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## THE PRESIDENCY

No. 98      15 January 2003

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**No. 57 of 2002: Disaster Management Act, 2002.**

## DIE PRESIDENSIE

No. 98      15 Januarie 2003

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

**No. 57 van 2002: Wet op Rampbestuur, 2002.**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

(English text signed by the President.)  
(Assented to 30 December 2002.)

# ACT

To provide for—

- \* an integrated and co-ordinated disaster management policy that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, rapid and effective response to disasters and post-disaster recovery;
- \* the establishment of national, provincial and municipal disaster management centres;
- \* disaster management volunteers; and
- \* matters incidental thereto.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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(Engelse teks deur die President geteken.)  
(Goedgekeur op 30 Desember 2002.)

# WET

Om voorsiening te maak vir—

- \* 'n geïntegreerde en gekoördineerde rampbestuursbeleid wat fokus op voorkoming of vermindering van die risiko van rampe, verligting van die felheid van rampe, noodgereedheid, vinnige en effektiewe reaksie tot rampe en na-ramp herstel;
- \* die instelling van nasionale, provinsiale en munisipale rampbestuursentrums;
- \* rampbestuursvrywilligers; en
- \* aangeleenthede wat daarmee in verband staan.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

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**CHAPTER 1**

**INTERPRETATION, APPLICATION AND ADMINISTRATION OF ACT**

**Definitions**

- 1. In this Act, unless the context indicates otherwise— 30
  - “Department” means the department of state referred to in section 8(2);
  - “disaster” means a progressive or sudden, widespread or localised, natural or human-caused occurrence which—
    - (a) causes or threatens to cause—
      - (i) death, injury or disease; 35
      - (ii) damage to property, infrastructure or the environment; or
      - (iii) disruption of the life of a community; and
    - (b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;
  - “disaster management” means a continuous and integrated multi-sectoral, 40
 multi-disciplinary process of planning and implementation of measures aimed at—
    - (a) preventing or reducing the risk of disasters;
    - (b) mitigating the severity or consequences of disasters;
    - (c) emergency preparedness;
    - (d) a rapid and effective response to disasters; and 45
    - (e) post-disaster recovery and rehabilitation;

- (a) must specialise in issues concerning disasters and disaster management in the province;
  - (b) must promote an integrated and co-ordinated approach to disaster management in the province, with special emphasis on prevention and mitigation, by—
    - (i) provincial organs of state in the province; and
    - (ii) other role-players involved in disaster management in the province;
  - (c) must act as a repository of, and conduit for, information concerning disasters, impending disasters and disaster management in the province;
  - (d) may act as an advisory and consultative body on issues concerning disasters and disaster management in the province to—
    - (i) organs of state and statutory functionaries;
    - (ii) the private sector and non-governmental organisations; and
    - (iii) communities and individuals;
  - (e) must make recommendations regarding the funding of disaster management in the province, and initiate and facilitate efforts to make such funding available;
  - (f) may make recommendations to any relevant organ of state or statutory functionary—
    - (i) on draft legislation affecting this Act, the national disaster management framework or any other disaster management issue;
    - (ii) on the alignment of provincial or municipal legislation with this Act and the national disaster management framework; or
    - (iii) in the event of a provincial disaster, on whether a provincial state of disaster should be declared in terms of section 41;
  - (g) must promote the recruitment, training and participation of volunteers in disaster management in the province;
  - (h) must promote disaster management capacity building, training and education, including in schools, in the province;
  - (i) may promote research into all aspects of disaster management in the province;
  - (j) may give advice and guidance by disseminating information regarding disaster management in the province, especially to communities that are vulnerable to disasters;
  - (k) may exercise any powers and must perform any duties delegated and assigned to it in terms of section 14; and
  - (l) may assist in the implementation of legislation referred to in section 2(1)(b) to the extent required by the administrator of such legislation and approved by the MEC responsible for the department in which the centre is located.
- (2) A provincial disaster management centre may engage in any lawful activity in the province, whether alone or together with any other organisation, aimed at promoting the proper exercise of its powers or performance of its duties.
- (3) A provincial disaster management centre must exercise its powers and perform its duties—
- (a) within the national disaster management framework and the provincial disaster management framework referred to in section 28;
  - (b) subject to the policy directions of the MEC responsible for disaster management in the province acting within the national disaster management framework and the provincial disaster management framework;
  - (c) in accordance with the administrative instructions of the head of the provincial department in which it is located; and
  - (d) subject to the Public Finance Management Act, 1999.
- (4) A provincial disaster management centre must liaise and co-ordinate its activities with the National Centre and the municipal disaster management centres in the province.

