders are conducting awareness and education campaigns on Act 101 of 1998 and veldfires in schools and communities. However, these efforts are not coordinated and do not always reach the intended audience. DFFE will work with these stakeholders to ensure awareness and education programs reach where they are needed to increase their effectiveness.</p> <p>DFFE, in consultation with fire stakeholders will increase awareness to reduce veldfires.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>As part of trying to reduce fire incidents along major roads, there should be dedicated smoking areas to prevent the throwing of cigarettes.</p> <p>There need to be more awareness campaigns to deter motorists from starting fires.</p>		

6.4 KwaZulu Natal Province

The KwaZulu Natal public hearing took place from the 12th to the 14th of July 2022

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 1 Amendment of section 2 of Act 101 of 1998	<p><u>“fire in the open air” means any fire not within a building or structure but does not include a fire in an area specifically designed for such fire, and maintained by the owner.</u></p> <p><u>Fires in the open air per Act 101 of 1998, are only not permitted when a warning has been issued. There are many instances when “fire in the open air” can be deemed to include prescribed burning, i.e. where fire is used as a land management tool.</u></p>	<p>Not supported.</p> <p>Not supported. The definition must be read in the context of section 10 of the Act, when the Minister has published a warning when the fire danger is rated high or extreme. Under these circumstances normal land management practices, such the making of fire breaks, the burning of veld as part of a land management tool should be discontinued. However, the amendment in the Bill makes provision that an exemption can be applied for.</p>	N/A
Clause 1 Amendment of section 2 of Act 101 of 1998	<p>traditional council’ means a traditional council as defined in section 1 of the Traditional Leadership and Governance Framework Act;</p> <p>Issue raised: Traditional Leadership and Government Framework Act, 2003 has been repealed its now called Traditional and Khoi-San Leadership Act, 3 of 2019.</p>	Supported.	<p><u>““traditional council” means a traditional council as defined in section 1 of the Traditional and Khoi-San Leadership Act 2019, (Act No. 3 of 2019);”</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>veldfire' means [a veld, forest or mountain] <u>any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area."</u></p> <p>The rural-urban interface is a critical area for veld fire management (e.g. University of Cape Town, rural-urban interface with SANParks / Table Mountain National Park fall within the City of Cape Town, the Knysna Fires which swept through the rural-urban fringe and into the town of Knysna etc.). Propose a new definition that covers the urban interface</p>	Supported.	<p>“veldfire” means [a veld, forest or mountain] <u>any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area, including any vegetation along any rural-urban fringe of a city, town, and its adjoining industrial or residential area boundaries;"</u></p>
<p>Clause 2</p> <p>Amendment of section 3 of Act 101 of 1998</p>	<p><u>The municipality concerned, and in the case of a communal land, a traditional council</u> established in that area in terms of section 3 of the Traditional Leadership and Governance Framework Act, if any, may facilitate the formation of a fire protection association process as contemplated in subsection (3), <u>if the Minister is of the opinion that a fire protection association is required."</u></p>	<p>Not supported.</p> <p>In terms of section 4(5) of Act 101 of 1998, only one FPA may be registered in respect of an area. There will only be one FPA per given area.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Clause (3A) insertion is applicable for so long as no fire protection association (FPA) has been formed.		
Clause 4 Amendment of section 10 of Act 101 of 1998, as amended by section 10 of Act 35 of 2005	<p>“(2) (a) When the Minister has published a warning in terms of subsection (1)(b), no person may light, use or maintain a fire in the open air in the region where the fire danger is high or extreme, <u>unless the Minister, on good cause shown,</u></p> <p>exempts in writing, a landowner or group of landowners from the said warning, subject to any conditions that the Minister may impose.</p> <p>(b) The Minister must, before granting any exemption, consult the fire protection association of the area, if any, and the chief fire officer.”</p> <p>In terms of (2)(a), as proposed, reference is made to “high” or “extreme” – however, there is no correlation or alignment of these descriptive words “high” or</p>	<p>Supported.</p> <p>The National Fire Danger Rating System and Fire Danger Index by the South African Weather Service will have to be aligned with Act 101 of 1998.</p>	<p>“(2) <u>(a)</u> When the Minister has published a warning in terms of subsection (1)(b), no person may light, use or maintain a fire in the open air in the region where the fire danger is high or extreme, <u>unless the Minister, on good cause shown, exempts in writing, a landowner or group of landowners from the said warning, subject to any conditions that the Minister may impose.</u></p> <p><u>(b) The Minister must, before granting any exemption, consult the fire protection association of the area, if any, and the [Chief Fire Officer.] Fire Protection Officer”</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	“extreme” to the current legislated fire danger rating/index nor to the South African Weather Service Fire Danger Index Values and descriptions.		
Clause 4 Amendment of section 10 of Act 101 of 1998, as amended by section 10 of Act 35 of 2005	<p>“2(b) The Minister must, before granting any exemption, consult the fire protection association of the area, if any, and the chief fire officer.”.</p> <p>Chief Fire Officer is the Fire Protection Officer where the municipality has a service and is a member of the FPA. Membership for Municipalities is compulsory.</p>	Supported.	<p><u>“2(b) The Minister must, before granting any exemption, consult the fire protection association of the area, if any, and the [Chief Fire Officer.] Fire Protection Officer”</u></p>
Clause 2 Amendment of section 3 of Act 101 of 1998	It was appreciated that traditional leaders will be part of the formation and operations of FPAs. A concern was that traditional leaders should be supported to execute the functions instead of being dumped with unfunded responsibility.	<p>Not supported.</p> <p>Section 7 of Act 101 of 1998 empowers the Minister to provide financial or other assistance to FPAs, without obliging him or her to do so. DFFE is developing an FPA Support Strategy to give effect to this section. The responsibility to support FPAs will</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		<p>remain with DFFE including the responsible for workshopping traditional leaders on the provisions of Act 101 of 1998, and veldfires and training them as peace officers.</p>	
	<p>The Bill or regulation should provide some certainty on whether government support will be available to aid the functioning of the new FPAs.</p>	<p>Not supported</p> <p>Section 7 of Act 101 of 1998 empowers the Minister to provide financial or other assistance to FPAs, without obliging him or her to do so. This section also allows for financial help in cases where owners (whether members of an FPA or not) prepare firebreaks on an international boundary and incur more costs than they would have if they had not been situated on such a boundary.</p> <p>DFFE has developed an FPA Support Strategy to give effect to this section. This Strategy is being subjected to its approval process prior to its implementation.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	The Bill should create a mechanism that Parliament can use to oversee the implementation of the Act when signed into law.	Not supported The Portfolio Committee has an oversight function on the work of the Department already.	N/A
	The Bill should have a clause that will enable claims against Eskom for losses or damages. Similarly, there should be a clause to cover compensations when there are losses that cannot be traced to a specific source	Not supported Section 34 Act 101 of 1998 addresses the presumption of negligence. If a person who brings civil proceedings proves that he or she suffered loss from a veldfire which: (a) the defendant caused; or (b) started on or spread from land owned by the defendant, the defendant is presumed to have been negligent in relation to the veldfire until the contrary is proved unless the defendant is a member of an FPA in the area where the fire occurred.	See also suggestions above in respect of giving the criminal court powers to award compensation for loss or damage caused by criminal offences.
	Amend section 24 of the Act to make hefty penalties for deliberately and negligently starting a fire such as	Supported.	See suggestions above.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>hunters who throw burning cigarette butts in the bushes and start fires. The current penalties are not a deterrent to would-be arsonists such as smokers who throw burning cigarette butts through windows. The penalties should take into account the losses (livelihood, property and sometimes life) suffered as a result of the fire as well as pollution associated with cigarettes.</p>		
	<p>The Fire Brigade Services Act and the current Bill should be merged or harmonised because they are both dealing with fires that can either start as veld or structural and end up in another form.</p>	<p>Not supported</p> <p>Act 101 of 1998 is specific to veldfires hence it differentiates between structural and veldfires, its purpose is to prevent and combat veld, forest, and mountain fires (Veldfires) throughout the Republic. Structural fires are dealt with under the Fire Brigade Services Act 1987, (Act No. 99 of 1987). Its purpose is to provide for the establishment, maintenance, employment, co-ordination, and standardization of fire brigade services; and for matters connected therewith.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>The Bill should provide for a special grant that will enable the use of helicopters to fight fires.</p>	<p>Not supported</p> <p>Section 7 of Act 101 of 1998 empowers the Minister to provide financial or other assistance to FPAs, without obliging him or her to do so. DFFE has developed an FPA Support Strategy to give effect to this section. This Strategy is being subjected to its approval process prior to its implementation. The strategy will guide the WoF program in supporting FPAs and landowners will aerial firefighting when the need arises.</p>	<p>N/A</p>
<p>Clause 2 Amendment of section 3 of Act 101 of 1998</p>	<p>Section 3 should consider that some municipalities have many traditional councils. There should thus be clarity on governance arrangements, such as which traditional council will be the point of contact with the municipality or the process of setting up such an FPA. The Bill should spell out who the landowners are in communal land or tribal authorities.</p>	<p>Not supported</p> <p>The process for establishing and registering FPAs is contained in Chapter 2 of Act 101 of 1998. Each traditional council may facilitate the formation of an FPA.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 2</p> <p>Amendment of section 3 of Act 101 of 1998</p>	<p>Under Section 3, the Act should include the Department of Agriculture, Land Reform and Rural Development and assign them a clear responsibility since most of the veld fires occur in agricultural or farming settings.</p>	<p>Not supported</p> <p>DALRD and or entities using its land or renting it are classified as owners in terms of section 2 of Act 101 of 1998. All owners outside the urban area have to comply with Act 101 of 1998. Chapter 4 of the Act makes provisions for veldfire prevention through firebreaks. Section 12(1) states that every owner on whose land a veldfire may start or burn or from whose land it may spread must prepare and maintain a firebreak(s) on his or her side of the boundary between his or her land and any adjoining land. Where the owner fails to comply, civil proceedings can be brought against them, and section 34 of Act 101 of 1998 will apply should a third party suffer damages.</p>	<p>N/A</p>
	<p>Section 7 of the principal Act is silent on how the Government will help in funding operations of the upcoming FPAs.</p>	<p>Not supported.</p> <p>DFFE is finalizing an FPA Support Strategy to give effect to section 7 of Act 101 of 1998 and to provide a business process on how the Minister will fund</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>The Bill or regulations should speak to the funding for training, capacitation, and equipment allocation to FPAs to enable them to be functional.</p> <p>Government should also be explicit about budget allocations to the new FPAs because new functions must be funded. It will be unrealistic to expect struggling small-holder farmers to finance the operations of FPAs.</p> <p>If traditional authorities are landowners, who will provide the budget for appointing and training locals in firefighting, providing Personal Protection Equipment (PPE), and complying with the responsibilities and functions of FPAs among traditional leaders?</p>	<p>FPAs. Issues of training, firefighting equipment, and other support that are envisaged are contained in this Strategy.</p>	
	<p>The Bill should align or be consistent with recently reviewed by-laws relating to the Fire Brigade Services Act within the municipality.</p>	<p>Not supported</p> <p>Act 101 of 1998 is not inconsistent with the Fire Brigade Services Act 1987 (Act No. 99 of 1987) (FBSA). Section 6(2) Act 101 of 1998 empowers the Chief Fire Officer of a designated service established in terms of the FBSA to be the Fire Protection Officer</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		of the FPA. Section 26 empowers an Officer appointed in terms of the FBSA to enforce the provisions of the NVFFA.	
	Section 26 of the principal Act should spell out who will be responsible for the training of the traditional leaders or elected leader in the case of a CPA, their mentorship and assistance with knowledge sharing, particularly from experienced FPAs.	Not supported DFFE will be responsible for the training of traditional leaders and CPA leaders. DFFE will be workshopping traditional leaders and CPAs on the provisions of Act 101 of 1998, and veldfires and training them as peace officers.	N/A
Clause 2 Amendment of section 3 of Act 101 of 1998	Under section 3 of the principal Act, add a responsibility that dumping/landfill sites should be located in suitable sites that do not provide fuel to veld fires.	Not supported. The concern is addressed in the National Environmental Management: Waste Act 2008, (Act No. 59 of 2008). The placing/location of a waste disposal site is considered as part of the environmental impact assessment (EIA) process and when considering the waste management licence. The mitigation of fire risk is also part of that process.	N/A
Clause 2	There should be a mechanism to enforce or ensure the implementation of section 3(3) of the principal Act that	Not supported.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
Amendment of section 3 of Act 101 of 1998	instructs the Minister to facilitate the formation of FPAs in areas that should have a registered FPA. The Act prescribes that such an action by the Minister should be done within a year.	217 PFAs are currently registered under Act 101 of 1998.	
	The Bill should provide direction on who should take responsibility for losses suffered as a result of veldfires.	<p>Not supported.</p> <p>Section 34 of Act 101 of 1998 states that if a person who brings civil proceedings proves that he or she suffered loss from a veldfire which:</p> <p style="padding-left: 40px;">(a) the defendant caused; or</p> <p style="padding-left: 40px;">(b) started on or spread from land owned by the defendant,</p> <p>the defendant is presumed to have been negligent in relation to the veldfire until the contrary is proved unless the defendant is a member of an FPA in the area where the fire occurred.</p>	N/A
	Amend section 24 of the Act to make penalties for deliberately and negligently starting a fire harsh. The current penalties are not a deterrent to would-be	Supported.	See suggestions above.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	arsonists. The penalties should take into account the losses (livelihood, property and sometimes life) suffered as a result of the fire.		
	<p>Section 10 of Act 101 of 1998: communication of the fire danger rating</p> <p>Section 10 (1)(i) on three television channels and three radio stations broadcasting in the region</p> <p>Section (10) (1) (ii) Communication of fire danger rating in two newspapers circulating in the region</p> <p>Should consider free to air television and two radio station in the region.</p> <p>Delete newspapers, most of them do not reach rural communities.</p>	<p>Supported.</p> <p>DFFE recommends that section 10 of Act 101 of 1998 be substituted by the proposed amendment.</p>	<p>“10. Communication of fire danger rating</p> <p>(1) The Minister must –</p> <p>(a) communicate the rating of the fire danger for each region to the fire protection associations in that region regularly;</p> <p>(b) when the fire danger is rated as high or extreme in any region, publish a warning at the earliest possible opportunity, <u>in such media or employ any other means as he or she considers appropriate to ensure that it is effectively communicated.</u></p> <p>[in all the main languages used in that region],–</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p>[(i) on three television channels and three radio stations broadcasting to that region; and (ii) in two newspapers circulating in that region; and]</p> <p>(c) ensure that recordings are kept of the broadcasts [and copies are kept of the newspaper notices] <u>and records of any communication contemplated in subsection (1).</u></p> <p>(2) When the Minister has published a warning in terms of subsection (1)(b), no person may light, use or maintain a fire in the open air in the region where the fire danger is high or extreme, <u>unless it is in a place designated for fire, which complies to the following criteria:</u></p> <p><u>(a) it is in a place designed for the fire not to spread;</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>(c) it is in a place designed to keep the wind out;</u></p> <p><u>(d) it is in a place free from surrounding vegetation that could catch the fire; and</u></p> <p><u>(e) it is in a place maintained by the owner.</u></p> <p>(3) The warning referred to in subsection (1) (b) must –</p> <p>(a) say that the fire danger is high or extreme;</p> <p>(b) refer to the prohibition on lighting, using or maintaining fires in the open air; and</p> <p>(c) identify the region in which and the period for which the prohibition applies.</p> <p>[(4) The Minister may publish the warning in such other media or employ any other means as he or she considers appropriate to</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			ensure that it is effectively communicated.]
<p>Clause 3</p> <p>Amendment of section 4 of Act 101 of 1998</p>	<p>The Bill should provide for consequences if the municipality does not comply.</p>	<p>Supported. We suggest that an administrative enforcement mechanism be introduced.</p>	<p><u>“29.A Power to issue compliance notices. — (1) A registered fire protection officer, a designated forest officer, a police officer, and an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act 1987 (Act No. 99 of 1987), within his or her mandate, may issue a compliance notice in the prescribed form and following a prescribed procedure if there are reasonable grounds for believing that a person has not complied —</u></p> <p><u>(a) with a provision of the law for which that officer has been designated; or</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>(b) with a term or condition of a permit, authorisation or other instrument issued in terms of such law.</u></p> <p><u>(2) A compliance notice must set out—</u></p> <p><u>(a) details of the conduct constituting noncompliance;</u></p> <p><u>(b) any steps the person must take and the period within which those steps must be taken;</u></p> <p><u>(c) anything which the person may not do, and the period during which the person may not do it; and</u></p> <p><u>(d) the procedure to be followed in lodging an objection to the compliance notice with the Minister.</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>(3) A fire protection officer may, on good cause shown, vary a compliance notice and extend the period within which the person must comply with the notice.</u></p> <p><u>(4) A person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Minister agreed to suspend the operation of the compliance notice.</u></p> <p><u>(5) A person who receives a compliance notice and who wishes to lodge an objection may make representations to the Minister, to suspend the operation of the compliance notice pending finalisation of the objection.”</u></p>
EMERGING ISSUES			

