



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

#### COMMITTEES

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**DRAFT CONSOLIDATED REPORT OF THE PORTFOLIO COMMITTEE ON ENVIRONMENT,  
FORESTRY AND FISHERIES FROM WRITTEN SUBMISSIONS AND PUBLIC HEARINGS ON  
THE NATIONAL VELD AND FOREST FIRE AMENDMENT BILL (B24-2021) HELD IN THE  
NINE PROVINCES OF SOUTH AFRICA FROM 27 MAY – 23 OCTOBER 2022**



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## 1 INTRODUCTION

The Portfolio Committee on Environment, Forestry and Fisheries (hereafter referred to as the Committee) published an advert on 25 February 2022 calling for written submissions on the National Veld and Forest Fire Amendment Bill [B24-2021]. A total of nine written submissions were received by the closing date of 18 March 2022. Thereafter, the Committee held public hearings in all nine provinces of South Africa. Within each province, three district municipalities were visited, of which only one municipality hosted the meeting. The 27 public hearings were held from 27 May to 23 October 2022 (as reflected in Table 1). Additional written submissions were received during or after each public hearing, which supplemented oral submissions and did not differ significantly from oral submissions.

Table 1: Dates and venues of the public hearings

Province	Municipalities	Date	Venue
Free State	Xhariep District: Mohokare Local Municipality	27 May	Mooifontein Primary School, Matlakeng Township, Zastron
	Thabo Mofutsanyane District: Maluti-A-Phofung Local Municipality	28 May	Phuthaditjhaba Multi-Purpose Centre, Phuthaditjhaba
	Fezile Dabi District: Moqhaka Local Municipality	29 May	Allen Rautenbach Hall, Kroonstad
Northern Cape	ZF Mgcawu District: Tsantsane Local Municipality	10 June	Tsantsane Municipal Hall, Postmasburg
	John Taulo District: Ga-Segonyana Local Municipality	11 June	Thabo Multipurpose Centre, Mothibistad
	Pixley Ka Seme District: Thembelihle Local Municipality	12 June	Steynville Primary School, Hopetown
Mpumalanga	Gert Sibande District: Msukaligwa Local Municipality	08 July	Gert Sibande District Municipality Council Chambers, Ermelo



	Nkangala District: Thembisile Hani Local Municipality	09 July	Kwaggafontein Community Hall, Kwaggafontein
	Ehlanzeni District: Moqhaka Local Municipality	10 July	Maviljan Community Hall, Bushbuckridge
KwaZulu-Natal	Zululand District: Abaqulusi Local Municipality	12 July	Cecil Emmet Hall, Vryheid
	King Cetshwayo District: uMhlathuze Local Municipality	13 July	Mzingazi Community Hall, Richards Bay
	Harry Gwala District: Dr Nkosazana Dlamini-Zuma Local Municipality	14 July	Bulwer Community Hall, Hopetown
	Dr Ruth Segomotsi Mompati District: Naledi Local Municipality	26 August	Vryburg Banquet Hall, Vryburg
North-West	Ngaka Modiri Molema District: Ditsobotla Local Municipality	27 August	Lichtenburg English Secondary School, Lichtenburg
	Bojanala Platinum District: Moses Kotane Local Municipality	28 August	JM Ntsime Secondary School, Mogwase
Limpopo	Waterberg District: Bela-Bela Local Municipality	2 September	Bela-Bela Multi-Purpose Centre, Bela-Bela
	Mopani District: Greater Tzaneen Local Municipality	3 September	Lenyenye Community Hall, Tzaneen
	Vhembe District: Thulamela Local Municipality	4 September	Thohoyandou Town Hall, Thohoyandou
Gauteng	West Rand District: Mogale City Local Municipality	16 September	Chief Mogale City Hall, Krugersdorp
	Sedibeng District: Emfuleni Local Municipality	17 September	Vereeniging Civic Theatre, Vereeniging
	City of Tshwane Metropolitan Municipality	18 September	Rayton Community Hall, Rayton
Eastern Cape	OR Tambo District: Mhlontlo Local Municipality	30 September	Qumbu Town Hall, Qumbu
	Amathole District: Amahlathi Local Municipality	1 October	Mlungisi Community Hall, Stutterheim
	Sarah Baartman District: Kou-Kamma Local Municipality	2 October	Coldstream Multi-Purpose Centre, Tsitsikamma



Western Cape	Cape Winelands District: 21 October	Klapmuts Multi-Purpose Centre, Klapmuts
	Stellenbosch Local	
	Overberg District: 22 October	Hawston Thusong Centre, Hawston
	Overstrand Local	
	Garden Route District: 23 October	George Civic Centre, George
	George Local Municipality	

A total of 5 146 community members attended the public hearings throughout the country. Of this amount, only 554 or 10.7 of attendees made oral submissions on the National Veld and Forest Fire Amendment Bill. The provincial breakdown is illustrated in the map below, Figure 1. The Limpopo province had the highest attendance which translated to 17.3% of all attendees in the country, while the Free State province contributed 8.8% of all attendees.

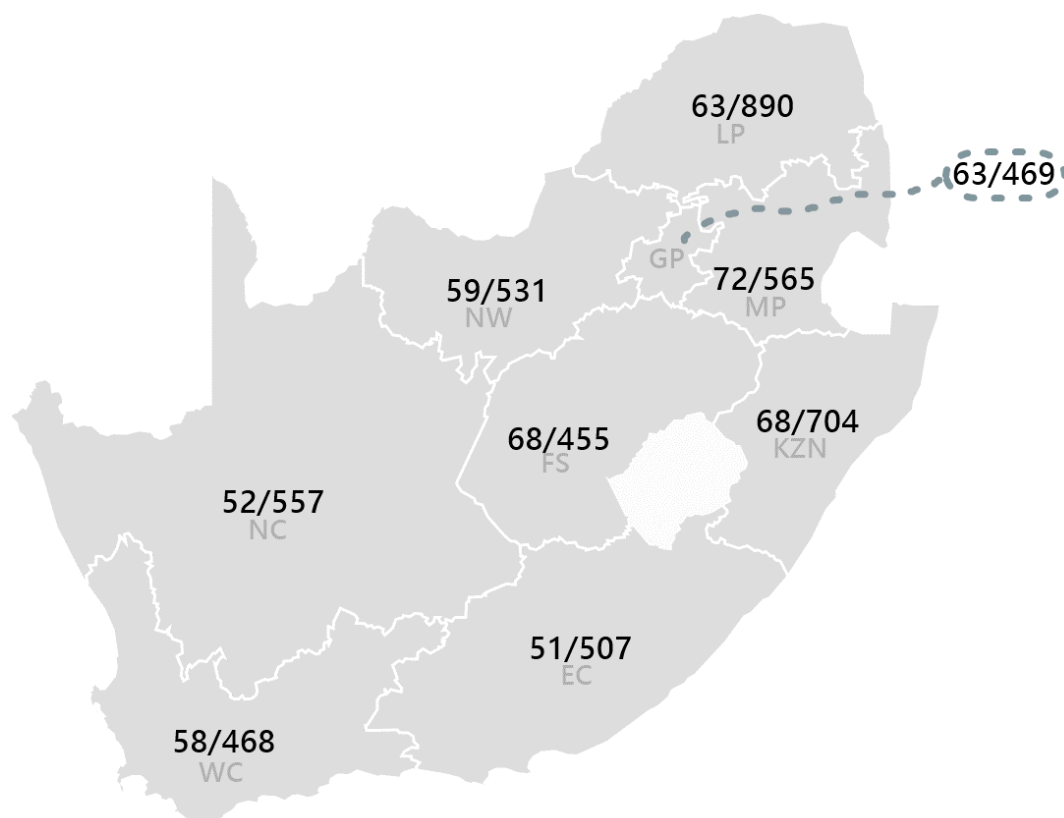


Figure 1: The total number of speakers and attendees at each provincial public hearing.



Each province had more attendees than speakers, as illustrated in Figure 1. The number of speakers in each province ranged from 51 to 72, with the Mpumalanga province accounting for the highest number of speakers. The speakers from Mpumalanga made up 13% of all speakers on the Bill, closely followed by a tie between the Free State and the KwaZulu-Natal provinces at 12.3%, while the Eastern Cape made up the smallest contribution at 9.2%. In the Free State public hearings, 14.9% of attendees made oral submissions, which is the highest in the country, while 7.1% of the attendees voiced their opinions in the Limpopo province, which is the lowest.

Figure 2 shows the gender composition of speakers at the public hearings held in the country. In terms of gender representation, 406 speakers in all the provinces were male translating to 73.3%, whilst the remaining 148 (26.7%) were female. The Gauteng province had the highest percentage of women participating in making oral submissions at 41.3%, followed by the Mpumalanga province at 34.7%, while Eastern cape province had the lowest proportion of female speakers at 11.8%.

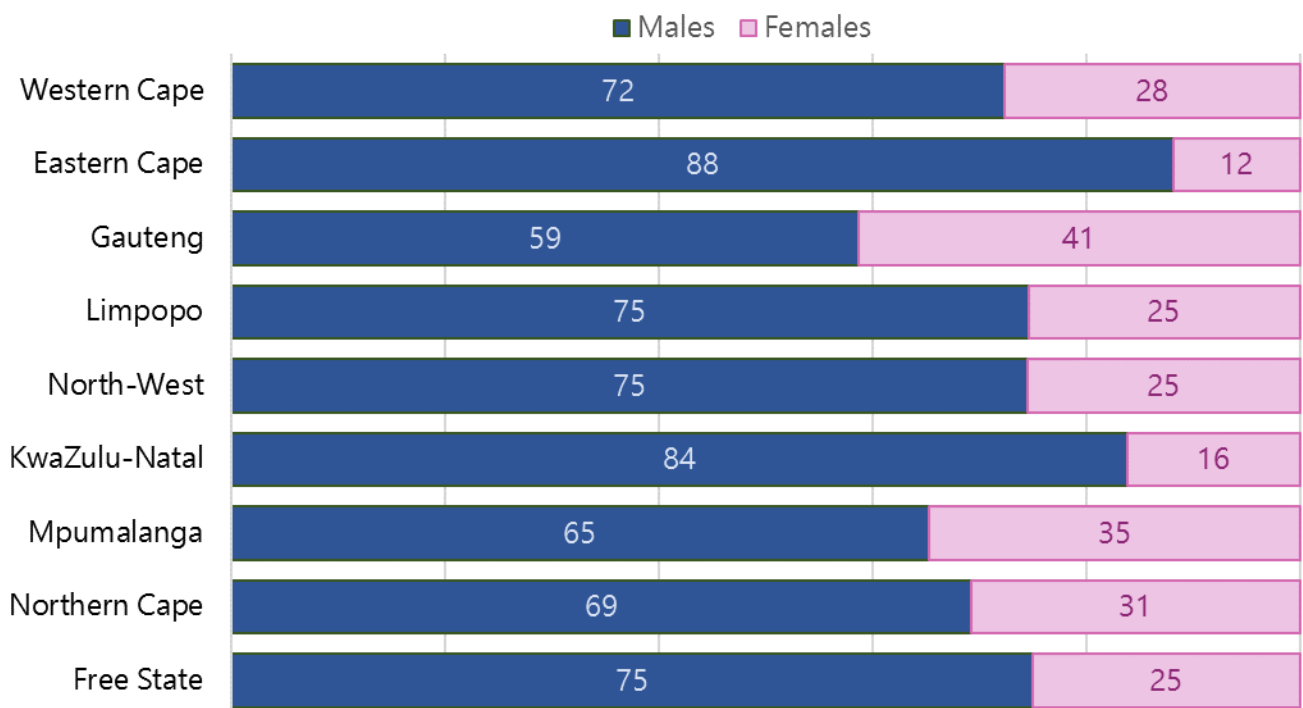


Figure 2: Gender representation of speakers in percentage from all nine provinces





From the 27 public hearings, 5 146 community members attended, of which 5 088 had either their identity number or date of birth captured. The youth<sup>1</sup> category (35 and younger) had the highest number of attendees (1 442 individuals, translating to 28.3% of all attendees), closely followed by the age group 36-45 at 1 433 attendees (28.2% of all attendees) as shown in Figure 3. The elderly group, >65, made up 6.5% of all attendees.

