

# DELMAS FIRE PROTECTION ASSOCIATION CONSTITUTION

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1. TITLE OF THE ASSOCIATION:

The title of the Association is the Delmas Fire Protection Association, hereafter called the Association.

2. ADDRESS OF THE ASSOCIATION:

The address of the Association is:

P.O. Box 217      P.O. Box 217  
Sundra          Delmas  
2200              2210

3. THE RELATIONSHIP OF THE ACT TO THE CONSTITUTION:

The constitution is subject to the National Act on Veld and Forest fires, Act 101 of 1998 (hereafter called the Act) and the accompanying Rules.

4. OBJECTIVE OF THE ASSOCIATION:

The objective of the Association is to predict, prevent, control and extinguish veld fires in the rural area of the Delmas Magisterial District in co-operation with the owners and occupants.

5. DUTIES AND FUNCTIONS OF THE ASSOCIATION:

- i. To develop a veld fire management strategy for the entire area.
- ii. To plan strategically, utilising management principles, for the co-ordination of co-operative agreements and methods, in the event of fires exceeding the boundaries of the properties of the owners or the boundaries of the occupants of the properties involved.
- iii. To lay down rules which determines members' duties and responsibilities.
- iv. To advise members about the ecological information about fire hazards (referred to in Chapter 3 of the Act), and if necessary, to plan preventatively.
- v. To organise and instruct members and their employees in the prevention, management and extinguishing of veld fires.
- vi. To keep members and their employees informed about developments with respect to equipment and technology regarding fire fighting.
- vii. To make available management services, training and support to communities in order for them to control fires.
- viii. To supply the Minister at least once a year (just after the veld fire season) with statistics regarding fires in the area.
- ix. To supply information for the determination of the fire risk attack to the Minister, as requested.
- x. To carry out the duties and to exercise the competencies, as determined by the Minister.

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- xi. To appoint a Fire Protection Officer.
- xii. To co-ordinate the delegation of the Fire Protection Officer's duties with those of the Regional and Area Managers.
- xiii. Should a local authority be a member of the Association:
  - a. To deliberate with the Head of the Fire Brigade regarding mutual action in cases where homes, stores and food stores are in danger, as well as at the combating of veld fires in the municipal area.
  - b. To arrange, in co-operation with Executive Committee and the Fire Master, courses for members (these courses shall be available for all members of the community, including farm workers and their dependants).

6. MEMBERSHIP;

- i. Membership is open to all land owners, tenants, managers of properties, as well as managers of government properties and municipalities.
- ii. A member may appoint a person as his agent provided the member does this in writing, and that a copy of the appointment is handed to the Fire Control Officer. A member who appoints an agent to act on his behalf, accepts full responsibility for the actions of the agent in respect of all aspects contained in the Act, Constitution and Rules.
- iii. Should the Association be disbanded, members shall be held responsible only for unpaid membership fees.
- iv. Only members whose membership fees are paid up shall have voting rights.
- v. Founder members of the Association are those persons or Organisations who:
  - a. Attended the founding meeting.
  - b. At the meeting agreed to the founding.
  - c. Whose names are recorded on the list of those present.
- vi. Register of members:
  - a. All members must supply the Secretary of the following:
    - ☞ Name, address, telephone numbers.
    - ☞ Name, address and telephone numbers of their agents or representatives.
    - ☞ Description and size of the property which is being represented.
  - b. All changes regarding addresses, telephone numbers and ownership.
- vii. The Secretary shall keep a complete register containing the information.

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viii. Rights of members:

Membership of the Association:

- a. Does not grant to any member the right to any funds, property or assets of the Association.
- b. Grants the member the right to the privileges of membership, subject to any fees, payments and restrictions as determined by the Executive Committee from time to time.

ix. Fees, payments and interest:

The Executive Committee may from time to time:

- a. Determine and adjust membership fees.
- b. Determine tariffs for services rendered.

x. Responsibilities of members:

- a. Members are not individually responsible for any debts of the Association, except for unpaid membership fees and the resultant costs and interest.

xi. Membership of the Executive Committee:

- a. Members must be available for a period of three (3) years, but at the end of term may be reappointed for the next term, as may be determined by the Association.