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Firefighting equipment and training</i></p> <p>The available firefighting service is not enough and only arrives when infrastructure has burnt to the ground and large tracts of grazing land have been lost in fires.</p> <p>Remote localities should be provided with firefighting equipment that can be easily transported or carried.</p> <p>The Department and municipality need to have a dedicated budget to create youth empowerment opportunities through bursaries, learnerships and internships in critical professions such as firefighting.</p>	DFFE is creating jobs (5,000) via the Working on Fire Program	N/A
	<p><i>Working on Fire (WoF)</i></p> <p>Municipalities are keen to take over the management of the WoF program to enable them to effectively distribute and utilize the WoF human resources. If successful, the National Treasury will need to provide a special grant to increase WoF operations that focus on fire prevention in fire-prone areas.</p>	WoF is a DFFE's national program which is a government-funded, job-creation program focusing on Integrated Fire Management. WoF 204 bases of which 40 is located with either District or Local Municipalities.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Awareness programs</i></p> <p>Parliamentary meetings should go to rural areas more frequently to enable communities to participate and feel part of Parliament's work. Parliament should also conduct more public awareness campaigns, as was done with the Bill.</p> <p>There should be awareness programmes targeting children through incorporation in the curriculum to cover the protection, mitigation and prevention of fires.</p> <p>There should be special training or awareness for people living in informal settlements on ways to prevent and extinguish fires, as well as the provision of appropriate firefighting equipment.</p> <p>There needs to be more effort in raising awareness on the handling of braziers, paraffin, and gas stoves during the winter season to minimise flare-ups of fire. There should be better handling or disposal of hot ash, as it can be easily blown to start veld fires.</p>	<p>FPAs, WoF, Municipalities, DFFE, and other integrated fire management stakeholders are conducting awareness and education campaigns on the Act 101 of 1998 and veldfires. However, these efforts are not coordinated and do not always reach the intended audience. DFFE will work with these stakeholders to ensure they reach where they are needed to increase their effectiveness. Traditional councils and rural communities will be considered as integrated fire management stakeholders that should be workshopped on the provisions of the Act 101 of 1998 and veldfires.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	There should be awareness programs to equip members of society on where to report veld fires and actions that may be taken.		
	<p><i>Firefighting equipment and training</i></p> <p>Most emerging farmers, township communities and informal settlements do not have the money, training and firefighting equipment to combat or manage fires, as contemplated in the Act. These are the needed investments toward effectively fighting or preventing fires.</p> <p>Only after significant amounts of grazing land have been destroyed by fire and significant amounts of infrastructure have burned to the ground does the nearest firefighting department arrive.</p> <p>Local capacity in villages should be developed in terms of firefighting skills and provided with firefighting equipment that can be easily transported or carried.</p>	The FPA Support Strategy currently being developed by DFFE once approved, may be able to assist emerging farmers, however they should still join FPAs.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	The municipality should be provided with resources to build a fire station, buy fire trucks, recruit firefighters and train personnel for the fire station to deliver fire awareness, prevention and fighting support.		
	<p><i>Further consultations</i></p> <p>The Department and municipality need to improve communication with traditional leaders, as there are gaps on what will be expected from traditional leaders, their new responsibilities and legal implications.</p> <p>Future meetings should be communicated to traditional leadership timeously and the Department should present practical plans and accountability channels.</p>	DFFE through its regional office will ensure continuous engagements with traditional leaders and municipalities.	N/A
	<p><i>Preparing or maintaining firebreaks</i></p> <p>There is less cooperation among farmers, hence it is impossible to unite and prepare firebreaks around farms. Emerging farmers need assistance to be organised before they can be allocated firefighting</p>	Emerging farmers should join FPAs in the areas so that they can benefit from collaborating and sharing resources with other farmers. These farmers will then benefit from DFFE's FPA Support Strategy once approved.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	equipment or resources to prepare and maintain firebreaks.		
	<p><i>Awareness programmes</i></p> <p>There should be awareness programmes targeting children through incorporation in the curriculum to cover the protection, mitigation and prevention of fires.</p> <p>There should be special training or awareness for people living in informal settlements on ways to prevent and extinguish fires, as well as the provision of appropriate firefighting equipment.</p> <p>There needs to be more effort in raising awareness on the handling of braziers during the winter season to minimise flare-ups of fire.</p>	<p>FPA's, WoF, Municipalities, and DFFE provide awareness and education on the NVFFA and veldfires. However, these efforts are not coordinated and do not always reach the intended audience. DFFE will re-evaluate the various veldfire awareness programs and will explore the option to increase the effectiveness of all these engagements.</p>	
	<p><i>Firefighting equipment and training</i></p> <p>Most emerging farmers, township communities and informal settlements do not have the money, training and equipment to combat or manage fires, as contemplated in the Act. These are the needed</p>	<p>Section 7 of Act 101 of 1998 empowers the Minister to provide financial or other assistance to FPA's, without obliging him or her to do so. DFFE is developing an FPA Support Strategy to give effect to</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>investments toward effectively fighting or preventing fires.</p> <p>The available firefighting service comes from far and only arrives when infrastructure has burnt to the ground and large tracts of grazing land have been lost in fires. In some instances, lives are lost.</p> <p>Local capacity should be developed in terms of firefighting skills and equipment.</p> <p>Training opportunities should prioritise locals instead of being dominated by outsiders.</p> <p>The application opportunities should be open and transparent.</p>	<p>this section. Firefighting equipment and training are contained in this Strategy.</p>	
	<p><i>Work of FPAs</i></p> <p>It was appreciated that municipalities will have FPAs. It was stressed that FPAs should be capacitated and equipped to function as envisaged in the Bill.</p> <p>For new rural FPAs to be effective, especially in underprivileged communities, it should be clear</p>	<p>The FPA Support Strategy that DFFE is developing will assist FPAs with the necessary resources that they require to function and perform their duties effectively.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>whether the government would allocate them an annual budget.</p> <p>The community would like to see FPAs conducting meetings with CPAs, Trusts and general farmers to harmonise fire management and preparedness campaigns.</p>	<p>Section 3(3) and (4) of Act 101 of 1998 empowers the Minister to provide assistance to and cooperate with landowners in forming an FPA in an area where he/she is of the opinion that an FPA is needed. The FPA support strategy will guide DFFE in administering such assistance to FPAs.</p> <p>DFFE will engage with FPA to explore collaboration between landowners.</p>	
	<p><i>Recruitment process</i></p> <p>The recruitment process of members of FPAs or firefighters should be communicated timeously and handled fairly and transparently that prioritise local skills development and employment.</p>	<p>Chapter 2 of Act 101 of 1998 and the FPA Regulations, 2003 provides a clear process for establishing FPAs including how landowners should join FPAs and the conditions thereof. DFFE's WoF program which is a government-funded, job-creation program focusing on Integrated Fire Management in South Africa is recruiting youth from marginalised communities and training them in firefighting. The recruitment process is follows the advertisement process.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Awareness programs</i></p> <p>There should be awareness programs targeting children and youth and focus on the protection, mitigation, and prevention of fires. People over the age of 35 can be trained to conduct these awareness programs.</p> <p>The training and awareness programs should be designed to reach every member of society and so easy to be trained to the next person who did not have an opportunity to attend either a fire awareness or training program. There should be special training or awareness for people living closer to or in forests on ways to prevent and extinguish fires, as well as the provision of appropriate fire extinguishing equipment.</p> <p>There needs to be more awareness campaigns to deter motorists and hunters from starting fires.</p>	<p>FPA's, WoF, Municipalities, DFFE, and other integrated fire management stakeholders are conducting awareness and education campaigns on Act 101 of 1998 and veldfires in schools and communities. However, these efforts are not coordinated and do not always reach the intended audience. DFFE will work with these stakeholders to ensure awareness and education programs reach where they are needed to increase their effectiveness. Hunters will be specifically targeted in areas where veldfires are caused by hunters.</p>	<p>N/A</p>