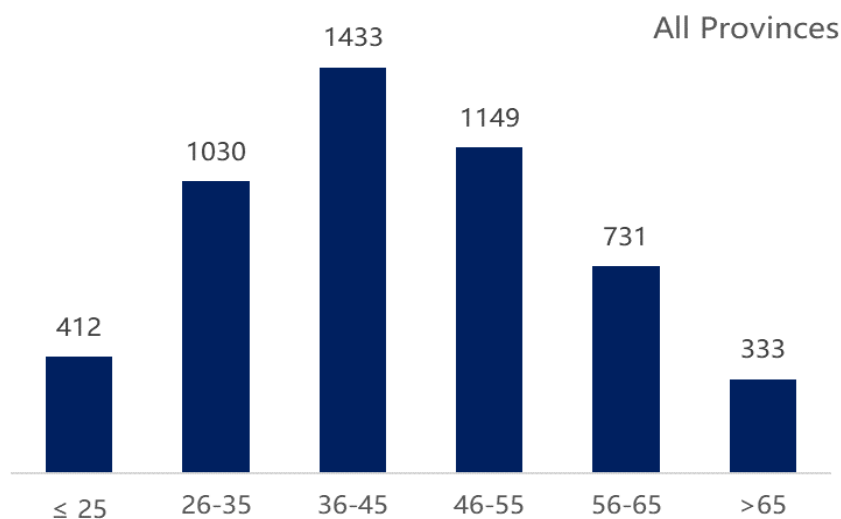


Figure 3: Age composition of attendees in the public hearings from all nine provinces.

Figure 4 shows that of the 554 speakers across the nine provinces visited during the public hearings, 365 (65.9%) participants stated their support of the National Veld and Forest Fire Amendment Bill, while 178 speakers (32.1%) did not specify whether they supported or rejected the Bill. Eleven speakers did not support or rejected the proposed amendments either because they did not have a mandate from their constituencies or subjects, partially supported or could only support the Bill if their inputs were incorporated into the final Bill. In general, the rejections had little to do with the content of the Bill, but with service delivery issues.

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<sup>1</sup> The youth is defined as the population between 15 and 35 years

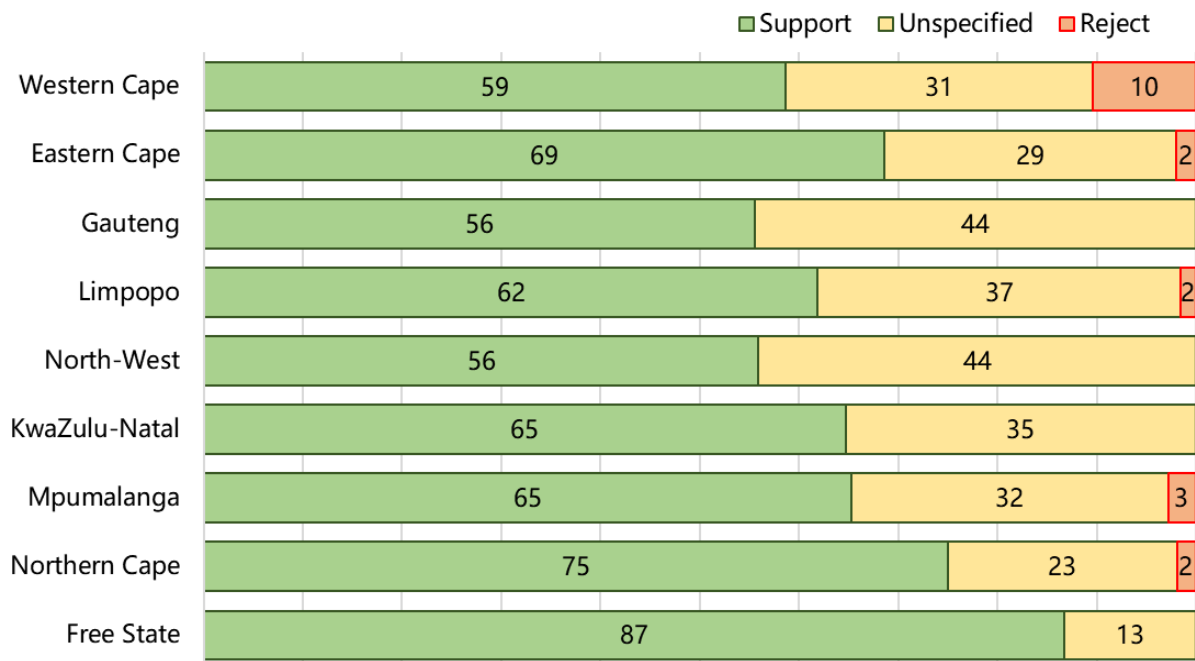


Figure 4: The support of the Amendment Bill in percentage.

The Bill was well-supported. However, speakers also raised issues associated with the practicality of implementing the Bill and associated resources.



## 2 PROPOSED AMENDMENTS

Clause	Proposed changes
Title	<ul style="list-style-type: none"><li>• The title of the Act should be changed to <i>Fire Prevention Authority Act</i>. 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 strategic use and maintenance of firefighting personnel and equipment.</li><li>• The title should be left as it is. There was a notable 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. The Bill and the principal Act have many references to forests, hence forests should be kept in the title, which should remain as National Veld and Forest Fire Act.</li><li>• In the purpose of the Bill, 'matter' should be changed to 'matters' to read as 'and to provide for matters connected therewith.'</li></ul>
Section 2	<ul style="list-style-type: none"><li>• The Act and the Bill use 'Area' more frequently and it is not defined or has clear demarcation thus resulting in the overlap of FPA areas or some areas not serviced by FPAs. For example, some pieces of land straddle municipal or provincial boundaries, then which creates confusion.</li><li>• Amend Section 2(1)(xiii)(b) the definition of "owner" in the principal Act to explicitly mention Communal Property Associations in line with the Communal Property Associations Act, No. 28 of 1996. The definition of 'landowner' from Section 2(1)(xiii) of the principal Act is not clear enough because it puts the responsibility for compliance with the Act on the Executive Body in communal land, yet most Communal Property Associations are dysfunctional or not legally composed.</li><li>• Section 2(1)(xviii) of the Act should not be changed as proposed in Section 2(e) of the Bill. Should remain as the National Veld and Forest Fire Act as the current name is appropriate.</li></ul>



- In Section 2(b), the definition of ‘fire in the open air’ is too vague and needs to be changed and clarified.
- In Section 2(b) of the Bill, the word “*designed*” is to be replaced with ‘*designated*’.
- In the definition of a municipality in Section 2(c), the word “System” should be replaced with “Systems”.
- Under Section 2, there should a definition of a ‘*fire hazard*’ that should include informal settlements. 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.
- 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.
- Sections 2(f), 3(3)(a), 26, etc. replace all references to the ‘Traditional Leadership and Governance Framework Act No. 41 of 2003’ with Traditional and Khoi-San Leadership Act No. 3 of 2019.
- In Section 2(f), there should be a full stop after the letters “No” in the citation of the Traditional Leadership and Governance Framework Act.
- Section 2(g) definition of ‘veldfire’ excludes veld, forest or mountain fires that happen within cities or towns, including adjacent rural-urban interfaces. As such, the definition should be expanded to include the ‘*wildlands-urban*’ or ‘rural-urban’ interface.
- The new definition of Section 2(g) should read as ‘*veldfire*’ means any vegetation fire that occurs outside a city, town, its adjoining industrial or residential area, but includes any vegetation along any rural-urban fringe of a city, town, its adjoining industrial or residential area boundaries.’
- Section 2(g) should read as ‘Veldfire’ a fire burning in natural vegetation.
- The definition of ‘veldfire’ contained in the principal Act is sufficient and should not be changed.
- 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 pieces of legislation 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.



	<ul style="list-style-type: none"> <li>• 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.</li> <li>• In Section 2(g), the word 'or' should be inserted before the words "its adjoining".</li> <li>• Section 2 should add a definition of 'agriculturally zoned properties' to clear possible confusion.</li> <li>• Section 2 should add a definition for "vegetation" to be inclusive of grass, wood, forestry, trees, forestry residue, farming crop residue and or wood waste.</li> </ul>
Section 3	<ul style="list-style-type: none"> <li>• Section 3(3) should specify the timeline within which the Minister should respond, instead of being left open-ended.</li> <li>• Section 3(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.</li> <li>• Section 3(3)(a) should create a space for communities to form an FPA without relying on municipal involvement to eliminate possible delays, corruption or interferences.</li> <li>• After Section 3(3)(a), there should be Section 3(3)(b) that will read as <i>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 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.</i></li> <li>• After Section 3(3A) there should be a clause that reads '3A insertion is applicable for so long as NO fire protection association has been formed and whose boundaries are already inclusive of the areas described.'</li> <li>• Section 3(4) provides for the formation of an FPA but does not explicitly provide for the funding of the new FPA. The Department has not been supporting FPAs and there is no guarantee that support will be provided or a mechanism to ensure that the Department supports FPAs.</li> </ul>