#### Head of provincial disaster management centre

31. (1) The MEC responsible for the department in which a provincial disaster management centre is located must, subject to subsection (2) and legislation governing the public service, appoint a person as the head of the provincial disaster management centre.
- (2) A person appointed as the head of a provincial disaster management centre holds office on terms and conditions set out in a written employment contract which must include terms and conditions setting performance standards.
- (3) The head of a provincial disaster management centre—

- (g) die beheer en besetting van persele in die rampgeteisterde of bedreigde gebied;
- (h) die voorsiening, beheer of gebruik van tydelike noodhuisvesting;
- (i) die opskorting of beperking van die verkoop, verspreiding of vervoer van alkoholiese drank in die rampgeteisterde of bedreigde gebied;
- (j) die instandhouding of installering van tydelike kommunikasieverbindings na, van of binne die rampgebied;
- (k) die verspreiding van inligting wat vir hantering van die ramp benodig word;
- (l) noodverkrygingsprosedures;
- (m) die fasilitering van reaksie en na-ramp herstel en rehabilitasie;
- (n) ander stappe wat nodig is om 'n eskalاسie van die ramp te voorkom, of om die gevolge van die ramp te verlig, in toom te hou en tot die minimum te beperk; of
- (o) stappe om internasionale bystand te fasiliteer.
- (3) Die bevoegdhede bedoel in subartikel (2) kan slegs uitgeoefen word in die mate wat dit nodig is vir die doeleindes van—
- (a) bystand aan, en beskerming van, die publiek;
- (b) voorsiening van noodleniging aan die publiek;
- (c) beskerming van eiendom;
- (d) voorkoming of bestryding van ontwrigting; of
- (e) die hantering van die vernietigende en ander gevolge van die ramp.
- (4) Regulاسies ingevolge subartikel (2) uitgevaardig, kan regulاسies insluit wat strawwe voorskryf vir 'n oortreding van die regulاسies.
- (5) 'n Nasionale ramptoestand wat ingevolge subartikel (1) verklaar is—
- (a) verval drie maande nadat dit verklaar is;
- (b) kan deur die Minister, by kennisgewing in die *Staatskoerant*, beëindig word voordat dit verval ingevolge paragraaf (a); en
- (c) kan deur die Minister, by kennisgewing in die *Staatskoerant*, verleng word vir een maand op 'n keer voordat dit ingevolge paragraaf (a) verval of die bestaande verlenging verstryk.

## HOOFSTUK 4

### PROVINSIALE RAMPBESTUUR

#### *Deel 1: Provinsiale rampbestuursraamwerk*

##### **Provinsiale rampbestuursraamwerk**

28. (1) Elke provinsie moet 'n raamwerk vir rampbestuur in die provinsie instel en implementeer, wat ten doel het om 'n geïntegreerde en eenvormige benadering tot rampbestuur in die provinsie deur alle provinsiale staatsorgane, provinsiale statutêre funksionaries, nie-regeringsinstellings wat betrokke is by rampbestuur in die provinsie, en deur die privaatsektor, te verseker.
- (2) 'n Provinsiale rampbestuursraamwerk moet in ooreenstemming met die bepalings van hierdie Wet en die nasionale rampbestuursraamwerk wees.
- (3) (a) 'n Provinsiale rampbestuursraamwerk, of 'n wysiging daarvan, moet in die betrokke provinsiale koerant gepubliseer word.
- (b) Voordat 'n provinsiale rampbestuursraamwerk ingestel of gewysig word, moet besonderhede van die voorgestelde raamwerk of wysiging vir openbare kommentaar in die betrokke provinsiale koerant gepubliseer word.

