

**LETABA  
FIRE PROTECTION  
ASSOCIATION  
  
CONSTITUTION**

**25 JULY 2005**

**1. Name of the Association**

The name of the association is the Letaba Fire Protection Association ("the association").

**2. Description of Area of Operation**

The area of the Letaba Fire Protection Association (LFPA) falls within the Mopani District Municipality, and incorporates the local municipalities of Greater Tzaneen Municipality (323 999 hectares)<sup>1</sup> and Greater Letaba Municipality (189 096 hectares)<sup>1</sup>. A total of 513 095 hectares. The northwesterly border is found at a point approximately halfway between Soekmekaar and Mooketsi. Stevens Lumber Mills provides the western boundry. The Southern boundary is approximately 16 km south of Lenyene and the Eiland

Resort borders the eastern side. <sup>1</sup>(source: Limpopo- Office of the Premier)

**3. Address of the Association**

The address of the Association is –

P.O. Box 3711

Tzaneen

0850

Physical address:

Letaba Fire Protection Association Operations Centre

Waterval

Westfalia Estate

Politsi

**4. Application of the Act to this constitution**

This constitution follows Chapter 2 of the National Veld and Forest Fire Act, 1998 (No. 101 of 1998) and the regulations under it.

**5. Aim of the Association**

The aim of the Association is to predict, prevent, manage and extinguish veldfires in its area.

## 6. Duties and functions of the Association

- a) The duties and functions of the Association are to -
- (i) implement a veldfire management strategy for the area,
  - (ii) provide in the strategy agreed mechanisms of co-ordinating actions with adjoining fire protection associations in the event of a fire crossing boundaries,
  - (iii) make rules which bind its members,
  - (iv) identify the ecological conditions that affect the fire danger and attempt to remedy same,
  - (v) regularly communicate the fire danger rating referred to in sections 9 and 10 to its members,
  - (vi) facilitate the training of its members in fire-fighting, management and prevention,
  - (vii) inform its members of equipment and technology available for preventing and fighting veldfires,
  - (i) provide management services, and facilitate training and support for communities in their efforts to manage and control veldfires,

- (viii) supply the Minister at least once every 12 months with statistics about veldfires in its area,
- (ix) give any information requested by the Minister to prepare or maintain the fire danger rating system,
- (x) exercise the powers and perform the duties delegated to it by the Minister,
- (xi) assist in reducing the risk of fire to and from properties on the urban interface,
- (xii) initiate an education and publicity campaign on fire awareness,
- (xiii) elect an Executive Committee to manage the affairs of the Association,
- (xiv) appoint a Fire Protection Officer, and
- (xv) do all else necessary to carry out its aims, duties and functions.

## 7. Membership

- a) Any owner, as defined in “the act” , within the jurisdiction of the Association may at any time become a member. Any Municipality, Parastatal, State Department or Organ of State

which is in control of land must be a member as defined by the act.

- b) A member is any owner or lessee (as defined by “the Act”)-
  - (i) whose name is in the register of members referred to in section 8 (a) of this constitution, and
  - (ii) who has declared that he or she is willing to follow this constitution and the rules of the Association.

## 8. Register of members

- a) All members must give the Secretary (as per the prescribed form) –
  - (i) The full registered name of his, her or its properties and where necessary a copy of the map showing the boundaries of the properties.
  - (ii) their names, addresses, telephone numbers, email addresses and fax numbers and
  - (iii) the names, addresses, telephone numbers, email addresses and fax numbers of their agents or representatives.

- b) Any -
  - (i) change of address or telephone number or
  - (ii) transfer of property or change in ownership must be communicated to the Secretary by the member within 3 months.
  - (iii) The Secretary must keep all the details referred to in sub-paragraphs (i) and (ii), and other relevant information, in a register of members.

## 9. Rights and duties of members

- a) Membership of the Association -
  - (i) includes paying fees required by the association
  - (ii) includes the payment of any other charges set by the Association from time to time
  - (iii) allows members access to all the benefits of membership for which due payment has been made.
  - (iv) does not give a member a right to any of the funds, property or assets of the Association
  - (v) includes a declaration to abide by this constitution and the rules of the Association

## 10. Termination or suspension of membership

- a) A member may terminate his or her membership by written notice to the Chairperson except in the case of municipalities and owners in respect of State land.
- b) If a member terminates membership, he or she forfeits all fees and charges already paid to the Association.
- c) Membership is automatically suspended if any member does not pay the membership fees, charges or interest within 90 days -
  - (i) after the end of the financial year
  - (ii) after these fees, charges or interest are due.
- d) The land of a member who dies will still be protected under this constitution if -
  - (i) on his or her death, the fees, charges or interest are fully paid up, and
  - (ii) his or her successor-in-title applies for registration as a member.
- e) The association may suspend membership of any member who fails to comply with the rules within a reasonable period of time after receiving a notice of failure to comply with an agreed rectification plan from the Fire Protection Officer, with the

exception of municipal owners and owners in respect of state land.

