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CONTENTS • INHOUD*No.**Page
No. Gazette
 No.***GENERAL NOTICE****Cooperative Governance, Department of***General Notice*

223	Cooperative Governance: Invitation to submit written comments on the Discussion Paper on Fire Services: Towards a Fire Brigade Services White Paper	3	36251
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GENERAL NOTICE

NOTICE 223 OF 2013



cooperative governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

INVITATION TO SUBMIT WRITTEN COMMENTS ON THE DISCUSSION PAPER ON FIRE SERVICES: TOWARDS A FIRE BRIGADE SERVICES WHITE PAPER

The Minister of Cooperative Governance and Traditional Affairs invites interested parties to submit written comments and policy proposals on the Discussion Paper: Towards a Fire Services White Paper contained in the schedule hereto on or before **30 APRIL 2013**.

Written comments on the *Discussion Paper: Towards a Fire Services White Paper* could be **emailed** to Mrs. Rhoda Maponya at: rhodam@ndmc.gov.za

or

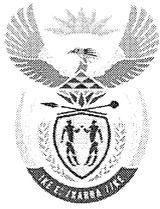
mailed to:

Mrs. Rhoda Maponya
Director: Office of the Head: National Disaster Management Centre
The Department of Cooperative Governance
Private Bag X 804
Pretoria
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or

Fax to: **012 334 0810**

For the attention of Mrs. Rhoda Maponya
Director: Office of the Head: National Disaster Management Centre
The Department of Cooperative Governance



cooperative governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

DISCUSSION PAPER ON FIRE BRIGADE SERVICES LEGISLATION: TOWARDS A FIRE BRIGADE SERVICES WHITE PAPER



Prepared by:

South African National Disaster Management Centre

Directorate: Fire Services Coordination

MARCH 2013



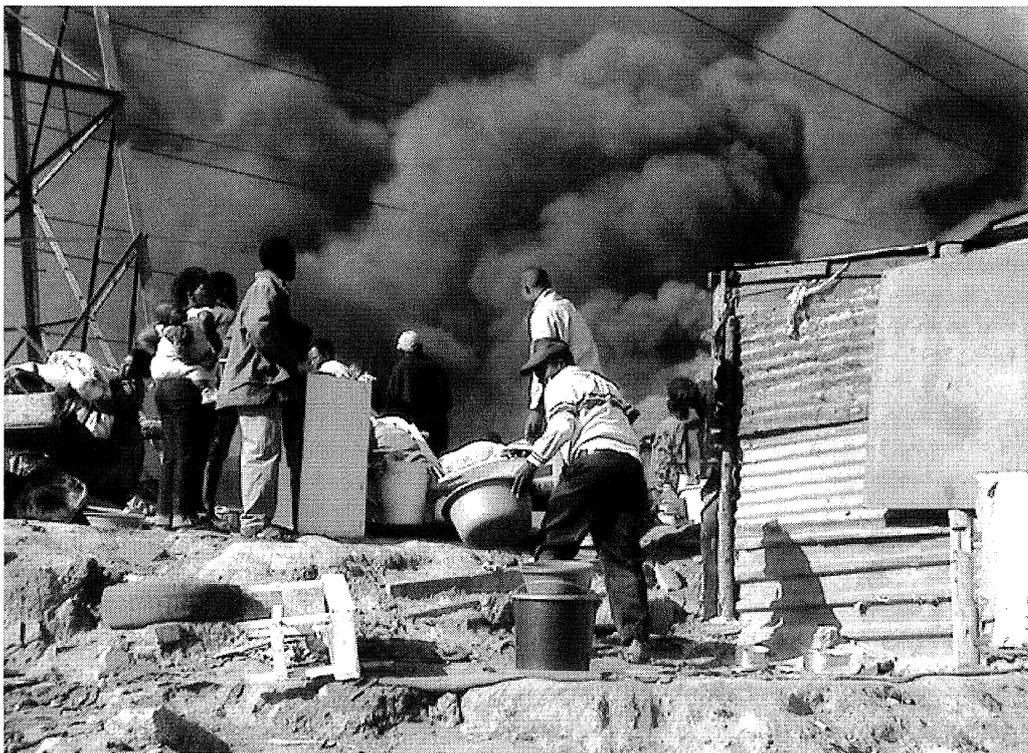


"I have no ambition in this world but one, and that is to be a fireman. The position may, in the eyes of some, appear to be a lowly one; but we who know the work which the fireman has to do believe that his is a noble calling. Our proudest moment is to save lives."

~Edward F. Croker



DISCUSSION PAPER ON FIRE SERVICES LEGISLATION TOWARDS A FIRE BRIGADE SERVICES WHITE PAPER



MARCH 2013

Please note:

This document is not a policy document but has been written with the intention of stimulating discussion and debate around key issues and policy options.

CONTENTS

LIST OF ABBREVIATIONS	vi
WHY A DISCUSSION DOCUMENT ON FIRE BRIGADE SERVICES LEGISLATION?	viii
HOW TO READ THE DISCUSSION DOCUMENT	x
MINISTER'S PREFACE	xiv
1. INTRODUCTION	2
1.1 South African context	2
1.2 History of fire brigade services in South Africa	4
1.3 International context	5
1.4 The Drivers for change	6
1.5 Points of debate and Key Questions	8
2. LEGISLATIVE FRAMEWORK FOR FIRE BRIGADE SERVICES IN SOUTH AFRICA	10
2.1. What legislation is currently in place?	10
2.2 What does the FBSA provides for?	10
2.3 Other key legislations that impact on the provision of fire brigade services	11
2.4 What are the main problems with our current legislation?	16
2.5 Points of debate and Key Questions	19
3. KEY PRINCIPLES FOR A NATIONAL FIRE BRIGADE SERVICE POLICY	20
3.1 Principles	20
3.2 Points of debate and Key Questions	23
4. CURRENT FIRE BRIGADE SERVICE SITUATION IN THE COUNTRY	24
4.1 What are the historical factors that significantly impacted on the current state of fire brigade services in the country?	24
4.2 What is the current state of fire brigade services in the country?	26
4.3 What are the costs of fires in South Africa?	29
4.4 Fire risk context of South Africa	31
4.5 Points of debate and Key Questions	33
5. ROLE OF NATIONAL GOVERNMENT IN FIRE BRIGADE SERVICES	34
5.1 Key roles of national government as outlined in the Constitution, White Paper on Local Government, etc.	34
5.2 What is the national government currently doing for fire brigade services?	35
5.3 What is the role of other national sector departments in fire brigade services?	37
5.4 Role of national government in the fire protection of key/strategic facilities.	37
5.5 Role of national government in intergovernmental relations for fire brigade services.	37
5.6 Fire Brigade Services Professional Council	38
5.7 National fire brigade services training academy	38

5.8	Role of other agencies in fire brigade services	38
	South African Police Services	39
	Emergency Medical Services,	39
	South African National Defence Force,	39
5.9	Points of debate and Key Questions.	40
6.	ROLE OF PROVINCIAL GOVERNMENT IN FIRE BRIGADE SERVICES	42
6.1	Role of provincial government	42
6.2	Role of provincial government in certain operational activities such as Urban Search & Rescue (USAR), aviation operations, training, etc.	43
6.3	What is the role of provincial government in terms of monitoring and evaluation of fire brigade services in its area of jurisdiction?	43
6.4	Provincial fire brigade services inspectorates	44
6.5	Role of provincial government in intergovernmental relations for fire brigade services	44
6.6	Annual reports	45
6.6	Points of debate and Key Questions	46
7.	ROLE OF LOCAL GOVERNMENT IN FIRE BRIGADE SERVICES	48
7.1	Key functions of a local government.	48
7.2	Fire safety and prevention	49
7.3	Water reticulation systems, provisions for fire hydrants and other water sources	51
7.4	Reservists involvement in fire brigade services	52
7.5	Powers of a member of service	53
7.6	Call taking and dispatch	54
7.7	Appointment of practitioners	54
7.8	Mutual aid agreements	55
7.9	False alarms	55
7.10	Promulgation of fire brigade service bylaws	55
7.11	Provision of fire brigade services training	55
7.12	Annual reports	56
7.13	Points of debate and key questions	57
8.	ROLE OF NON-GOVERNMENTAL ORGANISATIONS (NGOS), COMMUNITY BASED ORGANISATIONS (CBOS) & THE PRIVATE SECTOR	58
8.1.	Why government must work with other stakeholders?	58
8.2.	What does the current legislation provides for regarding the involvement of other stakeholders in fire services?	58
8.3	What are other roles that NGOs, Private sector, etc can play in the provision of fire services?	59
8.4.	Points of debate and Key Questions	61
9.	TRAINING, RESEARCH & CAPACITY BUILDING	62
9.1	Current fire brigade service training context.	62

9.2	Impact of other key legislations on education and training of firefighters	65
9.3	Use of research in fire service	66
9.4	National/Provincial Training academies for specialised training	66
9.5	Recruitment and selection standards	67
9.6.	Points of debate and Key Questions	68
10.	INTERNATIONAL COOPERATION AND LIAISON ON FIRE BRIGADE SERVICES ACTIVITIES	70
10.1	Current institutional arrangements for international cooperation and liaison	70
10.2	Importance of international cooperation	70
10.3	Points of debate and key questions	71
11.	FUNDING ARRANGEMENTS FOR THE PROVISION OF FIRE BRIGADE SERVICES	72
11.1	Previous national funding initiatives dedicated to fire brigade services by national government	72
11.2	Current fire brigade services financing arrangements	72
11.3	What are the key challenges created by the current fire brigade services funding dispensation?	73
11.4	What principles must underpin funding provisions for fire brigade services in the future legislation?	73
11.5	Points of debate and Key Questions	74
12	COMPLIANCE AND ENFORCEMENT	76
12.1	What is compliance?	76
12.2	What is enforcement?	76
12.3	Offences and penalties	76
12.4	The role of other law enforcement agencies in compliance and enforcement	77
12.5	Points of debate and Key Questions	78
13.	CONCLUSION	80

LIST OF ABBREVIATIONS

BCEA	: Basic Conditions of Employment Act, 1997 (Act : : No. 75 of 1997)
CAPS	: Category of Authorised Persons
CBOs	: Community Based Organisations
DCoG	: Department of Cooperative Governance
DMA	: Disaster Management Act
DPLG	: Department of Provincial & Local Government
EMS	: Emergency Medical Services
FBB	: Fire Brigade Board
FBSA	: Fire Brigade Services Act, 1987 (Act No. 99 of : 1987)
FPAs	: Fire Protection Associations
FPASA	: Fire Protection Association of South Africa
GDP	: Gross Domestic Product
IAFC	: International Association of Fire Chiefs
IFE	: Institution of Fire Engineers
LGSETA	: Local Government Sector Education & Training
MEC	: Member of Executive Council
MIG	: Municipal Infrastructure Grant
MSA	: Municipal Systems Act, 2000 (Act No. 32 of 2000)
MTSF	: Medium Term Strategic Framework
NAFSAC	: National Fire Services Advisory Council
NDMC	: National Disaster Management Centre
NFPA	: National Fire Protection Association
NGOs	: Non-Governmental Organisations
NVFFA	: National Veld & Forest Fire Act, 1998 (Act No. :101 of 1998)
RSCs	: Regional Services Councils
SAIA	: South African Insurance Association
SAESI	: Southern Africa Emergency Services Institute
SANDF	: South African National Defence Force
SAPS	: South African Police Services
SAQA	: South African Qualifications Authority Authority
TLCs	: Transitional Local Councils
USAR	: Urban Search & Rescue
WFSC	: World Fire Statistics Centre

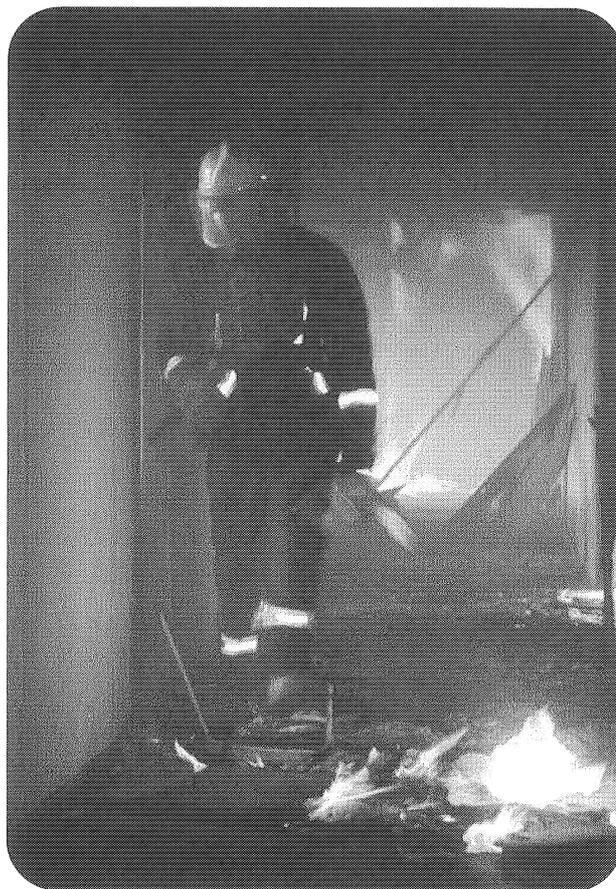
WHY A DISCUSSION DOCUMENT ON FIRE BRIGADE SERVICES LEGISLATION?

The Department of Cooperative Governance (DCoG) has identified the current Fire Brigade Services Act, 1987 (Act No. 99 of 1987) (FBSA) which was promulgated in 1987 as one of the old-order legislations that require a comprehensive review. This review aims to closely align and harmonise the FBSA with other applicable legislations especially the local government legislations.

DCoG initially attempted to achieve the objectives of reviewing the FBSA through amendments and accordingly commenced with the process. Whilst this process was underway, it became clear that this approach will not enable the Department to achieve its objectives due to the nature of aspects that must be introduced in the revised fire services legislation.

In line with government approach to policy development, the review will follow a set process starting with a Discussion Paper which will be followed by a White Paper and a Bill which will culminate in revised fire brigade services legislation. This approach will ensure that prior to the promulgation of the revised fire brigade services legislation; a clear policy framework for the function is place for all role players to grasp the fundamental principles and policy direction underpinning the legislation.

This Discussion Paper on Fire Brigade Services legislation is therefore designed to stimulate discussion on matters that the proposed fire services legislation must address going forward. This Discussion Paper also seeks to prioritise fire risk reduction as a core element of the proposed fire brigade services legislation. While fire-fighting services are provided at both local government level and by designated services, this Discussion Paper also outlines the roles and responsibilities that both national and provincial governments must execute in support of municipalities and other stakeholders involved in fire services across the country.



This Discussion Paper provides all stakeholders with an opportunity to reflect on current fire service approaches to a wide variety of issues that the function is responsible for implementing. This document is not a policy document but has been written with the intention of stimulating discussion and debate around key issues and policy options. It is not meant to be the final word as it still requires substantial contributions as the consultation process unfolds.

The Discussion Paper will also be released for wider public consultation and comments through publication in the government gazette. This will lead to the formulation of a National White Paper for Fire Brigade Services by the financial year 2013/2014, which will culminate in the drafting of a legislation to revise the current Fire Brigade Services Act, 1987 (Act No. 99 of 1987).

HOW TO READ THE DISCUSSION DOCUMENT

This Discussion Paper does not provide too much detail about the specific options and choices that government intends to take in dealing with matters. It is intended that stakeholders who are concerned and involved in fire brigade services matters across the country will point out gaps and suggest ways forward on how various matters must be addressed

by the proposed policy. At the end of each chapter, specific questions and points of debate are presented to facilitate discussion and elicit further thought and responses from the reader. This is intended to assist in identifying salient issues that must be addressed by the proposed fire brigade services policy.