#### *Deel 2: Provinsiale rampbestuursentrums*

##### **Instelling**

29. (1) Elke provinsie moet 'n rampbestuursentrum instel.
- (2) 'n Provinsiale rampbestuursentrum maak deel uit van, en funksioneer binne, 'n departement wat deur die Premier in die provinsiale administrasie aangewys word.

##### **Bevoegdhede en pligte**

30. (1) 'n Provinsiale rampbestuursentrum—

- (g) the control and occupancy of premises in the disaster-stricken or threatened area;
  - (h) the provision, control or use of temporary emergency accommodation;
  - (i) the suspension or limiting of the sale, dispensing or transportation of alcoholic beverages in the disaster-stricken or threatened area; 5
  - (j) the maintenance or installation of temporary lines of communication to, from or within the disaster area;
  - (k) the dissemination of information required for dealing with the disaster;
  - (l) emergency procurement procedures;
  - (m) the facilitation of response and post-disaster recovery and rehabilitation; 10
  - (n) other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster; or
  - (o) steps to facilitate international assistance.
- (3) The powers referred to in subsection (2) may be exercised only to the extent that this is necessary for the purpose of— 15
- (a) assisting and protecting the public;
  - (b) providing relief to the public;
  - (c) protecting property;
  - (d) preventing or combating disruption; or
  - (e) dealing with the destructive and other effects of the disaster. 20
- (4) Regulations made in terms of subsection (2) may include regulations prescribing penalties for any contravention of the regulations.
- (5) A national state of disaster that has been declared in terms of subsection (1)—
- (a) lapses three months after it has been declared;
  - (b) may be terminated by the Minister by notice in the *Gazette* before it lapses in terms of paragraph (a); and 25
  - (c) may be extended by the Minister by notice in the *Gazette* for one month at a time before it lapses in terms of paragraph (a) or the existing extension is due to expire.

## CHAPTER 4

30

### PROVINCIAL DISASTER MANAGEMENT

#### *Part 1: Provincial disaster management framework*

##### **Provincial disaster management framework**

28. (1) Each province must establish and implement a framework for disaster management in the province aimed at ensuring an integrated and uniform approach to disaster management in the province by all provincial organs of state, provincial statutory functionaries, non-governmental organisations involved in disaster management in the province and by the private sector. 35

(2) A provincial disaster management framework must be consistent with the provisions of this Act and the national disaster management framework. 40

(3) (a) A provincial disaster management framework, or any amendment thereto, must be published in the relevant provincial gazette.

(b) Before establishing or amending a provincial disaster management framework, particulars of the proposed framework or amendment must be published in the relevant provincial gazette for public comment. 45

#### *Part 2: Provincial disaster management centres*

##### **Establishment**

29. (1) Each province must establish a disaster management centre.

(2) A provincial disaster management centre forms part of, and functions within, a department designated by the Premier in the provincial administration. 50