6.5 North West Province

The North West public hearings took place from the 26th to the 28th of August 2022.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 1 Amendment of section 2 of Act 101 of 1998.	<p><u>“fire in the open air” means any fire not within a building or structure, but does not include a fire in an area specifically designed for such fire and maintained by the owner.</u></p> <p>In the definition, the word designed should be replaced with designated.</p>	<p>Supported.</p> <p>DFFE suggests new wording for the definition of “fire in the open air”.</p>	<p><u>“fire in the open air” means any fire not within a building or structure, but does not include a fire in an area specifically designated for such fire, protected against wind and spreading, and maintained by the owner;”</u></p>
Clause 4 Amendment of section 10 of Act 101 of 1998.	<p>“(2) (a) When the Minister has published a warning in terms of subsection (1)(b), no person may light, use or maintain a fire in the open air in the region where the fire danger is high or extreme, unless the Minister, on good cause shown,</p>	<p>Supported.</p>	<p>(2) When the Minister has published a warning in terms of subsection (1)(b), no person may light, use or maintain a fire in the open air in the region where the fire danger is high or extreme, <u>unless it is in a place designated for fire, which</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>exempts in writing, a landowner or group of landowners from the said warning, subject to any conditions that the Minister may impose.</p> <p>(b) The Minister must, before granting any exemption, consult the fire protection association of the area, if any, and the chief fire officer.”.</p> <p>The amendment does not cater for fire as a land management tool or for traditional purposes (initiation schools) which can be done even when fire danger index is high.</p>		<p><u>complies to the following criteria:</u></p> <p><u>(a) it is in a place designed for the fire not to spread;</u></p> <p><u>(c) it is in a place designed to keep the wind out;</u></p> <p><u>(d) it is in a place free from surrounding vegetation that could catch the fire; and</u></p> <p><u>(e) it is in a place maintained by the owner.</u></p>
	<p>This Act is called the National [Veld and Forest Fire] Veldfire Act, 1998</p> <p>The name change will lead to additional cost, for example promotional material and the title is well known to South Africans</p>	<p>Not supported.</p> <p>There was overwhelming support for the name change. DFFE supports the shortened title. The Short Title is also aligned with the definition of “veldfire”, which includes forest fires.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>The principal Act was not fully implemented or enforced. What will be different with this Bill as there is always a mention of unavailability of funds at national, provincial, and municipal levels?</p>	<p>Act 101 of 1998 excluded Traditional Leaders and did not compel SOEs to belong to FPAs. Amendments under consideration will empower Traditional leaders to form FPAs and to become Peace Officers plus compel SOE to join FPAs. This will increase compliance with the Act.</p> <p>Section 7 of act 101 of 1998 provides for the Minister to give a loan, grant of other assistance to FPAs. An FPA Support Strategy is currently being considered by DFFE to give effect to this section of act 101 of 1998.</p>	N/A
	<p>Section 4(8) should be amended to read as ‘The owner in respect of State land is by default a member of a fire protection association registered in the area in which the land lies.</p>	<p>Not supported</p> <p>Act 101 of 1998 places this responsibility on the owner, where it belongs (Chapters 4 and 5). The intention is that FPAs should be voluntary, not only because of the right to freedom of association but also because landowners themselves need to make firm commitments to cooperation through their own joint initiatives. On the other hand, this provision in the Act does place a duty on</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Section 4(8) of the principal Act should prescribe sanctions and a consequence mechanism for non-compliance with the Act by State organs. For example, vegetation in national heritage sites is poorly kept and poses a great fire risk by providing a high fuel load.</p>	<p>the government to effectively promote and support FPAs, including financially where this is justified.</p> <p>Supported by the proposed provision to issue compliance notices.</p>	
	<p>Sections 4(9) and 4(10) should be amended to recognize and establish a 'national umbrella association' as a fully-fledged agency of the State that reports to the Director-General or the Minister. One of the duties would be to take over the functions of the Working on Fire Programme instead of the perpetual tenders</p>	<p>Not supported</p> <p>Sections 4(9) and 4(10) of Act 101 of 1998 states that an umbrella association may exercise powers under this Act or perform duties in terms of this Act on behalf of a fire protection association if the Minister agrees. Therefore, Act 101 of 1998 is currently being amended to inter alia improve the administration of the Act and FPAs will need support to ensure compliance.</p> <p>FPAs are statutory bodies empowered to enforce their rules and Act 101 of 1998 through fire protection officers. A state-owned enterprise (SOE) is a legal entity that is</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		created by government to partake in commercial activities on the government's behalf. FPAs do not meet the criteria.	
	Section 6 of the Act should make inspections, enforcement, and issuing of fines compulsory. Such actions should be accompanied by the release of a report on an annual basis.	<p>Not supported.</p> <p>Section 17(1) of the FPA Regulations stipulates that a registered FPA must submit Annual Report to the Minister by 30 June of every year on its activities and the achievement of the objectives, provided that the Minister may at any time request a registered FPA to report on any other matter as related to the Act.</p> <p>Section 17(2) of the FPA Regulations stipulates that the Minister must make available within a reasonable time to any interested party the information about veld fires management in accordance with the requirements of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000).</p>	N/A
	Section 7 of the principal Act should be amended to include a mechanism to ensure accountability for	Not supported	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	received funds by the FPA. This will enable the flow of funds to the people on the ground and eliminate the disappearance of funds.	<p>Section 16 of the FPA Regulations stipulates that the financial year of the registered FPA must run from 1 April of any year to 31 March of the following year.</p> <p>Section 17 (1) of the FPA Regulations stipulates that stipulates that a registered FPA must submit an Annual Report to the Minister by 30 June of every year on its activities and the achievement of the objectives, provided that the Minister may at any time request a registered FPA to report on any other matter as related to the Act.</p>	
	Section 7 of the principal Act should be amended to enable the Minister to provide risk-related compensation to FPAs. For example, if a volunteer loses their life or develops a disability in the line of duty, there should be some form of insurance or compensation either for death or disability that may arise from fighting fires. Many of the volunteers do not have such insurance and the risk is real.	<p>Not supported.</p> <p>Integrated Fire Management involves other legislations such as the Disaster Management Act 2002, (Act No. 57 of 2002) (DMA), of which section 58 states:</p> <p>Disaster management volunteers. — (1) A metropolitan or a district municipality may establish a unit of volunteers to participate in disaster management in the municipality.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		(2) Any person that meets the prescribed minimum requirements may apply to enrol as a volunteer in the unit of volunteers of a relevant municipality.	
	Section 7 of the principal Act should be amended to provide equitable support when there is a reported fire disaster. For example, Table Mountain fires get both ground and aerial support, yet the total area is small. On the contrary, farming communities that have large tracts of land never get aerial support. There should be fair, transparent, and equitable support from the National Disaster Management Centre.	<p>Not supported.</p> <p>Section 55 of the DMA states:</p> <p>Declaration of the local state of disaster. — (1) In the event of a local disaster the council of a municipality having primary responsibility for the coordination and management of the disaster may, by notice in the Provincial Gazette, declare a local state of disaster if—</p> <p>(a) existing legislation and contingency arrangements do not adequately provide for that municipality to deal effectively with the disaster; or</p> <p>(b) other special circumstances warrant the declaration of a local state of disaster.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Section 7 of the Act should have a clause that can enable the Minister to intervene and assist farmers who lost grazing land while waiting for the declaration of the state of disaster. The problem is that the government takes years before the transfer of disaster funds, while help is needed immediately.	<p>Not supported.</p> <p>Section 55 of the DMA states:</p> <p>Declaration of the local state of disaster. — (1) In the event of a local disaster the council of a municipality having primary responsibility for the coordination and management of the disaster may, by notice in the Provincial Gazette, declare a local state of disaster</p>	N/A
	Section 7 of the principal Act should have a clause to provide for annual budget allocation to umbrella associations either as a conditional grant or as an entity under schedule 3 of the Public Financial Management Act 1 of 1999.	<p>Not supported</p> <p>Section 7 of Act 101 of 1998 envisages that the Minister may help Fire Protection Association (FPA). The Minister may have to exercise discretion to ensure the appropriate governance structure is in place and funds will indeed be spent efficiently and effectively as per the Public Finance Management Act 1999 (Act No.1 of 1999) (PFMA). DFFE has developed an FPA Support Strategy to give effect to this clause. This Strategy is being assessed by the governance structure within DFFE.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Either sections 9 or 10 of the principal Act should be amended to enable the Minister to provide FPAs with satellite images to help them prepare and act precisely. The procurement of such images is too costly for the FPAs and the government should carry that cost or mandate other state organs to provide such resources. For example, through an institution such as the CSIR.</p>	<p>Not supported</p> <p>Chapter 3 of Act 101 of 1998 provides for the prevention of veldfires through a fire danger rating system. 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. The content of the system and the factors to be considered when preparing it is set out. DFFE also produce a Veldfire risk Map to indicate areas exposed to high incidents of Veldfire; this map will be updated in 2022/23 financial year.</p>	N/A