Chapter 1: Introduction - Outlines the background to the Discussion Paper. It also presents the development and social context for fire brigade services in South Africa, the history of fire brigade services in the country as well as some international trends.

Chapter 2: Legislative framework for fire brigade services in South Africa - This Chapter deals with the current fire brigade services legislation and what it currently provides for. The key impacts of post 1994 local government legislation in particular on fire brigade services are reflected upon and some of the main problems with our current legislation are also dealt with.

Chapter 3: Key principles - Considers the key principles that should guide the policy initiative and readers are encouraged to concur, add, delete or revise the suggested set of principles and their content.

Chapter 4: Current fire brigade services situation in the country - This chapter reflects on the state of fire services, the costs of fires and the risk context within which fire brigade services operates in the country.

Chapter 5: Role of national government in fire brigade services - Provides key roles and responsibilities of national government in fire brigade services

Chapter 6: Role of provincial government in fire brigade services -

Provides key roles and responsibilities of provincial government in fire services.

Chapter 7: Role of local government in fire services -

Provides functions of a fire service including the key roles and responsibilities of fire safety and prevention. This section also outlines the role of volunteers in fire services, powers of a member of service, mechanisms for dealing with false alarms etc. This chapter contains the most important aspects of the proposed fire services policy.

Chapter 8: Role of designated services, private sector, Non-Governmental Organisations (NGOs) and Community Based Organisations (CBOs) –

This chapter outlines why government must work with other stakeholders in fire services, the provision of the current fire services legislation on the involvement of other stakeholders as well as the roles that such stakeholders can play in fire services.

Chapter 9: Training, research and capacity building -

This section outlines the current fire services training context, impact of other key legislations on education and training of firefighters, use of research in fire services as well as

proposals on the establishment of national or provincial academies that will provide specialised fire services training.

Chapter 10: International cooperation and liaison on fire services activities –

This section deals with the mechanisms required for international cooperation on fire services matters.

Chapter 11: Funding arrangements for the provision of a fire service –

This section reflects on previous national funding initiatives dedicated to fire services by national government, current fire services financing arrangements, key challenges created by the current funding dispensation and the principles that must underpin future funding arrangements for fire services in the proposed legislation.

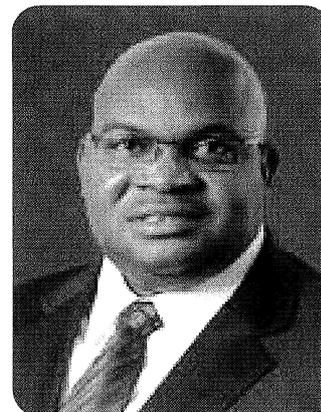
Chapter 12: Compliance and enforcement –

This section describes what compliance and enforcement entails, offences and penalties provision required in the new legislation as well as the role of other law enforcement agencies in compliance and enforcement matters.

Chapter 13: Conclusion – Provides a high-level summary and also outlines the process that will be followed towards a White Paper on fire services.

MINISTER'S PREFACE

Throughout our history, fires have inflicted a heavy cost in human, infrastructure, and damage to the environment in a manner capable of undermining socio-economic development. Statistics South Africa in its analysis of the cause of death in South Africa based on Death Certificates records attributes 2 241 deaths to smoke, fire and flames in 2009 alone which clearly indicates that more needs to be done by all stakeholders led by government to deal with fires and reduce the number of death and injuries as a result of fires.



The risk of fires in the country is influenced by a variety of socio-economic factors notably the rising levels of urbanisation which often results in informal settlements comprised of shacks built by highly combustible materials (frequently wood and plastic) and in close proximity to each other which heighten the risk of fires in these areas. The use of open fires for cooking and lighting in most areas without electricity, lack of access by fire services for fire-fighting during emergencies and the increasing rural-urban interface all contribute in increased fire risk and losses as a result of fires. The use of thatch for roofing in traditional dwellings and the close proximity of these structures to fire-prone vegetation especially in rural areas also increase the risk of fires.

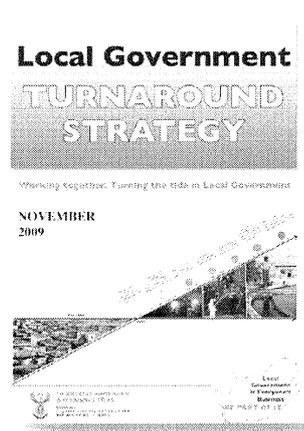
Fire brigade services have been faced with serious challenges that over the years have weakened the ability of some fire services to deliver on their legal mandate. Urgent and concerted efforts by all stakeholders led by government are required to address the challenges that beset fire brigade services and hinder the effective provision of this critical service to our communities. In responding to the challenges confronting fire brigade services, strong and robust legislative framework is essential to empower those responsible to carry out the tasks. The review of the existing Fire Brigade Services Act, 1987 has been identified as a priority in order to bring about a comprehensive fire services legislation which amongst others is harmonised with other relevant legislations, provide clarity on the support and oversight role of both provincial and national government in fire services which is a municipal function in terms of the Constitution, 1996.

In addition to these, and in line with international trends and practices, the revised legislation will establish fire safety and prevention as core elements of fire brigade services functions in order to prevent fires and ensure that precautionary measures are put in place

to reduce the likelihood of fires thereby reducing the loss of lives, injuries, damage to property and the environment as a result of fires.

The aim of this Discussion Paper on Fire Brigade Services is to ensure that effective fire brigade services system is realised and implemented by way of National Policy which will be reflected in the White Paper. The fundamentals of this Discussion Paper are derived from our Constitution of 1996, and the relevant post 1994 local government legislations. Equally important is that this Discussion Paper recognises the critical importance of working with all social partners to deal with factors undermining the ability of fire services to deliver on their Constitutional mandate while improving their performance.

The development and publication of this Discussion Paper on Fire Brigade Services demonstrate my Department's commitment to addressing the challenges faced by fire services as well as creating a legal framework for the evolving role that Fire Brigade Services are expected to execute in building safer and sustainable communities. The Local Government Turn Around Strategy (LGTAS) identified inappropriate national and provincial government policies, practices and burdensome requirements as one of the root causes of municipal challenges and I trust that this Discussion Paper will contribute in addressing similar problems in fire brigade services.



Public engagement is important to the policy development process in South Africa. Comments on this Discussion Paper are invited from all stakeholders within the fire services sector as well as from both organised business and labour. Individual citizens and Non-governmental organisations are also important stakeholders and I invite them to submit their comments as well. Once public views have been received and assessed, The Department will proceed with finalisation of this Discussion Paper.

Mr MR Baloyi, MP

Minister of Cooperative Governance and Traditional Affairs

November 2012

1. INTRODUCTION

1.1 South African context

“Fire is a fundamental force in nature. Without fire, life as we know it would not exist. Friendly fires heat our homes, cook our food, and help to generate our energy- in short, help make the world go ‘round. But any force as powerful as fire also carries with it potential for great harm; this destructive potential poses a threat to our lives, property, and resources” Bugbee, 1978.



Like many countries in the world, South Africa is exposed to significant fire risks which are slightly above the international norm in terms of fire deaths per 100 fires. The risk of fires in South Africa is influenced by a variety of socio-economic factors notably the rising levels of urbanisation which often results in informal settlements comprised of shacks built by highly combustible materials (frequently wood and plastic) and in close proximity to each other which heighten the risk of fires in these areas. The use of open fires for cooking and lighting mostly in areas without electricity, the lack of access by fire services for fire-fighting during emergencies and the increasing rural-urban interface all contribute in increased fire risk and losses as a result of fires. The use of thatch for roofing in traditional dwellings and the close proximity of these structures to fire-prone vegetation especially in rural areas also increase the risk of fires.

Various strategies have been pursued by South Africa in dealing with the risk posed by fires in the country. The then South African Bureau of Standards (SABS) 090: Community protection against fire standard developed in 1972 was very useful in providing advice on the measures that should be taken to ensure that fire services are efficient. This standard also outlined a system of determining the requirements for the operational and fire safety functions of emergency services rendered to communities. The SABS 090: 1972 standard has subsequently been replaced by the South African National Standard (SANS: 10090:

2003). However, there is widespread consensus that these strategies are inadequate and necessitate the review of existing legislative framework in order to bring about a comprehensive and clear policy on fire services which prioritise **fire risk reduction**.

The delivery of fire brigade services also has to be consistent with the principles espoused on the White Paper on Spatial Planning and Land Use Management. The principle of sustainability requires amongst others that land development and planning processes must integrate disaster prevention, management or mitigation measures while the principle of integration entails that land use and development should be determined by the availability of appropriate services and infrastructure. Fire services requirements need to be reflected on municipal Spatial Development Frameworks (SDF) and this requires active involvement of Chief Fire Officers in the technical structures responsible for development of municipal SDFs.

The provision of fire brigade services also have to be placed in the context of the ten priority areas identified in the Medium Term Strategic Framework 2009-2014 as well as the key priority areas of the National Development Plan. The provision of adequate and sustainable fire services with specific focus on fire risk reduction supports several strategic priorities outlined in the MTSF such as the Strategic Priority 2 dealing with massive programme to build economic and social infrastructure as well as Strategic Priority 3 on comprehensive rural development strategy linked to land and agrarian reform and food security. This is critical as both social and economic infrastructure and rural development requires reliable and sustainable fire brigade services across the country with the capacity to provide adequate protection from fires and ability to manage them when they occur.

The sustainable provision of fire brigade services must also be located within the seven (7) outputs of Outcome Nine (9) of a Responsive, accountable, effective and efficient local government system. This follows the adoption of the Outcomes approach by government in 2010, which is designed to ensure that government is focused on achieving the expected real improvements in the life of all South Africans. In short, fire services play a key role in socioeconomic development as potential investors evaluate local fire service capabilities prior to making crucial investment decisions.

DELIVERY AGREEMENT

For Outcome 9:

A Responsive, accountable, effective and efficient local government system

Fiscal 30 September 2010

The Municipal Corporations Act of 1835 profoundly influenced municipal authorities in both Great Britain and her then colonies for more than a century. It was in terms of this legislation that town councils in South Africa were able to provide fire fighting services, but were, however, not obliged to do so as many an alderman or councillor looked with disfavour on non-revenue producing services which could only be provided by increasing rates or levying levies. Several fire brigades suffered as a result of this attitude and even to this day, the standard of fire cover varies from city to city and town to town (Barber, E.S.C, 1982).

Until the discovery of the Witwatersrand Goldfield in 1886, the main areas of urban growth in South Africa were in the Cape and Natal, both British colonies, and it was here that the larger towns and villages provided the first fire fighting services. The discovery of gold and the subsequent urbanisation of the Transvaal which proceeded at a rapid pace resulted in many centres which were large enough to warrant establishment of fire brigades. During this period, South Africa's fire, ambulance and rescue services also constitute the pivot of the urban civil defence system. The establishment of the Directorate



of Civil Defence in 1963 also led to a steady but sure improvement in South African fire services. It was also during this period that the need for efficient fire services was widely recognised. It was only in 1977 that provincial ordinances were promulgated which empowered provincial administrations to compel municipalities to provide fire fighting services of a standard determined by the respective Administrator and to this effect, subsidies of up to 75% could be paid to local authorities to assist in the maintenance of such services (Barber, E.S.C, 1982). Although the formal establishment of fire brigade services in various areas across the country took place during different historical periods, this evolution was fundamentally influenced by the approach of the British system due to historical reasons.

1.3 International context

The emerging approach internationally places specific focus on fire prevention and safety as core components of the fire services. While the goal of fire prevention is to educate the public to take precautions to prevent potentially harmful fires, and be educated about surviving them, fire safety refers to precautions that are taken during the design of the building and the proper use thereof during occupation to prevent or reduce the likelihood of a fire that may result in death, injury, or property damage. It also focuses to alert those in a structure to the presence of an uncontrolled fire in the event one occurs to better enable those threatened by a fire to survive, or to reduce the damage caused by a fire.

The International Association of Fire Chiefs (IAFC) noted in September 2009 that the current economic recession exposes the need to focus on fire prevention even as Chief Fire Officers work to balance significantly reduced budgets, especially given the need to maintain and provide adequate fire protection along with other emergency services to their communities. **This shift toward a greater emphasis on fire prevention is necessary if the fire service wishes to more effectively accomplish its mission to save lives and property** (IAFC: 2009).



The World Fire Statistics Centre (WFSC) whose main objective is to persuade governments to adopt strategies aimed at reducing the cost of fire which, although running at around 1 per cent of Gross Domestic Product (GDP) in most advanced countries, has generally received much less attention than the cost of crime or of road accidents noted in its World Fire Statistics bulletin no 27 of 2011 that costs due to losses from fire number in the tens of billions globally, and have been roughly estimated as approximately 1 per cent of global GDP per annum. The WFSC further observed that wildfires are an increasingly prevalent natural disaster in many countries around the globe and, as the wildfire-urban interface becomes more extensive, more attention needs to be directed to their incidence, scope, and economic importance (WFSC, 2011).

Most fire services legislations across the globe have also significantly moved towards prioritising fire risk assessment as a core component of fire services legislation. For example, the United Kingdom Fire and Rescue Act, 2004, introduces a new duty on all fire

and rescue services authorities to promote fires safety which underpins the shift toward a more prevention-based and risk assessed approach, thereby helping to save more lives by reducing the number of fires occurring in the first place.

1.4 The Drivers for change

As the fire service enters the 21st century, is subject to a number of key drivers for change like other sectors. The following provides some of the key drivers for change in the fire services sector:

- **Legislative basis** – there is a need to review the FBSA to ensure that it is aligned, harmonised and consistent with the post 1994 legal framework/dispensation in the country.
- **Standardization of fire services** – Standardization of norms and standards is critical in fire services in the country and the future fire services legislation must put adequate mechanisms to this effect.
- **Modernising agenda** – global technological advancement spawns new challenges to fire services which necessitate ongoing modernisation of fire services operations. Developments in building technologies impacts significantly on fire safety in buildings and also necessitates a review in the manner in which fire safety services were provided in the past. In addition to this, fire services needs to be committed to fundamental principles of accountability, transparency, continuous improvement, etc in the provision of services to communities.
- **Partnership** – robust and dynamic partnerships between all spheres of government, private sector, civil society organizations and communities is essential for the effective delivery of fire services.
- **Changing role of fire services** – traditional roles and responsibilities of fire services are changing across the globe. Some of these changes are fundamental and requires legislative overhaul to better reflect the changing role of the modern day fire service.
- **Changes in the built and natural environment** – this introduces new risks requiring different methodologies to manage effectively.
- **Disaster management and fire services interface** – global warming, climate change, etc are expected to place different demands on the fire service.

The current fire services legislative framework does not adequately reflect most of the factors/ challenges outlined above and it is only through fundamental review of the legislative framework that the fire services can be repositioned to respond to this challenging agenda going forward.



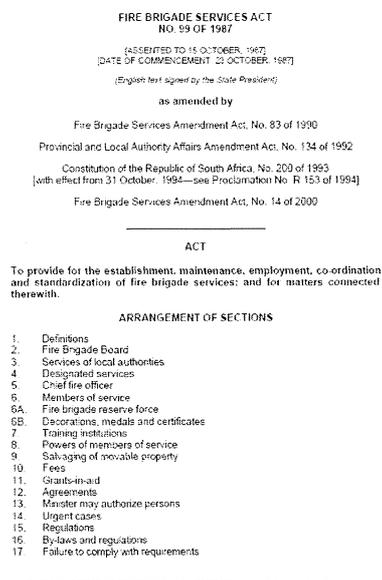
1.5 Points of debate and Key Questions

- 1.5.1 What is the role of fire services in socioeconomic development in South Africa?
- 1.5.2 How can fire services contribute to the achievement of the strategic priorities of government that were outlined above?
- 1.5.3 What actions can people take to reduce vulnerability to fires?
- 1.5.4 What lessons can the South African fire services learn internationally in developing a comprehensive fire services legislative framework?
- 1.5.5 What contributions can fire services make to the green economy?
- 1.5.6 What is the linkage between fire services and climate change?
- 1.5.7 What are other factors that contribute to increased vulnerability to fires?
- 1.5.8 How can activities of fire services be intertwined with communities?

