

Owner wins firebreak case

DULLSTROOM - A local landowner this week won a landmark ruling against the Emakhazeni Local Municipality for failing to build firebreaks.

As a result of its negligence, a fire spread from municipal land causing extensive damage to a plantation on privately owned land. In a ruling made by the Belfast Magistrate's Court, it is forced to pay R30 000 to the landowner in compensation after being found in contravention of the National Veld and Forest Fire Act 101 of 1998, which prescribes that landowners prepare and maintain firebreaks.

The Dullstroom area landowner, who did not want to be named, brought the civil action against the municipality. He is a member of the Platoland Area Fire Association (PAFPA). The fire in question started on municipal land on August 31, 2005 and spread to his land, after which he

requested assistance from his local Fire Protection Association (FPA).

They turned to the government-funded integrated fire management and veld firefighting programme, Working on Fire (WoF) for guidance.

After an investigation, WoF provincial manager, Mr André Scheepers, found that the fire started on municipal land and then spread to the adjoining private property causing extensive damage to a timber plantation. It was found that the local municipality failed in its obligation in terms of the Act to prepare and maintain a firebreak on its side of the boundary.

The damage to the plantation was estimated at between R80 000 and R100 000 and could have been avoided, had the correct preventative measures been taken.

"We welcome the prosecution," said Scheepers. "Veld fires threaten lives, are a

drain on the economy and have a devastating impact on crops."

"The legislation is clear. All landowners have a legal obligation to take measures to prevent the ignition and uncontrolled spread of wild fires."

He added that all landowners in South Africa are obliged to join local fire protection associations (FPAs) which can assist them in applying the law, building and maintaining fire breaks and in training staff to be firewise.

"As far as WoF is concerned we would far rather assist landowners prevent unwanted fires than be called in to assist them when veld fires burn out of control."

* A booklet *You, Wildfires and the Law*, detailing the provisions of the National Veld and Forest Fire Act 101 of 1998, is easy to understand and available from WoF. To order a free copy, call Luthfia on 021-797-5787 or email Luthfia@wofire.co.za