



**NATIONAL VELD AND FOREST
FIRE AMENDMENT BILL, [B24B-2021]**

PUBLIC HEARINGS

Background and Objects of Bill [B24B-2021]

Bill referred by the NCOP to the KZN Legislature for consideration and formulation of mandates.

S118(1) of the Constitution requires that a provincial legislature facilitate public involvement in the legislative and other processes of the Legislature. Hence the need for this public hearing.

Any public comments will be taken into consideration in the decision conferring authority on the provincial delegation to the NCOP to cast a vote in support of or in rejection of the Bill or to propose amendments to the Bill or to abstain on voting on the Bill.

Background and Objects of Bill [B24B-2021]

The main object of the Bill is to effect amendments to the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) (“the Act”) in order to—

- improve the administration of the Act;
- deal with a number of important technical enhancements;
- align the legislation with the post-1996 Constitutional framework; and
- ensure that the Act remains responsive and relevant in the field of combating and preventing veld and forest fires.

Clause by clause summary of Bill [B24B-2021]

- 10 clauses in Bill

Clause 1 seeks to amend section 1 of the Principal Act (Definitions section) by deleting the reference to “veld, forest and mountain fires” and substitute it with “veldfires”. The purpose of the Act is accordingly to prevent and combat veldfires throughout the Republic.

Clause 2 seeks to amend certain definitions and inserts new definitions relating to the additional clauses. We will focus on a few key definitions proposed by this Bill. There is currently no definition of “**fire in the open air**” in the Principal Act.

- Benefit of this amendment is to clearly define the term for better enforcement and alignment to the other relevant legislation
- Definition of “**veldfire**” strengthened as it is clearly defined to be inclusive of all types of vegetation including cultivated lands and other biomes and to address the urban-rural interface.

Clause by clause summary of Bill [B24B-2021]

Clause 3 seeks to amend section 3 of the Act, which deals with the formation of fire protection associations. Clause 3 inserts section 3(3A). The clause makes provision for the municipalities and traditional leaders in communal lands to facilitate the formation of fire protection associations under their jurisdiction if the Minister of Forestry, Fisheries and the Environment (“the Minister”) is of the opinion that a fire protection association is needed.

The **benefit** of this amendment is to provide for the roles and responsibilities of municipalities and traditional councils.

Clause by clause summary of Bill [B24B-2021]

Clause 4 amends section 4 of the Act, which provides for the registration of fire protection associations. Clause 4 provides that state-owned enterprises, public entities, organs of state and municipalities must join registered fire protection associations.

This amendment seeks to address non-compliance with the provisions of the Act by Public entities, State-owned enterprises, and organs of State and will strengthen compliance and enforcement measures

Clause by clause summary of Bill [B24B-2021]

Clause 5 seeks to amend section 10 of the Act, which provides for communication of fire danger rating. Clause 5 empowers the Minister to set conditions for the exemption of landowners when a warning in terms of section 10(1)(b) of the Act read with section 10(2) has been issued that no person may light, use or maintain a fire in the open air in the region where the fire danger is rated as high.

The reason for amendment is to provide an **exemption provision** and will benefit landowners including farmers and conservation agencies, to use fire as a management tool during high to extreme veldfire danger rating conditions.

Clause by clause summary of Bill [B24B-2021]

Clause 6 seeks to amend section 11 of the Act, which provides for the delegation of powers and duties. Clause 6 provides that the Minister may delegate powers and duties to the South African Weather Services.

This amendment is purely to provide accurate references to the current institutions (SAWS and the Department).

Clause by clause summary of Bill [B24B-2021]

Clause 7 amends section 26 of the Act, which deals with implementation of Chapter 8 of the Act. This clause provides for the inclusion of peace officers and traditional leaders to enforce the Act under certain conditions.

Note proviso: they have been trained to be competent by an accredited institution to exercise powers to enter, search, arrest and seize in terms of this Act.

Amendment seeks to address Insufficient mechanisms to enforce the provisions of the Act. Provides for enhanced enforcement measures by also empowering Traditional Leaders and peace offices to enforce the Act.

Clause by clause summary of Bill [B24B-2021]

Clause 8 seeks to insert section 32A in the Act. The proposed section 32A provides for appeals to the Minister against decisions or actions taken under delegation by delegated officers or entities, and the process to be followed.

Gap: There is no provision mandating the Minister to administer an Appeal in terms of the Act.

Amendment will enable the Department to deal with appeals internally instead of extensive and expensive court processes.

Clause by clause summary of Bill [B24B-2021]

Clause 9 seeks to change the name of the Act to the National Veldfire Act, 1998.

Clause 10 deals with the title and commencement of the Act.

INVITATION TO SUBMIT WRITTEN COMMENTS

You may submit written comments on the Bill no later than **30 AUGUST 2023** -addressed to: Mr. L. Zondi, KwaZulu-Natal Legislature P/Bag x 9112 PIETERMARITZBURG 3200 Or emailed to: ZONDILM@KZNLEG.GOV.ZA Or hand delivered to: KZN Legislature Albertina Sisulu Building, 244 Langalibalele Street, Pietermaritzburg, 3200 for the attention of Lungisani Zondi. For enquiries please contact **Mr. Lungisani Zondi : Tel: 073 001 4022**



The end
Thank you.