##### **Powers and duties**

30. (1) A provincial disaster management centre—

- (ii) sy rol en verantwoordelikhede ingevolge die nasionale rampbestuursraamwerk;
- (iii) sy rol en verantwoordelikhede betreffende noodreaksie en na-ramp herstel en rehabilitasie;
- 5 (iv) sy kapasiteit om sy rol en verantwoordelikhede te vervul en na te kom;
- (v) besonderhede van sy rampbestuurstrategieë; en
- (vi) gebeurlikheidsstrategieë en noodprosedures in geval van 'n ramp, insluitende maatreëls om hierdie strategieë te finansier;
- (b) die implementering van sy plan koördineer met en inskakel by dié van ander
- 10 staatsorgane en institusionele rolspelers; en
- (c) sy plan gereeld hersien en opdateer.
- (2) Die rampbestuursplan van 'n nasionale staatsorgaan bedoel in subartikel (1), moet 'n integreerende deel uitmaak van sy beplanning.
- (3) (a) 'n Nasionale staatsorgaan moet 'n afskrif van sy rampbestuursplan en van
- 15 enige wysiging van die plan aan die Nasionale Sentrum voorlê.
- (b) Indien 'n nasionale staatsorgaan versuim om 'n afskrif van sy rampbestuursplan of van enige wysiging van die plan ingevolge paragraaf (a) voor te lê, moet die Nasionale Sentrum die versuim rapporteer aan die Minister wat die stappe moet doen wat nodig is om nakoming van daardie paragraaf te verseker, insluitende rapportering van die
- 20 versuim aan die Parlement.

### **Verantwoordelikhede in geval van nasionale ramp**

26. (1) Die nasionale uitvoerende gesag is primêr verantwoordelik vir die koördinerende en bestuur van nasionale rampe, ongeag of 'n nasionale ramptoestand verklaar is ingevolge artikel 27.
- 25 (2) Die nasionale uitvoerende gesag moet handel met 'n nasionale ramp—
- (a) ingevolge bestaande wetgewing en gebeurlikheidsmaatreëls indien 'n nasionale ramptoestand nie verklaar is ingevolge artikel 27(1) nie; of
  - (b) ingevolge bestaande wetgewing en gebeurlikheidsmaatreëls, soos uitgebreide regulasies of aanwysings wat ingevolge artikel 27(2) uitgevaardig of
  - 30 uitgereik is, indien 'n nasionale ramptoestand verklaar is.
- (3) Hierdie artikel verhoed nie 'n provinsiale of munisipale staatsorgaan om bystand aan die nasionale uitvoerende gesag te verleen om met 'n nasionale ramp en sy gevolge te handel nie, en die nasionale uitvoerende gesag moet, by die uitoefening van sy primêre verantwoordelikheid, in noue samewerking met die ander regeringsfere optree.

### **35 Verklaring van nasionale ramptoestand**

27. (1) In geval van 'n nasionale ramp kan die Minister, by kennisgewing in die *Staatskoerant*, 'n nasionale ramptoestand verklaar indien—
- (a) bestaande wetgewing en gebeurlikheidsmaatreëls nie genoegsaam voorsiening maak vir die nasionale uitvoerende gesag om effektief met die ramp te
  - 40 handel nie; of
  - (b) ander besondere omstandighede die verklaring van 'n nasionale ramptoestand regverdig.
- (2) Indien 'n nasionale ramptoestand verklaar is ingevolge subartikel (1), kan die Minister, behoudens subartikel (3) en na oorleg met die verantwoordelike Kabinetslid,
- 45 regulasies uitvaardig of aanwysings uitreik, of die uitreik van aanwysings magtig rakende—
- (a) die vrystelling van enige beskikbare hulpbronne van die nasionale regering, insluitende voorraad, toerusting, voertuie en fasiliteite;
  - (b) die vrystelling van personeel van 'n nasionale staatsorgaan vir die lewering
  - 50 van nooddienste;
  - (c) die implementering van alle of enige van die bepalings van 'n nasionale rampbestuursplan wat onder die omstandighede van toepassing is;
  - (d) die ontruiming na tydelike skuilings van die hele of 'n gedeelte van die bevolking van die rampgeteisterde of bedreigde gebied indien sodanige
  - 55 optrede nodig is vir die behoud van lewens;
  - (e) die regulering van verkeer na, van of binne die rampgeteisterde of bedreigde gebied;
  - (f) die regulering van die beweging van persone en goedere na, van of binne die rampgeteisterde of bedreigde gebied;