2. LEGISLATIVE FRAMEWORK FOR FIRE BRIGADE SERVICES IN SOUTH AFRICA

2.1. What legislation is currently in place?

In terms of Schedule 4 Part B, of the South African Constitution, fire fighting services is a local government function with concurrent provincial and national legislative competence. The existing Fire Brigade Services Act, 1987 (Act No. 99 of 1987) (FBSA) is the primary piece of legislation regulating fire services and seeks to provide for the establishment, maintenance, employment, co-ordination and standardization of fire brigade services.



The FBSA replaced the Ordinances on Fire Brigade Services of the former provinces of Transvaal, Natal, Orange Free State and the Cape of Good Hope. The main reason for the initiation of the FBSA was the fact that the ordinances could not achieve national coordination and standardisation of fire brigade services.

2.2 What does the FBSA provides for?

- The establishment of a **Fire Brigade Board** which performs functions assigned to it in terms of the FBSA or the Regulations. This Board is comprised of various key role players involved in the provision of fire services;
- The **establishment and maintenance of a service** by a local authority in accordance with the prescribed requirements;
- The **establishment of Designated services** which are services that do not fall under the control of a local authority;
- The appointment of a **Chief Fire Officer** who possesses the prescribed qualification and experience to be in charge of a service;
- The appointment of any person who possesses the prescribed qualifications and experience by a controlling authority as a **member of**

its service to perform such functions as may be assigned to him or her by the Chief Fire Officer. The powers of these members of a service are also outlined;

- The appointment of a **Category of Authorised Persons (CAPS)** to perform prescribed functions in order to ensure that the objects of the FBSA are achieved;
 - The establishment of a **fire brigade reserve** force by a controlling authority for its area of jurisdiction;
 - The assignment of **far reaching powers** to a Chief Fire Officer and members of a service, **with indemnity**, to perform certain acts to achieve the objectives of a fire service by closing streets, entering or breaking and entering any premises, damage destroy or pull down any property, forcibly removing or cause the forcible
- removal of a person whom obstructs their actions during an incident and take any material or object to perform their functions provided that compensation is given at a later stage;
 - The **salvaging of movable property** which is in danger at a fee;
 - The introduction of **fees** for the rendering of a service;
 - The **provision of grants-in-aid** by provincial government in support of fire services based on certain conditions;
 - The **conclusion of agreements** with other fire services to render a more efficient fire service; and
 - The power of the Minister to **make regulations** as well as the powers of a controlling authority to **make by-laws** or regulations as the case may be which are not contrary to any law.

2.3 Other key legislations that impact on the provision of fire brigade services

It is important to highlight that current and future fire brigade services legislation must be interpreted within the contextual framework of the Constitution and not in isolation. It is critical therefore to highlight that future fire brigade services legislation must be compatible and harmonised with the existing legal system. Although there are several legislations that impact on the provision of fire services especially due to concurrency and other related factors, the following Acts are some of those that have a direct bearing on the efficient provision of a service:

2.3.1 Municipal Systems Act, 2000 (Act No. 32 of 2000) (MSA)

Amongst others, the MSA provides for the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities, and ensure universal access to essential services that are affordable to all. Sections 76, 77, 78, 79 & 80 of the MSA further outline the mechanisms for the provision of services (including fire services) by municipalities.

2.3.2 Municipal Structures Act (Structures Act), 1998 (Act No. 117 of 1998)

The Structures Act provide for the establishment of municipalities in accordance with the requirements relating to categories and types of municipality. It also provide for the appropriate division of functions and powers between categories of municipalities. Section 84 of this Act deals with the division of functions and powers between district and local municipalities. In terms of this section, a district municipality has the following functions and powers in relation to fire fighting services:

- a. Planning, coordination and regulation of fire services;
- b. Specialised fire fighting services such as mountain, veld and chemical fire services;
- c. Coordination of the standardisation of infrastructure, vehicles, equipment and procedures; and
- d. Training of fire officers.

2.3.3 National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998) (NVFFA)

The purpose of the NVFFA is to prevent and combat veld, forest and mountain fires (veldfires) throughout the Republic. The NVFFA provides for a variety of institutions, methods and practices for achieving the purpose which includes, *inter alia*, regulating the formation, registration and operation of Fire Protection Associations (FPAs) in areas of South Africa that are prone to veldfires, development of a National Fire Danger Rating System, Veldfire prevention through firebreaks, fire fighting, enforcement, etc. The NVFFA places a 'duty of care' responsibility upon all landowners both public and private on whose land a veldfire may start or spread. The NVFFA supports the implementation of Integrated Fire Management as the methodology to bring about a reduction of damaging wildfires and encourage improved land management techniques, including that of using fire as a beneficial land management tool.

2.3.4 Disaster Management Act, 2002 (Act No. 57 of 2002) (DMA)

The DMA provides for an integrated and coordinated disaster management policy that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters and post-disaster recovery amongst others. Fire Services plays a key role in all these phases of disaster management particularly because fires (all types) are a major hazard faced by the country.

2.3.5 Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) (BCEA)

The purpose of the BCEA is to give effect to the right to fair labour practices referred to in section 23(1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; and thereby complying with the obligations of the Republic as a member state of the International Labour Organisation; and to provide for matters connected therewith. The introduction of the BCEA had significant impacts on fire services which is essentially a shift-based service. The cost of providing adequate staffing on a 24 hour basis in line with the current provisions of the BCEA poses major challenges for most fire services across the country.

2.3.6 Major Hazardous Installation (MHI) Regulations

MHI Regulations are issued under section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and applies to employers, self-employed persons and users, who have on their premises, either permanently or temporarily, a MHI or a quantity of a substance which may pose a risk that could affect the health and safety of employees and the public. It also deals with on-site emergency planning and further requires that such planning must be discussed with the relevant local government. The MHI Regulations further outline the general duties of local government by stipulating that no local government shall permit the erection of a new MHI at a separation distance less than that which poses a risk to airports, neighbouring independent MHI, housing and other centres of population and any other similar facility. In terms of these Regulations, all off-site emergency plans to be followed outside the premises of a MHI are the responsibility of the local government.

2.3.7 National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA)

Section 30 NEMA deals with the control of emergency incidents and define an incident as an unexpected sudden occurrence including a major emission, fire or explosion leading to serious danger to the public or potentially serious pollution of or detriment to the environment whether immediate or delayed. Amongst others, this section requires that a responsible person after knowledge of the incident report through the most effective means reasonably available to the South African Police Services and the relevant fire prevention service the nature of the incident, any risks posed by the incident to public health, safety and property and any steps that should be taken in order to avoid or minimise the effects of the incident on public health and the environment.

2.3.8 Safety at Sports and Recreation Act, 2010 (Act No. 2 of 2010) (SASREA)

SASREA provides for measures to safeguard the physical well-being and safety of persons and property at sports, recreational, religious, cultural, exhibitional, organisational or similar events held at stadiums, venues or along a route. SASREA further provides for responsibility for safety and security at events and requires establishment committees and structures where fire service is also a key role player. It also provides for the establishment of Venue Operations Centre (VOC) at an event where the entire safety and security operation is coordinated and representatives of the fire service forms part of the role players who staff the VOC.

2.3.9 National Health Act, 2003 (Act No. 61 of 2003) (NHA)

The NHA provides a framework for a structured uniform health system within the Republic, taking into account the obligations imposed by the Constitution and other laws on the national, provincial and local governments with regard to health services. There are several municipal emergency services that are responsible for the provision of both fire and emergency medical services in the country. In the delivering of these services, provisions of the NHA have to be taken into account.

2.3.10 Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA)

The PFMA regulates financial management in the national and provincial spheres of government. All fire services activities that both national and provincial spheres of

government undertake in support of municipal fire services must comply with the provisions of the PFMA.

2.3.11 Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA)

The MFMA aims to secure sound and sustainable management of financial affairs of municipalities. Since fire fighting services are provided by municipalities, provisions of this legislation must be complied with in the provision of services.

2.3.12 Criminal Procedure Act, 1977 (Act No. 51 of 1977) (CPA)

Municipalities are empowered in terms of section 16 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987) (FBSA) to make by-laws or regulations as the case may be which are not contrary to any law for its area of jurisdiction regarding any matter which it may deem necessary or expedient in order to employ its service effectively. These by-laws or regulations may in respect of a contravention thereof or failure to comply therewith provide for a punishment of a fine not exceeding R5 000 or of imprisonment for a period not exceeding six months. The CPA deals comprehensively with all matters related to offences, penalties, search warrants, entering of premises, seizure, forfeiture, arrests, summons, admission of guilt fines, etc and should be taken into account by fire services when dealing with these and other related matters.

2.3.13 National Building Regulations and Building Standards Act, 1977 (Act No 103 of 1977)

The Building Regulations and Building Standards Act provides for the promotion of uniformity in the law relating to the erection of buildings in the areas of jurisdiction of local authorities as well as for the prescribing of building standards. Several provisions in this legislation deals with issues related to fire services. Section 17 (e) empowers the Minister to make regulations to be known as national building regulations to provide for the requirements with which buildings shall comply in so far as precautionary measures against fires or other emergencies are concerned, including the resistance of buildings against the outbreak and spreading of fires, protection of the occupants or users of buildings or other persons against fires, the aids or other installations to be in building for the combating or prevention of fires and for the vacating of such buildings in cases of fires or other emergencies.

2.3.14 Occupational Health and Safety Act, 1993 (Act No. 181 of 1993) (OHSA)

The OHSA provides for the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery and the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work. The OHSA also outlines the general duties of employers to their employees in relation to occupational health and safety matters.

2.3.15 National Water Act, 1998 (Act No. 36 of 1998) (NWA)

Section 20 of the NWA deals with the control of emergency incidents and in terms of this section, the responsible person or any other person involved in the incident must after obtaining knowledge of the incident report amongst others to the South African Police Service or the relevant fire department.

2.4 What are the main problems with our current legislation?

- The FBSA does not make adequate arrangements or place explicit focus on fire safety and prevention particularly community fire safety education.
- The FBSA does not clearly outline national norms and standards that can be utilised as benchmarks in the provision of a fire service. In addition to these, aspects related to research and development as well as mechanisms for dealing with quality assurance is currently not clarified in the FBSA.
- The FBSA was promulgated in 1987 and the advent of the new democratic dispensation in 1994 resulted in a myriad of legislations that significantly impact on local government functions and institutional arrangements. This necessitate the review of the FBSA to harmonise it with other key legislations that impacts on the provision of fire services.
- The FBSA establish the Fire Brigade Board as a forum to be consulted on various matters relating to the oversight, regulation and administration of fire services. The FBB meet infrequently which makes the functioning of the Board ineffective and the administration of fire services weak. Political oversight is not achieved as the

platform to achieve this vital function is not functioning.

- The FBSA assigns the administrative work arising from the activities of the Fire Brigade Board to a secretariat. The secretariat, established as a directorate in the National Disaster Management Centre is under capacitated and under-funded to perform the assigned function. The disaster management function is also receiving higher prominence with fire services administration dealt with inadequately. Current institutional arrangements do not engender a separate identity for the fire service function.
- A further weakness is that the current FBSA does not provide clear-cut provisions for the support, oversight, capacity building roles of provinces and national government respectively as outlined in the country's Constitution, 1996, the White Paper on Local Government, 1998, and other applicable legislations.
- The Municipal Structures Act, 1998 provides for the division of powers between Category C (District Municipalities) and Category B (Local Municipalities) on fire services matters. Although this Act makes adequate provisions for the

adjustment of such powers following a set procedure where appropriate, these has resulted in a two tiered fire services in some areas which often results in wasteful duplication of resources and efforts.

- While the principle of placing responsibilities for veldfire risk management espoused in the NVFFA is important, this in some instances also creates challenges as the Constitution of the Republic and other legislations such as the Fire Brigade Services Act, Municipal Structures Act, etc places fire fighting services as a competence of local government. Prior to 1998, the legislative dispensation somewhat enabled structures created by the NVFFA such as Fire Protection Associations to function optimally as they were no wall to wall municipalities and municipal boundaries were essentially covering the urban precinct where the risk of veldfires is usually low or insignificant. The advent of the Municipal Structures Act in 1998 and the introduction of wall to wall mean that there is no area in the country outside of municipal jurisdiction. This necessitates that future legislation on fire services

should strongly reflect on how alignment and harmonisation can be achieved to ensure an integrated legal framework for managing fire risk in the country. In addition to this, the current FBSA

does not make provision for a variety of aspects which are core to the activities of fire service such as the setting of norms and standards, research, statistics, etc.

The future fire services legislation must eliminate confusion as well as clarify the roles and responsibilities of provincial and national governments. It must also outline clearly the framework within which other role players outside government can play a role in fire services with special emphasis on fire safety prevention and fire fighting in key installations. In short, the proposed legislation must elevate fire safety and prevention as a core component of the fire services which must be prioritised by all role players.



2.5 Points of debate and Key Questions

- 2.5.1 What should be main elements of a new fire brigade service Act?
- 2.5.2 What linkages are required between the new fire service Act and other existing related legislations?
- 2.5.3 Who should administer the new fire service Act?
- 2.5.4 What other applicable legislations internationally must be reviewed in the process of developing a new fire services Act for South Africa?
- 2.5.5 What alignment is required between the proposed fire services Act and the NVFFA?
- 2.5.6 Is it possible to harmonise the two pieces of legislation going forward? If so, what mechanisms are required for this purpose?
- 2.5.7 What other related research has been conducted on the institutional placement of this and other applicable legislations that the Department must consider in the process of reviewing this legislation?
- 2.5.8 What other legislations internationally can the Department consider to look at best practices in integration of fire services legislation?

3. KEY PRINCIPLES FOR A NATIONAL FIRE BRIGADE SERVICE POLICY

3.1 Principles

The Batho Pele White Paper (1997) noted that public services are not a privilege in a civilised and democratic society but that they are a legitimate expectation. The eight Batho Pele principles which aim to progressively raise standards of service, especially for those whose access to public services have been limited in the past and whose needs are greatest will form a premise upon which the provision of fire service will flow from.

In addition to the Batho Pele principles, the following principles need to be considered when shaping a vision and guiding strategy to deal with fires:

It must take care of the most vulnerable first

The new fire services Act must make adequate provisions for providing fire services to those categories of society most vulnerable to fires.

It must inculcate a culture of fire prevention

Government will encourage both citizens and government structures to take adequate measures to prevent fires thereby protecting themselves, their properties and the environment from fires at all times.



It must integrate into development

Fire safety and prevention should be integral part of development initiatives.

It must have an integrated approach

Planning for the provision of fire services must be integrated with plans, initiatives, etc of other agencies.

It must be based on consultation

Fire services must regularly and systematically consult the users of their services about the services they provide. Consultation will provide essential information about where the priorities of a fire service should lie in improving services.

It must ensure community involvement

Community must know what fire services and fire safety and prevention in particular stand for, what their own responsibilities are, how they prevent fires, how they must handle fires and what they can do to support themselves during fires when necessary.

It must be driven at all spheres of government

All spheres of government have a role in the provision of fire services and must execute such roles and responsibilities effectively and efficiently.

**It must be transparent and inclusive**

Decision making, information sharing on fire services matters must be transparent and inclusive to ensure stakeholder buy-in by all parties involved in the provision of this service including communities.

