



**CONSTITUTION OF THE UMPILUZI
FIRE PROTECTION ASSOCIATION**

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1. Name of the Association

The name of the association is the **UMPILUZI FIRE PROTECTION ASSOCIATION (UFPA)**, hereafter referred to as "the Association".

2. Area of the Association

The area of the Association is the North/East Highveld escarpment with Badplaas in the North, Carolina in the West, Amsterdam in the South, Swaziland border in the East, situated in the Msukaligwa, Albert Luthuli and Mkhondo magisterial districts, Province of Mpumalanga: -

Eastern Boundary:

From the point where the Ngwempisi River enters Swaziland northwards along the Swaziland border to the R39 Ermelo/Oshoek provincial road to include Inhlovuswalile 421, Avoka 403, Nerston 421, Stafford 399, The Chine 259, Diepdal 244, Fernie 243, Dumbarton 242, Waverly 246, Robbinsdale 214, Bettysgoed 213, Oshoek 212, Houtbosch, Witklip, Steynsburg, Kromberg, Noisy.

Northern Boundary:

From the Swaziland border in a westerly direction to include farms/Deeds Nolsy, Geluk, Hooggenoeg, Belvue, Doyershoek, Driehoek, Ndubazi, Doornkloof, Suikerboschkop, Steenwyk, Doornkop, Welgelegen, Leeuwkloof, Geluk, Eerstelingfontein, Van Wyksvlei, Strathrae, Grootpan, Klippan.

Western Boundary:

To include farms/Deeds Leeuwpan, Helpmekaar, Weltevreden, Groblersregt, Op Goedenhoop, Welgemeend, Kroghshoop, Vaalbank, Kranspan, Roodebloem, Witkrans, Tevreden, Liefontein, Florence, Blaauwater, Knockdhu, Grasdal, Lake Banagher, Liefgekozen, Tolderia 128, Foxhill, Frere, Schimmelhoek.

Southern Boundary:

Bankplaats, Kliprug, Forbes Athole, Glen Eland, Kolwani, Sarashof, Sterkfontein.

3. Address of the Association

The postal address of the Association is: **P.O. Box 63
Warburton
2333**

Physical address:

**Farm Fernie-Haugh
Warburton
2333**

4. Application of the Act to this constitution

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

5. Aims of the Association

The aims of the Association are to -

- (1) predict, prevent, manage and put out veldfires in its area,
- (2) follow the Act, the regulations under it, this constitution and its rules on behalf and in the interests of its members,
- (3) through training and creating awareness, reduce the risk of potential wild fire situations,
- (4) promote involvement of all communities, associations, and landowners in preventing veldfire situations,
- (5) sustainable management (Social, financial and the natural environment) of resources.

6. Duties and functions of the Association

The duties and functions of the Association are to -

- (1) develop and implement a veldfire management strategy for the area,
- (2) include in the strategy agreed ways of co-ordinating actions with neighbouring fire protection associations,
- (3) make rules which its members must follow,
- (4) identify the ecological conditions that affect the fire danger,
- (5) regularly communicate the fire danger rating referred to in sections 9 and 10 to its members,

- (6) organise and train its members in fire-fighting, management, and prevention,
- (7) inform its members of equipment and technology available for preventing and fighting veldfires,
- (8) provide management services, training, and support for communities in their efforts to manage and control veldfires,
- (9) give the Minister statistics about veldfires at least every 12 months,
- (10) give any information requested by the Minister to prepare or maintain the fire danger rating system,
- (11) carry out the powers and duties passed on to it by the Minister,
- (12) appoint a Fire Protection Officer,
- (13) provide firefighting services to its members, and
- (14) do all else necessary to carry out its aims, duties, and functions.