Section 4	<ul style="list-style-type: none"><li>• 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 neighbouring FPAs or the poaching of members from other areas. The clause should specify boundaries either using wards or municipal boundaries.</li><li>• Amend section 4(7)(a) of the Act by inserting “all” and replacing <u>the municipality</u> with “municipalities” so that it reads “<i>all municipalities</i>”. 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.</li><li>• After Section 4(7)(b), a clause should be added to provide clarity on joining FPA for instances where land straddles between operational areas of two FPAs or provinces.</li><li>• Section 4(7) of the principal Act should make it compulsory for municipalities to become members of a registered FPA within their boundaries, instead of choosing where they want to belong. There should be an insertion after 4(7)(b) to make non-compliance with the Act an offence to aid compliance.</li><li>• 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.</li><li>• Section 4(8) of the Bill should be amended to read as ‘<i>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.</i>’</li><li>• 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.</li><li>• Section 4(8) of the Bill should be changed to read “...join a fire protection association, if such an association has been registered in the area in which the land is situated”</li></ul>
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	<ul style="list-style-type: none"> <li>• Section 4(9) and 4(10) should be amended to recognise 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.</li> <li>• Sections 4(9) and 4(10) should be amended to recognise and establish the district, provincial and national umbrella associations that will help coordinate and harmonise operations and efficient use of resources.</li> </ul>
Section 5	<ul style="list-style-type: none"> <li>• Section 5(1) of the Act 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.</li> <li>• Under Section 5(1) of the principal Act, a clause should be added that will empower FPAs to declare, extend or suspend a fire prohibition period for their areas.</li> <li>• 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 will inspect and sanction uncompliant landowners who are not members of the local FPA.</li> <li>• Amend Section 5(1)(c) so that the rules bind every landowner in the FPA area, such as compliance with local firebreak specifications or dimensions.</li> <li>• The Bill should add a clause that will enable the Minister to agree with the Minister of Cooperative Governance and Traditional Affairs to give FPA access to the use of municipal resources to prevent or combat fires.</li> <li>• Section 5(4) should be amended to be explicit on conservation burning that excludes medicinal plants, edible fruit trees and culturally valued trees. The clause must enable the exemption of certain areas from being burnt to enable traditional healers to continue servicing their clients.</li> </ul>



Section 6	<ul style="list-style-type: none"><li>• 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.</li><li>• Amend Section 6(1)(g) to extend the inspection powers of fire protection officers beyond just members of FPA, but also include non-members.</li><li>• 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.</li><li>• Section 6 of the Act should be amended to make it easy for contact details of fire protection officers to be shared in public places. In the past, contacts of rangers were widely available and they were accessible.</li></ul>
Section 7	<ul style="list-style-type: none"><li>• 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.</li><li>• Section 7 of the Act should have a clause for the creation of an 'FPA Support Grant' or a 'Veld and Forest Fire Fund'. The funds could be used for forest and veld fire-related activities or support or where land owners may not afford the payment of FPA membership fees. The dedicated fund can be accessible to FPAs since fully enforcing or complying with the Act is beyond affordable. Traditional leaders should be supported to execute the functions instead of being dumped with unfunded responsibility.</li><li>• Section 7 of the principal Act should be amended to include a mechanism to ensure accountability for received funds by the FPA. This will enable the flow of funds to the people on the ground and eliminate the disappearance of funds.</li><li>• 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</li></ul>





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.

- 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, including aerial support services.
- Section 7 of the Act should have a clause that can enable the Minister to intervene and assist foresters and farmers who lost grazing land, plantations or forests 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. A share of the proposed Veld and Forest Fire Fund in Section 7 can be 'conditionally' given to municipalities that are prone to fires to create seasonal jobs on awareness, emergency fire drills, preparation of fire breaks and stipends.
- 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.
- Section 7 of the principal Act should have a clause to fund FPAs or reimburse them for expenses such as training, firefighting, equipment and consumables such as diesel. To ease FPA operations, the clause should prescribe a dedicated budget to either umbrella bodies or FPAs.
- The National Disaster Management Act No. 57 of 2002 should be amended to exempt FPAs from paying firefighting services and costs in public spaces. Alternatively, there should be a clause in Section 7 that will empower the DFFE Minister to carry the costs incurred by FPAs when fighting fires in public spaces. Some fires outstrip the resources of FPAs, hence should not be expected to pay for requested firefighting services.
- Section 7 of the principal Act should be clear on how the Government will help in funding operations of the upcoming FPAs. The funds should not be allocated to the municipal budget but allocated to either umbrella associations or FPAs.



Section 9	<ul style="list-style-type: none"> <li>• Either Section 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.</li> <li>• 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. Section 9(3) and 9(4)(a) should be amended to specify that FPAs should get access to accurate and locally-relevant fire danger rating systems or data, as opposed to the outdated and unreliable Lowveld Fire Danger Index to adequately prepare for possible fires.</li> </ul>
Section 10	<ul style="list-style-type: none"> <li>• Amend section 10 of the Act by inserting subsection 2(c) after 2(b) to read as <i>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.</i></li> <li>• In Section 10(1)(b) of the Act after (ii) add (iii) '<i>in all Departmental online channels such as website and social media platforms</i>'.</li> <li>• Section 10(2)(b) of the Bill should provide clarity on the scope of the FPA to be consulted on whether it will be at a ward, municipality or district level.</li> <li>• 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.</li> <li>• Section 10(2) of the Bill 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.</li> <li>• Section 10(2) could have a direct bearing on the start of the initiation period as initiation schools will have to apply for exemptions, which the Minister can't issue without concurrence or consultation with local FPA. The</li> </ul>



	<p>Department may need to have closer working relations with the municipality, FPA and initiation schools to find a workable solution.</p> <ul style="list-style-type: none"> <li>• Add Section 10(2)(c) add, <i>the provisions under 10(2)(a) and (b) excludes prescribed burning for ecological purposes</i>. In the fynbos biome, burns need to take place under high fire danger.</li> </ul>
Section 12	<ul style="list-style-type: none"> <li>• 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 the landowner appears it should read as “<i>landowner, lessee or land user</i>”.</li> <li>• 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 firebreaks.</li> <li>• Section 12 of the Act should prescribe a minimum size of a firebreak. The regulations will specify sizes for different vegetation and density as guided by local FPAs.</li> <li>• After Section 12(10) of the principal Act, there should be an insertion to recognise other forms of burning besides firebreaks, such as burning for conservation, block burns, or veld burning for any other purposes.</li> <li>• Section 12 of the principal Act should be amended to allow for two landowners to agree on the preparation of a single firebreak rather than two firebreaks on both sides of the boundary line, or any other agreement that may be reached (e.g. using an access road as an appropriate firebreak).</li> </ul>
Section 13	<ul style="list-style-type: none"> <li>• Amend Section 13 of the principal Act to read as ‘An owner who prepares and maintains a firebreak must do so in a manner as agreed to with the owner of a neighbouring land and such firebreak must— (a) be wide enough and long enough to facilitate the implementation of reasonable measures to control a veldfire from spreading to or from neighbouring land...’.</li> </ul>



Section 18	<ul style="list-style-type: none"> <li>Section 18(2) should be amended to enable an individual to act alone in extinguishing or preventing a fire from spreading, instead of requiring to be with another person. This should also include taking charge of the situation when seeing an individual starting fire.</li> </ul>
Section 19	<ul style="list-style-type: none"> <li>Section 19 of the principal Act should add a clause to 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 villages because of high unemployment as members will not be able to pay membership fees.</li> </ul>
Section 20	<ul style="list-style-type: none"> <li>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 associated regulations should spell out mechanisms to ease enforcement or compliance. The legal route against a State organ is unrealistic and costly for FPAs who already have limited funds.</li> <li>In Section 20(4), replace '<i>may</i>' with '<i>must</i>' to enable the Minister to list arson as a criminal offence instead of an infringement. This will also help reduce burning during protests.</li> </ul>
Section 22	<ul style="list-style-type: none"> <li>Amend Section 22(3) of the principal Act and should be crafted to empower the Minister to delegate powers to enforce the legislation to district municipalities and to ensure coordination, oversight and adequate training of firefighters or FPA operations.</li> </ul>
Section 24	<ul style="list-style-type: none"> <li>Amend section 24 of the Act to make penalties for deliberately and negligently starting a fire harsh. 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 take into account the losses (livelihood, property and sometimes life) suffered as a result of the fire and should match the economic cost that a landowner suffered.</li> </ul>



	<ul style="list-style-type: none"> <li>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 needs to clarify whether the Bill will nullify their customary approaches to dealing with arsonists.</li> </ul>
Section 25	<ul style="list-style-type: none"> <li>Section 25 of the Act does not provide adequate clarity on how it should be implemented during protests that often result in the burning of grassland or vegetation. Section 25(1) should be amended to add organisers of protests or marches that result in forest, veld or mountain fires.</li> <li>After Section 25(7), the Act should add a penalty for landowners who choose to register or belong to an FPA outside their area.</li> <li>A new sub-clause under Section 25 should be added to read as <i>'any official or person who, in respect of his/her position or capacity in the employment of a municipality, a designated service, State land, State-owned Enterprise, a public entity, or an organ of the State, is responsible to join a fire protection association in terms of the provisions of Section 4 of the Act, No 101 of 1998 as amended, fails to join the fire protection association(s) and pay the relevant fees to such a fire protection association(s), shall be guilty of a first category offence. Such an official or person should be summoned and charged for the offence in his/her personal capacity or position.'</i></li> </ul>
Section 26	<ul style="list-style-type: none"> <li>The proposed Section 26(2) elevates traditional leaders to the level of law enforcement officers without any legal backing. For example, police officers and peace officers are appointed through the Criminal Procedure Act, No. 51 of 1977 and there is a schedule that specifies the areas, powers, and offences that they are responsible. Traditional leaders are not listed there, and what legal provision will traditional leaders rely on should they be sued? Police and peace officers get the annual budget to enforce legislation, and there is no mention of budget allocation to traditional leaders to implement the legislation.</li> <li>The proposed Sections 26(2) and 26(3) should be amended to clarify that traditional leaders only have the authority to act in respect of communal land. In the cases of communal and traditional land, they are provided with some custodial powers, but again this does not elevate them to members of the SAPS. Under the Traditional</li> </ul>



Courts' authorities' powers, they are not empowered to arrest or deal with criminal offences. The government needs to provide clarity on this matter.

- Sections 26(2) and 26(3) should be amended to include 'public safety officer' or 'local councillor' to cater for veld fires that occur in townships so that locally-based people can take care of fire prevention or firefighting responsibilities.
- 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.
- 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.
- 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 Khoi-San Leaders. Many traditional communities have customary practices on fire protection that were suppressed or eroded during the democratic era of the country.
- Section 26(2) and (3) of the Bill does not provide an accountability mechanism to ensure that the exercise of power is balanced and within legislated provisions.
- Section 26(2)(a) of the Bill should mention CPAs because they are legislated bodies that own large portions of land.
- Section 26(2) of the Bill should not increase the number of authorised people to ensure better cooperation and prevent disputes or conflicts. The clause will most likely create conflicts in rural communities where traditional leaders will face all sorts of accusations when implementing the Act.
- Section 26(2) should have a clause that will specify a timeframe within which the new peace officers or traditional leaders will have to be trained by an accredited institution.
- Section 26(2) should clearly state that the Minister will fund the training of the new peace officers, instead of leaving the responsibility ambiguous.



