



Greater Rustenburg Fire Protection Association

CONSTITUTION

(as amended and approved at the AGM - February 2024)

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1. NAME OF THE FIRE PROTECTION ASSOCIATION

- a. The name of the Association is the:
Greater Rustenburg Fire Protection Association
herein referred to as "the Association"
- b. The Association was registered on 27 October 2005 and the registration number is 1521/01.
- c. The short name of the Greater Rustenburg Fire Protection Association will be "GRFPA".

2. LEGAL STATUS

The Association shall:

- a. exist in its own right, separately from its members,
- b. continue to exist notwithstanding changes in the composition of membership or office-bearers,
- c. be able to own property, capital, or other assets,
- d. be capable of incurring obligations and acquire rights apart from its members,
- e. be capable of instituting litigation in its own name and may sue or be sued in its own name.

3. AREA OF JURISDICTION OF THE ASSOCIATION

The Rustenburg Local Municipality area in which the association is located. The following existing sub-areas (clusters) are situated in the area of jurisdiction:

- 3.1. Magaliesberg Landowners' Forum; (MLF)
- 3.2. Rietfontein, Grootfontein, Kromriver, Buffelsfontein (RGKB)
- 3.3. Schoonkloof
- 3.4. Spruitfontein
- 3.5. Bafokeng Stock Farmers Union (BSFU)
- 3.6. Modderfontein, Oorzaak, Boschfontein (MOB)
- 3.7. Rhenosterfontein, Zuurplaat (RZ)
- 3.8. Vaalkop Dam Cluster
- 3.9. Mooinooi

(Although situated in Madibeng Local Municipality, and in the absence of an FPA in that area, parent farms Elandskraal and Buffelshoek are included in the association due to local conditions and close proximity).

- 3.10. Pilanesberg National Park

(Although situated in Moses Kotane, this park, is included in the association until such time as there is a fully functional FPA in the Moses Kotane area.

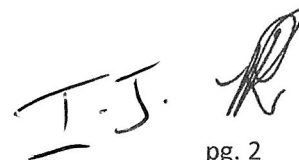
- 3.11. Additional Areas: Permission of the Minister

Any other cluster, outside the jurisdiction of the association may, with permission of the minister, be included in the association.

- 3.12. Any other cluster, within the jurisdiction of the association, but yet to be constituted, may, subject to the provisions of this constitution, be included in the association.

4. ADDRESS OF THE ASSOCIATION

The Chairperson
Greater Rustenburg Fire Protection Association
P.O. Box 16
Rustenburg
0300
Email: grfpa.fire@gmail.com / fire@rustenburg.gov.za



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5. 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.

6. AIM OF THE ASSOCIATION

The Association will carry out its aims, duties, and functions as a non-profit organization for the benefit of its members.

- a. The aim of the Association is to predict, prevent, detect, manage, and extinguish veld fires in its area.
- b. Furthermore, the GRFPA undertakes to facilitate the education of community members in its area of jurisdiction and surrounding areas with regards to the dangers of fires and the necessity to be fully involved in the prevention of fires in the area.
- c. The GRFPA shall endeavour to train, equip, and educate its members and their employees with regards to fire related issues.
- d. The GRFPA shall do all that is necessary to develop, promote and sustain relationships with all role players in the firefighting industry, as well as with neighbouring institutions and interested and affected parties.

7. DUTIES AND FUNCTIONS OF THE ASSOCIATION

the duties and functions of the association are to -

- a. implement a veld fire management strategy for the area,
- b. provide in the strategy agreed mechanisms of coordinating actions with adjoining fire protection associations in the event of a fire crossing boundaries,
- c. make rules which bind its members,
- d. identify the ecological conditions that affect the fire danger and attempt to remedy same,
- e. regularly communicate the fire danger rating referred to in sections 9 and 10 to its members,
- f. organise and train its members in firefighting, management, and prevention,
- g. inform its members of equipment and technology available for preventing and fighting veld fires,
- h. provide management services, training, and support for communities in their efforts to manage and control veld fires,
- i. supply the Minister at least once every 12 months with statistics about veld fires in its area,
- j. give any information requested by the Minister to prepare or maintain the fire danger rating system,
- k. exercise the powers and perform the duties delegated to it by the Minister,
- l. assist in reducing the risk of fire to and from properties on the urban interface,
- m. initiate an education and publicity campaign on fire awareness,
- n. advise members on the eradication of invader vegetation,
- o. elect an Executive Committee to manage the affairs of the Association,
- p. provide a business plan outlining the code of best practice for members and a list of minimum requirements for the making of fire breaks, fire belts or the minimum equipment required,
- q. appoint a Fire Protection Officer, and
- r. do all else necessary to carry out its aims, duties, and functions.