7. Membership

- (1) All owners of land in the Association's area of operation can become members.
- (2) Members are all persons, municipalities, or communities -
 - (a) whose names are in the register of members referred to in section 8 (3) of this constitution, and
 - (b) who have followed or have said they are willing to follow this constitution and the rules of the Association.
- (3) An owner of land, who at any time applies to the Association for membership is, depending on the rules of the Association, able to be admitted as a member.
- (4) If any member of the executive committee objects to any applicant's admission as a member or any member's continued membership, they must within 14 days -
 - (a) give the applicant or member written reasons for the objection,

- (b) call a meeting of the executive committee to consider the objection, and
 - (c) notify the applicant or member of the date, time and place of the meeting.
- (5) The applicant or member has the right -
- (a) to speak at the meeting and argue for admission or continued membership, and
 - (b) to make a complaint to the Minister if not satisfied with the executive committee's decision.
- (6) If the Minister appoints a mediator or arbitrator acceptable to the executive committee, and the applicant or member, from a panel referred to in section 45(1) or 45(2) of the National Forests Act, everyone will have to co-operate with the mediator or follow the decision of the arbitrator.

8. Register of members

- (1) All members must give the Secretary -
- (a) their names, addresses and telephone numbers, and
 - (b) the names, addresses and telephone numbers of their agents or representatives.
- (2) Any -
- (a) change of address or telephone number
 - (b) transfer of property or change in ownership
- must be communicated to the Secretary within a reasonable time.
- (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. Rights of members

Membership of the Association -

- (1) includes paying any fees and charges set by the Association from time to time
- (2) allows members to have all the benefits of membership
- (3) does not give a member a right to any of the money, property or assets of the Association.

10. Termination of membership

- (1) A member may terminate his or her membership by written notice to the Chairperson.
- (2) If a member terminates membership, he or she gives up all fees and charges already paid to the Association.
- (3) Membership is automatically terminated if a member does not pay the membership fees, charges, or interest within 60 days -
 - (a) after the annual general meeting, or
 - (b) after these fees, charges or interest are due.
- (4) The land of a member who dies will still be protected under this constitution if -
 - (a) on his or her death, the fees, charges, or interest are fully paid, and
 - (b) his or her successor-in-title applies for registration as a member.

11. Fees, charges, and interest

- (1) The executive committee may from time to time -
 - (a) fix fees and charges for membership and services that are necessary for the proper management of the Association
 - (b) charge interest on unpaid fees that the law allows.
- (2) At the Annual General Meeting which must take place before end April of each year, submit a budget and fees for approval.

- (3) Annual membership fees must be paid on or before the 31st day of May every year.
- (4) Any increase in registration and membership fees or charges for services must -
 - (a) be decided at an annual general meeting
 - (b) 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.

12. 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.

13. The executive committee

- (1) The executive committee of the Association will be selected from the board and will consist of -
 - (a) the Chairperson.
 - (b) the Deputy Chairperson.
 - (c) the Fire Protection Officer.
 - (d) the Secretary/Treasurer.
 - (e) the Fire Chief.
 - (f) Additional member.
- (2) The board will consist of representatives as follows:
 - (a) SAPPI x 2.
 - (b) YORK x 2.
 - (c) KLF x 2.
 - (d) Mondi x 1

- (e) TWK x 1.
 - (f) Somhlolo x 1.
 - (g) Msukaligwa Municipality x 1.
 - (h) Albert Luthuli Municipality x 1.
 - (i) Mkhondo Municipality x 1.
 - (j) Aerial 2nd Call Members x 2.
 - (k) Farmers x 4.
 - (l) DAFF, Transnet, Eskom, SANRAL (Co-opted members).
- (3) Except for the Fire Protection Officer, who is appointed, any member of the Association may be elected to the executive committee.
 - (4) The Chairperson is elected for a period of 3 years, but may stand for re-election at the end of this period.
 - (5) The Secretary and the additional members are elected for a period of 3 year, but may stand for re-election at the end of this period.
 - (6) If the Chairperson, the Secretary or additional member resigns, dies, becomes incapacitated or disqualified, or is removed from office, this position becomes vacant.
 - (7) A member of the executive committee becomes disqualified if he or she -
 - (a) is declared to be of unsound mind by a court
 - (b) is declared insolvent by a court
 - (c) is convicted of a crime involving dishonesty
 - (d) has been absent without leave or a good reason from two consecutive meetings of the committee.
 - (8) If there is a vacancy in the committee, it must be filled by the election of another member for the remaining period of service.

