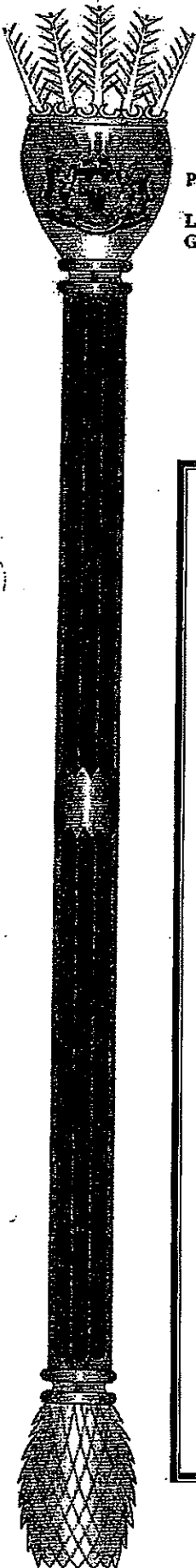


Limpopo Legislature

OFFICE OF THE SECRETARY



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Lebowakgomo
Government Complex

Postal Address:

Private Bag X9309
Polokwane
0700

NEGOTIATING MANDATE

To : The Chairperson: Select Committee on
Co-operative Governance and Traditional Affairs

Name of the Bill : Disaster Management Amendment Bill

Number of the Bill : [B10B – 2015]

Date of Deliberation : 31 July 2015

Vote of the Legislature : Provincial NCOP Permanent Delegates to Vote
in favour of the bill considering the inputs in the
Report.

HON. M.J APHIRI
COMMITTEE CHAIRPERSON

DATE

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NEGOTIATING MANDATE ON DISASTER MANAGEMENT AMENDMENT BILL, 2015 [B 10B - 2015]

1. INTRODUCTION

The Disaster Management Amendment Bill, 2015 [B 10B - 2015] was introduced in the august House from the National Council of Provinces (NCOP) and the Bill was subsequently referred to the Portfolio Committee on Cooperative Governance, Human Settlements and Traditional Affairs for consideration and inputs.

2. OBJECTS OF THE BILL

The Bill seeks to amend the Disaster Management Act, 2002, so as to substitute and insert certain definitions; to clarify policy focus on rehabilitation and functioning of disaster management centers; to align the functions of the National Disaster Management Advisory Forum to accommodate the South African National Platform for Disaster Risk Reduction; to provide for the South African National Defense Force, South African Police Service and any other organ of state to assist the disaster management structures; to provide for an extended reporting system by organs of state on information regarding occurrences leading to the declarations of disasters, expenditure on response and recovery, actions pertaining to risk reduction and particular problems experienced in dealing with disasters; to strengthen reporting on implementation of policy and legislation relating to disaster risk reduction and management of allocated funding to municipal and provincial intergovernmental forums established in terms of Intergovernmental Relations Framework Act, 2005; to strengthen the representation of traditional leaders in national, provincial and municipal disaster management advisory forums; to expand the contents of disaster management plans to include the conducting of disaster risk assessments for functional areas and the mapping of risks, areas and communities that are vulnerable to disasters; to provide for measures to reduce the risks of disaster through adaptation of climate change and developing of early warning mechanisms; to provide for regulations on disaster management education, training and research matters and declaration and classification of disasters; and to provide for matters incidental thereto.

3. CONSIDERATION OF THE BILL

The committee was briefed by the Legislature's Legal Advisors on the legal analysis of the Bill as part of preparations for committee meeting with the Limpopo Permanent Delegates to the National Council of Provinces (NCOP). This briefing took place on 16 July 2015.

The committee met the NCOP delegates on 31 July 2015 and received a detailed briefing on the principles and objects of the Bill. It was in this meeting that the committee resolved to conduct a provincial public hearing to solicit inputs and comments from stakeholders in order to formulate a committee position on the Bill.

4. PUBLIC HEARING

Public hearing took place on 04 August 2015. The public hearing was preceded by pre-public hearing sessions that took place in all the district municipalities of the province to prepare stakeholders to make their inputs. Various stakeholders, including traditional leaders, law-enforcement agencies and municipalities attended the public hearing to give inputs and comments on the Bill.

The Bill was received with mixed feelings; however, an overwhelming majority of stakeholders raised the following issues that the committee feels they must be included before the Bill is passed into law:

- Meaningful consultation and buy-in of traditional leaders including their specific responsibilities is critical for the implementation of the Bill.
- The Bill must clearly indicate the sources of funding for building and maintenance of disaster management centers. If possible, there must be establishment of fund for this purpose.
- The committee appreciates provision of closure of disasters and prevention of future disasters. However, the Bill must clearly indicate that departments prioritize rehabilitation and restoration of both private and public infrastructure.
- In order to minimize the risk of disasters, Disaster Management Advisory Forum should jointly cooperate with Traditional Leaders to ensure that there is no land allocation for housing development in areas that are prone to disasters, e.g. wetland. This should also be a standing item on SALGA agenda.
- While the Bill states clearly that the Head of the National Disaster Management Centre will directly report to the Minister and no longer to the D.G as previously prescribed by the Act, the Bill is silent on reporting mechanisms and procedures at

the provincial and district level. Therefore, Provincial Disaster Management Center should report to the MEC and District Disaster Management Center should report to the Executive Mayor and Mayor at a local level.

- Disaster Management Plan must include measures to deal with houses that are already constructed in areas that are prone to disasters.
- The Bill must provide for public education on how to react when disasters have occurred than it is currently happening.
- The usage of the words 'May viz. Must' remain unchanged. It is submitted that 'May' is discretionary and should be completely replaced with 'Must' as the latter is obligatory.

5. CONCLUSION

The committee, having considered comments and inputs during the hearing, hereby submits to the NCOP delegates to consider the inputs before the Bill is passed to the next stage of legislation.



HON. E. NONG
ACTING COMMITTEE CHAIRPERSON