

**FREE STATE LEGISLATURE****PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS,
OFFICE OF THE PREMIER, LEGISLATURE AND POLICE****Negotiating Mandate**

TO: Chairperson of the Select Committee on Cooperative Governance and Traditional Affairs

NAME OF BILL: Disaster Management Amendment Bill

NUMBER OF BILL: B10B -2015

DATE OF DELIBERATION: 20 August 2015

INPUTS FROM THE LEGISLATURE:

The Legislature supports the proposed amendments with the following recommendations:

- (a) That under Section 5, paragraph (g), the word "persons", should be substituted with the word "communities";
- (b) That in the principal act under the heading "National Disaster Management Advisory Forum", people living with disabilities also be included;
- (c) Section 26(g) of Municipal System Act 32 of 2000 provides that a municipality must on its IDP reflect on applicable disaster management plans. However, on 7.3 of the Amendment Bill under Financial Implications for Municipalities it state that Local Municipalities may also establish a disaster management centre in consultation with the district municipality which is primarily responsible for the disaster management centre.

The inserted amendment in clause 14 reads as follows:

Section 43 of the principal Act is hereby amended by addition of the following subsections:

"(3) A local municipality must establish capacity for the development and co-ordination of a disaster management plan and which the implementation of a disaster management function for the municipality which forms part of the disaster management plan as approved by the relevant municipal disaster management centre.

(4) A local municipality may establish a disaster management centre in consultation with the relevant district municipality in accordance with the terms set out in a service level agreement between the parties, in alignment with national norms and standards

That the word "may" be substituted with the word "must"

(d) Clause 17. Section 52 of the principal Act is hereby amended

(b) by the substitution for subsection (1) for the following subsection:
 "(1) Each municipal organ of state [other than a municipality] must-

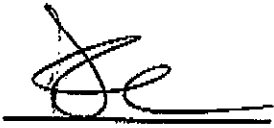
The above is not in line with the definition of organs of state in section 239 of the Constitution

(e) Propose the insertion and definition of "Environmental impact assessment" in Section 1 of Act 57 of 2002

Section 50 Insertion

- (f) (2) (a) A municipal disaster management centre must at the same time that its report is submitted to the municipal council in terms of subsection(1), submit a copy of the report to the National Centre and [the disaster management centre] provincial disaster management centre
- (g) that a campaign or an outreach programme should be embarked on in communities in order to educate them about disasters and that all stakeholders should be involved but that disaster management plans should first be in place;
- (h) community members and small farmers be workshopped to be able to clearly distinguish between disaster and tragic event/incident; and
- (i) the Portfolio Committee on Cooperative Governance, Traditional Affairs, Office of the Premier, Legislature and Police supports the Disaster Management Amendment Bill (B10B -2015) with the proposed amendments.

The Portfolio Committee on Cooperative Governance, Traditional Affairs, Office of the Premier, Legislature and Police as designated by the Free State Legislature, votes in favour of the Bill.



MR O KHOABANE
ACTING CHAIRPERSON
PORTFOLIO COMMITTEE ON COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS,
OFFICE OF THE PREMIER, LEGISLATURE AND POLICE
FREE STATE LEGISLATURE

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