- f) Should a dispute arise with regard to a membership being terminated or suspended the Executive Committee decision is final.
- g) Should any member object to the conduct of another member he may lodge a submission to the executive committee requesting appropriate action be taken with respect to the said member.

## 11. Suspension of membership

- a) A request to suspend membership will be entertained if the member:
  - (i) Has failed to satisfy any of the requirements set out in this constitution, or
  - (ii) has committed any act, in the opinion of the Association, is detrimental to the interests or activities of the Association.
- b) in the event that an application to refuse or suspend membership is lodged, the Executive Committee is delegated to act on behalf of and in the interests of the Association in

reaching a decision on the matter. The Executive Committee will then report its decision to the membership.

c) When a submission to suspend an existing member, is received, the Executive Committee must within 30 days:

- (i) provide the member to be suspended with a written statement setting out the reasons for the proposed refusal of the application or the proposed suspension, and
- (ii) call a meeting of the Executive Committee to consider the case. The member whose standing is to be considered must be informed of the time and venue of this meeting.

d) The member under a proposal of suspension:

- (i) will be permitted to attend the meeting referred to in 11c(i), and may set out his case for continued membership, if he so desires, and

e) he may lodge a complaint with the Minister if he is not satisfied with the decision of the Executive Committee in his case.

## **12.Fees, charges and interest**

The executive committee may from time to time –

- (i) fix fees for membership registration and charges for services that are necessary for the proper management of the Association
- (ii) charge interest on unpaid fees that the law allows.

the fee structure of the Association are as contained as annexure “B” in the rules of the Association.

Annual membership fees must be paid on or before the 1st day of April or on a date set by the executive every year.

A pro rata membership fee is payable after the 1<sup>st</sup> October for initial membership and thereafter full membership fees will be charged when joining the Association.

Any increase in registration and membership fees or charges for services must -

- (i) be ratified at an annual general meeting

- (ii) if not done at an annual general meeting, be decided on by the majority of members present at a general meeting called for that purpose.

### **13.Liability of members**

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

### **14.Separate legal entity**

The Association is a separate legal entity and is capable of instituting litigation in it's own name and may be sued in its own name .

### **15.Limited liability**

The Association is capable incurring obligations and acquire rights apart from its members.

### **16.Assets**

The Association may acquire and dispose of any asset.

### **17.The Executive Committee**

- a) The executive committee of the Association will constitute

- (ii) The Fire Protection Officer
- (iii) The Chairperson
- (iv) The Vice Chairperson
- (v) The Secretary
- (vi) Treasurer
- (vii) Sector Managers
- (viii) Municipal representatives

Without voting powers

Additional members.

Co-opted members

- b) Except for the Fire Protection Officer or Municipal representatives, who are appointed, any member of the Association may be elected to the executive committee for a period of three years, but may stand for re-election at the end of this period.
- c) If the any member of the Executive resigns, dies, becomes incapacitated or disqualified, is removed from office, this position becomes vacant and must be filled by a special general committee meeting within 60 days.
- d) A elected member of the executive committee becomes disqualified if he or she -
  - (i) Is declared to be of unsound mind by a court
  - (ii) Is declared insolvent by a court

- (iii) is convicted of a crime involving dishonesty
- (iv) has been absent without leave or a good reason from two consecutive meetings of the committee.
- e) If there is a vacancy in the committee, it must be filled by the election of another member by the committee for the remaining period of service.
- f) Any member may be co-opted to serve on the Executive Committee for a period decided upon by the Executive Committee but has no voting rights.
- g) A quorum for a meeting will be 50% of members plus one.
- h) If there is not a quorum present after the expiry of thirty (30) minutes after the appointed time for the meeting, no meeting shall take place. The members present shall then decide by a majority vote to adjourn the meeting to a date not more than fourteen (14) days later and the members present at such an adjourned meeting shall form a quorum and transact the business which was to be transacted at the first meeting.
- i) The Executive Committee shall meet at least once in any ten (10) week period.