14. Employees

- (1) The executive committee may employ any person it considers necessary to help the Association to carry out its functions.
- (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.
- (3) All employees remain in employment when there is any change in the executive committee.

15. Loans

- (1) The executive committee may use loans, including overdrafts, to raise the funds it needs to carry out any of its functions.
- (2) Whenever the executive committee wants to raise a loan it must call a meeting of the executive members, to get a mandate to raise the loan.
- (3) The executive committee cannot make a loan that will lead to increased registration or membership fees, unless this is approved by a majority of the members at the meeting.

16. Finances

- (1) The financial year of the Association runs from the date of its registration to the end of March of the following year, and then from 1st of April every year to the end of March of the next year.
- (2) The Treasurer is responsible for all the financial business of the Association and must keep a record of all this business.
- (3) The Treasurer must every year at an annual general meeting -
 - (a) 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 and employees of the Association, and
 - (b) give a report of the Association's activities.
- (4) The financial statement must be available for inspection at reasonable times by any member for a period of 3 weeks (21 days) from the date of the annual general meeting.

17. Annual general meeting

- (1) An annual general meeting must be called by the executive committee -
 - (a) within 60 days of the end of the financial year, and
 - (b) on 21 days' notice to all members.
- (2) In addition to any other business, the annual general meeting must deal with -
 - (a) the Chairperson's report on the general affairs of the Association,
 - (b) the Treasurer's presentation of the financial statements of the Association,
 - (c) the Fire Protection Officer's report on his or her activities, and
 - (d) the introduction and approval of any increase of fees, charges, or interest.
- (3) A quorum will consist of 60% representation of all members' title deed areas.
- (4) If there is no quorum, the members present must be given notice that a further meeting will be held at least 7 days later.
- (5) If there is no quorum at the further meeting, the members present form a quorum.
- (6) Only those members whose registration and membership fees are fully paid up, have a right to vote.

18. Special general meeting

- (1) The executive committee may convene a special general meeting at any time on 14 days' notice.
- (2) A special general meeting must be convened by the executive committee if -

- (a) 40% of paid-up members request this meeting in writing and name the issues to be dealt with,
 - (b) the members requesting the meeting promise in writing to pay for the administrative costs of the meeting, and
 - (c) the requested meeting is to be held at least 90 days before an annual general meeting.
- (3) 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.

19. Dissolution

- (1) The Association may be dissolved -
- (a) by a resolution passed at an annual general meeting or a special general meeting called for that purpose.
 - (b) by its deregistration by the Minister under section 8.
- (2) The resolution to dissolve the Association must -
- (a) be passed by a two-thirds majority of members present and forming a quorum, and
 - (b) 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.
- (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 its liabilities.

20. Corporate Governance

- (1) The Executive Committee will develop and implement a corporate governance plan for UFPA and the board will execute this plan on behalf of the members.
- (2) The plan will address the elements of accountability, responsibility, transparency, rule of law, sustainability, efficiency/effectiveness, participation, equity and fairness within the organisation in line with the

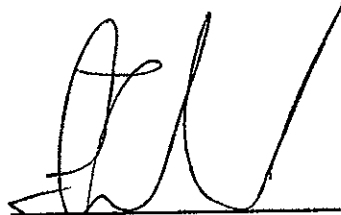
mandate from shareholders (members). This will also consider all the internal and external stakeholders.

**Mark
Barnardo**

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**M. BARNARDO
CHAIRMAN**

DATE: _____



**F. LUDICK
MANAGER**

DATE: 3/8/17