It must be risk based

Fire risk is dynamic and context specific. Strategies to manage fire risk should be informed by the prevailing local risk conditions. Scientific risk assessment should form the premise upon which fire service planning must be based.

It must have legitimacy

Structures tasked with the provision of fire services must be recognised by all key role players in the various government structures, as well as amongst the various community structures with whom liaison is necessary.

It must strive for excellence

In rendering service to communities, fire services must strive for excellence at all times.

It must be based on partnerships

Government cannot meet the development needs of South Africa on its own. Mutual and sustainable partnerships between government and other partners are critical for the effective and efficient delivery of fire services. Business and industry, Non-Governmental Organisations (NGOs), academic institutions and other bodies throughout the community should be encouraged to play a part in supporting fire services.

It must be effective and efficient

The provision of fire services should be outcome driven and cost effective.

It must be affordable and sustainable

Government must ensure that fire services are affordable and can be provided on a sustainable basis.

**It must be needs oriented and prioritised**

Fire services must be responsive to the needs of communities and must receive priority including in resource allocation.

It must ensure that the delivery of fire services are based on measurable standards

The delivery of fire services must be measured against clear, attainable, realistic and measurable standards. These standards must not be a 'one size fits all' and must be determined by the respective fire services. A differentiated approach based on risk and capacity of each fire service must form the backbone of these standards.

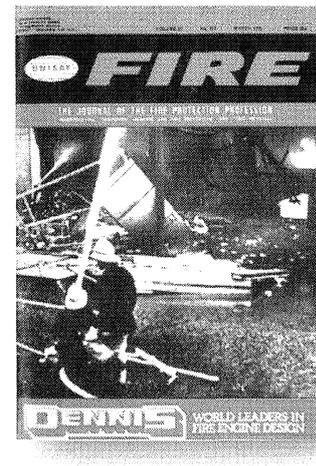
3.2 Points of debate and Key Questions

- 3.2.1 Which principles should be applied and maintained?
- 3.2.2 Which principles should we prioritise as being the most important for fire services?
- 3.2.3 Do you think the principles as they are set out here are a basis to develop and engender a common vision?
- 3.2.4 Are there further principles that need to be taken into account that should inform the new fire service management system?
- 3.2.5 Are the revisions to the current wording that you would like to recommend or make specific changes to?
- 3.2.6 What ethical principles are required to guide the fire services practitioners?
- 3.2.7 Who must develop and monitor compliance with these principles?

4. CURRENT FIRE BRIGADE SERVICE SITUATION IN THE COUNTRY

4.1 What are the historical factors that significantly impacted on the current state of fire brigade services in the country?

The Journal of the Fire Protection Profession in its March 1975 edition titled "Special report from Southern Africa: **Sorry state of the country's fire services**" observed that fire services throughout South Africa and South West Africa are undermanned, ill-equipped, unprepared for a major emergency and required almost R40 million to bring them up to standard. These were the shock findings of an interdepartmental committee of investigation appointed by the then Minister of Defence to inquire into the state of the country's fire services and their function in terms of civil defence. Amongst its recommendations were that most local



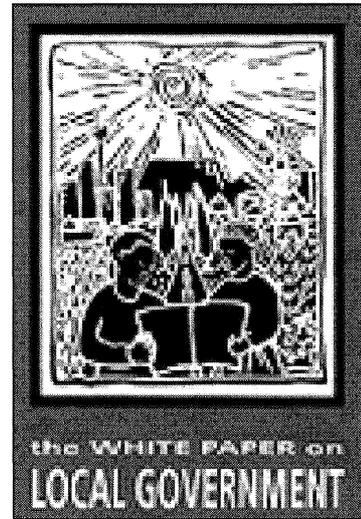
authorities have made inadequate provision of water supplies for fire protection services, encountered mainly in a shortage of fire hydrants, hydrants wrongly spaced and under-rated delivery pipes. In addition to these, the report noted that forty (40) local authorities responsible for fire risk areas have no established fire services at all.

Analysis at the time revealed that these shortages were the result of a lack of a standardised approach by the local authorities and that the root cause was to be found in the differences of requirements between the various provincial fire ordinances in place. As such a process was started to develop new legislation which culminated in the proclamation of the FBSA in 1987 which was applicable to all local authorities in the Republic.

Prior to 1994, the provision of fire brigade services like other municipal services was also influenced by the racial division between the black and white local authorities. While some of the former white municipal authorities were able to establish and sustain highly resourced and capable fire services mainly due to conditional fire brigade grant received from the national government as well as the ability to cross subsidise the service from local funds due to its viable tax base, former black authorities established following the promulgation of the Black Local Authorities Act, 1982 (Act No. 102 of 1982) did not have access to similar sources of funding and the provision of fire services had to contend with the provision of other basic services and infrastructure.

The White Paper on Local Government, 1998 captures the challenges of financial constraints that beset local authorities historically as follows:

Historically, most local government revenue in urban South Africa was self generated, mainly through property taxes and the delivery of services to residents and business. This particularly suited white municipalities which had small populations to serve and large concentrations of economic resources to tax. Financial shortfalls were built into local government for black areas. Apartheid regulations barred most retail and industrial developments in black areas. this limited the tax base and forced residents and retailers to spend most of their money in white areas. Municipalities in black areas were therefore deprived of the means to meet the needs of local residents. Black Local Authorities attempted to impose rent and service charges on township residents to increase revenue. This revenue source could never have provided for meaningful delivery. It only served to anger increasingly politicised communities (South Africa, 1998).



The introduction of a regionalised structure following promulgation of the Regional Services Councils Act, 1985 (Act No. 109 of 1985) also had significant impacts on the provision of fire services. In terms of this Act, Regional Services Councils (RSCs) were statutory multi-racial local government bodies which were to provide services on a regional basis.

Fire brigade services outside the municipal area (urban precinct) was one of the functions provided by RSCs. it is in this context that the advent of wall to wall municipalities in 1998 required municipal functions including fire services to be provided on a much larger scale without in most instances an increase in resources to address this expanded areas of jurisdiction. Furthermore, the introduction of the Local Government Transition Act, 1993 (Act No. 203 of 1993) necessitated the establishment of Transitional Local Councils (TLCs). During this period, various fire brigade services were merged and this in some areas resulted in the loss of skills due to high turnover at the time of experienced firefighters and officers. This severely impacted upon the ability of fire services to render their functions as outlined in the FBSA.

4.2 What is the current state of fire brigade services in the country?

In 1999 following a dramatic increase in the value of fire claims paid (R400 million in 1990 and R1.4 billion in 1998) as outlined in various media reports in this regard; the insurance industry tasked the South African Insurance Association (SAIA) with addressing government regarding these concerns.

The former Department of Constitutional Development in response tasked SAIA to perform an assessment with the intention to establish and identify the root cause of service-delivery deficiencies. Since it was not possible to evaluate all the fire brigades, a cross section was selected. Several root causes of the problems within fire brigade were identified and this includes the lack of compulsory national standards, employment practices, inadequate accountability at some municipalities for the function, lack of effective management, poor maintenance of equipment, fire safety challenges and inadequate funding to mention but a few. The findings of the SAIA report is not dissimilar from the defence report of 1975 which suggests that at the time little has changed in the delivery of fire brigade services.

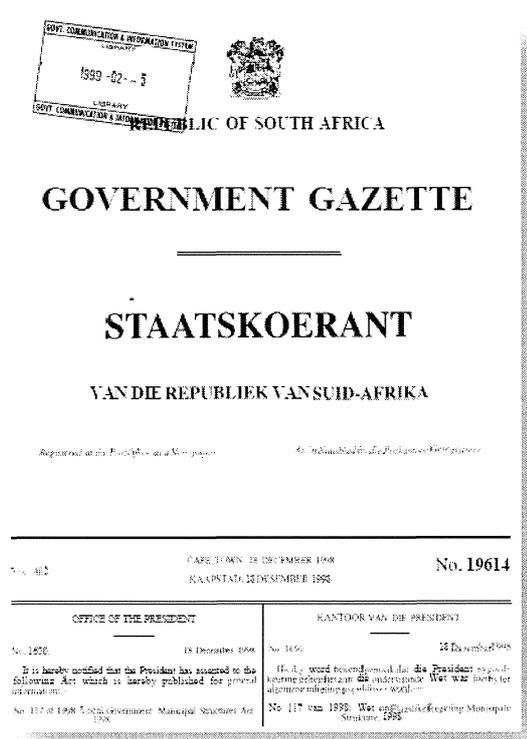
In 2007, in view of assessing which preparations were required for the 2010 FIFA World Cup™ the former Department of Provincial and Local Government (DPLG) tasked a group of experts, using the same methodology as the SAIA team, to determine the state of fire services with specific focus on services directly affected by this event. The team concluded that whilst there **were areas of excellence**, in essence, little changed in the delivery of fire services. In late 2009, an assessment of a cross section of the fire brigades of the 2010 FIFA World Cup™ host cities was completed by a group of experts comprising officials of the former DPLG and the Berlin fire brigade. The aim of the assessment was to determine the readiness of fire services to deliver a safe 2010 FIFA World Cup™ from a fire services point of view. The team concluded that whilst there were still minor areas of concern, in essence, huge strides were made in the delivery of fire services for the event. In fact, of the R 250 mil



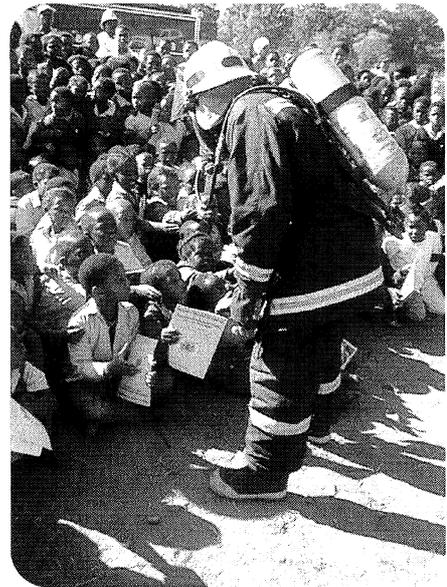
identified by the 2007 report needed for the upgrade of fire services equipment of the host cities, a total of R 235 mil was raised and spend on resourcing the various fire services involved in the FIFA World Cup. This translated to significant equipment upgrades, training of personnel and the development of event specific operational plans still in use today. These capabilities will benefit the country going forward when similar sporting and other events are hosted in South Africa. The team also identified two key emerging issues that affecting fire services that require consideration.

The first relates to the different interpretation of Section 84(1) (j) of the Local Government: Municipal Structures Act, 1998 (in use since December 2000) which led to the complex and dissimilar division of fire functions between Districts and Local municipalities. These developments have in some areas led to a two tiered fire service provided by both District and Local municipalities in the same jurisdiction often resulting in costly and wasteful duplication of efforts and resources.

The second issue relates to the relationship and jurisdictional contests between municipal fire services and other emerging government funded initiatives aimed at addressing fire challenges such as veldfire management. In some instances, these programs are presented as an alternative model for the provision of a fire brigade service which raises fundamental questions as **firefighting services are a municipal function as outlined in the Constitution of the Republic**. The proposed fire service legislation should provide clarity on the jurisdiction of Chief Fire Officers on role players (government funded or private) who are involved in firefighting across the country. Although these studies were done many years ago, most of these challenges identified remains relevant today and require urgent and concerted efforts by all stakeholders led by government to address them effectively.



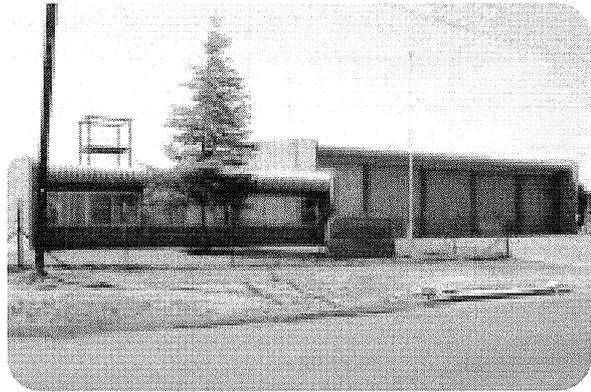
Notwithstanding the enormous challenges faced by fire services across the country, there are several positive initiatives that most services are implementing across the country. Several services have established effective Public Education, Information and Relations (PIER) programs that are aimed at providing education and awareness about the measures that communities can put in place to reduce fires as well as measures generally aimed at building skills essential for life safety. These initiatives include amongst others the establishment of Community Emergency Response Teams (CERT) by fire services in most metropolitan areas. These teams are comprised of identified community members who are equipped with basic fire fighting skills required to respond to their community's immediate needs in the event and aftermath of a major emergency, whilst emergency services are on route to the incident. By working together, they assist in saving lives and protecting property. The team's responsibilities ranges from public education/awareness and information dissemination, to pro-active response to emergencies within the affected community until fire service services arrive.



The Mangaung Fire and Rescue Services established a Fire Brigade Museum which was aggressively marketed as a facility focussing on public fire safety awareness specifically targeting school learners. Since its establishment in 2003, the museum is visited by between four and six thousand people per annum who get exposed to public education which have significantly contributed to an elevated level of fire safety awareness in the Mangaung area.



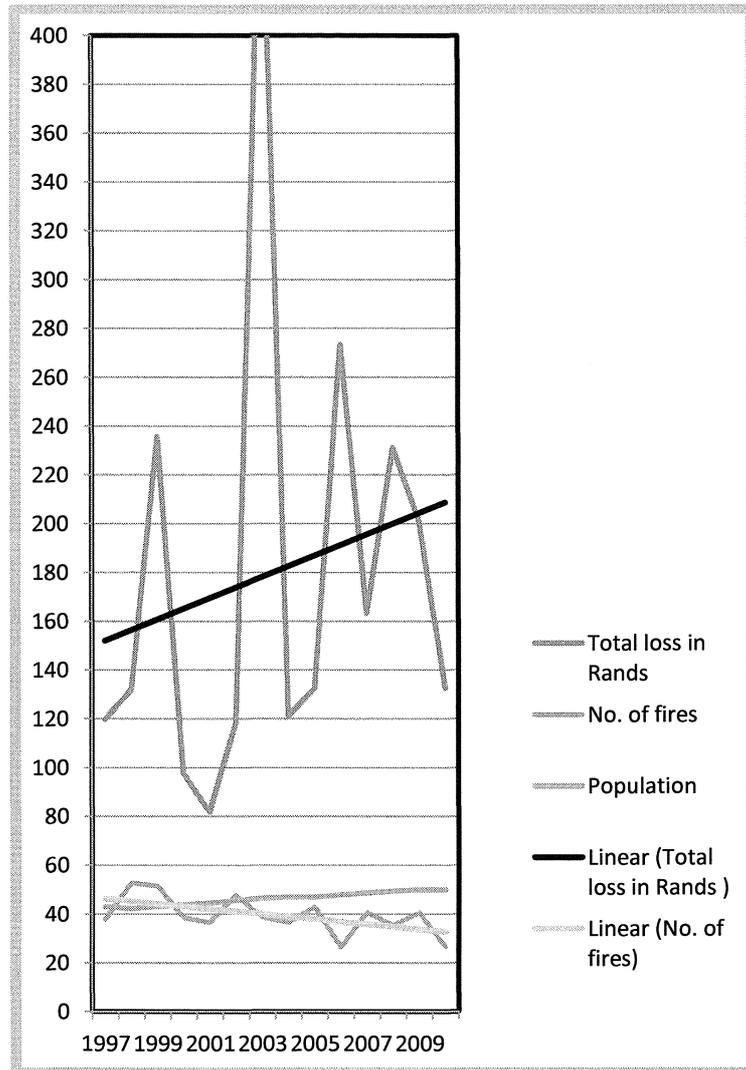
Furthermore, several areas have also benefited due to the expansion of fire services to areas that were previously without services whilst areas that had services have in most areas witnessed significant and sustained upgrading of capabilities. This expansion has been characterised in some areas by the intelligent utilisation of existing facilities such as in the Mangaung case where a vacant



industrial building was used to establish a service to areas that were without access to a service with minimal capital investment. Various services have also implemented learnerships in partnership with the LGSETA aimed at building fire fighting skills amongst young people using own funding and in some areas in partnership with other government agencies responsible for skills development.

