



EASTERN CAPE PROVINCIAL LEGISLATURE

OFFICE OF THE CHAIRPERSON

**PORTFOLIO COMMITTEE ON COOPEATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

HON M NYUSILE

TEL: (040) 609 1559
FAX (040) 6091574
Sphoshera@ecleg.gov.za
24 AUGUST 2015

PHYSICAL ADDRESS
PARLIAMENTARY BLDG
INDEPENDENCE AVENUE
BISHO, SOUTH AFRICA

POSTAL ADDRESS
P/Bag X0051
BISHO, SOUTH AFRICA
5605

NEGOTIATING MANDATE

To: The Chairperson: Select Committee on Cooperative Governance and Traditional Affairs.

Name of Bill:	Disaster Management Amendment Bill
Number of Bill:	[B10B-2015]
Date of Deliberation	31 August 2015

1. Vote of the Legislature

The Province votes in favour of the Bill and mandates the Eastern Cape Delegate to the NCOP to negotiate in favour of the Bill within the following parameters-

2. Assignment of disaster management functions to all municipalities in terms of the Bill.

Our submission is that the proposed assignment of disaster management functions to municipalities is welcome; however the process of assignment must be completed in terms of, and in

compliance with, Section 9 (3) of the Local Government Municipal Systems Act, 2000 (as amended). This section clearly requires that when legislation such as the current Bill is introduced in Parliament or in a Provincial Legislature, it must be accompanied by-

- (a) A memorandum-
 - (i) *giving at least a three- year projection of the financial and fiscal implications of the assignment of that function or power to those municipalities;*
 - (ii) *disclosing any possible financial liabilities or risks after the three-year period;*
 - (iii) *indicating how any additional expenditure by those municipalities will be funded; and*
 - (iv) *indicating the implications of the assignment for the capacity of those municipalities; and*
- (b) *The assessment of the Financial and fiscal Commission referred to in subsection (1) (a) or (2) (a), as the case may be.*

3. The current omission in the Bill to fully comply with the above section means the proposed funding model for disaster management by municipalities is not clearly and sufficiently addressed by the Bill.
4. Clause 7.3 of the Memorandum on Objects of the Bill clearly stipulates that the proposed assignment of the disaster management functions to municipalities must be done in accordance with the processes outlined in the Local Government: Municipal Systems Act, 2000.
5. It is our submission that the process envisaged in Clause 7.3 of the memorandum of objects of the Bill, is that process outlined in Section 9(3) of the Local Government: Municipal Systems Act, 2000 above.
6. It is therefore our further submission that Section 9(3) of the Local Government: Municipal Systems Act, 2000 must be fully complied

with in order to clearly address the funding model for the proposed assignment of the disaster management functions to municipalities so that the assignment does not remain an "unfunded mandate" for municipalities.

7. The Province therefore votes in favour of the Bill subject to full compliance with provisions of the Section 9(3) of the Local Government Municipal Systems Act, 2000 above.



HON M NYUSILE (MPL)

CHAIRPERSON: PORTFOLIO COMMITTEE ON

COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS.



DATE