8. MEMBERSHIP

- a. Any owner in the area of the Association may at any time become a member, or any other organization where the State holds an interest or any non-governmental organization which may be an owner of property in the area of the Association.

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- b. Every municipality or organ of State shall be a member as determined by Chapter 2, Section 4. (7) & (8) of the Veld and Forest Fire Act 101 of 1998.
- c. A member is any owner, as defined in the Veld and Forest Fire Act 101 of 1998, or a representative of a group of land owners, whose name is in the register of members referred to in section 8.3 of this constitution, and whose fees are fully paid up.

REGISTER OF MEMBERS:

8.1. All members must give the secretary if so required–

- a. The name of his, her or its properties and where necessary a copy of the map showing the boundaries of the properties,
- b. their names, addresses, telephone numbers, email addresses and fax numbers, and
- c. the names, addresses, telephone numbers, email addresses and fax numbers of their agents or representatives,
- d. a list of all water points on their property that may be used during the combating of fires,
- e. a list of all equipment available for firefighting,
- f. a list of all hazardous installations on the property,
- g. a list of vulnerable structures on the property,
- h. a list of vulnerable community members on the property, and
- i. a list of people available to assist in the combating of fires.

8.2. Any Change in Details:

- a. Any change of address or telephone number within fourteen (14) days thereof.
- b. Any transfer of property or change in ownership must be communicated to the Secretary within fourteen (14) days of the transfer thereof.

8.3. Register of Members

The Secretary shall keep all the details referred to in sub-paragraphs (8.1) and (8.2), and other relevant information, in a register of members.

9. RIGHTS AND DUTIES OF MEMBERS

Membership of the Association -

- a. includes paying fees required by the association
- b. includes the payment of any charges set by the Association from time to time
- c. allows members to have all the benefits of membership
- d. does not give a member a right to any of the money, property, or assets of the Association
- e. includes a declaration to abide by this constitution and the rules of the Association

10. TERMINATION 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 terminated if a member does not pay the membership fees by the date determined by the Executive Committee.
- d. A re-joining fee will have to be paid as determined by the Executive Committee.
- e. 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, and
 - ii. his or her successor-in-title applies for registration as a member.

 
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- f. The association may terminate membership of any member who fails to comply with the rules within a reasonable period of time as determined by the committee.
- g. 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.
- h. Should a member not be in a position to pay the required fee, a written request stating the reasons may be submitted to the Executive Committee for a decision in this regard. The Executive Committee may, depending on circumstances, take a decision to reduce or waive the payment for a year or a part thereof.
- i. Should a dispute arise with regard to a membership being terminated, the Executive Committee's decision is final.

11. OBJECTION TO, OR SUSPENSION OF MEMBERSHIP

The reasons for considering an application to suspend any membership are as follows:

- a. Failure to satisfy any of the requirements for membership set out in this constitution.
- b. Any behaviour or action which, in the opinion of the Association, is detrimental to the interest and responsibilities of the Association.
- c. The Executive Committee has delegated authority to act on behalf of and in the interest of the Association and report back to the Association.
- d. If the Executive Committee objects to any applicant's admission as a member or any member's continued membership, they must within 30 days:
 - i. Give the applicant or member written reasons for the objection or possible suspension.
 - ii. Call a meeting of the Executive Committee to consider the case.
 - iii. Notify the applicant or member of the date, time, and place of the meeting.
 - iv. Grant the member an opportunity to speak at a meeting and argue for admission or continued membership, and
 - v. Grant the member an opportunity to lodge a complaint to the Minister if not satisfied with the Executive Committee's decision.

12. FEES, CHARGES, AND INTEREST

The Executive Committee may from time to time –

- a. Fix fees for membership registration and charges for services that are necessary for the proper management of the Association.
- b. Any increase in registration and membership fees or charges for services must be ratified by the Executive Committee prior the start of the new financial year, and approved at the Annual General Meeting.
- c. All membership fees are due by the 31st of March of every year.
- d. Should a member not pay his or her fees by the aforementioned date, he or she will automatically lose their membership and have to re-apply and pay an entry fee, to be determined by the Executive Committee and ratified by the Annual General Meeting, before being allowed to become a member of the Association.

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. INCOME AND ASSETS

- a. The activities of the Association must be carried out in a non-profit manner.
- b. The income and assets of the Association must be applied solely for the promotion of its main object.
- c. Members or office bearers will have no vested rights over any assets belonging to the Association.

- d. The Association may acquire and dispose of any asset as approved by the Executive Committee.
- e. The Association will keep a record of all assets and procurements.
- f. The Association is prohibited from directly or indirectly distributing any surplus funds or assets to any person.