- (ii) its role and responsibilities in terms of the national disaster management framework;
- (iii) its role and responsibilities regarding emergency response and post-disaster recovery and rehabilitation;
- (iv) its capacity to fulfil its role and responsibilities; 5
- (v) particulars of its disaster management strategies; and
- (vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies;
- (b) co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players; and 10
- (c) regularly review and update its plan.
- (2) The disaster management plan of a national organ of state referred to in subsection (1) must form an integral part of its planning.
- (3) (a) A national organ of state must submit a copy of its disaster management plan and of any amendment to the plan to the National Centre. 15
- (b) If a national organ of state fails to submit a copy of its disaster management plan or of any amendment to the plan in terms of paragraph (a), the National Centre must report the failure to the Minister, who must take such steps as may be necessary to secure compliance with that paragraph, including reporting the failure to Parliament.

### **Responsibilities in event of national disaster**

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- 26. (1) The national executive is primarily responsible for the co-ordination and management of national disasters irrespective of whether a national state of disaster has been declared in terms of section 27.
- (2) The national executive must deal with a national disaster—
  - (a) in terms of existing legislation and contingency arrangements, if a national state of disaster has not been declared in terms of section 27(1); or 25
  - (b) in terms of existing legislation and contingency arrangements as augmented by regulations or directions made or issued in terms of section 27(2), if a national state of disaster has been declared.
- (3) This section does not preclude a provincial or municipal organ of state from providing assistance to the national executive to deal with a national disaster and its consequences, and the national executive, in exercising its primary responsibility, must act in close co-operation with the other spheres of government. 30

### **Declaration of national state of disaster**

- 27. (1) In the event of a national disaster, the Minister may, by notice in the *Gazette*, declare a national state of disaster if— 35
  - (a) existing legislation and contingency arrangements do not adequately provide for the national executive to deal effectively with the disaster; or
  - (b) other special circumstances warrant the declaration of a national state of disaster. 40
- (2) If a national state of disaster has been declared in terms of subsection (1), the Minister may, subject to subsection (3), and after consulting the responsible Cabinet member, make regulations or issue directions or authorise the issue of directions concerning—
  - (a) the release of any available resources of the national government, including stores, equipment, vehicles and facilities; 45
  - (b) the release of personnel of a national organ of state for the rendering of emergency services;
  - (c) the implementation of all or any of the provisions of a national disaster management plan that are applicable in the circumstances; 50
  - (d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life;
  - (e) the regulation of traffic to, from or within the disaster-stricken or threatened area; 55
  - (f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;

- (a) dit slegs 'n enkele metropolitaanse, distriks- of plaaslike munisipaliteit raak; en
- (b) die betrokke munisipaliteit, of indien dit 'n distriks- of plaaslike munisipaliteit is, daardie munisipaliteit, óf alleen óf met die bystand van plaaslike munisipaliteite in die gebied van die distriksmunisipaliteit, in staat is om effektief daarmee te handel.
- (5) 'n Ramp is 'n provinsiale ramp indien—
- (a) dit—
- (i) meer as een metropolitaanse of distriksmunisipaliteit in dieselfde provinsie raak;
- (ii) 'n enkele metropolitaanse of distriksmunisipaliteit in die provinsie raak en daardie metropolitaanse munisipaliteit, of daardie distriksmunisipaliteit met die bystand van die plaaslike munisipaliteite in sy gebied, nie in staat is om effektief daarmee te handel nie; of
- (iii) 'n oorgrens munisipaliteit raak ten opsigte waarvan slegs een provinsie uitvoerende bevoegdheid uitoefen soos beoog deur artikel 90(3)(a) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998); en
- (b) die betrokke provinsie in staat is om effektief daarmee te handel.
- (6) 'n Ramp is 'n nasionale ramp indien dit—
- (a) meer as een provinsie raak; of
- (b) 'n enkele provinsie raak wat nie in staat is om effektief daarmee te handel nie.
- (7) Totdat 'n ramp ingevolge hierdie artikel geklassifiseer word, moet die ramp as 'n plaaslike ramp beskou word.
- (8) Die klassifisering van 'n ramp ingevolge hierdie artikel wys primêre verantwoordelikheid toe aan 'n bepaalde regeringsfeer vir die koördinerende en bestuur van die ramp, maar 'n staatsorgaan in 'n ander sfeer kan die sfeer bystaan wat primêre verantwoordelikheid het om met die ramp en sy gevolge te handel.

