**Report of the Portfolio Committee on Cooperative Governance and Traditional Affairs on the *Disaster Management Amendment Bill*** **[B2-2021] (National Assembly – Section 76), dated 08 March 2022.**

The Portfolio Committee on Cooperative Governance and Traditional Affairs having considered stakeholder inputs and deliberated on *Disaster Management Amendment Bill* [B19D-2018], ***(National Assembly – Sec 76*)**, referred to it on 10 February 2021 (see ATC, 10 February 2021), reports as follows.

1. **BACKGROUND**
   1. On 26 May 2021, 07 September 2021, 16 February 2022, 22 February 2022 and 01 March 2022, the Portfolio Committee convened meetings to receive briefings and deliberate on a proposed Disaster Amendment Bill – a Private Member’s Bill sponsored by Dr P.J. Groenewald of the Freedom Front Plus. The Speaker had referred the Bill to the Committee as per the ATC of 10 February 2021 in terms of National Assembly Rule 276(3).
   2. The Bill seeks to constrain the perceived power of the Executive in relation to the duration of a state of disaster by means of affording Parliament, Provincial Legislatures and Municipal Councils the exclusive power to extend the duration of a national, provincial and local state of disaster respectively, as well as allow for the Legislatures to exercise greater oversight in respect of the management of disasters.
   3. Following the briefing by Dr Groenewald and the initial response by the Department of Cooperative Governance in favour of the Committee not approving the proposed Bill on the basis that the existing accountability and oversight mechanisms are adequate to address the gaps identified in the Bill, the Committee resolved to open the Bill up for public comment before deciding on its motion of desirability. A call for submissions on the Bill was opened from 19 July to 26 August 2021 in line with Rule 275(a) of the National Assembly Rules, which dictates that the Committee must give interested persons and institutions a period of at least three weeks to comment on the proposed legislation.
   4. Written submissions have been received from Agri-SA, the Law Trust Chair in Social Justice from the University of Stellenbosch, Freedom of Religion – South Africa, the Helen Suzman Foundation, the National Union of Metal Workers, the South African Local Government Association, Solidarity, AfriForum, the Disaster Management Institute of Southern Africa, the South African Hunters and Game Conservation Association, the Beer Association of South Africa, a business group and public benefit organisation called Sakeliga, the African Policing Civilian Oversight Forum, the Council of Charismatic Churches, the National Employers’ Association of South Africa, as well as from various individuals and experts writing in their own personal capacity.
   5. The Committee also received more than 500 submissions via the WhatsApp communication platform. However, the majority of these submissions made no distinction between the proposed Draft Amendment Bill and the adjusted lockdown alert levels. As a result, there were numerous instances where non-support for the Bill was declared, but on closer reading it was actually the national lockdown and its risk adjusted strategy that was not being supported.
   6. The more coherent, non-WhatsApp submissions indicated mixed reactions to the proposed Draft Bill, with some supporting it in one way or another, and others rejecting it in its entirety. The Committee was expected to hold virtual public hearings to receive oral inputs on the written submissions as well as any other relevant inputs. This was pertinent as some commentators had explicitly indicated a preference to meet with the Committee and discuss their proposals with a view to ensuring a proper understanding of the objective and intent of these proposals. The Committee duly complied with these considerations.
2. **COMMITTEE DELIBERATIONS**
   1. The Committee sat on 22 February 2022 and 01 March 2022 to consider the stakeholder inputs on the *Disaster Management Amendment Bill* [B2-2021] as well as deliberate on the motion of its desirability. The last Committee sitting consisted of the following Members: Hon F Xasa (Chairperson – ANC), Hon P Xaba-Ntshaba (ANC), Hon D Direko (ANC), Hon GG Mpumza (ANC), Hon P Kibi (ANC alternate standing in for Hon B Hadebe), Hon C Brink (DA), Hon M Mabika (DA alternate member), Hon E Spies (DA), Hon K Ceza (EFF alternate member), Hon Matumba (EFF alternate member) Hon H Mkhaliphi (EFF), and Hon M Groenewald (FF plus).
   2. The majority of Committee members, represented by the ANC and EFF, did not agree with the desirability of the proposed Bill on the basis that the current accountability and oversight mechanisms provided in the Constitution are adequate to address the gaps identified in the Bill. Members also emphasized the principle of separation of powers between the arms of state, which would be violated if the Legislature were allowed to encroach on Executive functions including the declaration and extension of states of disaster and the making of regulations pursuant to such a declaration. Parliament has also in fact delegated Regulation making powers to the Executive.
   3. The minority of Committee members, represented by the DA and the FF Plus, agreed with the desirability of the Bill on the basis that the existing mechanisms were not sufficient to constrain the extensive powers afforded to the Executive in terms of the current Disaster Management Act.
3. **CONSIDERATION OF THE AMENDMENT BILL**
   1. The Portfolio Committee on Cooperative Governance and Traditional Affairs having deliberated on the *Disaster Management Amendment Bill* [B2-2021] (National Assembly – Section 76), reports that it has decided by majority vote not to proceed with the proposed Bill.
   2. The Portfolio Committee wishes to thank Dr Groenewald for the extensive work involved in drafting and introducing the Private Member’s Bill, and assure him that his efforts were not fruitless and that the inputs of stakeholders were not in vain, as they contribute meaningfully and generate more debate about the declaration of a state of disaster and the regulations made under it. Such debate is encouraged as it may promote more reasonableness and rationality in the management of disasters.

**Report to be considered**