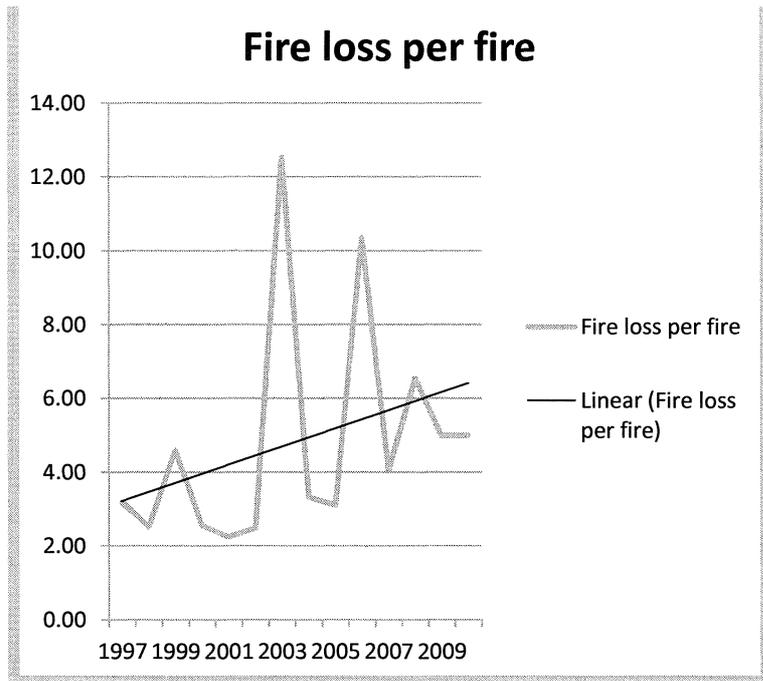
4.3 What are the costs of fires in South Africa?

The Fire Protection Association of South Africa (FPASA) which provide a specialized fire safety management technical and training services to industry, commerce and society since 1973, noted in its Fire Statistics Report of 2009 that fire losses were over R2 billion resulting in 376 recorded deaths across the country. Statistics South Africa in its analysis of the cause of death in South Africa based on Death Certificates records attributes 2 241 deaths to smoke, fire and flames in 2009 alone which indicates that more work is required by all stakeholders led by government to deal with fires and reduce the number of death and injuries as a result of fires. The following table provides an indication of the fire losses from 1997 to 2010 based on the information supplied by fire brigade services to the Fire Protection Association of South Africa:



Graph 1: Relationship between fire losses, number of fires and the population

Graph 1 clearly indicates that overall fire losses significantly fluctuates year-on-year. The trend indicates that fire loss is on the increase and is expected to continue to do so in the near future despite the relatively low losses recorded in 2010. It also shows that apart from recording a linear growth in the population size a decrease in the number of fires was reported for the same period. Whilst this is encouraging concern is raised when one compares the number of fires with the recorded losses over the same period one finds that fire loss per fire has almost doubled since 1997. This sharp increase in fire loss per fire is depicted in **graph 2**.



Graph 2: Fire losses per fire ('00 000)

It is also important to highlight that the statistics provided above do not provide a comprehensive picture as there are some fire losses that are unreported. These statistics essentially reflect the losses reported by local authorities to the FPASA. Fire losses under a certain value are usually not reported especially from fires in informal settlements and those assets that are not insured. The fire statistics of large industrial and other private services are also not included in the above figures especially since most large industrial agencies have in-house insurance facilities. In other words, the losses could in all probability be much higher if all fire losses were captured during this period. It is therefore important that mechanisms must be put in place to collect fire statistics going forward as most planning, resources allocation, policy decisions, etc rely on reliable and credible statistics.

4.4 Fire risk context of South Africa

The risk of fires in the country is influenced by a variety of socio-economic factors notably the rising levels of urbanization which often results in informal settlements comprised of shacks built by highly combustible materials (frequently wood and plastic) and in close proximity to each other which heighten the risk of fires in these areas. The use of open fires for cooking and lighting in areas without electricity, lack of access by fire services for fire-fighting during emergencies and the increasing rural-urban interface all contribute in

increased fire risk and losses as a result of fires. The 2010 World Disaster Report (which focused on urban risk) for example highlighted similar reasons (as outlined above) for the occurrence of fires in for example the Cape Town informal settlements. This Report further noted that fire incidents peaks over the summer and holiday months due to hot, dry and windy summer conditions coupled with holiday season activity such as increased alcohol consumption and people travelling away from home. Fires also peak again in the winter month of August due to people bringing stoves inside to warm their houses. It is clear that fire risk is context specific and that robust and reliable fire risk assessments should be the point of departure for the design of a fire service.



4.5 Points of debate and Key Questions

- 4.5.1 What are the key challenges facing fire services across the country?
- 4.5.2 How should the division of powers for delivering fire services be dealt with going forward?
- 4.5.3 What roles and responsibilities can be best executed at district level?
- 4.5.4 What roles and responsibilities can be best executed at local municipality level?
- 4.5.5 What mechanisms are required to ensure coordination between the agencies involved in the provision of fire fighting services?
- 4.5.6 Who must have ultimate jurisdiction over all fire fighting services taking place within the jurisdiction of a municipality?
- 4.5.7 What coordination mechanisms and systems can be put in place to improve coordination between district and local municipalities in the provision of fire services?
- 4.5.8 What factors contributes to the increasing costs of fires in South Africa?
- 4.5.9 What measures can be put in place to reduce the costs of fires in South Africa?
- 4.5.10 What measures must be put in place to reduce fire deaths and injuries?
- 4.5.11 What factors are increasing fire risk in South Africa?
- 4.5.12 What roles can communities play in fire risk management?
- 4.5.13 How can fire services be integrated in community development initiatives?
- 4.5.14 What are the costs of not developing a fire service?
- 4.5.15 What is the link between revenue fluctuation (at local level) and fire services delivery?
- 4.5.16 What kind of support is required by municipalities in resource poor areas?
- 4.5.17 Is fire service a basic service?

5. ROLE OF NATIONAL GOVERNMENT IN FIRE BRIGADE SERVICES

5.1 Key roles of national government as outlined in the Constitution, White Paper on Local Government, etc.

Notwithstanding the fact that fire fighting services are rendered by the local sphere of government, both provincial and national government also have specific roles and responsibilities in terms of the country's Constitution, 1996. Section 41 of the Constitution clearly stipulate the principles of co-operative government and inter-governmental relations and specifically requires the three spheres of government to co-operate with one another in mutual trust and good faith by among others, fostering friendly relations; assisting and supporting one another; informing one another of, and consulting one another on, matters of common interest. Section 154 of the Constitution, 1996 further calls upon national and provincial governments, by legislative and other measures, to support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.

It is in this context that the White Paper on Local Government, 1998 allocates the following roles and responsibilities to national government with respect to local government:

A strategic role: National government is responsible for setting the overall strategic framework for the economic and social development of the nation, and for all spheres of government;

Providing a framework for municipal capacity-building and support: Section 154(1) of the Constitution tasks both national and provincial government with supporting and strengthening the capacity of municipalities to manage their own affairs, exercise their powers and perform their functions;

Support for key institutions: National government is committed to supporting and strengthening organised local

government to enable it to perform its constitutional role effectively;

Local government finances: Fiscal provisions for local government, including the management of the system of intergovernmental fiscal relations, situating local government's fiscal powers within the national tax structure, and a range of other financially related topics;

Monitoring and oversight: To ensure the necessary levels of compatibility, uniformity and consistency, national government needs to develop an overall framework for a system of monitoring and oversight within which other organs of

state, particularly provincial governments will perform these functions.

Intervention: Although provincial government is primarily responsible for intervention, national government may also need to intervene together with provincial government or in instances where a provincial government fails to

intervene, or where national fiscal resources are implicated, or where such intervention is required to maintain economic unity, essential national standards and national security, or to prevent unreasonable actions that are prejudicial to a province or the country as a whole.

The roles and responsibilities as outlined above will be executed by both the Fire Brigade Board and the Directorate: Fire Services Coordination respectively in so far as government is concerned. Mechanisms for the national coordination of activities and initiatives of designated services and other private sector role players must also be considered.

5.2 What is the national government currently doing for fire brigade services?

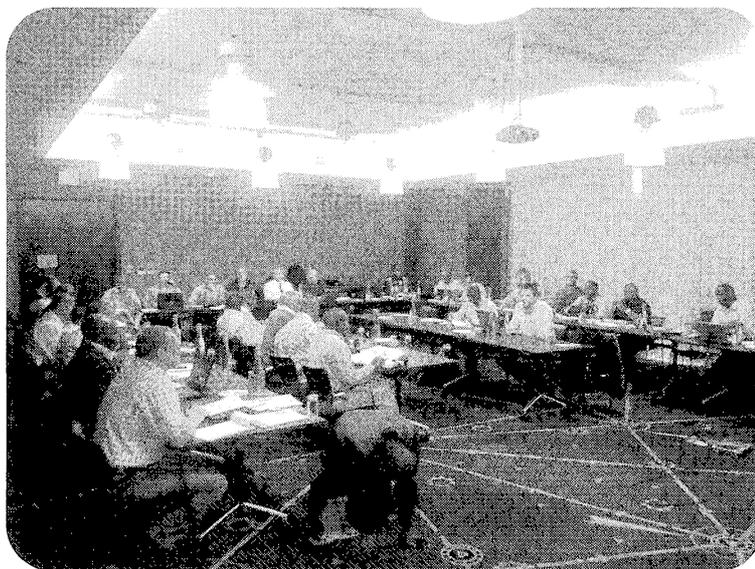
The Department of Cooperative Governance (DCoG) is the responsible national department administering the FBSA. Essentially, the roles of DCoG can be categorised into to main areas i.e. Political / oversight and administrative/ technical which are executed by the Fire Brigade Board (FBB) and the National Fire Services Directorate respectively.

The FBB in its meeting held in 2008 adopted the five broad strategic goals which are outlined below:

- Strategic Goal 1:** Improve the governance, policy and legal framework for fire services in South Africa.
- Strategic Goal 2:** Improve the training of emergency personnel, establish capacity building programs and increase the resources available to fire services.
- Strategic Goal 3:** Implement fire risk assessment and establish fire prevention campaigns, as the cornerstone to improve life safety.
- Strategic Goal 4:** Improve service delivery, by optimising fire services operations through support and compliance management programs.
- Strategic Goal 5:** Foster better stakeholder and community relations by addressing the needs of the stakeholders and civil society, performing research, improving marketing and promoting fire services.

The NDMC is the Branch within DCoG responsible for the administration and oversight of the FBSA. This is achieved through the work performed by the Fire Services Directorate which was established in 2011. This Directorate provide secretariat services to the FBB and also develop and oversee the implementation of legislation, policy and strategies applicable to fire services nationally. The Directorate achieves this by-

- Planning and organizing programs to implement the FBSA and support related legislation;
- Performing research, develop and planning processes for the implementation of a strategic fire services framework;
- Establishing mechanisms for the development, implementation, monitoring and evaluation of national standards;
- Rendering support, cooperation and administrative guidance to other spheres of government and fire services stakeholders;
- Advising the national, provincial and municipal structure on Fire Brigade Services issues; and
- Performing fire services capacity-building related processes and establish a fire services information management system;
- Development of standards for cooperation between municipal services and designated services?
- Ensuring alignment between the Fire Service legislation and other applicable legislations.
- Provision of strategic direction and support to all fire services role players.



5.3 What is the role of other national sector departments in fire brigade services?

Various sector departments have certain roles and responsibilities that they can execute in support of fire services. Recent fires in correctional services facilities notably the Honduran Fire that occurred on the 15th of February 2012 and killed over 300 inmates highlighted the importance of coordination between fire services and sector departments. The proposed fire services legislation will have specific focus on fire prevention which usually takes place in schools and other educational facilities. This requires coordination and cooperation between fire services and the Department of Education to ensure access and integration of fire safety in school curricula where appropriate. These two examples demonstrate some of the roles that sector departments can play in support of fire services activities.

5.4 Role of national government in the fire protection of key/strategic facilities.

National key strategic facilities must ensure that adequate fire protection measures fire protection measures and programs are put in place to reduce fires. Where such facilities have a designated service, it is critical that arrangements must be put in place to cooperate with local fire services in the area.

5.5 Role of national government in intergovernmental relations for fire brigade services.

Several Acts of Parliament outlines the responsibilities of all spheres of government with regard to intergovernmental relations. The Constitution, 1996 of the Republic of South Africa establishes the framework for intergovernmental relations by setting out the principles of cooperative governance and the application thereof in the relations between the national, provincial and local government. Committees established by the Fire Brigade Board such as the National Fire Services Advisory Committee also serve as instruments of enhancing intergovernmental relations in fire service matters.

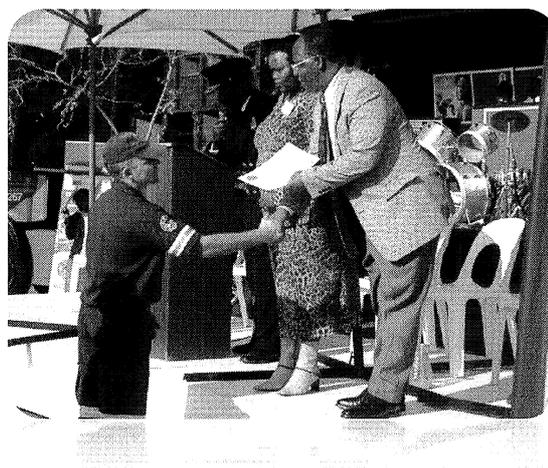


5.6 Fire Brigade Services Professional Council

There have been several requests by stakeholders to consider the establishment of a Fire Services Council which will ensure that interests of firefighters are looked at as well as deal with issues of self regulation, maintaining control or oversight of the legitimate practice of the occupation, public interest issues, etc. This professional body will also set standards for the professional conduct of people involved in fire services to ensure high standards underpin the drive to protect life and property when employees of fire services discharge their day to day responsibilities. The establishment of this body can be linked to the ongoing agenda to professionalise local government.

5.7 National fire brigade services training academy

Training is critical for a fire service to discharge its duties effectively and efficiently. Although operational training of firefighters is done at established local fire training colleges there is a need for a national and or provincial academies that will focus on specialised fire services training. These academies will also focus on the provision of courses aimed at senior fire services managers including fire chiefs, senior fire managers and others in key leadership roles in fire services. The academy



may also focus on training programs, capacity building, administration of training and quality assurance amongst others. Whilst it is important to fully consider the implications of setting up an academy at this level, it is important to highlight that training provided at local level also generates revenue at municipal level.

5.8 Role of other agencies in fire brigade services

Agencies such as the South African Police Service, Emergency Medical Services (both public and private) as well the South African National Defence Force have specific roles and responsibilities on fire services matters. The following are some of these responsibilities:

South African Police Services,

- Role in enforcement of bylaws and legislation;
- Joint incident command during special events and incidents;
- Assists the fire prevention and safety units with fire investigation, especially those that involve arson and assists in handling and storing evidence;
- Incident access control and evacuation;
- Support for Urban Search and Rescue (USAR) and other special incidents during deployments;
- Traffic and crowd control at emergencies.