	<p>The title of the Act should be changed to Fire Prevention Authority Act. Such an amendment will then ease the consolidation of all fire management responsibilities under one roof, including the Fire Brigade Services Act No. 99 of 1987. The merging of both the National Veld and Forest Fire Act and the Fire Brigade Services Act will harmonise and ease the</p>	<p>Not supported.</p> <p>There is already existing Fire Brigade Service Act 1998 (Act No. 99 of 1998) with the aim to provide for the establishment, maintenance, employment, coordination, and standardization of fire brigade services; and for matters connected therewith. However, Act 101 of 1998 is for specific suppression of veld fires, not structural</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	strategic use and maintenance of firefighting personnel and equipment.	<p>fires. The purpose of this Act is to prevent and combat veld, forest, and mountain fires throughout the Republic.</p> <p>The chapter on co-operative government requires all spheres of government to adhere to the principles of co-operative government. These include (i) providing effective, transparent, accountable, and coherent government for the Republic as a whole (ii) respecting the constitutional status, institutions, powers and functions of government in the other spheres</p> <p>(iii) not assuming any power or function except those conferred on them in terms of the Constitution (iv) that organs of state will exercise their powers and duties in a manner that does not encroach on the integrity of government in another sphere and (v) organs of state will co-operate with one another in mutual trust and good faith. This chapter clearly has important implications with respect to the implementation of the Act 101 of 1998.</p>	
	Under Section 2, there should a definition of a 'fire hazard' that should include informal settlements.	Not supported	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Alternatively, the current definition of “fire danger” should be expanded to include informal settlements. The current definition excludes such places and associated planning for preparedness	<p>The role and responsibilities of municipalities in fighting fire are in terms of the Local Government: Municipal Systems Act 2000, (Act No. 32 of 2000); the Local Government: Municipal Structures Act 1998, (Act No. 117 of 1998); and the Fire Brigade Services Act 1987, (Act No. 99 of 1987).</p> <p>Fire danger in terms of Act 101 of 1998 is only applicable to veldfires.</p>	
	Amend Section 6(1)(g) to extend the inspection powers of fire protection officers beyond just members of FPA, but also include non-members.	<p>Not supported</p> <p>According to Act 101 of 1998, Fire Protection Officer’s duties are confined to FPA members.</p>	N/A
	Section 20(4) or Section 24 should be amended to empower FPAs to take meaningful action where organs of the State do not comply with the Act, such as when municipalities do not pay their FPA membership fees or do not make firebreaks. The	Not supported.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	associated regulations should spell out mechanisms to ease enforcement or compliance.		
	Section 24 of the Act makes penalties for deliberately and negligently starting a fire harsh. The current penalties are not implemented and thus there is no deterrent to would-be arsonists.	Supported.	<u>See suggestions above.</u>
	In Section 20(4), replace 'may' with 'must' to enable the Minister to list arson as a criminal offence instead of an infringement. This will also help reduce burning during protests.	<p>Not supported.</p> <p>Arson is dealt with under the Criminal Law and the Criminal Procedure Act, 1977 (Act No. 51 of 1977).</p> <p>A court may award compensation for loss or damages under section 300 of the Criminal Procedures Act, 1977.</p>	N/A
	Section 26(2) should provide or define conditions and circumstances under which designated people may exercise such powers. The current phrasing leaves it open to abuse, and possible criminality. There should be exclusions provided for and listed in regulations.	<p>Not supported</p> <p>The powers given to peace offices, traditional leaders will be exercised as per section 27, 28 and 29 of Act 101 of 1998.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 7</p> <p>Insertion of section 32A in Act 101 of 1998</p>	<p>Section 32(a) of the Bill does not provide timeframes within which the Minister should conclude processing appeals</p> <p>Currently, FPAs cannot operate because submitted documents are still not processed by the Minister after being long submitted. There is no provision to compel the Minister to respond to submitted requests or applications.</p>	<p>Not supported</p> <p>DFFE will develop Regulations which will include the process that need to be followed for appeal applications and stipulated timeframes.</p> <p>DFFE and or the Minister response for veldfire queries will respond within a reasonable time period.</p>	<p>N/A</p>
	<p>Section 5(1) should have a clause that will enable FPAs to execute some defined functions under the Fire Brigade Services Act No. 99 of 1987. This addition will ease the implementation of responsibilities that are prescribed under the Fire Brigade Services Act as fires do not discriminate between structural and open-air fires. This is mainly because fire brigade services do not respond on time or do not respond at all.</p>	<p>Not supported</p> <p>Act 101 of 1998 is only applicable to Veldfires outside urban areas, however this do not replace the duties of the Municipalities to provide and perform a service as defines by the Constitution.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	The Bill should add a clause that will enable the Minister to enter into some agreement with the Minister of Cooperative Governance to give FPA access to the use of municipal resources.	Not supported. Municipalities are responsible to provide a (fire) service to its area, which include equipment. Municipalities are not in a position to provide access to state resources to private or non-profit organizations.	N/A
	The National Disaster Management Act No. 57 of 2002 should be amended to exempt FPAs from paying firefighting services and costs in public spaces. Some fires outstrip the resources of FPAs, hence should not be expected to pay for requested firefighting services.	Not supported. Levies and tariff are determined at local municipal levels and Act 101 of 1998 cannot dictate levy structures for local municipalities.	N/A
	Sections 7 and 26 of the principal Act should spell out who will be responsible for the training of the traditional leaders or elected leader in the case of a CPA, their mentorship, and assistance with knowledge sharing, particularly from experienced FPAs.	Not supported. DFFE will facilitate accredited training.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Section 33 of the principal Act may need to be reviewed to align with the law of delict. This is particularly an issue when the State or organ of the State is non-compliant with the Act and results in losses to neighbouring properties.	Not supported. DFFE has proposed a clause to issue compliance notices to organs of state who do not comply with Act 101 of 1998.	N/A
EMERGING ISSUES			
	<p><i>Consultations</i></p> <p>Copies of the Bill were received late and there was insufficient time to thoroughly engage with the contents. In the future, copies should be sent to tribal authorities and municipalities followed by departmental presentations on practical plans and available resources.</p> <p>Most land in the province is held or owned by traditional leaders, and they should be the ones consulted first before calling general meetings.</p>	<p>Comments directed at the Portfolio Committee</p> <p>DFFE through its regional office will ensure continuous engagements with traditional leaders and municipalities.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	The Department and municipality need to improve communication with traditional leaders, as there are gaps in what will be expected from traditional leaders, their new responsibilities, and legal implications.		
	<p><i>Firefighting service, equipment, and training.</i></p> <p>To fight or control fires, as the Act proposes, emerging farmers, township communities, and informal settlements require training, personal protective equipment, and fire-fighting implements. These are the necessary resources for properly eliminating fires or preventing them.</p> <p>It is important to build local resources for fighting fires, including training and equipment. Youth should be given preference when applying for such training and career possibilities.</p>	DFFE will assist with the formation of FPAs as per Section 2 of Act 101 of 1998 and support will be in line with the Draft PFA Support Strategy. It is imperative that communities join FPAs in their area as FPA also provide training and advice on fire equipment required for veldfires,	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>When local firefighting capacity is developed, there should be the provision of firefighting tools that will be kept at a central place in villages for ease of access.</p> <p>The training should equip people to function like the rangers of old that can enforce the legislation.</p>		
	<p><i>Fire risks</i></p> <p>Operations from the military base, Eskom, and Transnet present a fire risk for veld fires because their work cause sparks that can easily start fires. These stakeholders should be at the forefront of fire prevention and there should be a mechanism to claim livelihood losses suffered from fires that can be traced to their operations.</p> <p>Most fires reach farms along national roads because the South African National Roads Agency Limited does not prepare fire breaks to limit the spread of fire caused by motorists.</p>	<p>SOE are compelled to join FPAs under the Bill. Section 8 of Act 101 of 1998 stipulates that owners of State Land must also join an FPA in their area.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Working on Fire</i></p> <p>The operations of the Working on Fire (WoF) are poorly managed and there is a lack of communication with FPAs on their plans. Sometimes, the WoF withdraws and redeploys its personnel abroad without consideration of local fire risks.</p> <p>The WoF and FPA functions should be merged so that there is better coordination and maximal use of available resources, particularly before the fire season begins.</p>	<p>DFFE (Environmental Branch) will attend to the specific issues raised at this Public Hearing.</p> <p>WoF is an EPWP program with the main aim is to create temporary jobs and skills transfer. WoF is not a fire service.</p>	N/A
	<p><i>The high costs of preparing or maintaining firebreaks.</i></p> <p>For large farms, it is impossible to prepare firebreaks around the farm because of the high costs involved and the inaccessibility of some high-risk areas, such as mountainous boundaries.</p>	<p>Landowners can apply for fire breaks exemption as per section 15 of Act 101 of 1998 which may reduce the cost of preparing and maintaining a fire break.</p>	N/A