	<ul style="list-style-type: none"> <li>• 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 enforce environmental laws, including anti-pollution laws.</li> <li>• 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 creating confusion. There should be clarity on where the case will be handled by traditional authorities after arrest and evidence seizure have been affected.</li> </ul>
Section 29	<ul style="list-style-type: none"> <li>• Section 29 of the Act does not provide clarity on who a Fire Protection Officer or traditional leader should arrest when the non-compliant party is a State organ. For example, who should be arrested when a municipality, State-owned Enterprise or Department does not comply with the Act?</li> </ul>
Section 32	<ul style="list-style-type: none"> <li>• Section 32(a) of the Bill does not provide timeframes within which the Minister should conclude processing appeals. 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. The Department does not even send an acknowledgement note to FPAs. Thirty days can be a starting point to avoid getting ignored by the Minister or Department.</li> </ul>
Section 33	<ul style="list-style-type: none"> <li>• Section 33 of the principal Act needs 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.</li> </ul>
Section 34	<ul style="list-style-type: none"> <li>• The Bill or regulations should provide direction on who should take responsibility for losses suffered as a result of veld fires emanating from communal land.</li> </ul>





### 3 CONCERNS RELATING TO IMPLEMENTATION

- There should be clarity on overlaps, demarcation or merging of roles between the Fire Brigade Services Act No. 99 of 1987 and the principal Act. This will eliminate situations where community members are sent from pillar to post when fires occur or both don't respond at all. Harmonised operations and responsibilities could result in the effective use of available resources for all fire management responsibilities. Harmonised operations could maximise the impact on fire preparedness, prevention and management in the country in the face of climate change.
- There is no evidence that this Bill seeks to align or be consistent with recently reviewed by-laws relating to the Fire Brigade Services Act within the municipalities.
- The Act should not be implemented to criminalise traditional practices (initiation schools) that involve the use of fire in mountains or veld. The Act should not undermine customary law.
- At a municipal and district level, the Fire Brigade Services Act No. 99 of 1987 is prioritised and implemented often in conflict with or ignoring the National Veld and Forest Fires Act No. 101 of 1998. The two pieces of legislation should be harmonised to optimise the use of available firefighting resources.
- 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.
- Section 3 of the principal Act and Section 2(b) of the Bill specifically apply to land owners, 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.
- 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. Furthermore, in rural communities, there are open pieces of land for which there is no clarity on who 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.

- 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 registered FPA. The Act prescribes that such an action by the Minister should be done within a year.
- Section 3(3A) of the Bill should be amended to provide clarity on what facilitating the formation of an FPA will entail and what resources will be required from municipalities and traditional councils.
- Section 3(3A) of the Bill should be clear on whether or not there should be an obligation versus a discretion. In the 2015 Draft, the provision was 'must facilitate', but was then changed in the current Bill to 'may facilitate'.
- The Bill proposes the amendment of section 26 to add the requirement of training by an accredited institution. Are there standards or norms for training institutions so that training can be the same throughout the country and minimise accidents while ensuring high-quality training?
- There should be an explanation for Section 4(8) on what the position will be should there not be a FPA registered in an area within one year from the commencement of the Amendment Act.
- The references to traditional leaders should be deleted from clause 6 because there is no express role for traditional leaders in the principal Act or a justification to grant such powers. To ensure the Bill can pass constitutional muster, Parliament should delete references to traditional authorities having the powers to enter, search, seize and arrest.
- The National Veld and Forest Fire Act have in the past not been enforced and there was no mechanism to ensure enforcement. Similarly, the amendment of Section 4 compels organs of the State to be part of a registered FPA but does not provide a mechanism to enforce this provision. How will FPAs compel the Government or SOEs to comply when they currently comply don't comply or attend disaster



management meetings? Some municipalities have financial problems, so there are doubts that they will pay FPA membership fees.

- The Department of Agriculture, Land Reform and Rural Development (hereafter referred to as the Department of Agriculture or DALRRD) should be assigned 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.
- Section 7 of the principal Act is silent on how the Government will help in funding operations of the upcoming FPAs. The Bill or regulations should speak to the funding for training, capacitation and equipment allocation to FPAs to enable them to be functional. 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. If traditional authorities are land owners, who will provide the budget for complying with the responsibilities and functions of FPAs among traditional leaders? In 2012, the Department did not financially support a community-driven FPA (Mollo wa Tau in the North-West province) that eventually failed, and there are fears that the same may happen again with the many upcoming FPAs.
- 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.
- 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 registered FPA. The Act prescribes that such an action by the Minister should be done within a year.
- 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 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.

- 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.
- The Bill should have a clause to make it a requirement for municipalities to consult FPAs when they plan to set up a landfill site. Poorly managed landfill sites worsen veld fires, particularly in livestock farming areas.
- The explanatory note 9.12 irked many traditional leaders and made them feel excluded and insignificant stakeholders in the Act, yet they are expected to implement it.
- The complexities around the Ingonyama Trust Land need to be addressed. When the Trust (who at times is the landowner of many rural communities) is approached in terms of membership to the FPA, reference is then made to the AmaKhosi etc – hence the Ingonyama Trust remain non-member.
- Formal identification cards should be issued by DFFE, with the Fire Protection Officer's name, registration number, DFFE logo and FPA logo, at the same time the certificate of appointment is issued.
- It is recommended that FPA boundaries must follow district and local municipality boundaries and provincial boundaries. This clarity will eliminate the existence of two FPAs with concurrent jurisdiction such as the Southern Cape FPA and Sarah Baartman FPA that have overlapping boundaries.

## **4 EMERGING ISSUES**

Speakers raised the following comments, concerns or recommendations:

### **4.1 Consultations**

- The organisation of the meeting did not afford other villages or stakeholders sufficient time to thoroughly engage with the contents of the Bill, including



consulting locally to get informed inputs. An additional opportunity should be created to enable the submission of inputs on the Bill.

- Traditional leaders were not (adequately) consulted and need to be furnished with the referred principal Act and the Bill so that they can familiarise themselves with the content, and then seek legal opinion to make an informed decision or input. Some traditional leaders were not in a position to state their support or rejection of the Bill without consultation with their subjects and getting a mandate. In other areas, the timing of the Committee's visit inadvertently excluded traditional leaders who were involved in winter initiations.
- In many provinces, the land is held or owned by traditional leaders, and they should be the ones consulted first before calling general meetings.
- The Minister did not consult CPAs and CPA forums, yet these are important stakeholders in terms of land ownership.
- Among the consulted stakeholders, the Bill shows that SANRAL was not consulted yet their operations are one of the major contributors to veld fires. They should be consulted and an undertaking for participation in the Act should be obtained from them.
- The Department and municipality need to improve communication or conduct workshops with traditional leaders, as there are gaps in what will be expected from traditional leaders, their new responsibilities and legal implications.
- Future public hearing meetings should be communicated to traditional leadership timeously and the Department should present practical plans and accountability channels.
- The sudden or short notice changes in the public hearing dates and delayed communication impacted people's availability, as some people who may have made valuable inputs were not aware of the public hearing meetings.
- The public hearing and the available copies of the Bill did not consider people who live with disabilities (such as blindness and visual impairment), and they are excluded from participation.
- Notice of public hearings should be distributed in schools so that school-going children can bring the pamphlets to their parents/adults at home.



- The invitation to the meeting was portrayed as only applying to farmers, hence excluding many non-farmers. Parliament should send a clear invitation in the future.

#### **4.2 Fire prevention, firefighting equipment and training**

- Land reform beneficiaries, most rural and emerging Black farmers and township communities do not have the money, training and equipment to combat or manage fires, as contemplated in the Act.
- 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.
- 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.
- Youth should be prioritised for training and employment to help with the preparation or maintenance of firebreaks or fire belts before the onset of a fire season. Each traditional council should have trained people in basic firefighting and be provided with equipment to prevent, combat or manage fires, as contemplated in the Act.
- There should be training on firefighting and fire prevention, and the trained people can then be absorbed or deployed to fire-prone areas or be assigned to each ward of a municipality and provided with working tools.
- Firefighting training, regulations, and strategies should be benchmarked against international best practices or ISO standards.
- Basic firefighting equipment should be provided to each fire-prone community. There should be community-based firefighting capacity, water reservoirs, portable firefighting tools and personal protective equipment.
- Some municipalities have inaccessible mountain forests and require resources to procure special vehicles and aerial support to fight forest fires.
- Operations from military bases, Eskom and Transnet present a fire risk for veld fires because their work cause sparks that easily start fires when the vegetation



is dry. 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.

- 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.
- 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.
- There should be an investment in early warning systems that can be accessible to those at high fire risk.
- 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.
- As part of trying to reduce fire incidents along major roads, there should be dedicated smoking areas to prevent the throwing of cigarettes.
- The government may need to intervene to harmonise working relations when there are labour disagreements in the forestry sector. Conflicts and disagreements between employers and employees often lead to the burning of forests in protest of management decisions.
- The State forests and their offices are in a state of disrepair and are a fire hazard that needs urgent attention.
- Municipalities and the Department of Forestry, Fisheries and the Environment should find a way to address the lack of firefighting capacity, equipment and operating budget in the areas where the Fire Brigade Services Act and the National Veld and Forest Fire Act overlap.
- The National, Provincial and Local Disaster Management Centres should assist FPAs to get training and relevant equipment to manage fires on their own.
- 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.



- The Department, municipality and initiation schools need to have a fire management plan and resources to ensure that veld fires do not start at the end of the initiation rite.

#### **4.3 Work of FPAs**

- FPAs 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.
- All commonage users do not belong to an FPA, there is a need for FPAs in commonages and townships so that fires can be locally managed.
- FPAs have limited resources and are not always able to serve everyone, hence the focus is on high-risk areas or threatened members. In some parts of the country, this selective support is considered to be racially motivated.
- 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.
- Increasingly, FPAs are doing municipal work in combating fires and raising awareness in communities.
- In some farming communities, such as in Mpumalanga, there are hostile racial tensions between Black and White farmers. 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. The Department should provide clarity on whether Blacks should form their FPA in such a situation or they will intervene and change racial tensions.
- The Department should provide clarity on the future of FPAs that are not adequately resourced and therefore fail to execute their functions. Currently, FPAs do not generate sufficient income to execute all their mandates and need both financial and equipment support.
- FPAs could be structured to function as a local fire brigade service, where trained FPA members can be absorbed into the fire brigade service.



- There used to be a fire guard programme during apartheid and did exactly what FPAs are expected to do. Such a programme was effective and should just be reinstated instead of creating new FPAs.
- The Department should consider abolishing the WoF tender, and the resources allocated to the Working on Fire company could be better used by FPAs or umbrella bodies.
- In some districts of the North-West province, FPAs are increasingly doing the work of the fire brigade service and are not appreciated. It was raised by a few speakers that during firefighting, municipalities only provide refreshments (water, snacks and food) to their firefighters and leave out FPA volunteers.
- The Department and FPAs should conduct inspections before every fire season to ensure that fire breaks or fire belts are in place before the onset of a fire season, failing which there should be fines.

#### **4.4 Working on Fire**

- The workers under the Working on Fire (WoF) should be given permanent employment as opposed to perpetual short-term contracts.
- There should be better and more timeous communication and awareness on the Working on Fire Programme, recruitment and offered services. Local youths should be prioritised in WoF or other firefighting jobs.
- 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.
- Part of disaster relief funds could be used to expand the WoF activities that focus on fire prevention in fire-prone areas.
- The WoF 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.