## **18. Technical Committee**

- a) A Technical Committee may be appointed to assist the Executive Committee with technical advice and expertise with regard to fire management and related issues.
- b) Their function and powers will be indicated in a document which will reflect in the terms of reference as amended from time to time.

## **19. Employees**

- a) The executive committee may employ any person it considers necessary to help the Association to carry out its functions.
- b) The employment of any person, or any change to the contract of employment of any employee, must be approved by a resolution of the executive committee.
- c) All employees will remain in employment when there is any change in the executive committee.
- d) The employment of any person will be in accordance with any relevant employment legislation.

## 20.Loans

- a) The executive committee may use loans, including overdrafts, to raise the funds it needs to carry out any of its functions.
- b) Whenever the executive committee wants to raise a loan of more than R10 000, it must call a meeting of all members, with at least 21 days' notice, to get a mandate to raise the loan.
- c) The executive committee of the association cannot take out a loan that will lead to increased registration or membership fees, unless this is approved by a majority of the members at the meeting.

## 21.Finances

- a) Accounts may be opened at any financial institution in the name of the Association following the approval of the executive committee
- b) All Association accounts and cheques shall be signed by any two appointed Executive members.
- c) The financial year of the Association runs from the date of its registration to 30 March of the following year, and then from 1 April every year to 30 March of the next year.

- d) The Treasurer is responsible for all the financial business of the Association and must keep a record of all its business.
- e) The Treasurer must every year at an annual general meeting
  - 
  - (i) present an audited financial statement of the Association's accounts for the previous financial year, including full details of any salary paid to members of the executive committee.
- f) The financial statement must be available for inspection at reasonable times by any member for a period of 30 days from the date of the annual general meeting.

## 22.Services

- a) The association may, if ratified at a Annual General Meeting or Special meeting, supply other services that assist in the combating of fires.
- b) These services may be charged out at a subscription and/or ad hoc basis.
- c) These services may be rendered to the greater community that falls outside the jurisdiction of the Association.

### 23. Annual general meeting

- a) An annual general meeting must be called by the executive committee -
  - (i) within 60 days of the end of the financial year, and
  - (ii) on 21 days' notice to all members.
- b) In addition to any other business, the annual general meeting must deal with
  - (i) the Chairperson's report on the general affairs of the Association,
  - (ii) the Treasurer's presentation of the financial statements of the Association ,
  - (iii) the Fire Protection Officer's report on his or her activities, and
  - (iv) the introduction and approval of any increase of fees, charges or interest.
- c) A quorum will constitute the members present with a minimum of fifteen plus five from the executive committee. Only those members whose registration and membership fees are fully paid up have a right to vote.

### 24. Voting

- a) Vote will be apportioned in relation to the size of the land owned and each landowner or duly appointed representative (in writing) will hold a vote.

Category	Registered Landholding	Number Votes
I	Up to 100 ha	1
II	Plus the next 400 ha	2
III	Plus the next 500 ha	3
IV	Plus the next 9 000 ha	4
V	Plus the area over 10 000 ha	5

## **25.Attendance of ordinary members at Executive**

### **Committee meetings**

- a) an ordinary member may attend an Executive Committee meeting for the following reasons:
  - (i) To present an issue that has been fully motivated and placed on the agenda.
  - (ii) To be a silent observer of the proceedings.

## **26.Special general meeting**

- a) The executive committee may convene a special general meeting at any time with 14 days notice.
- b) A special general meeting may also be convened by the executive committee if -
  - (i) 50% of paid-up members request this meeting in writing and name the issues to be dealt with.
  - (ii) The executive committee calls the meetingthe requested meeting may not be held within a period of 90 days before an annual general meeting.
- c) If there is no quorum at a special general meeting, the meeting must be closed, and the business for discussion will go to the next annual general meeting.

## **27.Dissolution**

- a) The Association may be dissolved -
  - (i) by a resolution passed at an annual general meeting or a special general meeting called for that purpose and by its deregistration by the Minister under section 8 or
  - (ii) By its deregistration by the Minister under section 8.
- b) The resolution to dissolve the Association must -
  - (i) be passed by a two-thirds majority of members present and forming a quorum, and
  - (ii) be confirmed at another special general meeting, held after at least 30 days, by a majority vote of the members present and forming a quorum.
- c) After confirmation of the dissolution and at that meeting, the members must pass a resolution for the appointment of a liquidator to dispose of the Association's assets, pay its debts and settle its liabilities.