6.6 Limpopo Province

The Limpopo public hearings took place from the 02nd to the 4th of September 2022

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 1 Amendment of section 2 of Act 101 of 1998.	<p>After Section 2(a), add Communal Property Associations (CPAs) as defined in the CPA Act No. 28 of 1996.</p> <p>Many CPAs are dysfunctional and non-compliant with the legislation and regulations that govern them. Adding FPA responsibility to CPAs will be a recipe for disaster because they will be expected to develop strategies, business plans, and operational risk assessment plans and submit annual reports to the Minister.</p>	<p>Not supported.</p> <p>CPAs are reflected in the definition of owner in Act 101 of 1998.</p> <p>Section 2 of Act 101 of 1998 states that an “owner” has its common law meaning and includes: “(a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of the High Court.”</p> <p>CPA may join existing FPA's who has the necessary skill to prevent and combat veldfires.</p>	N/A
	<p>Section 3(a) of the Bill should compel municipalities to facilitate the formation of Fire Protection Associations in rural communities, particularly on communal land. The formation of FPA should not be conditioned on whether the Minister agrees or not.</p>	<p>Not supported.</p> <p>The Bill makes provision for municipalities and Traditional leaders to facilitate the formation of FPAs.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Section 3(a) should create a space for communities to form an FPA without relying on municipal involvement to eliminate possible delays or interferences	In terms of Section 3 of Act 101 of 1998, owners may form an association for the purpose of predicting, preventing, managing and extinguishing veldfires.	
	The powers conferred to the Minister in Section 10(2) should be given to FPAs and people mentioned in section 26(2). This will eliminate delays associated with waiting for the minister to respond.	Not supported In terms of the proposed amendment to section 26(1) of Act 101 of 1998, a peace officer and traditional leaders have been added to enforce the Act after receiving accredited training and being competent. A fire protection officer has the power to enforce the Act in terms of Section 6(3); these powers cannot be given to all members belonging to an FPA.	N/A
	Section 10(2) should add a restriction on the collection of firewood, in that, only dry or dead trees can be collected to reduce the fuel load in the environment. There should be a permit system to regulate and oversee wood collection to slow down deforestation.	Not supported Section 7.(1) of the National Forest Act 1998 (Act No. 84 of 1998), stipulates that any person, organ of State, or organization may apply to the Minister for a licence for the use of land for agricultural, domestic, residential, industrial, communications,	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		transportation, or commercial purposes. Also depends on whether those trees are in the category of protected trees.	
	Section 12 should prescribe a minimum size of a firebreak. The regulations will specify sizes for different vegetation and density.	<p>Not supported.</p> <p>The type and size of firebreak is dependent on a few factors. For this reason, Section 13 of Act 101 of 1998 provides the following guidance: 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—</p> <ul style="list-style-type: none"> (a) it is wide enough and long enough to have a reasonable chance of preventing a veldfire from spreading to or from neighbouring land; (b) it does not cause soil erosion; and (c) it is reasonably free of inflammable material capable of carrying a veldfire across it. 	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	The penalties in Section 24 of the principal Act and those under Sections 15(5) and 16(3) of the Fire Brigade Services Act No. 99 of 1987 are soft and do not serve as a deterrent to arsonists or would-be-arsonists. The penalties should match the economic cost that a landowner suffered.	Supported.	See suggestions above
	Section 24 should have a provision for losses incurred because of non-compliance with the Act to be lodged against the offending party.	Supported	See suggestions above
	Sections 26(2) and 26(3) should have clear limits on the exercise of the newly conferred power to eliminate abuse by traditional leaders who already have a bad reputation. For example, a traditional leader should exercise the power in collaboration with or presence of a police officer.	Not supported. The traditional leaders will be trained and competent before enforcing the provisions of Act 101 of 1998.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Section 26(2)(a) of the Bill should mention CPAs because they are legislated bodies that own large portions of land.</p> <p>Section 26(2) should limit the number of authorized people to ensure better cooperation and prevent disputes or conflicts.</p>	<p>Not supported.</p> <p>CPAs are reflected in the definition of owner in Act 101 of 1998.</p> <p>Section 2 of Act 101 of 1998 states that an “owner” has its common law meaning and includes:</p> <p>“(a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of the High Court.”</p> <p>The power to enforce the act is limited to a forest officer, police officer and under the Amendments a traditional leader.</p>	N/A
	<p>After Section 3(a), there should be Section 3(b) that will read as:</p> <p>The municipality concerned, and in the case of communal land, where a CPA Forum or a traditional council is established in that area in terms of the CPA Act No. 28 of 1996 or Traditional and Khoi-San</p>	<p>Not supported</p> <p>In terms of section 3 of Act 101 of 1998, owners may form an association for the purpose of predicting, preventing, managing and extinguishing veldfires</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Leadership Act No. 3 of 2019, may facilitate the formation of a fire protection association process as contemplated in subsection (3) if the Minister thinks that a fire protection association is required.”		
	Section 7 of the principal Act should be amended to provide financial support to FPAs, particularly where FPAs are not financially viable due to the poverty of members.	Not supported Provision for this is already in Act 101 of 1998. DFFE has developed an FPA Support Strategy which still need to be approved by DFFE governance structure.	N/A
	Section 7 of the Act should have a clause that can enable the Minister to intervene and assist farmers who lost grazing land or livestock while waiting for the declaration of the state of disaster. Section 7 of the principal Act should be clear on how the Government will help in funding operations of the upcoming FPAs.	Not supported Assistance is provided under the DMA. Support is captured in the FPA Support Strategy. Support is captured in the FPA Support Strategy Support will be directed to FPAs.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>There should also be clarity on the funding for training, capacitation, and equipment allocation to FPAs to enable them to be functional.</p> <p>The funds should not be allocated to the municipal budget but allocated to either umbrella associations or FPAs.</p>		
	Amend section 24 of the Act to make penalties for deliberately and negligently starting a fire harsh. The current penalties are not implemented and thus there is no deterrent to would-be arsonists.	Supported.	See suggestions above.
	Section 26(2)(a) will most likely create conflicts in rural communities where traditional leaders will face all sorts of accusations when implementing the Act.	<p>Not supported.</p> <p>Traditional leaders will receive specific training as it relates to their roles in term of Act 101 of 1998.</p>	N/A
	Section 33 of the principal Act may need to be reviewed to align with the law of delict. This is particularly an issue when the State or organ of the State is non-	Not supported.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	compliant with the Act and results in losses to neighbouring properties.	The current section 33 of Act 101 of 1998 adequately addresses this challenge.	
	Section 7 of the principal Act should be amended to enable the Minister to provide compensation to FPA members or volunteers who lose their life or develop a disability in the line of duty.	<p>Not supported.</p> <p>Integrated Fire Management involves other legislations such as the Disaster Management Act, 2002, (Act No. 57 of 2002), of which section 58 states the following:</p> <p>Disaster management volunteers. (1) A metropolitan or a district municipality may establish a unit of volunteers to participate in disaster management in the municipality.</p> <p>(2) Any person that meets the prescribed minimum requirements may apply to enrol as a volunteer in the unit of volunteers of a relevant municipality.</p>	N/A
EMERGING ISSUES			

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Consultations and workshops</i></p> <p>The Bill's objectives and potential effects on chiefs and herdsman, particularly their new roles in managing fires in their territories, should be discussed in more detail with them.</p> <p>The Department should work with traditional councils to restore nature conservation norms that existed when the Ranger Programme was still in place. Act.</p> <p>The Department should conduct workshops to answer questions that communities may have.</p>	<p>DFFE with its fire stakeholders will address awareness campaigns especially focusing on rural communities.</p>	N/A
	<p><i>Firefighting equipment and training</i></p> <p>Emerging farmers and traditional councils need investment in the form of operating budget, training and firefighting equipment to combat or manage fires, as contemplated in the Act.</p>	<p>Matters raised are addressed in the FPA Support Strategy.</p> <p>Local government competency.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Government should recruit and train firefighters to build local capacity in townships and villages and provide firefighting equipment to aid effective prevention and fighting of fires.</p> <p>Municipalities should roll out programmes to create jobs and improve firefighting capacity.</p>		
	<p><i>Awareness programmes</i></p> <p>There should be awareness programmes that cover the protection, mitigation and prevention of fires.</p> <p>More funds are required to staff and train recruited personnel to help in creating or maintaining fire breaks, and thus create jobs.</p> <p>There should be awareness programmes to equip members of society on where to report suspected arsonists, veld fires and actions that may be taken.</p>	<p>DFFE will co-operate with its fire stakeholders to develop awareness programs that targets communities in rural areas,</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>Ward committees can be instrumental in public awareness programmes and both the Department and municipalities need to capitalize on that capacity.</p> <p>Students and graduates need to be provided with stipends to beef up municipal capacity or to help them build experience records.</p> <p>Parents should be part of awareness programmes to ensure that the message of fire prevention reaches every family member.</p> <p>Traditional leaders should be capacitated and allowed to run fire awareness programmes in their communities.</p>		