7. ORGANISATION ESTABLISHMENT:

The Association will work in conjunction with the following organisations:

- i. Disaster Management Delmas Rural
- ii. Disaster Management Delmas North Rural
- iii. Delmas Agri
- iv. Delmas Municipality

8. DUTIES:

- i. Members must adhere to certain minimum standards, as laid down in the Rules, in respect of prevention of fire, fire fighting and co-operation.
- ii. In instances where members apply to conduct controlled fires, for whatever the reason, the Executive Committee may insist that a report of the local Information Officer be presented before approval will be granted.

9. DELEGATIONS:

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- i. All Management Committee members are invested with the powers and duties under this Act and the delegation shall be valid for the duration of the person's committee membership, or until such delegation is repealed by the Executive Committee. All Management Committee members shall therefore be vested with the same powers as the Fire Control Officer, with the exception of the powers of arresting, searching and confiscation. This exception does not deprive the Committee member of his civil rights. Duties are as embodied in the Act and as determined by the Executive Committee and as explained in the Rules.
  - ii. Limited delegation of duties, as approved of by the Executive Committee, may be delegated by the chairman.

## 10. INCORPORATION:

The Association is invested with legal individuality and has the full power to execute all legal actions required to reach its objectives, which include, without the limitations of the precedents, to

- i. Open and manage one or more banking accounts and to invest funds.
- ii. Enter into agreements of any nature.
- iii. Employ and dismiss persons.
- iv. Obtain, purchase, rent or hire movable and immovable property.
- v. Litigate
- vi. Obtain financing.

## 11. FINANCIAL:

- i. The financial year of the Association extends from the date of its inception until 31 March of the following year, and thereafter from 1 April every year until 31 March of the following year.
- ii. All financial transactions of the Association are placed on record by the treasurer or, in his absence or inability, the Secretary.
- iii. Every year, after the closing of the financial year, the treasurer or the secretary, as is the case, presents a full financial statement to the Annual General Meeting.
- iv. The above-mentioned financial statement, is signed by the chairman and secretary present at the Annual General Meeting
- v. Each paid-up member is entitled to inspection of the financial statements of the Association.
- vi. Should the income of the Association exceed R20 000-00 (twenty thousand rand) per annum in value, the financial statement shall be accompanied by a certificate signed by an auditor.

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- vii. Membership fees shall be amended annually, as determined by circumstances, and approved of at the Annual General Meeting.

**12. ANNUAL GENERAL MEETING:**

- i. An Annual General Meeting shall be convened by the Management committee within 90 (ninety) days after the end of each financial year of the Association.
- ii. Notices of the Annual General Meeting shall be posted to member's 21 days before the Annual General Meeting.
- iii. Notices shall be posted to addresses supplied on enrolment, or as amended in writing by members.
- iv. At the Annual General Meeting a quorum shall consist of 40% of paid-up members.
- v. Should a quorum not be present, a meeting shall be convened 30 minutes later on the same date. At the meeting thus convened, the members present shall form a quorum.
- vi. Only paid-up members shall have voting rights at the meeting.
- vii. The following business shall be transacted at the Annual General meeting:
  - a. Reports:
    - ☞ Chairman's report
    - ☞ Fire Control Officer's report
    - ☞ Financial statements, including regional reports.
    - ☞ Any other important report.
  - b. Determination of membership fees.
  - c. Election of 1/3 of Management Committee, members
  - d. Any other relevant business.
- viii. Only paid-up members may take part in the discussions and voting.

**13. SPECIAL GENERAL MEETINGS:**

- i. A special meeting may be convened at any time by the Management Committee, except that the period of notification of such a meeting will be lessened to 14 days.
- ii. A special meeting must be convened by management when:
  - a. 20% of paid-up members request such a meeting.
  - b. The request is in writing and contains the signatures (above the typed names) of those members who made the request.

