**Report of the Portfolio Committee on Forestry, Fisheries and Environment on the National Veld and Forest Fire Amendment Bill [B24-2021], dated 31 January 2023**

The Portfolio Committee on Forestry, Fisheries and Environment (the Committee), having considered the National Veld and Forest Fire Amendment Bill [B24 - 2021] (National Assembly – section 76), referred to it and classified by the Joint Tagging Mechanism (JTM) as a section 76 Bill, reports the Bill with amendments [B24B-2021], as follows:

The National Veld and Forest Fire Amendment Bill was referred to the Committee on 20 December 2021 (ATC No. 173) for consideration and adoption. The Committee received the first briefing on the Bill on 11 February 2022. This was followed by the publication of an advert on 25 February 2022 calling for written submissions. A total of nine written submissions were received by the closing date of 18 March 2022. Thereafter, the Committee held 27 public hearings in all nine provinces of South Africa. Within each province, three district municipalities were visited. The public hearings were held from 27 May to 23 October 2022. Additional written submissions were received during or after each public hearing, which supplemented oral submissions. The Committee received responses from the Department of Forestry, Fisheries and the Environment on the issues raised regarding the Bill during the public hearings on 01 and 22 November 2022.

The objectives of the Bill are to amend the National Veld and Forest Fire Act, 1998, to amend and insert certain definitions; to provide for the facilitation of the formation of fire protection associations by a municipality or a traditional council; to compel a municipality, state-owned enterprise, public entity or other organs of the state that own land to join the fire protection associations; to extend the powers of entry, search, seizure and arrest to peace officers and traditional leaders; to amend the title of the Act to the National Veldfire Act; and to provide for matter connected therewith.

The Committee held its deliberations (clause by clause) on 22 November 2022. During its deliberations on the Bill, the committee was of the view that the proposed clauses did not include all the issues raised during the public hearings. Thus, the Committee requested a legal opinion regarding the process to be followed if the Committee wished to extend the scope and make further amendments to the Bill, in terms of Section 268 (4).

On 29 November 2022, the Committee received a presentation from the Parliamentary Legal Advisor on the legal opinion. The legal opinion stated that if the Committee wished to extend the scope of the Bill, that process will delay the finalisation of the Bill in the 2022/23 financial year. In that case, the Committee will need to embark on a further public participation process on the new additional clauses. It was then agreed that additional clauses may be better placed in the regulations. The Committee met on 24 January 2023 and unanimously agreed to the following amendments to the Bill:

"**Amendment of section 1 of Act 101 of 1998**

**1.** Section 1 of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

 "(1)The purpose of this Act is to prevent and combat **[veld, forest and mountain fires]** veldfires throughout the Republic.".

**CLAUSE 1**

1. On page 2, from line 4, to omit “National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) (hereinafter referred to as the principal Act),” and to substitute “principal Act”.

2. On page 2, from line 6, to omit the definition of "communal land".

3. On page 2, in line 10, to omit *"(b)"* and to substitute *"(a)".*

4. On page 2, from line 12, to omit the definition of "fire in the open air" and to substitute the following definition:

" **‘fire in the open air’** means any fire not within a building or structure, but does not include a fire in an area specifically designated for such fire, protected against wind and spreading, and maintained by the owner;";

5. On page 2, in line 15, to omit *"(c)"* and to substitute *"(b)"*.

6. On page 2, in line 19, to omit *"(d)"* and to substitute *"(c)".*

7. On page 2, in line 22, to omit *"(e)"* and to substitute *"(d)".*

8. On page 3, in line 1, to omit *"(f)"* and to substitute *"(e)"*.

9. On page 3, in line 4, after "the" to omit "Traditional Leadership and Governance Framework Act" and to substitute "Traditional and Khoi-San Leadership Act" .

10. On page 3, from line 5, to omit the definition of "Traditional Leadership and Governance Framework Act" and to substitute the following definition:

" **‘Traditional and Khoi-San Leadership Act’** means the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).".

11. On page 3, in line 8, to omit *"(g)"* and to substitute *"(f)"*.

12. On page 3, from line 10, after "area", to insert "including any vegetation along any rural-urban fringe of a city, town, and its adjoining industrial or residential area boundaries;".

**CLAUSE 2**

1. On page 3, from line 14, to omit subsection (3A) and to substitute the following subsection:

 "(3A) The municipality concerned, and a traditional council established in terms ofsection 16 of the Traditional and Khoi-San Leadership Act, if any, may facilitate the formation of a fire protection association process as contemplated in subsection (3), if the Minister is of the opinion that a fire protection association is required.".

**CLAUSE 4**

1. On page 3, in line 41, to omit "chief fire officer" and to substitute "fire protection officer".

**CLAUSE 6**

1. On page 4, in line 2, to omit "Traditional Leadership and Governance Framework Act" and to substitute "Traditional and Khoi-San Leadership Act".

**LONG TITLE**

1.On page 2, in line 3 of the long title, to omit "or" and to substitute "and".

The Portfolio Committee on Forestry, Fisheries and Environment recommends that the House adopts this report and approves the second reading of the National Veld and Forest Fire Amendment Bill [B24B-2021].

**Report to be considered**.