6.7 Gauteng Province

The Gauteng public hearings took place from the 16th to the 18th September 2022

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 6 Amendment of section 26 of Act 101 of 1998.	Sections 26(2) and 26(3) should be amended to include 'public safety officer' or 'local councilor' to cater for veld fires that occur in townships so that locally based people can take care of fire prevention or firefighting responsibilities.	Not supported. Act 101 of 1998 focuses on areas outside urban areas.	N/A
	Section 20(4) and Section 24 should be amended to empower FPAs to take meaningful action where organs of the State do not comply with the Act, such as when municipalities do not make firebreaks or cut grasses. The associated regulations should spell out mechanisms to ease enforcement or compliance.	Supported.	<u>"29.A Power to issue compliance notices. — (1) A registered fire protection officer, a designated forest officer, a police officer, and an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act 1987 (Act No. 99 of 1987), within his or her mandate, may issue a compliance notice in the prescribed form and following a</u>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>prescribed procedure if there are reasonable grounds for believing that a person has not complied —</u></p> <p><u>(a) with a provision of the law for which that officer has been designated; or</u></p> <p><u>(b) with a term or condition of a permit, authorisation or other instrument issued in terms of such law.</u></p> <p><u>(2) A compliance notice must set out—</u></p> <p><u>(a) details of the conduct constituting noncompliance;</u></p> <p><u>(b) any steps the person must take and the period within</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>which those steps must be taken;</u></p> <p><u>(c) anything which the person may not do, and the period during which the person may not do it; and</u></p> <p><u>(d) the procedure to be followed in lodging an objection to the compliance notice with the Minister.</u></p> <p><u>(3) A fire protection officer may, on good cause shown, vary a compliance notice and extend the period within which the person must comply with the notice.</u></p> <p><u>(4) A person who receives a compliance notice must comply with that notice within the time</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>period stated in the notice unless the Minister agreed to suspend the operation of the compliance notice.</u></p> <p><u>(5) A person who receives a compliance notice and who wishes to lodge an objection may make representations to the Minister, to suspend the operation of the compliance notice pending finalisation of the objection.”</u></p>
	<p>Section 6 of the Act should make inspections, enforcement, and issuing of fines compulsory. Such actions should particularly focus on land that has been lying fallow.</p>	<p>Supported, especially when these areas are the source of veldfires.</p>	<p><u>“29.A Power to issue compliance notices. — (1) A registered fire protection officer, a designated forest officer, a police officer, and an officer appointed in terms of section 5 or 6 of the Fire Brigade Services Act 1987 (Act</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>No. 99 of 1987), within his or her mandate, may issue a compliance notice in the prescribed form and following a prescribed procedure if there are reasonable grounds for believing that a person has not complied —</u></p> <p><u>(a) with a provision of the law for which that officer has been designated; or</u></p> <p><u>(b) with a term or condition of a permit, authorisation or other instrument issued in terms of such law.</u></p> <p><u>(2) A compliance notice must set out—</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>(a) details of the conduct constituting noncompliance;</u></p> <p><u>(b) any steps the person must take and the period within which those steps must be taken;</u></p> <p><u>(c) anything which the person may not do, and the period during which the person may not do it; and</u></p> <p><u>(d) the procedure to be followed in lodging an objection to the compliance notice with the Minister.</u></p> <p><u>(3) A fire protection officer may, on good cause shown, vary a compliance notice and extend the period within which the</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>person must comply with the notice.</u></p> <p><u>(4) A person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Minister agreed to suspend the operation of the compliance notice.</u></p> <p><u>(5) A person who receives a compliance notice and who wishes to lodge an objection may make representations to the Minister, to suspend the operation of the compliance notice pending finalisation of the objection.”</u></p>
	Amend section 24 of the Act to make hefty penalties for deliberately and negligently starting a fire such as	Supported.	See suggestions above.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	motorists or community members who throw burning cigarette butts on dry grass and start fires. The penalties should take into account the losses (livelihood, property, and sometimes life) suffered as a result of the fire as well as pollution veld fires.		
	There should be clarity on overlaps or demarcation of roles between the Fire Brigade Services Act No. 99 of 1987 and under the Act. This will eliminate situations where community members are sent from pillar to post when fires occur, or both don't respond at all.	<p>Not supported</p> <p>The Fire Brigade Services Act 1987 (Act No. 99 of 1987) establishes a fire service for the entire municipality, while Act 101 of 1998 makes provision for landowners to prevent fire spreading from their land. Landowner and or FPA are not a fire service, such a service can only be provided by the District or Local Municipality.</p>	N/A
	The Bill should make it easy for contact details of FPA members to be shared. In the past, contacts of rangers were widely available, and they were accessible.	<p>Not supported.</p> <p>DFFE will make contact details available to fire stakeholders.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 1</p> <p>Amendment of section 2 of Act 101 of 1998.</p>	<p>Section 3 of the principal Act and Section 2(b) of the Bill specifically apply to landowners, and currently, it will be impossible to participate in the implementation of the Bill without land ownership. Therefore, the government should give communities land so that they can be part of the implementation of the Bill.</p>	<p>Not supported.</p> <p>Section 2 of Act 101 of 1998 provides a definition of an “owner. <i>An owner has it common laws meaning an includes under section (a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of the High Court.</i></p> <p>Landowner thus caters for lessee and land user.</p>	N/A
<p>Clause 6</p> <p>Amendment of section 26 of Act 101 of 1998.</p>	<p>Section 26(2)(a) should specify that the appointment of accredited institutions will not follow the tender process. The appointment should rather be based on consensus, instead of being imposed by the government.</p>	<p>Not supported.</p> <p>The appointment of accredited institutions to provide services will follow DFFE's supply chain processes.</p>	N/A
<p>Clause 6</p> <p>Amendment of section 26 of Act 101 of 1998.</p>	<p>The powers bestowed on a fire protection officer in sections 26, 27, 28 and 29 should be extended to be equivalent to the powers that were bestowed on rangers. This will enable these officers to broadly</p>	<p>Not supported.</p> <p>The Fire protection Officer powers are limited to sections 27,28 and 29 of Act 101 of 1998.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	enforce environmental laws, including anti-pollution laws.		
	Amend Section 6(1)(g) of the principal Act to include a default exemption period, particularly the first two years of obtaining land as resources may be thinly stretched or completely unaffordable. The current phrasing can be left as is only if there is a guarantee that the government will assist small-holder or emerging farmers with training and implements.	Not supported. Landowners cannot be exempted from performing their responsibilities and/or adhering to the rules of the FPA as members as this will endanger lives and infrastructure.	N/A
	Section 7 of the principal Act should have a clause to fund FPAs for training, firefighting, equipment and consumables such as diesel, particularly in poverty-stricken communities.	Not supported The PFA Support Strategy includes both financial and non-financial support.	N/A
	Section 19(1) of the principal Act should make it compulsory for the Minister to conditionally fund new FPAs in poor communities. The current business model of FPAs where they generate their operational funds from membership fees will fail in townships and	FPAs function outside urban areas and do not cover townships and villages. DFFE has identified membership fees as preventing some landowners joining and also impeding the work of FPAs. For this	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	villages because of high unemployment as members will not be able to pay membership fees.	reason, DFFE has developed a FPA Support Strategy.	
	Since the Bill extends to traditional leaders and by extension, to traditional councils, as outlined in Section 26 of the Bill, it is, therefore, a disjuncture not to refer the Bill to the National House of Traditional and Khoisan leaders. Many traditional communities have customary practices on fire protection that were suppressed or eroded during the democratic era of the country.	The Portfolio Committee indicated that it will get legal advice on this matter	N/A
Clause 6 Amendment of section 26 of Act 101 of 1998.	While Section 26 extends powers to traditional leaders, there is no provision for traditional courts to allow the accused to state their case. The Bill should refer to the traditional courts to avoid confusion. There should be clarity on where the case will be handled by traditional authorities after arrest and evidence seizure have been affected.	Not supported. Powers as outlined in section 26 of act 101 of 1998 may be prosecuted under the Criminal Law and the Criminal Procedures Act, (51 of 1977) and the magistrates and or High Court has jurisdiction on this Act.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Amend section 24 of the Act to ease awareness, enforcement and harsh sanctions towards motorists and hunters that are associated with starting fires from reckless behavior.	Supported.	<u>See suggestions above.</u>
EMERGING ISSUES			
	<p><i>Consultations</i></p> <p>Copies of the Bill were received late and there was insufficient time to thoroughly engage with the contents. In the absence of functional or effective ward Committees, it is difficult to get information about bills.</p> <p>The public hearing and the available copies of the Bill did not consider people who live with disabilities, and they are excluded from participation.</p> <p>The meeting was organised on short notice and did not afford people sufficient time to thoroughly engage with the contents of the Bill, including consulting locally to make informed inputs.</p>	Issues for the attention of the Portfolio Committee.	