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- c. The request reaches Management not less than 90 days prior to the date of the Annual General Meeting.
  - d. The signatories of the request for a special meeting pre-pay the administrative costs of such a meeting, except when 50% of the paid-up members support such a request.
- iii. Rules as in the case of an Annual General Meeting, in respect of a quorum, voting rights, etc. shall be applicable at a special meeting, except in the event of a quorum not being present, when the matter shall stand over until the following Annual General Meeting, unless the Executive Committee decides otherwise, with the exception of the Management Committee having convened such a meeting. Here the rules for an Annual General meeting shall apply.
- iv. At a special general meeting only those issues shall be discussed as was requested when the meeting was convened.

**14. MANAGEMENT:**

- i. The Executive Committee of the Association shall consist of :
  - a. Chairman
  - b. Vice Chairman
  - c. Secretary
  - d. Treasurer
  - e. The Fire Control Officer is nominated by the Executive Committee at their discretion and confirmed by the Minister.
- ii. A Management Committee for the Region shall consist of Elected members
- iii. Should a committee member resign or, for some reason be unable to carry out his duties, The Management Committee may nominate a substitute.
- iv. The Management Committee is empowered to co-opt under special circumstances.

**15. MANAGEMENT MEETINGS:**

Management meetings shall take place at least twice per year or when the Executive Committee so decides.

**16. MINUTES:**

Minutes of Management meetings, Executive Committee meetings and Member's meetings shall be kept by the Secretary, and shall be made available for perusal to paid-up members on request.

**17. CONSTITUTION:**

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- i. The Constitution is approved by the Minister. Any amendments to the Constitution can only be approved by a majority of paid-up members at the Annual General Meeting.
- ii. Should a member wish for an amendment to the Constitution, his/her proposed amendment, together with a motivation, must be submitted.

**18. POWERS OF THE MANAGEMENT COMMITTEE**

- i. The Management Committee has the authority and the power to carry out all actions to execute this Constitution, and to achieve the objective and aims of the Association.
- ii. The Management Committee is authorised to delegate any of its duties to any Committee member of the Association, but remains responsible to the General Meeting of the Association for the execution thereof.
- iii. Expenses incurred by a management member during the execution of this duties can be refunded to him by the area where he serves. It is also within the powers of the management committee to award honoraria where merited.

**19. DISBANDMENT:**

- i. The organisation can be disbanded if so decided by a two-thirds majority at a special meeting.
- ii. The Minister can disband the organisation under Article 8 of the Act.
- iii. At disbandment all assets shall be converted into cash and divided pro-rata, according to membership fees, among paid-up members, by management, after all liabilities have been settled.

**20. INTERPRETATION:**

- i. At the general meeting as well as at Management meetings, the chairman has both a deliberative and a casting vote, in the event of an equal vote.
- ii. In the event of a dispute between the English and the Afrikaans version of this Constitution, the English version shall take precedence.
- iii. Should a dispute occur regarding the interpretation of this Constitution, the interpretation of the Executive Committee shall be final and binding.

**21. TERMINATION OF MEMBERSHIP:**

- i. Should a member resign, he shall lose:
  - a. All privileges in respect of assistance with fire prevention and control.
  - b. All paid fees.
- ii. A member shall no longer be regarded as a member, if:

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- a. He does not pay his membership fees within 60 days after the end of the financial year.
- b. He terminates his membership in writing.
- c. He dies.

22. MEMBERSHIP FEES:

- i. Membership fees shall be paid annually as determined in the Rules and as amended from time to time.
- iii. Paid-up members shall receive preference with the use of fire extinguishing equipment.

23. FIRE EXTINGUISHING EQUIPMENT:

Equipment shall be allocated by the Executive Committee to the predetermined Areas.

Each Area shall allocate equipment in its area. In the event that agreement can not be reached about the placement of equipment in the area, the Executive Committee shall determine the placing and its decision shall be final and binding.

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