Emergency Medical Services,

- Joint incident command during special events and incidents;
- Provision of emergency medical services backup during incidents;
- provision of equipment to perform initial medical assistance where fire services arrive on scene;
- Provision of support in hazardous materials incidents;

- Provision of support in rescue and other form of entrapments;
- Support for USAR and other special incidents during deployments

South African National Defence Force,

- Rendering of fire services at their bases, as an independent functionary
- Support of local fire services through legislative mechanism when needed
- Support for USAR and other special incidents during deployments
- Training of firefighters

State Owned Entities (SOEs)

Several SOEs play similar roles as set out for agencies like the SANDF above. Their roles and responsibilities include amongst others the following:

- Performing fire safety functions;
- Performing fire risk assessments;
- Performing Fire Awareness functions;
- Emergency planning;
- Monitoring and evaluation in partnership with provinces;
- Outcome auditing and maintaining outcome indicators such as quarterly life lost, injuries, etc

5.9 Points of debate and Key Questions.

- 5.9.1 What role should national government play in fire services?
- 5.9.2 What role should other national sector departments play in fire services particularly in fire safety and prevention?
- 5.9.3 What type of oversight structures is required at national level for fire services?
- 5.9.4 How must national oversight structures be structured and who must be involved in these structures?
- 5.9.5 What roles and key functions should these oversight structures play in fire services?
- 5.9.6 How can fire services be professionalised?
- 5.9.7 Is there a need for the establishment of a professional body to drive the professionalization of the function? if so, what should be the functions of such a body and who must form part of it?
- 5.9.8 If a professional body is established, how must it be funded?
- 5.9.9 Where should the Directorate responsible for the implementation of the new Act be located? At what level should this Directorate be in order to optimally discharge its duties?
- 5.9.10 What other roles and responsibilities can agencies such as the South African Police Services, the South African National Defence Force, Emergency Medical Services (both public and private) play in support of fire services?
- 5.9.11 Is there a need for a national training academy for fire services? If so, what type of training must it provide and how must it be funded?
- 5.9.12 What role can the South African National Defence Force play in fire services training?
- 5.9.13 What is the role of national government in fire services training?
- 5.9.14 Is there a need for a tailor-made management development programme aimed at improving the skills of Chief Fire Officers and other senior officers in the fire service?
- 5.9.15 Which agency must provide quality assurance for training of firefighters?
- 5.9.16 What role can national government play in the development of national training standards?
- 5.9.17 Is there a need for a national fire inspectorate?

6. ROLE OF PROVINCIAL GOVERNMENT IN FIRE BRIGADE SERVICES

6.1 Role of provincial government

Provinces also have specific roles and responsibilities in the delivery of fire services as outlined in Chapter 6 of the Constitution, 1996. In addition to the strategic role which is similar to that executed by national government as mentioned above, the White Paper on Local Paper on Local Government, 1998 also allocates the following roles to provincial governments:

A developmental role: Provincial government should ensure that municipal integrated development plans combine to form a viable development framework across the province, and are vertically integrated with the provincial growth and development strategy. Provincial government is also responsible for processing grants to municipalities for bulk infrastructure and other services;

An intergovernmental role: Provincial government has an intergovernmental role to play with respect to local government. It should establish forums and processes for the purpose of including local government in decision-making processes which affect it;

A regulatory role: Section 155 (7) of the Constitution gives national and provincial government the legislative and executive authority to see to the effective performance by municipalities of their functions in respect of matters listed in Schedules 4 and 5, by regulating the exercise by municipalities of their

executive authority with respect to the local government matters listed in Parts B of Schedules 4 and 5, and any other matter assigned to local government by legislation.

An institutional development and capacity building role: Provincial government establishes municipalities, and is tasked by Section 155 (6) of the Constitution, 1996 with promoting the development of local government capacity to enable municipalities to perform their functions and manage their own affairs.

Fiscal role: Provincial governments have a critical role in building the financial management capacity of municipalities and intervening when necessary to ensure local financial viability.

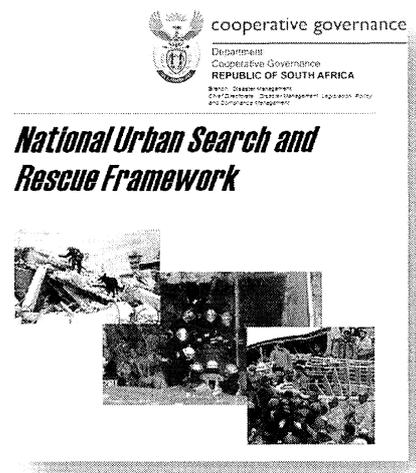
A monitoring role: Provincial government has a key role in monitoring local government in order to ensure that high standards of public service and good governance are maintained.

An intervention role: In terms of Section 139 of the Constitution, provincial government has the power to intervene

when a municipality cannot or does not fulfil an executive obligation in terms of legislation.

6.2 Role of provincial government in certain operational activities such as Urban Search & Rescue (USAR), aviation operations, training, etc.

Currently provincial governments play a key role in coordinating specialised activities such as USAR, aviation operations, special services etc. The future fire services legislation should clarify the role of provinces in this regard to ensure improved coordination and to provide a legal basis for the execution of these and other related activities. Provinces all play a key role in the identification of training needs and gaps as well as the mobilisation of funding to address the identified training requirements.



6.3 What is the role of provincial government in terms of monitoring and evaluation of fire brigade services in its area of jurisdiction?

Section 13 of the FBSA provides for the appointment of Category of Authorised Persons (CAPS) who must be appointed by the MEC to perform prescribed functions in order to ensure that the objects of the FBSA are achieved. CAPS are divided into three categories which makes provision for a CAP representing the provincial administration, the local fire service and other persons in the service of a controlling authority as designated by the MEC. The Regulations on the functions Category of Authorised Persons (CAPS) published in 1989 provides the following as one or more functions that may be conferred upon CAPS:

- Undertake investigations in order to advise the Administrator (Premier) and the FBB whether a service which has been established and is being maintained by a local authority under section 3 (1) of the FBSA, has been established and is being maintained in accordance with the prescribed requirements;

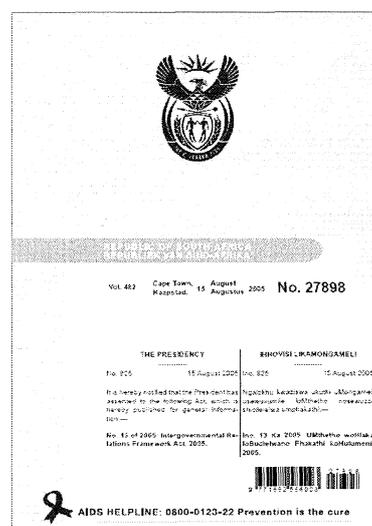
- Undertake investigations in order to advise the Premier and the FBB on whether a local authority must establish and maintain a service in accordance with the prescribed requirements;
- Undertake investigations in order to advise the Minister and the FBB whether a service which applies under section 4 (1) of the FBSA to be recognised as a designated service, complies with the prescribed requirements;
- Undertake investigations in order to advise the Premier and the FBB whether the chief fire officer of the service of a local authority possesses the prescribed qualifications and experience as contemplated in section 5 of the FBSA;

6.4 Provincial fire brigade services inspectorates

Currently section 13 of the FBSA makes provision for the appointment of Category of Authorised Persons (CAPS) as highlighted above. The establishment of provincial fire services inspectorates is proposed to replace the current Monitoring and Evaluation mechanism driven by CAPS. This inspectorate will form part of the provincial fire services directorate and will deal with matters related to compliance with provisions of the new fire services legislation and other applicable national norms and standards.

6.5 Role of provincial government in intergovernmental relations for fire brigade services

Several Acts of Parliament outlines the responsibilities of all spheres of government with regard to intergovernmental relations. The Constitution, 1996 of the Republic of South Africa establishes the framework for intergovernmental relations by setting out the principles of cooperative governance and the application thereof in the relations between the national, provincial and local government. Provincial government must establish appropriate structures to facilitate intergovernmental relations and cooperation between the province, municipalities, designated services and other role players involved in the provision of fire services. Structures such as Provincial Fire Services Advisory Committees, Chief Fire Officers committee provide platforms that provinces can use to interact with other role players.



6.6 Annual reports

Accountability and oversight are important in the provision of government services including fire services. The submission of annual reports to oversight structures on the performance of fire services is of critical importance.



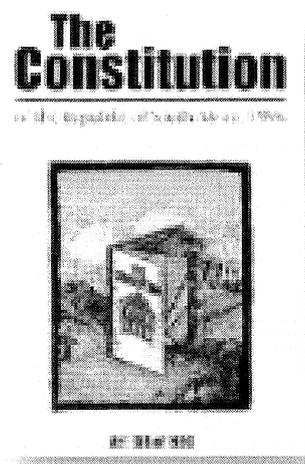
6.6 Points of debate and Key Questions

- 6.6.1 What should the role and functions of provincial government be in relation to fire services?
- 6.6.2 Is there a need for provincial fire services inspectorates? If so, what form must this take and what should be role and functions of such inspectorates?
- 6.6.3 What support should or can provincial government provide to support/ coordinate local government in delivering fire services?
- 6.6.4 What specialised fire services activities can province provide to fire services?
- 6.6.5 What information must be included by provincial government in their fire services annual reports?
- 6.6.6 What organisational structures are required for provincial governments to deliver on their fire service legal mandate?
- 6.6.7 What role can provinces play in fire services training?
- 6.6.8 What role can provinces play in the provision of fire services training and skills development?
- 6.6.9 Should the existing system of the Category of Authorised Persons (CAPS) be replaced by the fire inspectorate?
- 6.6.10 What role can provinces play in the coordination of agreements for cooperation at local level?
- 6.6.11 What norms and standards will inform the work of the inspectorate?
- 6.6.12 Who will form part of the inspectorate?
- 6.6.13 What mechanisms must be put in place to ensure involvement of experts in the inspectorate?
- 6.6.14 What role can provinces play in providing support to municipalities on fire cause determination, appointment of fire safety marshals (with policing powers), etc?
- 6.6.15 What type of partnerships can provinces enter into to support the provision of fire services?

7. ROLE OF LOCAL GOVERNMENT IN FIRE BRIGADE SERVICES

7.1 Key functions of a local government.

Chapter seven of South Africa's Constitution outlines that the local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic. A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation as provided for in the Constitution. In terms of the Constitution, a municipality must strive, within its financial and administrative capacity, to achieve the objects as outlined hereunder-



- To provide democratic and accountable government for local communities;
- To ensure the provision of services to communities in a sustainable manner;
- To promote social and economic development;
- To promote a safe and healthy environment, and
- To encourage the involvement of communities and community organisations in the matters of local government.

Section 156 of the Constitution further outlines the powers and functions of municipalities, and stipulates that a municipality has executive authority in respect of, and has the right to administer the following-

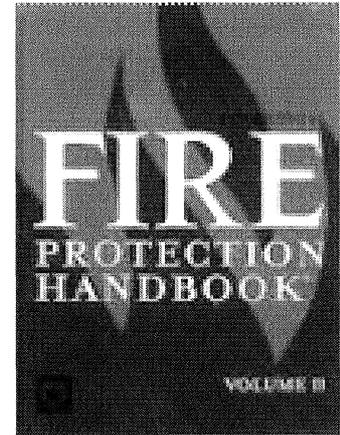
- The local government matters listed in Part B of Schedule 4 and Part B of Schedule 5, and
- Any other matter assigned to it by national or provincial legislation.

In addition, Section 156 also provides that a municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer. Section 4 of the Municipal Systems Act, 2000 (Act No 32 of 2000) outlines the rights and duties of municipal councils. In terms of this Section, the council of a municipality has the right to amongst others exercise the municipality's executive and legislative authority, and to do so without improper interference and to finance the affairs of the municipality by-

- Charging fees for services; and
- Imposing surcharges on fees, rates on property and, to the extent authorised by national legislation, other taxes, levies and duties.

In terms of the NFPA's Fire Protection Handbook, the traditional objectives commonly accepted by most fire departments are as follows:

- To prevent fires from starting;
- To prevent loss of life and property when fire starts;
- To confine fire to the place where it started; and
- To extinguish fires.



Globally, however, the scope of these objectives, as well as the scope of responsibilities within the fire department has evolved to include to include rescue, dangerous goods and in many cases Emergency Medical Care as well as dealing with emerging threats including terrorism and responding to natural and anthropogenic disastrous incidents.

Currently, the FBSA provides for local authorities to establish and maintain a fire brigade service for the following different purpose:

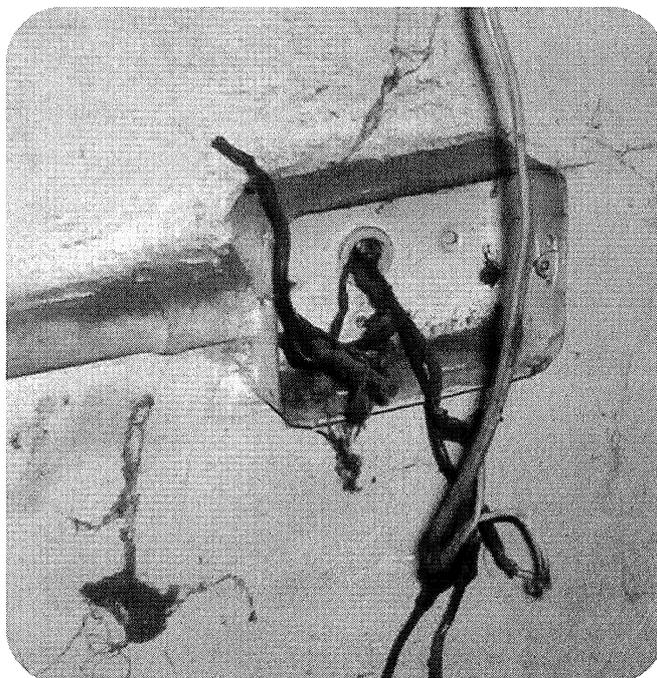
- (a) Preventing the outbreak or spread of a fire;
- (b) Fighting or extinguishing a fire;
- (c) The protection of life or property against a fire or other threatening danger;
- (d) The rescue of life or property from a fire or other danger;
- (e) Subject to the provisions of the Health Act, 1977 (Act No. 63 of 1977), the rendering of an ambulance service as an integral part of the fire brigade service; or
- (f) The performance of any other function connected with any of the matters referred to in paragraphs (a) to (e).

7.2 Fire safety and prevention

The emerging approach internationally places specific focus on fire prevention and safety as core components of the fire services. The proposed fire service legislation for South Africa should accordingly ensure that fire safety and prevention are important features of the fire service. The new fire services policy must prioritise fire safety and prevention. While

the goal of fire prevention is to educate the public to take precautions to prevent potentially harmful fires, and be educated about surviving them, fire safety refers to precautions that are taken to prevent or reduce the likelihood of a fire that may result in death, injury, or property damage, alert those in a structure to the presence of an uncontrolled fire in the event one occurs, better enable those threatened by a fire to survive, or to reduce the damage caused by a fire.

Over the years in South Africa, Building Regulations and standards have evolved to a point where the risk of fire in formal structures is significantly reduced except mainly for those fires caused by non-compliance with applicable fire safety measures. This is the case since fire safety of a building will essentially depend first on what is done to prevent a fire from starting in the building as well as what is done through design, construction and management to minimise the spread of fire if and when it happens. Generally, once a fire start, its spread will largely depend on the design of the building, the materials used in construction, building furnishings and contents, method of ventilation as well as fire suppression systems. Fire safety teams in formal structures usually reflect on all of these aspects during decision making processes. While formal structures have benefited from application of Building Regulations and standards, informal structures found mostly in rural areas and in informal settlements remain somewhat vulnerable as these codes are not enforced in their areas. This reality requires concerted and sustained efforts by all role players to improve application and compliance with applicable codes to reduce fire risks.