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Firefighting service, equipment and training</i></p> <p>To fight or control fires, as the Act proposes, farmers, township communities, and informal settlements need training, personal protective equipment, and firefighting equipment. These are the necessary resources for properly eliminating fires locally or preventing them.</p> <p>It is important to build local resources for fighting fires, including training and equipment. Youth should be given preference when applying for such training and career possibilities.</p> <p>The people to be trained to conduct awareness programs on fire prevention and fighting should be employed permanently.</p> <p>Local capacity in townships, informal settlements and commonages should be developed in terms of firefighting skills and provided with firefighting equipment as contemplated in the Act</p>	<p>Section 7 of Act 101 of 1998 empowers the Minister to provide financial or other assistance to FPAs, without obliging him or her to do so. DFFE is developing an FPA Support Strategy to give effect to this section. Firefighting equipment and training are contained in this Strategy.</p>	

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Awareness programs</i></p> <p>There should be awareness programs targeting school-going children and motorists to cover the protection, mitigation and prevention of fires.</p> <p>Schools and community-based organisations should be part of fire awareness programs with the primary focus on the protection, mitigation and prevention of fires.</p>	<p>FPA's, WoF, Municipalities, DFFE, and other integrated fire management stakeholders are conducting awareness and education campaigns on Act 101 of 1998 and veldfires in schools and communities. However, these efforts are not coordinated and do not always reach the intended audience. DFFE will work with these stakeholders to ensure awareness and education programs reach where they are needed to increase their effectiveness.</p>	
	<p><i>Preparing or maintaining firebreaks</i></p> <p>Black farmers will not be compliant with the law that requires the maintenance of firebreaks and preparedness to combat or control fires due to the high costs involved.</p> <p>The preparation and maintenance of firebreaks are not always practical, and the Department will need to be patient, lenient and supportive of new land reform beneficiaries.</p>	<p>Black-owned farms are encouraged to join FPAs for the purpose of cooperating in the prediction, prevention, managing, and extinguishing of veldfires with other farmers in their area. Section 7 of Act 101 of 1998 empowers the Minister to provide support to FPAs.</p> <p>Landowners can apply for exemption from duty to prepare and maintain a firebreak in terms of section 15 of Act 101 of 1998.</p>	

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		Landowners cannot be exempted from performing their responsibilities and/or adhering to the rules of the FPA as members as this will endanger lives and infrastructure.	
	<p><i>Consultations and workshops</i></p> <p>The changes in the invitation to the public hearing were not broadly and timeously communicated. As such, some people who may have made valuable inputs were not aware of the public hearing meeting.</p> <p>The final notification was communicated on the eleventh hour and copies of the Bill were received in the meeting and there was insufficient time to thoroughly engage with the contents.</p> <p>Traditional councils should be consulted further about what the Bill seeks to do and how it will affect them, including their new roles in fire management in their territories.</p>	Issues for the attention of the Portfolio Committee.	

6.8 Eastern Cape Province

The Eastern Cape public hearings took place from the 30 September to the 2nd October 2022.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 1 Amendment of section 2 of Act 101 of 1998.	All reference to the 'Traditional Leadership and Governance Framework Act No. 41 of 2003' should be replaced with Traditional and Khoi-San Leadership Act No. 3 of 2019	Supported.	"traditional council" means a traditional council as defined in section 1 of the [Traditional Leadership and Governance Framework Act] <u>Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019);</u> "
Clause 2 Insertion of section 3A of Act 101 of 1998.	veldfire' means [a veld, forest or mountain] any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area." The rural-urban interface is a critical area for veld fire management (e.g. University of Cape Town, rural-urban interface with SANParks / Table Mountain National Park fall within the City of Cape Town, the Knysna Fires which swept through the rural-urban fringe and into the town of Knysna etc.). Propose a new definition that covers the urban interface	Supported.	"veldfire" means [a veld, forest or mountain] <u>any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area, including any vegetation along any rural-urban fringe of a city, town, and its adjoining industrial or residential area boundaries."</u>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 8 and 9</p> <p>Substitution of section 37 of Act 101 of 1998</p> <p>Short title and commencement</p>	<p>This Act is called the National [Veld and Forest Fire] Veldfire Act, 1998</p> <p>The name change will lead to additional cost, for example promotional material and the title is well known to South Africans</p>	<p>Not supported.</p> <p>There was overwhelming support for the name change. DFFE supports the shortened title.</p>	<p>N/A</p>
	<p>Sections 24 and 25 of the principal Act provide for offences and penalties that are different to the sanctions under customary practice in the area. The customary sanction for arsonists is easy to execute when compared to arrests, category of offences and the associated court process as prescribed under the principal Act. The Department of the Forestry, Fisheries, and the Environment (hereafter referred to as the Department or DFFE), needs to clarify whether the Bill will nullify their customary approaches to dealing with arsonists.</p>	<p>It should be noted that sections 24 and 25 already exist in the Act. The State Law Adviser's opinion will be sought on the matter.</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	In rural communities, there is an open piece of land for which there is no clarity on whom the owner is between a municipality and local traditional leaders, thus creating a loophole regarding who will be held responsible for non-compliance with the Act.	Matter will be referred to Department of Rural Development and Land Reform.	N/A
	The Bill is silent on conservation, including conservation burning that excludes medicinal plants, edible fruit trees, and culturally valued trees. The Bill must have a clause that enables the exemption of certain areas from being burnt to enable traditional healers to continue servicing their clients.	The National Forests Act 1998, (Act No. 84 of 1998), deals with the conservation of protected trees and plants.	N/A
	Sections 5(1) and 6 of the principal Act do not empower FPAs to enforce the Act on landowners that are not members of an FPA. Hence, compliance and FPA membership were optional among landowners. The Department will need to provide clarity on who	Not supported The Fire protection officer enforces Act 101 of 1998 on FPA members' land. As all landowners have to comply with the Act, those who are not members of the FPA,	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	will inspect and sanction uncompliant landowners who are not members of the local FPA.	compliance will be dealt with by a peace officer, police officer and once amendments approved, by the traditional leaders.	
	There was an objection to the renaming of the Act by the removal of the word 'forest'. The proposal was to leave the title of the Act as it is to avoid creating confusion.	Not Supported. There is overwhelming support for the name change. The title is also aligned with the definition of "veldfire", which includes forest fires.	N/A
	Section 2(g) definition of 'veldfire' excludes veld, forest or mountain fires that happen within cities or towns, including adjacent rural-urban interfaces. The definition of 'veldfire' contained in the principal Act is sufficient and should not be changed.	Not supported. The amendment seeks to clarify protection of the rural-urban interfaces, of which many commentators have stated that it was not clear.	"veldfire" means [a veld, forest or mountain] <u>any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area, including any vegetation along any rural-urban fringe of a city, town, and its adjoining industrial or residential area boundaries.</u> "
	Section 3 provides for the formation of an FPA but does not explicitly provide for the funding of new FPAs. Section 3(4) of the principal Act only allows for	Not Supported.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	discretionary support during the formation of FPAs and no clarity beyond that point. Who will be financing the operations of the new FPA in communities where there is already high poverty and unemployment	<p>Section 7 of Act 101 of 1998 envisages that the Minister may help Fire Protection Associations. The Minister may have to exercise discretion to ensure the appropriate governance structure is in place and funds will indeed be spent efficiently and effectively as per the Public Finance Management Act 1999, (Act No. 1 of 1999) (PFMA). The assistance will be for PFA, which may include PFAs registered by the Minister.</p> <p>DFFE has developed an FPA Support Strategy to give effect to this clause. This Strategy will be being assess by the governance structure within DFFE.</p>	
	Section 4(7) of the principal Act makes it compulsory for municipalities to become members of a registered FPA. There should be an insertion after 4(7)(b) to	Supported.	<u>“29.A Power to issue compliance notices. — (1) A registered fire protection officer, a designated forest officer, a police officer, and an officer appointed in</u>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	make non-compliance with the Act an offence to aid compliance.		<p><u>terms of section 5 or 6 of the Fire Brigade Services Act 1987 (Act No. 99 of 1987), within his or her mandate, may issue a compliance notice in the prescribed form and following a prescribed procedure if there are reasonable grounds for believing that a person has not complied —</u></p> <p><u>(a) with a provision of the law for which that officer has been designated; or</u></p> <p><u>(b) with a term or condition of a permit, authorisation or other instrument issued in terms of such law.</u></p> <p><u>(2) A compliance notice must set out—</u></p> <p><u>(a) details of the conduct constituting noncompliance;</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<p><u>(b) any steps the person must take and the period within which those steps must be taken;</u></p> <p><u>(c) anything which the person may not do, and the period during which the person may not do it; and</u></p> <p><u>(d) the procedure to be followed in lodging an objection to the compliance notice with the Minister.</u></p> <p><u>(3) A fire protection officer may, on good cause shown, vary a compliance notice and extend the period within which the person must comply with the notice.</u></p> <p><u>(4) A person who receives a compliance notice must comply with that notice within the time period stated in the notice unless the Minister agreed to suspend the operation of the compliance notice.</u></p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
			<u>(5) A person who receives a compliance notice and who wishes to lodge an objection may make representations to the Minister, to suspend the operation of the compliance notice pending finalisation of the objection.”</u>
	The membership fees that local and district municipalities should pay for FPA membership are too high (more than R130, 000 per annum) and may be unaffordable for some municipalities. Section 4 should have a clause to exempt municipalities with functional fire brigade services from FPA membership fees. Alternatively, the membership fees should be ring-fenced and exclusively used for the procurement of firefighting equipment and training.	Not Supported. Municipalities and designated services must become a member of FPAs and should abide by the FPA rules, which includes membership fees.	N/A
	The Act should create an easy mechanism for reporting people who violate Section 25 of the Act through deliberately starting forest fires or negligently	Not Supported.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	handling fires such as beekeepers or honey collectors.	Noncompliance can be reported to a forest officer, a police officer or a traditional leader once the Bill is enacted.	
	The Minister and the South African Weather Services have been non-compliant or in violation of Section 9(4)(a) of the principal Act by providing information that ignores the peculiarities of each region. The FPAs need to get access to an accurate and locally relevant fire danger rating system, as opposed to the outdated and unreliable Lowveld Fire Danger Index to adequately prepare for possible fires.	Not Supported. SAWS make fire danger rating available at district level free of charge. CSIR has started a research project to evaluate the accuracy of the Lowveld Fire Danger Index.	N/A
	After Section 12(10) of the principal Act, there should be an insertion to recognize other forms of burning besides firebreaks, such as burning for conservation, block burns, or veld burning for any other purposes.	Supported.	<u>“12(11) Every owner who intends to burn a fire on their land, which may start a veldfire, or from whose land the fire may spread, must burn such fire in terms of this section.”</u>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Section 2 should add two definitions – industrial and residential areas. In the current form, Section 2(g) can be confusing because some industrial and residential areas have veld and/or forested areas. Section 2 should add a definition of ‘agriculturally zoned properties’ to clear possible confusion.	Not Supported. The definition of veldfire under the Bill covers all vegetation outside a city, town, as well as their adjoining industrial or residential areas.	N/A
	There should be clarity on overlaps or demarcation of roles between the Fire Brigade Services Act No. 99 of 1987 and under the Act. This will eliminate situations where community members are sent from pillar to post when fires occur, or both don’t respond at all. At a municipal and district level, the Fire Brigade Services Act No. 99 of 1987 is prioritized and implemented often in conflict with or ignoring the National Veld and Forest Fires Act No. 101 of 1998.	Not Supported. The role and responsibilities of municipalities in fighting fire are in terms of the Local Government: Municipal Systems Act 200, (Act No. 32 of 2000); the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998); and the Fire Brigade Services Act 1987, (Act No. 99 of 1987) (FBSA). Not Supported.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	The two pieces of legislation should be harmonized to optimize the use of available firefighting resources.	There is no conflict between the two pieces of legislation, the FBSA provide a (fire) service for the entire area (municipality), while FPAs and landowners do not provide a service and are only responsible for preventing fires escaping from their property.	
	Section 4(5) of the principal Act allows for a single FPA per area, yet there are no defined boundaries or guidelines for each area and FPAs often overlap. There should be guidelines to eliminate the parasitic relationship between neighboring FPAs or the poaching of members from other areas.	Not Supported. Section 4(5) allows for only one FPA to be registered in respect of an area.	N/A
	Section 34 of the principal Act allows for legal claims to be instituted against a landowner that is presumed to have been negligent and resulted in losses suffered by the neighbor. The Act does not provide clarity on who should pay for losses.	Not Supported. A court may award compensation for loss or damages under section 300 of the	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		Criminal Procedures Act, 1977 (Act No. 51 of 1977).	
EMERGING ISSUES			
	<p><i>Firefighting equipment and training</i></p> <p>There is a need for government to invest in firefighting equipment and provision portable or backup firefighting equipment in fire-prone areas.</p> <p>Land reform beneficiaries, rural farmers, and youth, in general, need training on combating or management of fires for better fire preparedness.</p> <p>The Department should provide training and resource allocation plans for fire-prone areas, particularly those under traditional leadership.</p>	DFFE is in the process of developing an FPA Support Strategy.	N/A
	<p><i>Work of FPAs</i></p> <p>The existing FPA is unable to cope with the large scope of inspections and enforcement from its limited</p>	DFFE is in the process of developing an FPA Support Strategy.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>human and financial resources and will need more financial injection to beef up its capacity.</p> <p>The Department will need to provide legal services for FPAs, particularly when traditional leaders and new FPAs start enforcing the law.</p> <p>The new rural FPAs will most likely collapse if there is no clear plan of training and regular financial injection for them to operate, and possibly create a few employment opportunities.</p> <p>The FPAs need to get access to an accurate and locally relevant fire danger rating system, as opposed to the outdated Lowveld Fire Danger Index to adequately prepare for possible fires.</p>		
	<p><i>Awareness programs</i></p> <p>There should be awareness programs targeting children and youth and focus on the protection, mitigation, and prevention of fires.</p>	<p>FPA organizes and trains its members and informs them of equipment and technology available for preventing and fighting</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>The training of people to conduct awareness programs should be designed to reach people using rangeland and forested areas.</p> <p>The Department together with the Department of Agriculture, Land Reforms and Rural Development (hereafter referred to as the Department of Agriculture) should put together awareness programs that will be aimed at capacitating CPAs on their responsibilities in the Act.</p> <p>The awareness programs or workshops should include broad information on the principal Act, its regulations, and its implications.</p>	<p>veldfires. It is advisable for rural farmers to join FPAs and join this support.</p>	