15. PAYMENT FOR SERVICES RENDERED

- a. No funds of the Association will be distributed to its members or office-bearers, except as reasonable compensation for services rendered provided that:
 - i. Such services are authorised by the Executive Committee.
 - ii. The compensation of such services is agreed upon by the Executive Committee.
 - iii. The remuneration for such services is not excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered.
- b. A member or office bearer may only be reimbursed for any expenses if he/she has paid for such expenses in line with his/her duties.

16. THE EXECUTIVE COMMITTEE

- a. The Executive Committee of the Association is made up as follows:
 - 1. The Office Bearers:
 - i. The Chairperson
 - ii. the Vice Chairperson
 - iii. the Secretary
 - iv. Treasurer
 - v. the Fire Protection Officer
 - vi. the Head of Communication once appointed.
 - 2. Cluster Managers, elected by the respective clusters, once elected.
 - 3. Co-opted members, as and when required.
- b. The Executive Committee will be made up of not less than 6 members.
- c. A person may hold no more than two of the offices listed in (1), (2), and (3) at the same time.
- d. Except for the Fire Protection Officer, Secretary, and Treasurer who are appointed, any member of the Association may be elected to the Executive Committee.
- e. The Chairperson is elected at the AGM for a period of two years, but may stand for re-election at the end of this period.
- f. The Vice Chairperson is elected at the AGM for a period of two years, but may stand for re-election at the end of this period.
- g. For the sake of continuity, the Chairperson and Vice Chairperson shall be elected on alternate years.
- h. Cluster managers are elected by their respective clusters.
- i. If the Chairperson, the Vice Chairperson, or additional member resigns, dies, becomes incapacitated or disqualified, or is removed from office, this position becomes vacant.
- j. A 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. has a criminal record regarding dishonesty,
 - iv. has been absent without leave or a good reason from two consecutive meetings of the committee.

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- k. If there is a vacancy in the committee, it must be filled by the election of another member for the remaining period of service, at discretion of the committee.
- l. 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.

17. DUTIES AND FUNCTIONS OF EXECUTIVE COMMITTEE MEMBERS

17.1. Duties of the Executive Committee

- i. Oversee and monitor the performances of the objectives and duties as set out in clause 6 and 7 of the Constitution of the Association and section 5 of the Act.
- ii. The representatives liaise with their Organizations and Areas to ensure efficient functioning of the Association.

17.2. Duties of the Fire Protection Officer

The Officer acts in accordance with section 6 of the Act.

17.3. Duties of the Chairperson

The Chairperson will preside at the meetings of the Executive Committee, Annual General meeting, Member meetings and be responsible to perform the functions that are normally attached to the post of chairperson.

17.4. Duties of the Vice-Chairperson

The Vice Chairperson will act as Chairperson in the absence of the latter. The Vice Chairperson will also perform duties delegated by the Executive Committee.

17.5. Duties of the Secretary

The secretary will keep minutes of all meetings, send out notices of meetings, update the membership register, and attend to all correspondence.

17.6. Duties of the Treasurer

The treasurer will handle all financial matters of the Association as stipulated by the Executive Committee and the Member Meetings.

18. EXECUTIVE COMMITTEE MEETINGS, RESOLUTIONS AND QUORUM

- a. The management committee must hold at least two ordinary meetings each year.
- b. The Chairperson or failing him/her, the Vice Chairperson, shall preside over the meeting.
- c. A minimum of six Executive Committee members, which includes the Chief Fire Officer or his/her representative, the Chairperson or Vice Chairperson, present at a meeting will constitute a quorum.
- d. Resolutions are taken by voting or show of hands.
- e. Between committee meetings, the committee may seek to discharge its business by dedicated WhatsApp messages. Resolutions in such instances are determined by return of reply from Executive Committee members.
- f. Minutes and attendance registers of committee meetings must be kept by the Association, made available before the next meeting, and approved at that meeting.

19. TRIBUNAL

Any disciplinary actions, grievances or misconduct will be investigated and handled by a tribunal consisting of the Chairperson and two members of the Executive Committee.

The Fire Protection Officer will act as prosecutor.

20. DELEGATED POWERS

The Association may delegate tasks, duties, and responsibilities to the Executive Committee.

The Executive Committee has the right to delegate relevant powers and responsibilities to Executive Committee Members and officials.

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21. 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. It will consist of statutory and private landowners.
- c. Their function and powers are as indicated in the Technical Committee terms of reference as amended from time to time.

22. 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 remain in employment when there is any change in the Executive Committee.

23. WORKING ON FIRE (WOF)

- a. The Association may enter into negotiations and conclude contracts and memoranda of understandings between the Association and Working on Fire (WoF).
- b. The Association may become the Base Partner of WoF teams.
- c. The Association may enter into a contract with WoF to obtain Wage Incentive Teams and run these teams according to the agreement entered into and between the Association and WoF with special reference to the Wage Incentive Teams.
- d. The Wage Incentive Teams will be run according to the WoF agreement and Basic Operating Procedures, and any income generated will be for their own account under the auspices of the Association.
- e. The books of the Wage Incentive Teams will be audited annually and presented to WoF for scrutiny.
- f. The Chairperson, the Fire Protection Officer and one other Executive member are delegated to represent the Association in this regard.
- g. Additional members may be co-opted if and when necessary.