- A special grant could be sourced from Treasury to expand the WoF activities that focus on fire prevention in fire-prone areas.
- Some municipalities are keen to take over the management of the WoF programme 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.
- 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.
- The WoF, fire brigade services and FPA functions should be merged so that there is better coordination, enhanced impact on fire management and maximal use of available resources, particularly before the fire season begins.

#### **4.5 Unresponsive Minister and municipality to written submissions**

- 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 time frames. The same mechanism should apply to municipalities.
- Competent and qualified people should be employed to handle queries and written communication from stakeholders.
- Lazy and incompetent officials from the Free State and the Department pose a higher risk to the livelihoods of farmers than climate change.

#### **4.6 Invasive alien species**

- The uncontrolled invasive alien vegetation increase 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.
- The Department of Agriculture and the Department of the Environment should come up with strategies to protect the diminishing size and quality of veld as



erosion and other vegetation gradually replace the grassland. For example, sheep farmers need assistance with the removal of blue bush shrubs that are taking over grazing land.

- The Working for Water programme requires review in contract management to ensure the appointment of diverse service providers and timeous payments of SMMEs that remove alien invasive species. The deadlines should be considerate of the size or scope of allocated jobs.

#### **4.7 Biodiversity use and conservation**

- The collection or digging of medicinal plants or hunting of medicinal animals should be regulated or controlled to ensure the sustainability of traditional healing practices, either through formal registration or exemption.
- Fires destroy medicinal plants and animals and there should be a way of protecting or propagating these resources.
- Some community members rely on access to special trees and wild animals which fires either threaten or destroy. There should be an extensive effort to protect such valuable plant and animal resources.
- To prevent biodiversity loss, the municipality, DFFE and the DALRRD should help land reform beneficiaries to make fire breaks and fire belts.
- 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.
- 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.
- Indigenous forests and wild animals support traditional healing services and there should be an extensive effort to protect such valuable plant and animal resources from being replaced with alien invasive trees that the forestry sector plants.
- The traditional healers want to be exempted from paying CapeNature access fees to harvest incense.



#### **4.8 Electric cables**

- Eskom's electric cables start fires when they are blown by strong winds. In most instances, the fire starts in mountainous places and easily travels long distances.
- Eskom should maintain firebreaks under the overhead power lines to ensure that grazing land is not threatened.
- The claims process against Eskom is frustrating and requires legal aid. Farmers would rather buy inputs than pursue Eskom for fire damages caused by their electric cables. Eskom needs to establish a less cumbersome way of processing claims.

#### **4.9 National road network**

- The South African National Roads Agency should regularly maintain firebreaks and cut grass to reduce fuel load, particularly during a fire season.
- There is a need for more awareness campaigns to deter motorists from starting fires.
- Fire-resistant plants or trees should be planted along the national roads

#### **4.10 Awareness programmes**

- There should be awareness programmes targeting children through incorporation into the curriculum to cover the protection, mitigation and prevention of fires. The Environmental LandCare programme was useful and needs to be reintroduced at schools.
- There should also be awareness programmes targeting parents to influence their children to prevent fires. The awareness programmes should be activated before the onset of the fire season or school closures.
- 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 fire-extinguishing equipment.



- There needs to be training and awareness on the proper use of gas stoves, candles, paraffin cookers or heaters, and braziers during the winter season to minimise flare-ups of fire or to prevent fire-related disasters.
- The Department should conduct awareness programmes on the importance of medicinal trees and work together with law enforcement to combat deforestation or illegal harvesting of trees.
- There need to be more awareness campaigns to deter motorists, truck drivers and hunters from starting fires.
- Rangers should be involved in fire awareness and enforcement programmes because they are influential and visible.
- There should be awareness in communal land to ensure that communal land owners and users know their responsibilities in fire prevention and preparedness as required by the Act.

#### **4.11 Reinstatement of the rangers' programme**

- The Department needs to reinstate the ranger programme and restore the powers that rangers had to ensure compliance with the Act, improve awareness, improve skills and create jobs.
- The ranger programme should be adequately funded to ensure fair compensation of rangers, biodiversity conservation, inspections and compliance with best environmental management practices.

### **5 SERVICE DELIVERY ISSUES**

#### **5.1 Councillors and municipal services**

- Mayors and councillors are only visible when they campaign to be elected, thereafter they disappear.
- Municipalities do not respond to requests, proposals and applications from NGOs, and there should be a mechanism to compel the municipalities to respond within specific time frames.



- Councillors and mayors do not attend traditional council meetings or send a representative when far-reaching issues are discussed. Requests and ideas from traditional leaders are ignored.
- Municipalities need to construct sports or recreational facilities and activities to engage children during winter to keep them away from starting fires.
- The municipality should ensure that their officials do their work properly instead of leaving some waste behind each time they collect illegally dumped litter. Part of their responsibility that needs execution is ensuring that wetlands are not used for residential or dumping purposes.
- Basic municipal services are inaccessible and accessing them comes at a cost. For example, community members have to travel long distances to get proof of residence. The municipality should have satellite offices (satellite police station, satellite fire station, etc.) that will focus on basic municipal services.
- Municipalities should improve library resources and services to include providing wireless internet (e.g. in Harrismith).
- The lack of electricity is making learning difficult for school-going children who have to do their research online. Similarly, the poor cell phone reception in some municipalities creates a mobile divide and constraints on education, communication, internet access and economic opportunities.
- Municipalities should see to it that ward committees are established, functional and used in public awareness programmes that cover fire prevention, crime and drug abuse.
- The lack of support from the municipality impedes business development, and the inaccessibility of the Small Business Development Department is doing a disservice to aspirant entrepreneurs.
- Students and graduates need to be recruited and provided with stipends to beef up municipal capacity.
- Municipalities should help street vendors with shelters to sell their produce and help facilitate better market access.
- Municipalities should put aside some funds to create short-term jobs for youths to lower youth crime, desecration of graves and improve the state of gravesites.



- As informal settlements are growing, the need for basic services to be brought closer to people such as mobile offices or services for social grants, identity documents, and health care, including satellite firefighting.
- The lack of services and responses from the municipality and government, in general, makes the work of ward Committee members difficult, particularly when they are supposed to report back to communities.
- The municipality is not providing basic services to the Knoflokskraal residents such as water, firefighting, electricity, waste removal, etc. Health care service is needed for elderly people.
- The Oudtshoorn Municipality does not attend meetings intended to establish an FPA, despite CapeNature reaching out to stakeholders for collaboration in the sustainable use of biodiversity and fire protection.

## **5.2 Access to land**

- The DALRRD should work with municipalities, in consultation with farmers, to identify and secure land that can be used for farming. The land should preferably be far from national roads because that is where most fires start. The land application and allocation process should be fair, equitable, and transparent and prioritise local farmers and agriculture graduates.
- High livestock density and the lack of alternative land results in overgrazing and soil erosion, and the government does nothing to reverse this environmental risk. The Department of Agriculture and the municipality should allocate alternative land after vegetation is destroyed by fire to eliminate erosion and further land degradation.
- Mining operations in Northern Cape are displacing communities, in particular, farmers and there is no alternative land provided. The DALRRD should protect farmers and agricultural land from being displaced by mining companies.
- The Khoi-San leadership in Olifantshoek (Gamagara Municipality) would like to continue living in the allocated land or be allocated a larger land parcel instead of being evicted without being allocated alternative land. The Khoi-San in the Stellenbosch municipality gets regularly removed by the municipality from any



allocated land, including land that belongs to Public Works and Infrastructure Department. They are made to feel landless on their ancestral land.

- Farming land is scarce and there is no clear and transparent way of accessing farming land portions from the municipality or the province. Where land is available, lease agreements are not issued, and municipalities are unresponsive. The DALRRD should provide land reform beneficiaries with landownership documents specifying the landowners.
- The Agriculture Department needs to update land restitution applicants on the progress of their applications, particularly those made in the late 90s. Outstanding land claims should be prioritised for urgent finalization before opening another round of land claims.
- The Agriculture Department should be responsive when asked questions and accessible when needed. More extension officers must be employed to ensure that services are delivered timeously without the need for endless follow-ups.
- Some White farmers from whom the government bought land still control access and activities on that land, and the Agriculture Department is not helping resolve the impasse.
- Current land allocation to Black livestock and vegetable farmers is too small and results in overpopulation of land portions and overgrazing that limits growth.
- There should be legislation or mechanism that will enable the government to take over fallow agricultural land for redistribution or use among farmers.
- The release of municipal land for agricultural purpose will reduce the fuel load that worsen veld fires as municipalities do not regularly make a fire break.
- Municipalities seem to speed up land allocation to foreigners to start churches, yet they are unable to find land for locals to grow crops or farm livestock.
- The privatisation of mountains, rivers and forests impacts traditional healers and the Khoi-San community as they no longer have access to medicinal plants that can only be found on mountains, in indigenous forests or along rivers.
- The Department of Agriculture and the Land Rights Commission should expedite the process of handing over land with finalised claims.



- The Department of Agriculture, DFFE and the municipality should intervene to ensure that Black foresters and processors have secure forest tenure and land use hostilities and sabotage are resolved.

### **5.3 Agricultural support and provision of inputs**

- Farmers need support through the provision of feeds and fodder during winter and when grazing land has been burnt. Fencing of commonages and other land portions owned by the State will reduce the number of stray animals, livestock losses, car accidents, loss of lives and conflicts among livestock and grain farmers.
- After veld fires, small-scale livestock farmers should be permitted to use overgrown open veld or roadside grass as grazing land for their livestock, which will also help in reducing fuel load.
- Support from the Government should be offered without consideration of political party affiliations or being favourites of officials. The lack of support for emerging farmers impedes agricultural development and job creation while resulting in the exit of Black farmers in the agricultural sector. The unintended consequence is that local farmers get replaced by 'outside' farmers who hire their people.
- Agricultural inputs are often supplied at the wrong time, mostly when no longer needed or when no longer in good condition.
- Alternatively, the Government should subsidise farmers during the winter months to sustain their livelihoods. Another option is to have a policy to compensate farmers who suffer losses from fires.
- Agriculture training programmes, such as AgriSETA, should have fire awareness and preparedness as part of their curriculum.
- In the past, the Agriculture Department would send qualified people to help farmers with vaccinations, ploughing, planting, etc. Such a programme needs to be reinstated and the Agriculture Department should work with municipalities to make fire breaks around camps in commonages.
- Small-scale or small-holder farmers are always unsuccessful when they apply for grants from the Department of Agriculture. The application process should





therefore be reviewed or training provided to farmers to correctly lodge their applications. There is too much red tape.

