



Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

Ref Number: 11/4/8

(Negotiating mandate stage) Report of the Standing Committee on Agriculture, Environmental Affairs and Development Planning on the National Veld and Forest Fire Amendment Bill [B 24B—2021] (NCOP), dated 22 August 2023 as follows:

The Standing Committee on Agriculture, Environmental Affairs and Development Planning, having considered the subject of the National Veld and Forest Fire Amendment Bill [B 24B—2021] (NCOP) referred to it in accordance with Standing Rule 217, confers on the Western Cape's delegation in the NCOP the authority to support the Bill. The Committee further proposes the following amendments:

1. Grammatical

1.1 Long title (last line)

It is submitted that the word "matter" be replaced with the word "matters".

1.2 Clause 2 (b): Definition of "municipality"

It is submitted that the word "System" be replaced with the word "Systems".

1.3 Clause 3: Amendment of section 3 of the principal Act

It is submitted that on page 3, line 19, a space be inserted before the word "established".

1.4 Clause 4: Amendment of section 4 of the principal Act

It is submitted that on page 3, line 33, the year "2021" be replaced with "2023".

1.5 Clause 6: Amendment of section 11 of the principal Act

The term "Department" on page 3, line 51, refers to "the national Department which has responsibility for the management of veldfires" as per the principal Act, and not the Department responsible for the administration of the South African Weather Service Act, 2001 (Act 8 of 2001).

It is therefore submitted that the first letter of the word "Department" be a lowercase letter.

1.6 Short title and commencement:

It is submitted that on page 4, line 34, the year "2021" be replaced with "2023".

2. Substantive

2.1 Clause 4: Amendment of section 4 of the principal Act

The proposed section 4(8) states that "(8) The owner in respect of State land, a state-owned enterprise, a public entity or an organ of state must, within a year after the commencement of the National Veld and Forest Fire Amendment Act, 2021, join **[any]** a registered fire protection association **[registered]** in the area in which the land **[lies]** is situated."

It is submitted that the wording be revised as follows: "...join a fire protection association, if such an association has been registered in the area in which the land is situated".

2.2 Clause 9: Substitution of section 37 of the principal Act

Given that the short title of the principal Act will be changed to the National Veldfire Act, it is submitted that the short title of the Amendment Bill be changed to the National Veldfire Amendment Act, 2023.

2.3 Clause 7: Amendment of section 26 of the principal Act

In terms of the proposed amendments to section 26(2)(a) of the principal Act, various persons, including traditional leaders, are given the power to enforce the principal Act.

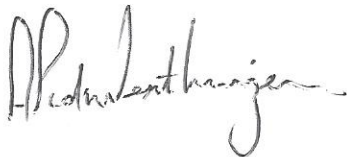
Concern is expressed relating to the powers allocated to traditional leaders to "enter, search, arrest, and seize". It should be noted that these powers may only be exercised by traditional leaders "Provided that they have been trained to be competent by an accredited institution."

It is submitted that those exercising these powers not only provide proof of their identity, but that they also provide proof of competence in terms of the Act.

It is therefore submitted that on page 4, line 14, the following be inserted after the word "identity", "and also provide proof of competence."

3. General

It is submitted that the definition of "state land" in the principal Act be reconsidered to include land belonging to local authorities.



MR AP VAN DER WESTHUIZEN, MPP
CHAIRPERSON: STANDING COMMITTEE ON AGRICULTURE, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 22 August 2023