## Jaarverslae

24. (1) Die Nasionale Sentrum moet jaarliks 'n verslag aan die Minister voorlê oor—
- (a) sy aktiwiteite gedurende die jaar;
- (b) die resultate van sy monitering van voorkomings- en verligtingsinisiatiewe;
- (c) rampe wat gedurende die jaar in elke provinsie voorgekom het;
- (d) die klassifisering, omvang en felheid van hierdie rampe;
- (e) die gevolge wat hulle gehad het;
- (f) besondere probleme wat ervaar is—
- (i) met die hantering van hierdie rampe; en
- (ii) in die algemeen met die implementering van hierdie Wet en die nasionale rampbestuursraamwerk;
- (g) die wyse waarop hierdie probleme aangespreek is en enige aanbevelings wat die Nasionale Sentrum graag in hierdie verband wil doen;
- (h) vordering met die voorbereiding en gereelde opdatering ingevolge artikels 25, 38, 39, 52 en 53 van rampbestuursplanne en -strategieë deur staatsorgane wat by rampbestuur betrokke is; en
- (i) 'n evaluering van die implementering van sodanige planne en strategieë.
- (2) Die Minister moet die verslag aan die Parlement voorlê binne 30 dae na ontvangs van die verslag van die Nasionale Sentrum.
- (3) Die Nasionale Sentrum moet op dieselfde tyd as wat sy verslag ingevolge subartikel (1) aan die Minister voorgelê word, 'n afskrif van daardie verslag aan elke provinsiale en munisipale rampbestuursentrum voorlê.

## Deel 2: Bevoegdhede en pligte van nasionale regering

### Voorbereiding van rampbestuursplanne

25. (1) Elke nasionale staatsorgaan wat in die nasionale rampbestuursraamwerk aangedui word, moet—
- (a) 'n rampbestuursplan voorberei wat 'n uiteensetting gee van—
- (i) die manier waarop die konsep en beginsels van rampbestuur in sy funksionele gebied toegepas staan te word;

- (a) it affects a single metropolitan, district or local municipality only; and
  - (b) the municipality concerned, or, if it is a district or local municipality, that municipality either alone or with the assistance of local municipalities in the area of the district municipality is able to deal with it effectively.
- (5) A disaster is a provincial disaster if— 5
- (a) it affects—
    - (i) more than one metropolitan or district municipality in the same province;
    - (ii) a single metropolitan or district municipality in the province and that metropolitan municipality, or that district municipality with the assistance of the local municipalities within its area, is unable to deal with it effectively; or 10
    - (iii) a cross-boundary municipality in respect of which only one province exercises executive authority as envisaged by section 90(3)(a) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); and 15
  - (b) the province concerned is able to deal with it effectively.
- (6) A disaster is a national disaster if it affects—
- (a) more than one province; or
  - (b) a single province which is unable to deal with it effectively.
- (7) Until a disaster is classified in terms of this section, the disaster must be regarded 20 as a local disaster.
- (8) The classification of a disaster in terms of this section designates primary responsibility to a particular sphere of government for the co-ordination and management of the disaster, but an organ of state in another sphere may assist the sphere having primary responsibility to deal with the disaster and its consequences. 25