- The DALRRD and provincial counterparts should conduct imbizos or awareness campaigns on available funding, support and services to farmers, as well as ways to access them. Such imbizos should consider the needs of farmers that live with disabilities. The imbizos should include awareness of how disaster relief funds or support can be accessed by farmers.
- The Agriculture Department should provide resources to combat animal diseases and ensure that State Veterinarians have the resources they need to function fully. In the past, the Agriculture Department would send qualified people to help farmers with vaccinations, ploughing, planting, etc. Such a programme needs to be reinstated and the Agriculture Department should work with municipalities to make fire breaks around camps or villages.
- The Agriculture Department should resuscitate the animal dipping programme to control or manage animal health.
- Government should empower youth with agriculture skills and provide them with start-up packages such as land and inputs.
- Municipalities should not just allocate agricultural land for residential purposes as this exacerbates the problem of stray livestock in townships.
- Some farms do not have access to water and can be helped through the creation of water canals that supply water to distant farms. The water can also be used to douse fires.
- The government tractors are few and require frequent repairs, thus unable to assist farmers on time. Government should assist farmers to build the capacity to fix broken tractors and service farming implements and machinery used in farm mechanisation or build local servicing capacity.
- The Department of Agriculture should be a programme to compel local grocery and food shops to source their vegetables from local producers.
- 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.



- The Bill places an extra compliance burden on emerging farmers, yet Government is not helping in developing farmers.
- The Department of Public Works and Infrastructure should strengthen the border fence as it is currently weak and facilitates stock theft.
- Some of the allocated mentors cheated the farmers of their livestock in Mpumalanga and KwaZulu-Natal and the Agriculture Department is not responsive.
- The Department of Agriculture, provincial counterparts and municipalities need to find a better and more efficient way of supporting farmers to ensure the fertile land is productive instead of being overtaken by grasslands and alien invasive plants (Vaal area, and parts of the Free State and Eastern Cape provinces).
- The Department of Agriculture, Land Reform and Rural Development and the Municipality should help in the start-up of community gardens by providing basic garden tools to encourage scalable farming.
- The Agriculture Department should intervene in helping the students who feel their future is being compromised by the management of Lichtenburg Agricultural College who ignore their pleas.
- The DFFE and the Agriculture Department should conduct public awareness on programmes and funds that can support aspirant fish farmers, including the facilitation of market access.

#### **5.4 Bad roads**

- Provinces and municipalities should improve the road conditions to attract tourists, and improve access to ambulances and other rescue services. Bad roads contribute to poor school attendance in summer, and delays in fire brigade services, coupled with long distances to be travelled.
- The South African National Roads Agency and municipalities should regularly maintain firebreaks and cut grass along roads to reduce fuel load, particularly during a fire season. Overgrown paths create a risky environment for crime, particularly against women. It is therefore understandable when community



members burn overgrown grasses to reduce risks associated with walking through overgrown paths.

- Some municipal roads and veld areas need street lights as some get very dark.

## **5.5 Beneficiation**

- Communities around forested areas should get training and tools from the Department and the municipality to create value and benefit from the forests, including from invasive trees such as the wattle trees.
- Communities living in and closer to the forests and plantations do not benefit from the value generated from the forests.
- The Department of Agriculture needs to help local producers to get diverse market access and fair value for their products (poles, logs, crafts, etc.).

## **5.6 Cooperation with Non-Governmental Organisations**

- Local NGOs want to partner with the municipality to help in implementing by-laws, pollution reduction, recycling, reduction of invasive alien vegetation and firefighting.
- NGOs are willing to work with municipalities and the Department to conduct awareness programmes on environmental programmes. They will need support such as funding to execute such responsibilities and cooperation with ward committees. Funding to NGOs should be provided in a fair, transparent and equitable way.
- Where municipalities and DFFE are under-capacitated, funds should be mobilised to help community-based NGOs to implement anti-pollution programmes, and assist farmers and small businesses.

## **5.7 CPA Operations**

- The elite members of CPAs enter into agreements with mining companies to the exclusion of ordinary CPA members (benefits not reaching all members as



supposed to). The elite and government allow mines not to contribute to the social, economic and infrastructure development of the communities surrounded by mines.

- The CPAs also ignore traditional leadership and exclude some community members that were supposed to be *bona fide* beneficiaries of the CPA.
- CPAs do not serve the interest of their members and allow mines not to contribute to the social, economic and infrastructure development of the communities surrounded by mines.
- CPAs were allocated land without training, equipment and other operational inputs and no plan for assistance from the national, provincial and municipal levels. Government should prioritise the support of CPAs so that they can be functional and achieve intended outcomes.
- CPAs are not functioning as constitutionally constituted and do not comply with governance guidelines of being democratic and advancing the interest of members. Infighting and conflicts are so regular that the lives of members are at risk
- The CPAs suffer from poor leadership as they are given to inexperienced youths. Elderly people would like to be allowed to lead and fix CPAs to function as intended.

## **5.8 Deforestation for firewood and charcoal**

- The Department should conduct awareness programmes 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.
- The lack of employment opportunities is forcing the youth to deforest the Hammanskraal forests to generate income.

## **5.9 Fire brigade services**



- Firefighting services should be closer to communities or commonages. Communities should be exempted from paying for fire brigade services, particularly in commonages.
- Alternatively, commonage committees should be trained to have firefighting capacity. Developing farmers should be provided with fire extinguishers that can be easily transported or carried.
- The services should be provided fairly without discriminating against certain groups.
- There is draft legislation to bridge the gap between the Fire Brigade Services Act and the National Veld and Forest Fire Act. Internal consultations are underway and, upon completion, it will be tabled in Parliament.
- 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.
- Firefighters should be adequately trained, have regular drills and be equipped with functional trucks
- Firefighting services should be provided fairly without discriminating against certain racial and class groups.
- Municipalities with struggling firefighting services should create business opportunities for companies that are willing or able to execute some functions such as firefighting and raising awareness on various matters.
- Municipalities should service the existing fire trucks, ensure operational fire stations, and bring fire brigade services closer to communities or create township structures or committees that are trained and provided with firefighting equipment and consumables.
- Firefighters need to be trained and get acquainted with the local maps, roads and terrain to eliminate instances of getting lost when they are called.

## **5.10 Hefty penalties for stray livestock**



- There is an allegation that individuals (landowners or lessees) have hijacked the municipal system of collecting fines for stray animals to benefit themselves by charging livestock owners when their cattle stray or sleep on their properties. The penalties for releasing impounded livestock are not regulated and can be as high as R17 000.

### **5.11 Health care**

- A local clinic in the Viljoenskroon township was closed down and local leadership (councillors and mayor) is not providing answers on why it is not operational.
- Medical emergency vehicles have to travel from far towns or cities when they are called from villages and generally arrive too late. There should be dedicated ambulances to service rural areas.
- Some clinics in communities are not staffed enough or only operate a few days per week. More nurses need to be trained and employed to work in rural communities. There is also a need for clinics to work over weekends so that people are not forced to wait for weekdays to get medical care.
- Villages need more clinics to be built to service the growing settlements and village populations.

### **5.12 Housing and informal settlements**

- Informal settlements should be provided with water and sanitary services to prevent people from contracting water-borne illnesses and limit the contamination of water bodies.
- Informal settlements are mushrooming and the frequent fires that start there burn fields and livestock. There should be fire breaks around informal settlements or fire retardant walls or effective fire alarm systems.
- Municipalities are slow to assist people residing in informal settlements when there is a fire disaster or do not support them at all.



- Government should regulate the construction of shacks to minimise the chances of structures catching fire when the next structure is burning. For example, there should be a prescribed distance between structures.
- It was reported that It is alleged that a white farmer closed the road on the land that they owned previously, and 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 RDP houses, supplying water and electricity, and bribes Department of Agriculture officials to delay processing their land claim.
- Access to RDP houses is skewed in favour of people from the townships, while few or no RDP houses are built in villages.
- 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.
- The currently provided RDP houses are too small and of inferior quality. The government should build bigger RDP houses as promised and be equipped with fire extinguishers or painted with fire retardant paint.
- The lack of electricity in informal settlements forces residents to use fire for household needs or opt for illegal electricity connections, which often result in fires. Eskom and the Stellenbosch municipality keep sending residents from pillar to post when they request electrification in informal settlements.
- Municipalities should have a dedicated disaster recovery fund to help residents who lost their RDP houses from fires to rebuild or restore them to avoid homelessness. Some municipal officials occupy very low-paying jobs, do not qualify for home loans and are unable to recover from fire losses, thus should also get municipal help to rebuild lost their houses from fires.
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### **5.13 Waste management and pollution**

- Lack of awareness programmes, poorly managed landfill sites, pollution of water bodies and land, and attitudes towards land pollution contribute to uncontrollable fires and constant littering. There is a need for training and empowerment of



waste-pickers, investment in recycling infrastructure and partnerships with civil society or NGOs for local development, to change attitudes and eliminate illegal dumping.

- The Department and municipalities should work together to develop the waste economy through structured and funded programmes that will create and sustain jobs.
- Illegal dumping of tyres and waste oil by community members and road construction companies contributes to fuel load during fires.
- The poor management of the landfill site affects contributes to the intensity of fires and contributes to the death of cows (diaper consumption).
- Municipalities do not prioritise and fund anti-pollution projects and sewage spills, yet there is always money for the funerals of leaders.
- There should be accountability mechanisms to ensure that landfill sites are located in suitable sites that do not provide fuel to veld fires.
- Municipalities do not respond/take action on reports of pollution coming from their contractors, such as during road construction
- Non-participation in environmental clean-up programmes or anti-pollution campaigns should result in the withdrawal of Government SASSA grants.
- The unmanaged pollution from the mines makes people get respiratory illnesses and fail their medical tests – thus can't get jobs in mines.
- 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.
- Mining companies are not complying with the rehabilitation of disused mines as required by law and the DMRE and DFFE are not doing enough to compel mine owners to comply.
- Each municipality should create a dedicated site where waste can be burnt in a controlled environment. The incineration of waste at landfill sites or open fields and service delivery protests contributes to veld fires.
- There is a concern that particulate matter from mining operations may be contaminating the water bodies, grazing land (pastures), livestock and crops.





DALRRD, DFFE, Water and Sanitation, and Health departments need to test and monitor to ensure the safety of people and livestock.

- The secondary concern is the inhalation of the particulate matter as there is no evidence that the law is enforced to ensure compliance with National Environment Management: Air Quality Act No. 39 of 2004 and National Air Quality Standards.
- The burning of sewage sludge is contributing to air pollution, nuisance smell and run-away fires that threaten informal settlements and may be contributing to respiratory problems. A better sludge treatment method should be implemented in the Emfuleni municipality.
- High-density informal settlements are a major contributor to noise, land and water pollution as the municipality does not service these areas.
- The Department and municipalities should allocate resources to recruit people to rid the forests of litter, particularly bottles that contribute to forest fires.
- The levels of water pollution are impacting traditional practices or rituals and killing aquatic life.