6.9 Western Cape Province

The Western Cape public hearings took place from the 21st to the 23rd of October 2022.

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
Clause 1 Amendment of section 2 of Act 101 of 1998.	traditional council' means a traditional council as defined in section 1 of the Traditional Leadership and Governance Framework Act Issue raised: Traditional Leadership and Government Framework Act, 2003 has been repealed by the Traditional and Khoi-San Leadership Act, 3 of 2019	Supported.	"traditional council" means a traditional council as defined in section 1 of the [Traditional Leadership and Governance Framework Act] <u>Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).</u> "
Clause 1 Amendment of section 2 of Act 101 of 1998.	veldfire' means [a veld, forest or mountain] any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area." The rural-urban interface is a critical area for veld fire management (e.g. University of Cape Town, rural-urban interface with SANParks / Table Mountain National Park fall within the City of Cape Town, the Knysna Fires which swept through the rural-urban	Supported.	"veldfire" means [a veld, forest or mountain] <u>any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area, including any vegetation along any rural-urban fringe of a city, town, and its adjoining industrial or residential area boundaries.</u> "

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	fringe and into the town of Knysna etc.). Propose a new definition that covers the urban interface		
<p>Clause 8 and 9</p> <p>Substitution of section 37 of Act 101 of 1998</p> <p>Short title and commencement</p>	<p>This Act is called the National [Veld and Forest Fire] Veldfire Act, 1998</p> <p>The name change will lead to additional cost, for example promotional material and the title is well known to South Africans</p>	<p>Not supported.</p> <p>There was overwhelming support for the name change. DFFE supports the shortened title.</p>	N/A
<p>Clause 6</p> <p>Amendment of section 26 of Act 101 of 1998</p>	<p>The principal Act had sufficient provisions to enable the prevention or combating of veld and forest fires but was never implemented or enforced. The concern is that the Bill might not change compliance with the Act unless resources are channelled towards implementation</p>	<p>Not supported.</p> <p>Section 26 of Act 101 of 1998 stipulates clearly the officials who are given powers to enforce the legislation.</p> <p>In addition, Clause 6 of the Bill is further adding Traditional leaders and Peace Officers to also enforce the legislation.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
<p>Clause 1</p> <p>Amendment of section 2 of Act 101 of 1998.</p>	<p>The definition of veldfire in Section 2(g) is deficient because it does not consider the wildlands-urban interface, as such should be expanded to include 'wildlands-urban interface'</p>	<p>Not supported.</p> <p>Wildlands-Urban Interface (WUI) is defined as <u>"the zone of transition between unoccupied land and human development. It is the line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels".</u></p> <p>The Bill describes 'veldfire' as <u>"any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area, including any vegetation along any rural-urban fringe of a city, town, and its adjoining industrial or residential area boundaries."</u></p> <p>The inclusion of adjoining or residual area in the current Bill is therefore an indication of how human development meet or</p>	<p>N/A</p>

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
		intermingle with undeveloped wildland or vegetation.	
	Section 7 of the principal Act should have a clause to fund FPAs for training, firefighting, equipment and consumables. FPAs do not get support from the Government or have equal resources thus resulting in varying performance and visibilities.	Not supported. DFFE is currently finalising the FPA and Landowners Support Strategies to give effect to this clause.	N/A
	A clause should be added under Section 5 of the principal Act that will empower FPAs to declare, extend or suspend a fire prohibition period.	Not supported. There is currently no fire prohibition.	N/A
Clause 6 Amendment of section 26 of Act 101 of 1998	The National Veld and Forest Fire Act have in the past not been enforced and there was no mechanism to ensure enforcement. The Act should add a clause that will provide for oversight mechanisms to ensure its enforcement	Not supported. Enforcement is by forest officers and police officers. Bill proposes the inclusion of peace officers and traditional leaders.	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	Amend Section 22 of the principal Act to empower the Minister to delegate powers to enforce the legislation to district municipalities, to ensure coordination, oversight and adequate training of firefighters or FPA operations.	<p>Not supported.</p> <p>The role and responsibilities of municipalities in fighting fire are in terms of the Local Government: Municipal Systems Act 2000, (Act No. 32 of 2000); the Local Government: Municipal Structures Act 1998, (Act No. 117 of 1998); and the Fire Brigade Services Act 1987, (Act No. 99 of 1987) (FBSA).</p>	N/A
	The Bill is not making an effort to bring together or harmonise operations, responsibilities and effective use of available resources for all fire management responsibilities. For example, functions under the Fire Brigade Services Act No. 99 of 1987 and the National Veld and Forest Fire Act can be strategically merged or harmonised to maximise impact on fire preparedness, prevention and management in the country. With climate change, there will be more frequent and intense fires, yet there is still a lack of clarity of direction from legislative and policy points of view to prepare.	<p>Not supported.</p> <p>The FBSA is currently being reviewed under the White Paper for Fire Services.</p>	N/A

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p>National Forests Advisory Council (NFAC)</p> <p>No due process was followed when the new members of NFAC was elected. None of the members of the NFAC has forestry or forestry research background.</p>	<p>Not supported</p> <p>Due process was followed, and appointment was approved by the Minister. All areas for consideration as outlined in act 101 of 1998 were considered including forest research.</p>	N/A
EMERGING ISSUES			
CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	<p><i>Consultations</i></p> <p>Copies of the Bill were received in the meeting and there was insufficient time to thoroughly engage with the contents</p>	<p>Issues for the attention of the Portfolio Committees.</p>	
	<p><i>Reporting non-compliance</i></p> <p>There needs to be a known protocol for reporting non-compliance with the Act by landowners, such</p>	<p>Non -compliances can be reported to forest officers; police officers and the Bill proposes the inclusion of peace officers and traditional leaders.</p>	

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	as when municipalities allow fuel load (overgrown vegetation) to increase		
	<p><i>Firefighting services, equipment and training</i></p> <p>Local capacity should be developed in terms of firefighting skills and provided with basic firefighting equipment as the fire brigade service is slow to respond or arrive ill-prepared.</p> <p>The installed fire detectors are not useful because they get triggered by dust and the fire brigade service does not respond even when they are triggered by fires.</p> <p>The procurement and deployment of aerial firefighting services should be coordinated at the District Municipality level.</p> <p>The fire brigade service is too slow to respond to fires in and around informal settlements, and at</p>	<p>Matters raised are covered in the FPA Support Strategy.</p> <p>Aerial resources belong to private companies.</p>	

CLAUSE	COMMENT	DFFE RESPONSE	PROPOSED AMENDMENT
	times does not respond at all claiming that the fire is on private land		
	<p><i>Awareness programmes</i></p> <p>There should be special awareness programmes targeting motorists and truck drivers at rest stops or filling stations on protection, mitigation and prevention of fires.</p> <p>Where the people have been trained in firefighting, they need to be deployed with stipends before fire seasons or employed to conduct awareness programmes in fire prevention and firefighting</p>	DFFE in consultation with stakeholders will address awareness campaigns.	