### Annual reports

24. (1) The National Centre must submit a report annually to the Minister on—
- (a) its activities during the year;
  - (b) the results of its monitoring of prevention and mitigation initiatives;
  - (c) disasters that occurred during the year in each province; 30
  - (d) the classification, magnitude and severity of these disasters;
  - (e) the effects they had;
  - (f) particular problems that were experienced—
    - (i) in dealing with these disasters; and
    - (ii) generally in implementing this Act and the national disaster management framework; 35
  - (g) the way in which these problems were addressed and any recommendations the National Centre wishes to make in this regard;
  - (h) progress with the preparation and regular updating in terms of sections 25, 38, 39, 52 and 53 of disaster management plans and strategies by organs of state 40 involved in disaster management; and
  - (i) an evaluation of the implementation of such plans and strategies.
- (2) The Minister must submit the report to Parliament within 30 days after receipt of the report from the National Centre.
- (3) The National Centre must, at the same time that its report is submitted to the 45 Minister in terms of subsection (1), submit a copy of that report to each provincial and municipal disaster management centre.

### *Part 2: Powers and duties of national government*

#### Preparation of disaster management plans

25. (1) Each national organ of state indicated in the national disaster management 50 framework must—
- (a) prepare a disaster management plan setting out—
    - (i) the way in which the concept and principles of disaster management are to be applied in its functional area;

- (iv) die waarskynlikheid van, en die stand van gereedheid vir, rampe wat kan voorkom, te monitor;
- (b) die ontwikkeling en implementering van gepaste voorkomings- en verligtingsmetodiek;
- 5 (c) die integrasie van voorkomings- en verligtingsmetodiek by ontwikkelingsplanne, -programme en -inisiatiewe; en
- (d) die bestuur van hoë-risiko ontwikkelings.
- (2) Die Nasionale Sentrum moet formele en informele inisiatiewe bevorder wat risikovermydingsgedrag deur staatsorgane, die privaatsektor, nie-regeringsorganisasies,
- 10 gemeenskappe en individue aanmoedig.

#### **Monitering, meting van prestasie en evaluering van rampbestuursplanne en voorkomings-, verligtings- en reaksie-inisiatiewe**

##### **21. Die Nasionale Sentrum moet—**

- 15 (a) (i) vordering met die voorbereiding en gereelde opdatering ingevolge artikels 25, 38, 39, 52 en 53 van rampbestuursplanne en -strategieë deur staatsorgane wat by rampbestuur betrokke is, monitor;
- (ii) formele en informele voorkomings-, verligtings- en reaksie-inisiatiewe deur staatsorgane, die privaatsektor, nie-regeringsorganisasies en gemeenskappe monitor, insluitende die integrasie van hierdie inisiatiewe by ontwikkelingsplanne; en
- 20 (iii) voldoening aan sleutelprestasie-aanwysers beoog in artikel 7(2)(m) monitor; en
- (b) van tyd tot tyd, prestasie meet en sodanige vordering en inisiatiewe evalueer.

#### **Gee van advies en leiding**

##### **22. Die Nasionale Sentrum kan advies en leiding gee deur—**

- 25 (a) riglyne en aanbevelings te publiseer in die *Staatskoerant* of 'n provinsiale koerant;
- (b) interaksie met spesifieke rolspelers en individue;
- (c) verspreiding van inligting;
- 30 (d) werkswinkels aan te bied;
- (e) toegang tot sy elektroniese databasis te fasiliteer; en
- (f) op te tree op enige ander wyse wat deur die Direkteur-generaal van die Departement goedgekeur word.

#### **Klassifisering en optekening van rampe**

- 35 **23. (1)** Wanneer 'n rampspoedige gebeurtenis plaasvind of dreig om plaas te vind, moet die Nasionale Sentrum met die oog op die behoorlike toepassing van hierdie Wet, vasstel of die gebeurtenis as 'n ramp ingevolge hierdie Wet beskou behoort te word, en, indien wel, moet die Nasionale Sentrum onmiddellik—

- (a) die omvang en felheid of potensiële omvang en felheid van die ramp raam;
- 40 (b) die ramp as 'n plaaslike, provinsiale of nasionale ramp klassifiseer ooreenkomstig subartikels (4), (5) en (6); en
- (c) die voorgeskrewe besonderhede rakende die ramp opteken in die voorgeskrewe register.