#### **5.14 The South African Police Service and the justice system**

- The South African Police Service enables livestock and maize theft through poor or negligible investigations against known thieves, which affects the livelihoods of farmers. Stock theft cases are abruptly cancelled and never result in the recovery of stolen cattle or arrests. The SAPS conducts negligible patrols and is slow to respond and investigate thus forcing farmers to be guards at night.
- The South African Police Service facilitates arson through poor investigations and not taking action against known thieves, robbers or reported arsonists.
- Satellite police stations should be set up in farming communities and villages to ease the reporting of fires and other crimes (such as around the towns that hosted the public hearings). It emerged during the public hearings that there are no arrests, prosecutions or convictions of arsonists who continue starting fires unabated.



- There is an increase in the levels of crime in many communities, some of which are fuelled by substance abuse. Police service is either lacklustre or does not exist, and communities have to rely on calling distant police stations and when police are phoned, they often never arrive. Police capacity needs to be beefed up to improve investigations, prosecutions and convictions of arsonists and thieves.
- Police do not take sexual harassment and rape incidents seriously, as they do not investigate or follow up.
- The SAPS do not want to intervene when CPA members report intimidation and threat to life incidents.
- There is a general lack of information on the protocol for reporting veld fires. This includes when community members see a person starting a fire or people who throw cigarette butts along major roads and this challenge needs to be solved.
- Police are not visible and their absence has increased farm assaults (against farmers and farmworkers), illegal small-scale mining (zama-zama) and robberies.
- Police are involved in drug peddling in communities and never act on tip-offs relating to drug dealers. They are only visible when they come to collect bribes from foreign shop owners.
- When troublesome community members are arrested, they always get released back to the community within a few days and continue distressing community members.
- The Department should have a regular training programme to help the South African Police services, the National Prosecution Authority, and magistrates on the Act. Currently, there is very little awareness among police on the Act and thus never respond to or investigate veld fire cases. The resultant situation is a lack of prosecutions, convictions and sanctions. Police also need to be capacitated to be able to handle other environmental crimes that include deforestation and the illegal digging of sand.



- The increase in the number of amaphara<sup>2</sup> is partly driven by unemployment and is increasing the frequency of forest and veld fire incidences and petty crimes in communities. The police are not doing enough to manage such crimes.

### **5.15 Lack of skilling and employment opportunities**

- Municipalities should roll out programmes to create jobs to eliminate substance abuse and crime among the youth. Employment opportunities should be shared openly and timeously and specify the targeted groups.
- Municipalities should scrape vegetation around residential areas so that fires may not escape to the nearby veld or farms, and vice versa. Alternatively, the removal of such vegetation should be a vehicle to create jobs where unemployed people can be hired to make fire breaks around residential areas.
- Unemployed people who are above 35 years struggle to find jobs, funding and skills development opportunities due to exclusion criteria. The Government should create a grant for the >35 years category of people. There should be ringfenced numbers or proportions of jobs reserved as informed by local demographics.
- Some of the employment opportunities only focus on people with matric or post-matric certificates, thus side-lining those without matric or post-matric qualifications, even when there is experience.
- Unemployment affects elderly people more, particularly those just below the pension age. There needs to be a better focus on this category of citizens, not just prioritising women and children in terms of government support.
- The Community Work Programme (CWP) was instrumental in job creation, fire prevention and protection awareness campaigns and the programmes were suspended without explanation, now fire burn for a long time and are uncontrollable. The CWP should be reinstated and employ more people to combat fires and other environmental problems.

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<sup>2</sup> Amaphara – petty crime thieves that are addicted to heroin-based drigs such as nyaope or whoonga.



- Municipalities and the Department need to find a way of repurposing part of the EPWP jobs to cover the capacity shortage in fire awareness, protection and the making of fire belts and thus create jobs. The contracts of the EPWP jobs should be at least three years or made permanent to avoid creating unemployment at the end of the contracts.
- There are high levels of illiteracy in the communities due to youth dropping out of school, which contributes to high unemployment.
- Access to skills development opportunities is limited and Parliament should intervene.
- Vacant EPWP jobs under the Forestry Project need to be urgently filled to create needed jobs and bring the mismanaged State forests and plantations under silviculture.
- Government should empower youth with wood-crafting or carpentry skills and provide them with start-up packages to maximise economic benefits from the forests.
- The forestry sector is mechanising some operations and outsourcing services resulting in job losses. The Department needs to come up with a viable employment strategy to create alternative livelihood opportunities.
- Burnt forests create employment opportunities for replanting the burnt areas, however, this or labour disagreements should not be a motivation for starting forest fires.
- The MTO Group overlooks locals when employment opportunities open in their company and employ outsiders. The procurement of aerial support during fires does not contribute to employment creation, instead, the expenditure on helicopters could be better used to create seasonal jobs.

#### **5.16 Management of commonages or municipal land**

- Commonages are congested and livestock farmers want the municipality to allocate larger land parcels, even if it includes gaining access to underutilised farms. There should be a fair and transparent mechanism for the advertisement, processing and allocation of available land parcels that do not overlook locals.



- Municipalities should ensure that there are lease agreements for the use of commonages, and committees should be established to manage the affairs of commonages.
- The Municipality is leasing land to private entities that are not complying with the Act, and the municipality is not taking action to ensure compliance. For example, the mountain lease. Also, the lease deprives Shembe disciples of exercising their prayers and the annual pilgrimage to the mountain.
- There should be a fair and transparent mechanism for the advertisement, processing and allocation of available land parcels that do not overlook locals.
- Municipalities should review their commonage rules and provide larger camps when needed, instead of expecting farmers to relocate on their own. 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.
- Some farmers need land to create jobs for unemployed community members.

### **5.17 Water and sanitation services**

- Some municipalities lack water and often go for weeks without running water or water trucks delivering water. The intermittent supply of water is violating the rights of community members and should be corrected. Government should consistently supply trucked water while working on delivering piped water. The common proposal is that municipalities should construct reservoirs, water canals or pump water from any closest water body (such as those closer to the Orange river, Vaal river, or dams in Limpopo).
- The quality of the trucked water should be drinkable and pose no health risks to consumers.
- In areas that are prone to fires, the storage and use of grey water can aid in the fight against veld and forest fires.
- The provision of piped water to communities could be cheaper than the perpetual contracts that municipalities sign with water trucking companies. Building of water supply infrastructure will stimulate the economy and result in job creation.



- In towns, municipalities should keep public toilets open and accessible so that women will not be forced to use dodgy and overgrown veld to relieve themselves. In informal settlements, municipalities should increase the number of public toilets so that they may be closer to residential units. Alternatively, there should be more portable toilets and be serviced regularly.
- Safe toilets should be provided to avoid incidences where children fall into pit latrines.
- Municipalities should adopt technology, particularly the use of solar energy to power water pumps in boreholes into a dam. The water can then be used for household needs or fighting fires. Similarly, there are now portable water purification systems that municipalities can use since they struggle with operating their water treatment plants. Alternatively, the Department and municipalities should invest in water harvesting technologies and storage in communities to aid firefighting efforts and possible household use.
- Informal settlements should be provided with water and sanitary services to prevent people from contracting water-borne illnesses and limit the contamination of water bodies. Informal settlements generally have limited communal taps and this situation impedes local firefighting efforts while the fire brigade service is on the way (more water points are needed and should be spread).
- The planted trees in forestry plantations are believed to be taking up a lot of the limited water resources thus contributing to water shortages.
- Government should build dams or reservoirs to help farmers during dry seasons and also in firefighting.
- Government should urgently complete the Giyani bulk water project to ease the lives of many villagers.
- The municipalities within the Vhembe District with the help of the Department of Water and Sanitation should remove the silt and sand from the dams to increase their carrying capacity.
- The municipality should provide piped water and electricity to the Khoi-San community that lives in the Franschoek Valley.



## **6 OVERSIGHT AND ACCOUNTABILITY**

### **6.1 General Oversight and Reporting**

- Parliament should bring back answers to communities or update them regularly on developments relating to raised issues. This will simplify the work of Ward Committee members who are expected to bring answers to issues that they were mandated to raise.
- Parliament should report back to the communities in Amahlathi municipality on the forestry permit issue, water unavailability, and the lack of action by the province on issues that were reported to the Presidential Hotline.
- Parliament should ensure that there will always be a municipal representative when holding public hearings. As there was no representative, parliament should update the community about the responses from the municipality and the Department on the issues that they raised.
- Parliament is expected to process the Bill according to the desires of the people and put aside squabbles when debating.
- The Committee should be provided with reports from all Departments and government agencies that own or manage land on their compliance with the Act, conduct verifications and ensure that there are adequate resources for inspections and enforcement.
- Parliament needs to create a platform for reporting underperforming, unresponsive, inaccessible or abandoning elected representatives to hold them accountable and ensure service delivery to the communities.
- Parliament should have district offices or functional and visible constituency offices to improve accessibility to people and to be closer to the ground for oversight purposes.
- Parliament should ensure that Government departments (such as national and provincial agriculture and environment, water and sanitation, and DMRE), entities (SANRAL and ESKOM) and municipalities return to communities to iron-out issues raised during the public hearings and routinely report on progress made.



- The Committee should hold Departments such as DFFE and Mineral Resources and Energy accountable for the abandoned mines that contribute to fires and pollution of the air and water bodies.
- There should be a performance audit report tabled to Parliament on the implementation of the Act before the current amendment, monitoring and service delivery improvement plans. The report should include a SWOT analysis and lessons. Parliament should ensure that there is an oversight on the implementation of the Act to ensure its enforcement.
- Parliament should ensure that DFFE has realistic plans on how they will implement the Act. The concern is that there has been no implementation and the ranger programme that existed in provinces during the pre-democracy era has collapsed and discontinued.
- Parliament should ensure that all State entities, and government Departments such as Public Works, Agriculture, Land Reform and Rural Development, and municipalities report annually on their preparedness for fire season as required by the law.
- Parliament should ensure that the DFFE maintains its forests and complies with the need for fire breaks.
- Diaper and beer bottle pollution is a problem and Parliament needs to hold the DFFE, municipalities and producers accountable for non-compliance with extended producer responsibility. There should be officers to ensure the implementation of extended producer responsibility regulations.
- The Committee should ensure that the Department brings indigenous forests and State plantations silviculture. The Department and MTO Group should fence the plantations and employ securities to have controlled access to the plantations to minimise or eliminate forest fires.
- Parliament needs to be given detailed plans and timelines on giving FPA 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.
- Parliament should instruct the Minister and the Municipality to operate the Maphale landfill site to curb pollution and improve waste management.