24. 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 R20 000.00 (Twenty Thousand Rand), 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 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.

25. FINANCES

- a. Only one general account may be opened at any financial institution in the name of the Association.
- b. All Association accounts and cheques shall be signed by at least two of the following Executive members, namely the Chairperson, Vice Chairperson and Treasurer.
- c. The financial year of the Association runs from the date of its registration to the 31st of December the same year, and then from 1st of January every year to the 31st of December the same year.
- d. The Treasurer is responsible for all the financial business of the Association and must keep a record of all this business.
- e. The Treasurer shall submit a report at the Executive Committee meeting.
- f. An honorarium may be paid annually to the Chairperson and Secretary towards expenses incurred in the execution of their duties. The amount thereof to be approved by the Executive Committee.

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26. ANNUAL REPORTS

- a. The Treasurer must submit statements 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.
- b. The Chairperson must give a report of the Association's activities.
- c. 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.

27. BUDGET

- a. The Executive Committee must compile an Annual Budget that is tabled at the Annual General Meeting for consideration and acceptance.
- b. The Annual General Meeting delegates the power to the Executive Committee, needed for the execution of the funds as per the approved budget.
- c. The Annual General Meeting grants signing rights to the Treasurer, Chairperson and Vice Chairperson. At least two of the three must sign cheques and transactions.
- d. Any over expenditure or expected over expenditure must first be put before a Members Meeting for consideration and approval.

28. 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. The annual financial statements will be available to members on the day of the AGM.
- c. 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.
- d. Members present constitute a quorum.
- e. Only those members, whose registration and membership fees are fully paid up, have a right to vote.
- f. Minutes and attendance registers are to be kept at the Annual General Meeting by the Association, made available before the next AGM, and approved at that meeting.

29. VOTING

- a. Each member to have one voting right.
- b. A Member is to be defined as one individual representing a private landowner, lessee, a company, trust, association, or tribal authority responsible for one or more properties.
- c. Voting can be done by a show of hands or by ballot.
- d. A vote by ballot can be demanded by not less than one third of the members present, or represented by proxy.
- e. Resolutions may be passed by a simple majority unless the constitution provides otherwise.

30. ATTENDANCE OF ORDINARY MEMBERS AT EXECUTIVE COMMITTEE MEETINGS

An ordinary member may attend an Executive Committee meeting for the following reasons:

- a. To present an issue that has been fully motivated and placed on the agenda.
- b. To be a silent observer of the proceedings.

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31. SPECIAL GENERAL MEETING

- a. The Executive Committee may convene a special general meeting at any time on 14 days' notice.
- b. A special general meeting must 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 members requesting the meeting promise in writing to pay for the administrative costs of the meeting, and
 - iii. the requested meeting is to be held at least 90 days before an annual general meeting.
- c. Members present constitute a quorum.

32. MEMBERS MEETINGS

Areas or clusters shall convene an annual general meeting at which mandates are given and area managers are elected.

33. DISPUTE RESOLUTION

- a. In the case of a dispute between members, members must negotiate to resolve the dispute.
- b. If such negotiations fail, any member may approach the Executive Committee, which must appoint an arbitrator whose decision is final.

34. AMENDMENTS TO THE CONSTITUTION

Any constitutional amendment shall be approved by a two-third majority at:

- a. an annual general meeting, or
- b. a special general meeting called for that purpose.

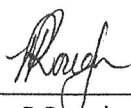
35. DISSOLUTION

- a. The Association may be dissolved by:
 - i. a resolution passed at an annual general meeting, or
 - ii. a resolution passed at a special general meeting called for that purpose, or
 - iii. its deregistration by the Minister under section 8.
- b. The resolution to dissolve the Association must be passed by a two-thirds majority of 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.
- d. Any assets of the Association remaining after the satisfaction of its liabilities to any entity, will be transferred by the liquidator, to a Non-Profit Organization with basically the same objectives as the Association. The Association's general meeting can decide what organisation this should be.

36. INTERPRETATION AND DISTRIBUTION OF THE CONSTITUTION

- a. This constitution must be made available to all members.
- b. All enquiries regarding the interpretation of this Constitution will be dealt with by the Executive Committee.
- c. The English version will be used for the interpretation of the Constitution.

Thus done and signed at Rustenburg on this 12 day of 06 2024



Mrs P Rough
CHAIRPERSON



Mr I Sebako
FIRE PROTECTION OFFICER