The fact that the average person suffers a minor burn or experiences a small fire once or twice in a lifetime, and for most people, this makes the threat of a truly destructive fire seem improbable and remote. In most instances, these people find themselves unprepared, both physically and emotionally, when a large fire does occur. In too many cases this lack of preparation causes panic, death and destruction that might have been avoided had the victims taken seriously the threat of fire and thus know how to prepare themselves accordingly.

Public education is a necessary tool in fire prevention and plays a key role in building awareness of fire safety amongst the community. Various projects in fire prevention education have demonstrated time and again that increased public awareness of the role communities can play in reducing the hazards of fire can be a significant factor in reducing loss of life, destruction of property and the environment as a result of fires. These public education programs should be developed to achieve specific goals and objectives and should be delivered by staff conversant with educational methodology and fire safety.



Applicable and robust information technology systems must be put in place to support the activities of fire safety and prevention as outlined above.

7.3 Water reticulation systems, provisions for fire hydrants and other water sources

It is important to highlight that successful firefighting largely depends on immediate access to adequate and reliable supplies of water. The access to, and proximity of, those water supplies directly affects the resources that fire and rescue authorities need to provide in protecting and mitigating their communities from the effects of fire. The provision of water

for firefighting requires careful preplanning that not only establishes need but goes on to identify the sources of water, whether drawn from public water mains or other sources, and then secures availability for use in case of fire. Essentially, three sources of piped water supply for fire fighting can be identified as follows:

- Public supply usually delivered by municipal infrastructure;
- Private supply wherein National Building Regulations require building owners to install tanks and pumps;
- Operational supply- this is where fire service respond with water tankers, use portable dams and other water supply resources.

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It is important to highlight water supply requirements for fire fighting can be objectively determined by the fire service conducting risk assessments and making determinations on the real risk at hand.

7.4 Reservists involvement in fire brigade services

Reservist firefighters play a critical role in most firefighting services across the globe. A reservist firefighter assists a fire service, typically on a part-time basis. Currently in South Africa, there are many fire services that depend on reservists to provide services to their communities. The proposed fire services legislation must make provision for the recruitment and utilization of reservists in fire services.



7.5 Powers of a member of service

It is critical that firefighters have adequate powers conferred upon them by legislation if they are to execute their work effectively. The following are some of the powers of a member of service:

Take command of other persons who may place their services at his disposal;

Remove or order any member of the Brigade to remove any person who by his presence or conduct interferes with or obstructs the operations of the Brigade;

Enter premises or a place, by force if necessary, without the consent of the owner or occupier of the premises or place;

Move or break into a vehicle without the consent of its owner;

Close a highway;

Stop and regulate traffic;

Restrict the access of persons to premises or a place.

Open any receptacle, using such force as is reasonably necessary;

Bring any apparatus or equipment onto premises;

Destroy (wholly or in part) or damage any premises or receptacle in order to fight a fire or prevent its spread;

Shore up any building;

Shut off the supply of water from any main, pipe or other source to obtain greater pressure or supply or take water from any source whether natural or artificial.

Cause to be shut off or disconnected the supply of gas, electricity or any other source of energy to any premises or area.

Generally take any measure that may appear in the circumstances to be necessary for the protection of life and property in fulfilling the legal mandate of the function.

It is also important to highlight that there may be situations that requires the Chief Fire Officer to make quick decisions and the proposed policy must put in place adequate mechanisms to enable him or her to deal with an imminent major fire/ incident. The fundamental difference between the work undertaken by operational staff and fire safety personnel necessitates a clear division between the powers assigned to the two units.

7.6 Call taking and dispatch

Call taking and dispatch play a critical role in fire services operations and service delivery. It is through a call taking and dispatch facility that a fire service receives a fire alarm, dispatch appropriate resources to the correct location and maintains contact with mobile units after dispatching them to an incident. During major emergencies, the call taking and dispatch facility is also responsible for liaison with other fire services that may be required for assistance.



In order to function optimally, a call taking and dispatch facility must have infrastructure that will enable communication to and from operational resources as well as enable coordination of resources. This infrastructure includes two-way radio communications networks, computer aided dispatch systems and MIS and resource tracking systems. Naturally such infrastructure is expensive, complex and requires significant management input to such an extent that most municipal fire services have progressed little towards installing and using these systems.

Whilst the SAPS and the nine provincial emergency medical services also require the same infrastructure to sustain their operations, little has been done to investigate and implement a shared infrastructure network that will not only increase interoperability but also optimally use infrastructure and reduce cost.

7.7 Appointment of practitioners

Currently, the section 5 and 6 of the FBSA provides for the appointment of a Chief Fire Officer and Members of Service respectively by a controlling authority. Both the Chief Fire Officer and the Member of Service must have the prescribed qualifications and experience to perform



their respective functions. Although appointment of practitioners remains a prerogative of the municipality or designated service, national government must ensure that the qualifications and experience required for such appointments are prescribed appropriately. National government must also develop a career path for fire services personnel.

7.8 Mutual aid agreements

Fire services must establish their level of capacity to discharge their legal mandate and to ensure that where necessary, and to strengthen this capacity; they enter into mutual aid agreements with neighbouring fire services, the private sector and any other agency involved in the provision of fire services.

7.9 False alarms

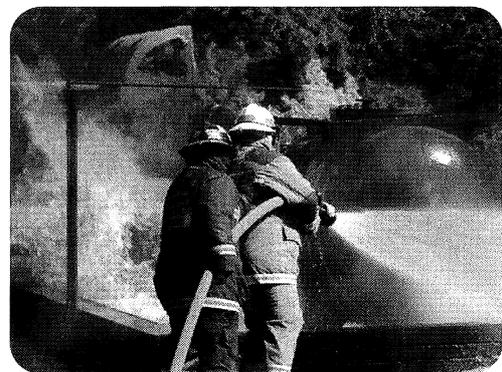
The FBSA in section 21 (d) states any person who summons a service while he or she knows that there is no reason to do so, shall be guilty of an offence, and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding 12 months. The revised fire services legislation must provide for mechanisms for dealing with false alarms including tougher penalties provisions thereof to reduce this phenomenon.

7.10 Promulgation of fire brigade service bylaws

Local authorities also have a key role in the development and implementation of bylaws for fire services in their respective areas.

7.11 Provision of fire brigade services training

Several municipalities have established training facilities that provide training to firefighters and community members. While these training centres play a critical role in the continuous professional development of fire services personnel, they also serve as a mechanism for generating much needed revenue for the function.



7.12 Annual reports

Accountability and oversight are important in the provision of government services including fire services. The submission of annual reports to oversight structures on the performance of fire services is of critical importance. The responsibility to provide annual reports is not limited only to municipal fire services and includes reporting by designated services.



7.13 Points of debate and key questions

- 7.13.1 What should be the key roles and functions of a fire service?
- 7.13.2 What key function must be prioritised by fire services?
- 7.13.3 What powers must a member of a service have?
- 7.13.4 How best can a fire service involve communities in its activities?
- 7.13.5 What roles should/ can volunteers play in fire services and how should they be organised?
- 7.13.6 What is the role of communities in fire prevention and safety?
- 7.13.7 How must a fire service deal with people who create false alarms?
- 7.13.9 What role should a fire service play in water supply for fire fighting?
- 7.13.10 What elements must form part of the fire service annual plan?
- 7.13.11 How should call taking and dispatch centres be structured?
- 7.13.12 Should call taking and dispatch centres be integrated with one another?
- 7.13.13 Which facilities or premises must have in-house fire teams?
- 7.13.14 What should be the roles and responsibilities of these teams and what composition should make these teams as well as the minimum training requirements?
- 7.13.15 What communication systems/ Information Technology systems are required to support the entire functioning of fire services especially fire safety and prevention?
- 7.13.16 What role can Geographic Information Systems play in supporting fire services activities?
- 7.13.17 Where must the fire service function be located at the local level?
- 7.13.18 What mechanisms can be put in place to support the work done by chaplaincy in the fire service?
- 7.13.19 What is the role of fire services in the provision of emergency medical services?
- 7.13.20 What is the role of fire services in forensic fire investigation?

8. ROLE OF NON-GOVERNMENTAL ORGANISATIONS (NGOS), COMMUNITY BASED ORGANISATIONS (CBOS) & THE PRIVATE SECTOR

8.1. Why government must work with other stakeholders?

The main goal of this government is to promote the general welfare of society. In achieving this goal, government recognises the importance of working with all its partners. This requires reciprocal and friendly relations between government agencies on the one hand, individuals or non-governmental institutions and the private sector on the other hand.

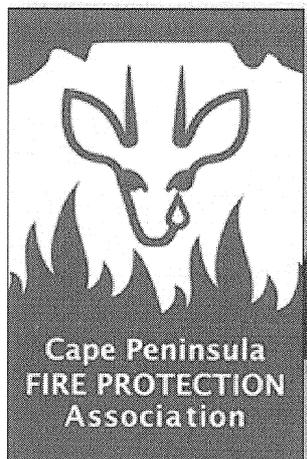


Although the Constitution gives government the responsibilities to provide services to citizens, government does not always have to provide these services itself. The legislative framework provides mechanisms for government under certain conditions to appoint “service providers” to render the service.

8.2. What does the current legislation provides for regarding the involvement of other stakeholders in fire services?

The FBSA in Section 4 as highlighted in the preceding paragraphs makes provision for the services which complies with prescribed requirements to apply to the Minister to be recognised as a designated service. Regulations as to the prescribed manner in which a service may apply to be recognised as a designated service and the prescribed requirements for recognition as a designated published in 1990 in the Government Notice 2579 in *Government Gazette* 12827 contains detailed information on designated services.

8.3 What are other roles that NGOs, Private sector, etc can play in the provision of fire services?



There is consensus that in executing its work, the fire service at times needs to coordinate its efforts with those of other role players. This is important to minimise duplication of efforts and resources which can be wasteful. Community based organisations such as Fire Protection Associations (FPAs) which can be established by landowners in terms of section 3 of the NVFFA for the purpose of predicting, preventing, managing and extinguishing veldfires also play a key role in veldfire risk management.

Designated services have the expertise in their field as well as the specialised training required to handle incidents/fires in the specific products produced, stored, and used at their facilities. The following are some key roles that designated services provide towards their organisations:

- Assessment of new projects and existing production facilities and activities to identify fire hazard areas and activities;
- Emergency planning;
- Risk assessments;
- Provision of fire suppression and other related activities;
- Carrying out fire safety inspections;
- Pre-incident planning;
- Provision of training to firefighters i.e. fire training, safety watcher training, fire watcher training, etc;
- Emergency response to numerous scenario's (process fires, tank fire's, building fire's, flammable gas releases, toxic gas releases i.e. to onsite and associated facilities;



- Rendering of Medical and Rescue (High angle and Confined space) response onsite and to associated facilities;
- Fire Prevention;
- Fire Engineering;
- Mutual Aid assistance to Municipal Fire Services in terms of related industrial/ Petrochemical Incidents, etc

Whilst there is agreement that government must work with all stakeholders involved in the provision of fire services to reduce the losses as a result of fires, robust and clear mechanisms for accountability must be put in place. This should be accompanied by clear criteria for monitoring and evaluation where applicable. It is also important that government must provide leadership on initiatives that are part of partnerships.



8.4. Points of debate and Key Questions

- 8.4.1 What are the key roles that NGOs, CBOs, and the private sector can play in the provision of fire services?
- 8.4.2 What are the resources available to NGOs, CBOs, and the private sector?
- 8.4.3 Which function of fire services can NGOs, CBOs, and the private sector play the best role in?
- 8.4.4 What mechanisms are required to ensure coordination between NGOs, CBOs, other agencies involved in fire services with the municipal fire services?
- 8.4.5 What mechanisms must the new legislation put in place to enable designated services to execute their work?

9. TRAINING, RESEARCH & CAPACITY BUILDING

9.1 Current fire brigade service training context.

The education and training of fire-fighters in South Africa has a rich history which is seeded in practical competency and mentorship. It has grown over the past century to where at present three entities provide fire-fighters with a range of training options successfully. The SAESI provides fire-fighters with training options ranging from the International Fire Service Accreditation Congress (IFSAC) approved full-time fire-fighter I course, to a Higher Diploma in Fire Technology (accredited at matric +3). The courses are available through distance learning format with short courses being presented at 26 fire service training academies accredited by SAESI across the country.



The IFE provides fire-fighters with distance learning options culminating in a Diploma in Fire Science, Operations and Safety. Various other focussed short courses are also offered from time-to-time. University of Technologies such as the Tshwane University of Technology (TUT) provides a 3 year part-time National Diploma in Fire Technology, followed by a two year part-time Bachelor's degree in fire Technology. A Masters Degree in Fire Technology, focussing on a specific research project is also offered to prospective students.

It is important to highlight that the training of fire-fighters evolved into creating flexible generalists rather than rigid specialists. As a result of this evolution, specialist knowledge and skill was acquired "on-the-job" through experience and ongoing mentoring. The SANS 10090 standard: Community Protection against fire also recognises that efficient training of fire fighting personnel is essential to the effective performance of a fire brigade. As set out in this standard continuation training is conducted regularly on the station to consolidate and practice knowledge and skills during initial training and help ensure that proficiency is maintained. The acquisition of new equipment or changes in policies and procedures often necessitate that conversion training be conducted to update skills and knowledge.

As highlighted in the preceding chapters, the loss of experienced fire-fighters over the years especially during the transitional phase severely compromised the transfer of specialist skills in most fire services. Whilst the basic training of fire fighters to date has proved to be satisfactory, the review of fire service legislation provides an opportunity to not only align the existing training to the processes and requirements of the new legislation but also to use the opportunity to reflect and review the current training regimen.

Fire-fighters must master a complex mix of three core competencies being foundational knowledge, physical skill and work experience to be successful in their occupation. The nature of work carried out by fire-fighters requires not only adequate training when entering the profession but also ongoing professional development to ensure that fire-fighters stay abreast with the constant technological changes in their working environment. In determining the training requirements of fire-fighters to be “fit-for-purpose” in a new legislative environment and providing more diverse services to their communities it is required to review and critically analyse the existing capacity building programs.

The quality assurance of training and training institutions remains problematic and open to untoward activity. This aspect of fire services training requires special emphasis. The Education and Training Quality Assurance (ETQA) Unit of the Local Government Sector Education and Training Authority



(LGSETA) is formally accredited by the South African Qualifications Authority (SAQA) in accordance with the SAQA Act (Act 58 of 1995) to ensure that education and training systems, processes, procedures and qualifications are in place. The ETQA ensure that high-quality education and training is available in the fire services sector as per the relevant pieces of legislation.

The ETQA unit is responsible for, among others:

- Ensuring continuous quality improvement of education and training through the accreditation, monitoring, auditing and moderation of work-based, public and private providers;
- Registering assessors and moderators;

- Undertaking capacity-building interventions for accredited providers to meet the LG SETA, NSDS and NQF objectives;
- Maintaining a learner management system compatible with the National Learner Record Database (NLRD), which is administered by SAQA
- Certification of learner achievements.

The primary purpose of the ETQA Unit is to monitor and audit the achievement of standards by amongst others:

- Strengthening quality assurance through review, research and development of appropriate and relevant quality assurance policies and processes;
- Ensuring that all accredited providers are delivering the quality of provisioning for which they are accredited, through a comprehensive accreditation, monitoring and auditing process
- Accrediting constituent education and training providers for specific standards or qualifications registered on the NQF;
- Evaluating learning programmes;
- Assuring the quality of learner achievements;

Fire service training academies of the future must be the engine room of physical skills development. These training academies must have the capacity to transform theoretical knowledge to ensure practical application thereof. Physical skills required by learner fire-fighters during operational deployment must also be provided by these academies. The roles that Further Education and Training (FET) colleges can play in fire-fighter training especially on aspects requiring formal lectures, examination of theoretical knowledge, etc requires further exploration as part of ensuring a comprehensive and integrated approach to fire-fighter training in the country.