- Parliament should ensure that the Department prepares or finalises regulations and guidelines as soon as the Bill is sent to the President.
- Parliament should monitor departmental performance and the achievement of goals that will reverse social, economic and environmental degradation, while at the same time creating jobs and promoting biodiversity conservation.
- Parliament should focus on overseeing service delivery issues as opposed to private scandals.
- Parliament should ensure that the Department implements forest beneficiation programmes and ensure that communities, as land owners, benefit from their natural resources.
- Parliament should ensure that the Department and the municipality enhance Black ownership and operations of forests and that operating permit issues are resolved to ensure the reinstatement of operations and supported jobs.
- The DFFE and the Department of Agriculture should investigate and report to Parliament on the reported land and forest grabs, incursions or land takeover, and lack of lease payments by commercial operators of communal land and restricting access to communal forested land. Both the DFFE and Department of Agriculture should brief the Committee on how they plan to resolve existing similar issues, and prevent similar takeovers and lack of payment of lease fees as DFFE is in a process of transferring State-owned forests to communities
- The Portfolio Committee on Forestry, Fisheries and the Environment should engage the Portfolio Committees on Agriculture, Land Reform and Rural Development, and of Employment and Labour, to see how farm workers can be assisted to find a workable solution to be released from work to fight veld fires where their livestock graze. This pertains to the cry that farm owners do not allow farm workers, who are livestock owners to fight fires ravaging their informal settlements or grazing land where they keep their livestock.
- The Committee should ensure that SAFCOL communicates with land reform beneficiaries the strategies and finances of forestry companies where communities are shareholders through SAFCOL.



## **6.2 Funding**

- Parliament should ensure that the Department approaches the National Treasury to secure funds to help farmers recover after losses relating to fire incidents.
- Parliament should ensure the allocation of financial resources to staff and train personnel for fire stations to deliver fire awareness, prevention and fighting support.
- Parliament should not just demand clean audits but should provide resources to district and local municipalities to enable the achievement of goals and do something about raised issues instead of merely listening.

## **6.3 Awareness and Outreach Programmes**

- Parliament should ensure that the Department rolls out awareness programmes on forest and veld fire mitigation, combating deforestation, and rebuilding the ranger programme.
- In the future, copies should be sent in advance to traditional councils and municipalities by the Public Education section of Parliament.
- Parliament should ensure that the Department builds on the Public Education foundation that Parliament laid when visiting communities. Such an approach should be used to inform communities of developments or plans associated with the implementation of legislation and policies.
- 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.
- Parliament should ensure that the Department engages with municipalities and initiation schools to find each other or have a system in place that will mitigate against the spread of wildfires during the initiation period or when the fire danger index is high.



## **6.4 Basic Education**

- Parliament should stress upon the Minister of basic education to add environmental management to the school curriculum.
- Parliament should ensure that DFFE, Basic Education and Agriculture, Land Reform and Rural Development present a plan of incorporating fire risk mitigation strategies in the curriculum for learners and students.

## **6.5 FPA issues**

- The legislation compels the Minister to conduct an assessment to gauge whether an FPA should be formed in certain areas or not and facilitate the formation of an FPA within a year after the Act came into effect. This does not seem to have been done, since there are still many fire-prone areas in the country that do not have FPAs. The Department should update the Committee on what is being done to correct this oversight.
- Parliament should see to it that all consulted stakeholders and government departments that own land and State entities comply with the basics of this Act such as joining FPAs and implementing fire management strategies by holding their ministers and SOE boards accountable. FPAs do not have the resources to force them to comply.
- Parliament is expected to advance the discussion of signing MoUs with neighbouring countries where fires often cross from Botswana to South Africa. The MoU should enable South African FPAs to cross the border fence at the site of fire risk, instead of crossing illegally as it currently happens.
- The Committee should help bring umbrella FPAs together so that they can plan on the management of fires that cross provincial boundaries. Currently applied risk mitigation strategies are not similar, and so are their dissimilar application.
- Parliament should help in facilitating a working agreement with other countries or provinces so that when there is a fire disaster the international community can come to assist.



- Parliament should instruct the Minister to develop a framework or guideline to inform the deployment and withdrawal of the Working on Fire personnel. The Working on Fire company independently decides where to deploy or withdraw personnel without consulting or agreeing with affected FPAs or their umbrella bodies.

## **6.6 Cooperative Governance and Traditional Affairs**

- The Department of Cooperative Governance and Traditional Affairs (COGTA), and its entity the National Disaster Management Centre (NDMC) exclude FPAs and their umbrella bodies when planning. FPAs and their umbrella association want to be involved in provincial disaster management planning sessions because they are affected and interested stakeholders. Parliament should engage the COGTA Minister to instruct NDMC to extend an invitation to the umbrella association of provincial FPAs when provincial plans are crafted and be responsive to queries from FPAs.

## **6.7 Police Services**

- Parliament should ensure that police service improves and that there is a clear plan of action to resolve the issues raised during public hearings.

## **6.8 Sports, Arts and Culture**

- Parliament should ensure that the Minister of Sport, Arts and Culture channels resources towards the preparation and maintenance of firebreaks, upkeep and maintenance of national heritage sites (such as the Kuruman Moffat Mission that operates as a heritage site to boost tourism and employment in the area).

## **6.9 The Government Policy of Ageism**

- Parliament should champion the review and abolition of Government policy that excludes people who are 35 years and above from employment and training



opportunities. It is worsening the unemployment problem in the country and fuels the growth of crimes such as cash-in-transit heists.

#### **6.10 Public Enterprises**

- Parliament should hold Government departments (such as national and provincial agriculture and environment), entities (SANRAL and ESKOM) and municipalities who did not attend or send representatives during public hearings and ensure that they respond to questions from the public.
- Parliament should intensify its oversight and accountability role to ensure Eskom's generation and maintenance function optimally to eliminate the unending electricity price hikes, and ongoing load reduction and load shedding. Otherwise, the use of fire for household needs will remain prevalent as there is low electrification in some villages and ongoing load reduction and load-shedding.

#### **6.11 District and local municipalities**

- The Committee should do follow-ups with local and district municipalities to respond to issues at their competency level. Written responses from the visited local municipalities should have reached the Committee within seven working days from the day of the hearing.
- The municipalities that manage areas where there is burning as part of the conclusion of initiations, should provide the Committee with a plan of action to mitigate and manage fires from initiation schools.
- Municipalities and districts should inform the Committee on how they will be supporting FPAs to build capacity and reduce reliance on districts for firefighting services, in particular, forest and veld fires.
- Parliament should be provided with a plan that will be rolled out for the issuing of lease agreements by municipalities.



- Parliament should oversee the implementation of council resolutions, particularly those that relate to economic development and job creation on demarcated land and ensure the eviction of occupiers.
- Parliament should conduct oversight in municipalities to ensure that services get delivered and issues raised during the public hearing are attended to within clear timelines such as on the Sebokeng wastewater sludge, provision of gardening equipment, wetland occupation, and misbehaving councillors.

## **6.12 Land and Agrarian Affairs**

- Parliament should ensure that the application for agricultural support and processing of applications is simplified and expedited to help farmers grow and create jobs. Similarly, Parliament should ensure that the processing of disaster relief funds is expedited to help farmers get back on their feet on time.
- Parliament should conduct oversight on farms to assess and remedy the working conditions that farmworkers are exposed to.
- Parliament should expedite the finalisation of the expropriation Bill and its subsequent implementation so that Black can have access to land. The return of land to Blacks should be a priority instead of engaging landless people on laws that only apply to landowners.
- Parliament should fast-track the finalization of structures and systems to enable the implementation of Section 42(c) of the Restitution of Land Rights Act, No. 22 of 1994. The section enables the Minister to provide financial aid to land claimants. The funding mechanism should be fair, transparent and accountable.
- Parliament should ensure that legislation restricts foreign land or property ownership as more foreign nationals put locals under duress to sell their land or properties to them.
- Parliament should ensure that the DALRRD finalises the recognition of CPA forums instead of dragging the process.
- Parliament should ensure that DFFE is part of the post-settlement support team to train new landowners on fire management.



### **6.13 Social Development**

- The Portfolio Committee will engage the Portfolio Committee on Women, Youth and Persons with Disabilities to ensure that when parliament as an institution always consider and make provisions for people living with disabilities when engaging with the public.

### **6.14 Women, Youth and Persons with Disabilities**

- Parliament should establish mechanisms to include people living with disabilities when planning and conducting public hearings.

### **6.15 Water**

- Parliament should oversee and ensure that the Giyani bulk water project is completed to provide clean running water into the taps of 55 villages in the Mopani district. The current lack of water impedes agricultural development, food security and jobs.
- Parliament should be provided with a report on the reported unfair water distribution practices by the Gamtoos Irrigation Board. The report should also cover the responses to the proposal for the transfer of the Working for Water programme to the municipality to create more jobs.

## **7 CONCLUDING REMARKS**

Fires cause significant losses to landowners and users and also result in the loss of lives. Many land owners and users support and welcome the efforts advanced in the Bill to return fire management powers to local structures and traditional authorities. There were also additional clauses proposed for inclusion during the amendment of the legislation. Historically, traditional leaders were at the forefront of environmental management, in partnership with locally-based rangers to ensure compliance with environmental laws that curbed pollution and unplanned or uncontrolled veld and forest fires. While these changes are welcome, there were service delivery concerns that



Parliament needs to follow such as water supply to villages, access to land, deforestation, pollution, exclusion of the 35+ age group, agricultural support and improvement of stipends currently given to ward committee representatives. Additionally, Parliament should ensure that the DFFE implements the FPA support strategy to capacitate and equip the upcoming FPAs. The government needs to find a workable solution to prevent and manage fires at a local municipality level, noting that some responsibilities are held at a district level.

Most public hearings had representatives either from the local or district municipal level, it was noteworthy and concerning that in some municipalities, there were no representatives present. Government departments (such as national and provincial agriculture and environment), and entities (SANRAL and ESKOM) seldom had representatives present during public hearings so that they can answer questions from the public. In general, service delivery issues took up most of the public hearing time, partly because community members did not have regular meetings with their leaders. Municipalities and the district should create regular platforms for engaging communities on service delivery issues and report back on progress made to resolve reported problems. Municipalities should set up structures and quarterly meetings where they will inform and update communities about developmental plans, respond to issues and consider proposals. Unemployment among youths and limited business and employment opportunities remains a big challenge that requires creativity and innovation, which can only be harnessed through partnerships.

Some of the raised concerns related to the implementation of legislation need further engagement. There should be a discussion and a working agreement on the legislative gap that exists between the Fire Brigade Services Act, and the National Veld and Forest Fire Act. The core gap is that WoF personnel are not allowed to extinguish structural fires even when they are on site. The consequence is economic and infrastructure loss, while capacity may be available within the WoF Programme. The principal Act was not enforced and compliance was optional among landowners, including joining local FPAs. It will then need to be noted that the Department will have to play a more active role than before in training traditional leaders and new FPAs, and equipping them with fire





management resources that include funding and legal services. FPAs raised unhappiness with the lack of aerial support or aerial support that only services the Western Cape as a matter that Parliament needs to deliberate on and find viable and affordable solutions for.

In the future, departmental presentations on practical plans and available resources should precede public hearings on parliamentary bills that are consulted. This approach will also help to have a focussed meeting instead of meetings being overtaken by service delivery issues. The Department needs to ensure that there is clarity on how the implementation of the Bill will be contributing to sustainable job creation. Parliament, through the Portfolio and Select Committees dealing with Cooperative Governance and Traditional Affairs, needs to follow up on the absence, lack of response and laziness of elected office bearers who do not attend to the concerns of their constituencies.

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