

CONSTITUTION



1. NAME OF THE FIRE PROTECTION ASSOCIATION

The name of the association is the Crocodile River Reserve Fire Protection Association (“the association”), which falls within the City of Tshwane Metropolitan Municipality.

2. ADDRESS OF THE FIRE PROTECTION ASSOCIATION

Physical address: Portion 29
 Doornrandje 386 JR
Postal address: P.O. Box 125
 Lanseria
 1748

3. AREA OF THE FIRE PROTECTION ASSOCIATION

- Doornrandje 386-JR
- Hennopsrivier 489-JQ
- Schurveberg 488-JQ
- Rietfontein 532-JQ
- Riverside Estate 497-JQ
- Vlakfontein 494-JQ
- Vlakplaats 354-JR
- Roodekrans 492-JQ

4. APPLICATION OF THE ACT TO THIS CONSTITUTION

This constitution is in accordance with Chapter 2 of the National Veld and Forest Fire Act, 1998 (No. 101 of 1998) (“the Act”) and the regulations under it.

5. AIM OF THE FIRE PROTECTION ASSOCIATION

The aim of the association is to predict, prevent, manage and extinguish wild fires in its area.

6. DUTIES OF THE ASSOCIATION

- 6.1. develop and apply a veldfire management strategy for its area;
- 6.2. provide in the strategy for agreed mechanisms for the co-ordination of actions with adjoining fire protection associations;
- 6.3. make rules which bind its members;
- 6.4. identify the ecological conditions that affect the fire danger;
- 6.5. regularly communicate the fire danger rating referred to in sections 9 and 10 of the Act to its members;
- 6.6. organise and train its members in fire-fighting, management and prevention;
- 6.7. inform its members of equipment and technology available for preventing and fighting veldfires;
- 6.8. provide services, training and support for communities in their efforts to manage and control veld fires;
- 6.9. supply the Minister with statistics about veldfires in its area at least once every 12 months.
- 6.10. give any information requested by the Minister to prepare or maintain the fire danger rating system;
- 6.11. exercise the powers and perform the duties delegated to it by the Minister;
- 6.12. appoint a fire protection officer;
- 6.13. organise through the management units -
 - 6.13.1. management units are aligned with those determined from time to time by the Crocodile River Reserve, constrained by size and number of land portions;
 - 6.13.2. Units have common ecological characteristics, and therefore have similar fire management requirements
 - 6.13.3. Within each unit all land portions are accessible
 - 6.13.4. Each unit has a Co-ordinator and Organiser to -
 - 6.13.4.1. ensure the planned fire management activities are carried out;
 - 6.13.4.2. respond to wild fires as required locally;
 - 6.13.4.3. promote local cohesiveness;
 - 6.13.4.4. communicate with local residents, including fire alerts and fire safety rating provided by the fire protection officer;
 - 6.13.4.5. catalogue firefighting equipment and fire-fighting skills;
 - 6.13.4.6. submit requests for support, resources or training to the organisation.

7. MEMBERSHIP

- 7.1. Any owner in the area of the association may at any time become a member, provided the owner undertakes to abide by this constitution and the rules of the fire protection association.
- 7.2. Every municipality with a fire service and every owner in respect of State land in the area must become a member.
- 7.3. A member is a person whose name is in the register of members referred to in clause 8(3) of this constitution.
- 7.4. Other associations may also be members and each of the members of the joining association who contributes to membership fees is also a member of the Fire Protection Association.

8. REGISTER OF MEMBERS

- 8.1. Every member must give the secretary—
 - 8.1.1. the name of his, her or its property or properties, and where necessary, a sketch map of the boundaries of the property and the size;
 - 8.1.2. his or her name, address and if available, telephone number, cell phone number, e-mail address, fax number and radio frequency; and
 - 8.1.3. the name, address, and if available, telephone number, cell phone number, e-mail address, fax number and radio frequency of his or her agents or representatives.
- 8.2. Members must communicate to the secretary within a reasonable time any—
 - 8.2.1. change of address or contact details; and
 - 8.2.2. transfer of property or change in ownership
- 8.3. The Secretary must keep all the details referred to in sub-paragraphs (1) and (2), and other relevant information, in a register of members.

9. VOTING RIGHTS

At any meeting where voting is required, each member will have one vote for every portion of land he/she or it owns and for which fees are paid.

10. RIGHTS AND DUTIES OF MEMBERS

- 10.1. A member of the association—
 - 10.1.1. must pay any fees and charges set by the association from time to time;
 - 10.1.2. is entitled to enjoy all the benefits of membership;
 - 10.1.3. must comply with the rules of the association; and
 - 10.1.4. does not have a right to any of the money, property or assets of the association.

11. TERMINATION OF MEMBERSHIP

- 11.1. 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.
- 11.2. If a member terminates membership, the member automatically gives up all fees and charges already paid to the association.
- 11.3. Membership is automatically terminated if a member does not pay the membership fees, charges or interest within 90 days—
 - 11.3.1. after the annual general meeting, or
 - 11.3.2. after these fees, charges or interest are due.
- 11.4. The association may terminate membership of any member, with the exception of municipal owners and owners in respect of State land, who—
 - 11.4.1. Fails to comply with the rules of the association
 - 11.4.2. Fails to comply with an agreed rectification plan from the fire protection officer

12. FEES, CHARGES AND INTEREST

- 12.1. The executive committee may from time to time—
 - 12.1.1. fix fees for registration and membership and charges for services that are necessary for the proper management of the association; and
 - 12.1.2. levy interest on unpaid fees and charges that the law allows.
- 12.2. The fees and charges of the association will be determined by the association in terms of its rules.
- 12.3. The association may exempt any member from the payment of fees and charges, and accord full membership status.
- 12.4. Annual membership fees must be paid on or before the 1st day of March every year.
- 12.5. Any increase in registration and membership fees or charges for services must be decided at an annual general meeting; and if not decided at an annual general meeting, by the majority of members present at a general meeting called for that purpose.