Like many other sectors in the country, the sector responsible for the education and training of firefighters, the advent of democracy brought about wide ranging legislative reform which requires consideration.

9.2 Impact of other key legislations on education and training of firefighters

- **Skills Development Amendment Act, 2008 (Act No. 37 of 2008) (SDAA)**

The SDAA brought about a number of significant changes in the skills development arena. The key objectives of the Amendments were to accelerate the delivery of scarce and critical skills in the country. The SDAA also seeks to provide more flexibility, addressing specifically the promotion and development of Artisans. The SDAA further also addresses the following:

- Transfer of the provisions of the Manpower Training Act 1981 in respect of apprenticeships;
- Strengthening the further implementation Employment Services;
- Establishment of the Quality Council for Trades and Occupations;
- Clarifying legal status of the National Skills Fund;
- Clarifying legal status of Productivity South Africa.

- **National Qualifications Framework Act, 2008 (Act No. 67 of 2008) NQFA**

The NQFA provides for the National Qualifications Framework, provides for the responsibilities of the Minister of Higher Education and Training, provides for the establishment of the South African Qualifications Authority (SAQA) and also provide for transitional arrangements. In terms of the NQFA, the National Qualifications Framework has the following objectives:

- Create an integrated national framework for learning achievements;
- Facilitate access to, and mobility and progression within education, training and career paths;
- Enhance the quality of education and training;
- Accelerate the redress of past unfair discrimination in education, training and employment opportunities;

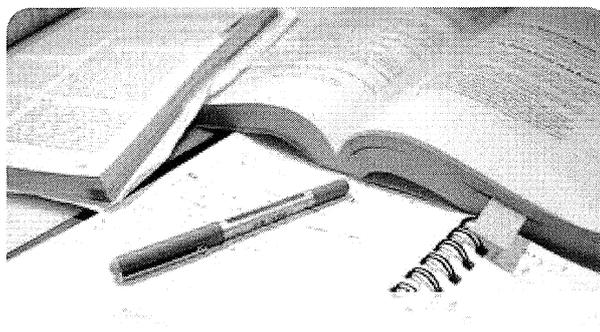
In terms of the NQFA, SAQA has the following deliverables that are key to implementing National Qualifications Framework, notably:

- Develop a system of collaboration to guide the mutual relations of SAQA and the Quality Councils;

- In agreement with the Quality Councils develop the content of level descriptors for each level of the NQF. The agreed level descriptors must be published in the Gazette and should be kept current and appropriate;
- Develop and implement policy and criteria, after consultation with the QCs, for the development, registration and publication of qualifications and part-qualifications;
- SAQA must collaborate with its international counterparts on all matters of mutual interest concerning qualifications, and inform the Quality Councils and other interested parties about international practice in the development and management of qualifications frameworks
- SAQA must maintain a National Learners' Records Database comprising registers of national qualifications, part-qualifications, learner achievements, recognised professional bodies, professional designations and associated information
- SAQA must provide an evaluation and advisory service for foreign qualifications.

9.3 Use of research in fire service

The production and use of scientific research in the fire services fraternity is another area that requires attention during the review of the fire services legislation. There is currently very little scientific research on fire services thematic areas and this often leads to approaches and interventions that are not based on



scientifically robust foundations. Research can play a key role in for example determining the adequacy of current methodologies utilised by fire services in the execution of its mandate.

9.4 National/Provincial Training academies for specialised training

It is important that the process of reviewing the fire service legislation reflects on matters related to access to fire-fighter training in general and more critically access to specialised training interventions for fire-fighters. The proposals of having either one national academy for fire service training or 9 provincial academies seeks to respond to the need for this specialist training. The economic viability of these training academies, issues of access,

skills levels and operational requirements are some of the key determining factors that requires consideration. This should also be linked to the role that FET colleges can play in the provision of education and training firefighters.

9.5 Recruitment and selection standards

The FBSA outlines that a controlling authority may appoint any person who possesses the prescribed qualifications and experience, as a member of its service to perform such functions as may be assigned by the Chief Fire Officer. The proposed legislation must outline the applicable standards for recruitment and selection which includes compliance with appropriate inherent physical requirements.



9.6. Points of debate and Key Questions

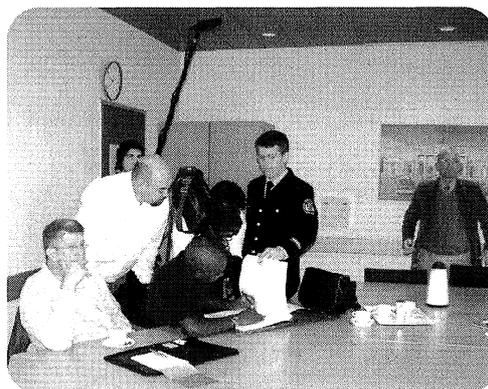
- 9.6.1 What are the main areas of research that need to be conducted to support fire services in the country?
- 9.6.2 What are the relevant institutions/ agencies, or groups both formal and informal that can contribute in fire services research?
- 9.6.3 Who must set the fire services strategic research agenda?
- 9.6.4 What are the main forms of technologies that can be applied fire services particularly in fire safety and prevention initiatives?
- 9.6.5 Is there a need for a provincial or national fire service training academy? If so, what type of training must be provided by these academies?
- 9.6.6 What role can agencies such as the South African National Defence Force play in fire service training?
- 9.6.7 What roles can Further Education and Training colleges play in the training and education of firefighters?
- 9.6.8 Who is should perform quality assurance of education programs in the fire services?
- 9.6.9 What level of medical training is required for firefighters to execute their responsibilities effectively?
- 9.6.10 What mechanisms can be put in place to ensure that the principle of lifelong learning is integrated in fire services training?
- 9.6.11 Who must regulate and provide accreditation on the training of firefighters?
- 9.6.12 What role can institutions such as the South African Local Government Association (SALGA) play in the education and training of fire services personnel?
- 9.6.13. What is the role of other spheres of government in the training of firefighters?
- 9.6.14. Is there a need for a tailor-made management development programme aimed at improving the skills of Chief Fire Officers and other senior officers in the fire service?

10. INTERNATIONAL COOPERATION AND LIAISON ON FIRE BRIGADE SERVICES ACTIVITIES

10.1 Current institutional arrangements for international cooperation and liaison

South Africa shares borders with six southern African neighbours and this presents both natural and human-induced cross boundary risks which often requires fire services involvement. Section 12 of the FBSA dealing with agreements makes provision that a controlling authority may, with the concurrence of the Premier and the Minister of International Relations and Cooperation conclude an agreement in terms of which-

- The controlling authority undertakes to make available its service, on such conditions as may be agreed upon, to any person, institution or body in any other state;
- A person, institution or body in any other state undertakes to make available a service, on such conditions as may be agreed upon, to the controlling authority.



The Disaster Management Act, 2002 in section 7 2 (c) also provides for the National Disaster Management Framework to facilitate South Africa's cooperation in international disaster management, regional cooperation in disaster management in southern Africa and the establishment of joint standards of practice.

10.2 Importance of international cooperation

International cooperation is important as it will enable that South Africa's approach to fire services is informed by a global perspective. Regional cooperation for example may enable fire services to develop joint strategies to deal with cross-border fire risks, the transportation of dangerous goods across borders, etc in a more coordinated manner. Through this cooperation, mechanism for the provision of assistance during cross-border emergencies can also be established to ensure a coordinated response to such eventualities. The Department of International Relations and Cooperation together with the Department of Cooperative Governance must provide leadership on all international activities, partnerships, etc related to fire services.

10.3 Points of debate and key questions

10.3.1 What institutional arrangements are required for regional and international cooperation on fire services?

10.3.2 What must be the focus of such regional and international cooperation?

10.3.3 Who must be the lead agency in matters related to regional and international cooperation?

10.3.4 What is the role of provincial and national government in regional and international cooperation?

10.3.5 What are the benefits of regional and international cooperation on fire services?

11. FUNDING ARRANGEMENTS FOR THE PROVISION OF FIRE BRIGADE SERVICES

11.1 Previous national funding initiatives dedicated to fire brigade services by national government

During the early 1990s, national government provided a dedicated grant to fund certain capital projects in the fire services. This grant was distributed by the provincial government to municipalities that were identified for support. This grant was, however, stopped in 1997 with the understanding that the Local Government equitable share will provide funding for fire services together with other basic services. The primary role of the local government equitable share is to distribute local government's share of nationally raised revenue, supplementing municipal own revenues, to assist municipalities in providing basic services to poor households. Fire services are not defined as a basic service and this to a large extent often results in inadequate allocation of resources to the function.

11.2 Current fire brigade services financing arrangements

Currently fire services are funded from revenue generated by municipalities. This funding system is however, strongly linked to municipal viability with those that are financially viable able to adequately and sustainably fund the function while those that are not viable struggles to finance fire activities in any meaningful way. Some provincial governments also have dedicated fire services grants that are provided to municipalities to finance fire services capital projects such as the procurement of equipment, building of fire stations, etc.



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It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 6 of 2012: Division of Revenue Act, 2012.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

The Municipal Infrastructure Grant Programme

An Introductory Guide

Prepared by
Department of Provincial and Local Government

March 2004

The Municipal Infrastructure Grant (MIG) administered by the Department of Cooperative Governance which has been designed to achieve amongst others access to basic services, decentralised service delivery, empowerment of municipalities, etc has also provided funding towards fire services infrastructure development. Emergency services such as fire stations forms part of the services which may be funded with MIG funds under the infrastructure category of public municipal services.

11.3 What are the key challenges created by the current fire brigade services funding dispensation?

The provision of funding for fire services must be located within the broader context of funding local government functions in the country. The fact that fire services is capital and resource intensive coupled with its low revenue generating capacity serves in most instances as a disincentive for decision makers to provide adequate funding for the function. In short, the competition for limited resources by all basic services such as electricity, sanitation, water, etc often means that fire services is not able to receive priority.

11.4 What principles must underpin funding provisions for fire brigade services in the future legislation?

Although most fire services have adopted policies that enable them to charge users for the provision of fire services, there are several services that do not charge for rendering this function. The introduction of the **user pays principle especially where these users have the ability and resources to pay must underpin the provision of fire services going forward**. Since fire services are an essential service, it is important that the adoption of this principle should not result in access being denied to those who cannot pay. This necessitates the adoption of policies and mechanisms for the exemption of such categories of people. In short services must be rendered first while payment arrangements can be dealt with later.

11.5 Points of debate and Key Questions

- 11.5.1 How can fire services with its high capital intensity requirements be funded?
- 11.5.2 What mechanisms are required to fund fire services especially in view of the current service delivery challenges faced by municipalities?
- 11.5.3 What role can national government play in financing fire services?
- 11.5.4 What role can provincial government play in financing fire services?
- 11.5.5 Who should pay for a fire service and what should they pay?
- 11.5.6 What is the role of other agencies in financing fire services (both proactive & reactive services)?
- 11.5.7 Who must be exempted from paying for a fire service?
- 11.5.8 What alternative mechanisms can be utilised to provide funding to fire services?
- 11.5.9 What are the other sources of municipal income that can be ring-fenced for use by fire services?
- 11.5.10 What are the financial management skills that Chief Fire Officers and other senior managers in the service required to have to execute their responsibilities adequately?
- 11.5.11 What are the key cost drivers for fire services?
- 11.5.12 What is the possibility of establishing a dedicated fund for fire services?
- 11.5.13 What other programs and initiatives can the fire services tap into to fund their operations?

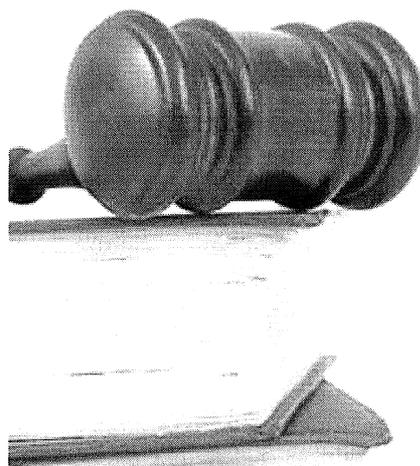
12 COMPLIANCE AND ENFORCEMENT

12.1 What is compliance?

Compliance describes an ideal situation in which all members of a community adhere to the legal requirements applicable to the activities of that community. It may also describe the adherence to other instruments that are not per se legal requirements, such as policies, guidelines and strategies. Compliance promotion will therefore include educational and awareness programs, technical assistance as well as other incentives. Monitoring of compliance is done via patrols, inspections, area monitoring, voluntary self regulation (Snyman, 2008).

12.2 What is enforcement?

Enforcement describes a set of activities undertaken by authorities to achieve compliance with environmental legislation within the regulated community, and to correct or terminate conditions that put the environment or public health at risk. Enforcement can be divided into informal and formal mechanisms. Informal mechanisms includes verbal and written warnings while formal mechanisms are either civil or criminal, but differ from informal in that they are backed up by the force of law. In short, enforcement entails those actions taken against transgressors to compel compliance (Snyman, 2008)



12.3 Offences and penalties

It is important that fire services codes and regulations must be capable of enforcement and prescribe appropriate penalties for violations. The new fire service legislation must also outline the categories of offences and applicable penalties for non-compliance with provisions of the legislation. An offence is created by declaring expressly that such-and-such an act is prohibited (or is an offence) and that one who commits the act (or does not comply with the duty) is liable to such-and-such a penalty. Mechanisms must be put in place to deal with repeat offenders and sentencing of convicted offenders must be adequate to serve as a deterrent.

12.4 The role of other law enforcement agencies in compliance and enforcement

Compliance and enforcement is a multi-disciplinary field that cuts across a number of institutions, including but not limited to, the Judiciary, Police Services, Government Departments and other relevant law enforcement agencies.



12.5 Points of debate and Key Questions

12.5.1 What mechanisms must be put in place to ensure compliance with fire codes, regulations, by-laws, etc?

12.5.2 What must form part of offences in the new legislation?

12.5.3 How must offenders be dealt with especially habitual offenders?

12.5.4 What type of penalties are required for non-compliance with provisions of the new fire services legislation?

12.5.5 What is the role of other law enforcement agencies in ensuring compliance and enforcement of applicable fire services codes, regulations, by-laws, etc?

13. CONCLUSION

It is clear from the information provided in this Discussion Document that while there are areas of excellence in the provision of fire services in some areas across the country, there are still huge challenges faced by the function in delivering on its constitutional mandate. The introduction of this Discussion Paper is a first step in the process of revising the current fire services legislation in order to introduce a comprehensive legislative framework for the function going forward.

In addition to these, and in line with international trends and practice, the revised legislation will establish fire safety and prevention as the core elements of fire services functions in order to prevent fires and ensure that precautions are taken to reduce the likelihood of fires thereby reducing the loss of lives, injuries, damage to property and the environment as a result of fires.

This discussion Paper moves from the premise that no law exists in isolation and that it is critical that the proposed legislation must be in harmony with the existing legal framework/ position. Harmonisation is important as it will prevent and eliminate unnecessary inconsistencies, ambiguities and confusion. This process will be followed by a White Paper on Fire Services which will culminate in comprehensive fire services legislation.

Public engagement is important to the policy development process in South Africa. Comments on this Discussion Paper are invited from all stakeholders within the fire services sector as well as from both organised business and labour. Individual citizens and Non-governmental organisations are also important stakeholders and are invited to submit their comments as well. Once public views have been received and assessed, The Department will proceed with finalisation of this Discussion Paper.

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