

CRITERIA THAT THE MINISTER MAY TAKE INTO ACCOUNT IN DECIDING WHETHER OR NOT TO REGISTER A FIRE PROTECTION ASSOCIATION

Please note: the Minister is under no legal obligation to take the following considerations into account in making his or her decision. These are simply guidelines that the Department has drafted to give an example of criteria that may be used by the Minister.

The Minister must register and issue a certificate to a fire protection association (FPA) if it is capable of performing its duties, and is representative of the owners in its area (noting also that all owners within the area concerned must be free to join the FPA).

To judge capability, the Minister will need to have information on the resources, skills and knowledge available to owners within the intended area of the FPA. Discretion will be needed in evaluating capability, since many owners, including municipalities, in certain districts will have very limited resources, but still need to form FPAs.

The existence and role of umbrella FPAs will need to be considered when assessing capability. Umbrella associations may relieve FPAs of certain needs to maintain capacity. Criteria for capability include:

- the contents of the FPA's business plan with regard to—
 - its compliance with the requirements of the Act and the regulations;
 - the nature and level of veldfire risk identified by the business plan for the area;
 - the degree to which the veldfire management strategy addresses the requirements to manage this risk;
 - the fitness of the rules;
 - the resourcing of the FPA including the support it will receive from any umbrella association; and
 - the capability of the FPA relative to the nature and level of veldfire risk within its area, including:
 - evidence among owners of previous co-operation in managing the environment (for example, previous membership of a Fire Control Committee or a Fire Protection Committee, participation in soil conservation committees, LandCare programmes, or ward or Tribal Authority development plans, or relevant land development objectives (LDOs) in integrated development plans (IDPs) that reflect collective work on environmental management, or nature conservancy planning),
 - evidence of common purpose and commitment to veldfire management,
 - leadership and management skills, including financial management (of the Executive Committee),
 - individual and institutional (public, private and NGO) competence in veldfire management,
 - acceptable boundaries, relative to the nature and extent of the veldfire management issues within the area of the proposed FPA;
- where there is a chief fire officer in the FPA who is not the fire protection officer, evidence of existing or intended co-operation between the fire protection officer and the chief fire officer;

- evidence of support from local government for the FPA;
- the ability of the proposed fire protection officer to enforce the Act in a responsible manner; and
- any other relevant information.

To judge representivity, the Minister will need to receive information on the boundaries of the area of the FPA, the properties within it and the owners of these properties, and the owners who have agreed to join the FPA. Criteria for representivity would include:

- the proportion of owners within the area of jurisdiction of the FPA supporting its formation;
- any objections made to the formation or registration of the FPA;
- any evidence of the exclusion of any owner;
- any evidence that vulnerable communities or assets have been unreasonably excluded from the area; and
- any other relevant information.