13. LIABILITY OF MEMBERS

Members are not personally liable for any claims against, debts owed by or omissions to carry out duties of the association, but they do have to pay unpaid fees, charges or interest owed by them in their individual capacities as members.

14. ASSETS

The Association may acquire and dispose of any asset it owns.

15. THE EXECUTIVE COMMITTEE

- 15.1. The executive committee of the association consists of—
 - the chairperson;
 - the deputy chair
 - the secretary
 - the treasurer
 - the fire protection officer
 - one additional member
- 15.2. Any member of the association may be elected to the executive committee.
- 15.3. The chairperson is elected for a period of three years, but may stand for re-election at the end of this period.
- 15.4. The secretary and other members are elected for a period of three years, but may stand for re-election at the end of this period.
- 15.5. If any member of the executive committee resigns, dies, becomes incapacitated or disqualified, or is removed from office by a majority vote of the association, his or her position becomes vacant.
- 15.6. A member of the executive committee becomes disqualified if he or she—
 - 15.6.1. is declared to be of unsound mind by a court;
 - 15.6.2. is declared insolvent by a court;
 - 15.6.3. is convicted of a crime involving dishonesty; or
 - 15.6.4. has been absent without an apology and a good reason at two consecutive meetings of the executive committee.
- 15.7. If there is a vacancy in the executive committee, it must be filled by the election or co-option of another member for the remaining period of service.

16. EMPLOYEES

- 16.1. The executive committee may employ any person it deems suitable to help the association in carrying out its functions.
- 16.2. 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.

17. LOANS

- 17.1. The fire protection association may raise loans for the funds it needs to carry out any of its functions.
- 17.2. Whenever the executive committee wishes to raise a loan of more than R50,000.00 (fifty thousand rand), it must first call a meeting of all its members, subject to at least a period of notice of 21 days in order to obtain their mandate to raise the loan.
- 17.3. The executive committee cannot raise a loan that will lead to increased registration or membership fees, unless this is approved by a majority of the members at the meeting.

18. FINANCES

- 18.1. The financial year of the association runs from the date of its registration to 28 February of the following year, and then from 1 March every year to 28 February of the next year.
- 18.2. The treasurer is responsible for all the financial business of the association and must keep a record of all its business transactions.
- 18.3. The treasurer must present 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 and employees of the association every year at the annual general meeting.
- 18.4. The financial statements must be prepared within 90 days of the end of the financial year for presentation at an Annual General Meeting and must be available to any member for inspection on request and within a reasonable time.
- 18.5. The financial statement must be checked by an accounting officer who is registered with an applicable and recognised professional body.
- 18.6. The treasurer must present a budget for the coming year, including salaries to be paid, equipment to be purchased and training cost, as well as the derivation of the cost to members.

19. ANNUAL GENERAL MEETING

- 19.1. An annual general meeting must be called by the executive committee—
 - 19.1.1. within 90 days of the end of the financial year; and
 - 19.1.2. on 21 days' notice to all members.
- 19.2. In addition to any other business, the annual general meeting must deal with—
 - 19.2.1. the chairperson's annual report on the general affairs of the association;
 - 19.2.2. the financial statements of the association; and the introduction and approval of any increase in fees, charges or interest.
- 19.3. A quorum for the annual general meeting will be 25% of the total number of all members in good standing with the association.
- 19.4. If there is no quorum, members must be given notice that the meeting is adjourned for at least seven days.
- 19.5. If there is no quorum at the next meeting, the members present form a quorum.
- 19.6. Only those members whose registration and membership fees are fully paid up have a right to vote and are regarded to be in good standing.
- 19.7. Proxies may be considered in the determination of the quorum for a meeting.
- 19.8. Proxies must –

- 19.8.1. be signed by the member and specify the name of the person who is authorized
- 19.8.2. stipulate if the proxy is limited and/or general proxy
- 19.8.3. be presented to the Secretary ahead of any meeting
- 19.9. Associations who are members may vote on behalf of their members with one vote for every member who pays membership fees. The association's membership list is sufficient to serve as proxy form.

20. SPECIAL GENERAL MEETING

- 20.1. The executive committee may convene a special general meeting at any time on 14 (fourteen) days' notice.
- 20.2. A special general meeting must be convened by the executive committee if—
 - 20.2.1. 35% of paid-up members request this meeting in writing and identify the issues to be dealt with, and
 - 20.2.2. The requested meeting is to be held at least 60 (sixty) days before an annual general meeting.
- 20.3. A quorum will be 25% of all members of the association.
- 20.4. If there is no quorum at a special general meeting, the meeting must be closed, and the agenda for discussion be deferred to the next annual general meeting or another special general meeting may be convened as indicated in 20.1 or 20.2.

21. DISPUTE RESOLUTION

- 21.1. In the case of a dispute between members, members must negotiate to resolve the dispute. The appointed arbitrator must be acceptable to both parties.
- 21.2. If such negotiations fail, any member may approach the executive committee, which must appoint an arbitrator whose decision will be final.
- 21.3. The cost of arbitration is carried by the disputing parties.

22. DISSOLUTION

- 22.1. The association may be dissolved—
 - 22.1.1. 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 in terms of section 8 of the Act; or
 - 22.1.2. by its deregistration by the Minister in terms of section 8 of the Act.
- 22.2. The resolution to dissolve the association must be passed by a two-thirds majority of members present who constitute a quorum.
- 22.3. 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 all its liabilities. Any remaining assets are to be transferred to registered entity of the Crocodile River Reserve.