- (2) Wanneer die omvang en felheid of potensiële omvang en felheid van 'n ramp
- 45 geraam word—

- (a) moet die Nasionale Sentrum enige inligting en aanbevelings oorweeg rakende die ramp wat ontvang word van 'n provinsiale of munisipale rampbestuursentrum ingevolge artikel 35 of 49; en
- (b) kan die Nasionale Sentrum die hulp van 'n onafhanklike assessor inroep om
- 50 die ramp ter plaatse te evalueer.

- (3) Die Nasionale Sentrum kan 'n ramp wat ingevolge subartikel (1)(b) as 'n plaaslike, provinsiale of nasionale ramp geklassifiseer is te eniger tyd na oorleg met die relevante provinsiale of munisipale rampbestuursentrums herklassifiseer indien die omvang en felheid of potensiële omvang en felheid van die ramp groter of minder is as
- 55 die aanvanklike beraming.

- (4) 'n Ramp is 'n plaaslike ramp indien—

- (iv) monitoring the likelihood of, and the state of alertness to, disasters that may occur;
  - (b) the development and implementation of appropriate prevention and mitigation methodologies;
  - (c) the integration of prevention and mitigation methodologies with development plans, programmes and initiatives; and 5
  - (d) the management of high-risk developments.
- (2) The National Centre must promote formal and informal initiatives that encourage risk-avoidance behaviour by organs of state, the private sector, non-governmental organisations, communities and individuals. 10

### **Monitoring, measuring performance and evaluating disaster management plans and prevention, mitigation and response initiatives**

#### **21. The National Centre must—**

- (a) monitor—
  - (i) progress with the preparation and regular updating in terms of sections 25, 38, 39, 52 and 53 of disaster management plans and strategies by organs of state involved in disaster management; 15
  - (ii) formal and informal prevention, mitigation and response initiatives by organs of state, the private sector, non-governmental organisations and communities, including the integration of these initiatives with development plans; and 20
  - (iii) compliance with key performance indicators envisaged by section 7(2)(m); and
- (b) from time to time, measure performance and evaluate such progress and initiatives. 25

### **Giving of advice and guidance**

#### **22. The National Centre may give advice and guidance by—**

- (a) publishing guidelines and recommendations in the *Gazette* or a provincial gazette;
- (b) interacting with specific role-players and individuals; 30
- (c) disseminating information;
- (d) conducting workshops;
- (e) facilitating access to its electronic database; and
- (f) acting in any other way approved by the Director-General of the Department.

### **Classification and recording of disasters 35**

**23. (1)** When a disastrous event occurs or threatens to occur, the National Centre must, for the purpose of the proper application of this Act, determine whether the event should be regarded as a disaster in terms of this Act, and if so, the National Centre must immediately—

- (a) assess the magnitude and severity or potential magnitude and severity of the disaster; 40
  - (b) classify the disaster as a local, provincial or national disaster in accordance with subsections (4), (5) and (6); and
  - (c) record the prescribed particulars concerning the disaster in the prescribed register. 45
- (2) When assessing the magnitude and severity or potential magnitude and severity of a disaster, the National Centre—
- (a) must consider any information and recommendations concerning the disaster received from a provincial or municipal disaster management centre in terms of section 35 or 49; and 50
  - (b) may enlist the assistance of an independent assessor to evaluate the disaster on site.
- (3) The National Centre may reclassify a disaster classified in terms of subsection (1)(b) as a local, provincial or national disaster at any time after consultation with the relevant provincial or municipal disaster management centres, if the magnitude and severity or potential magnitude and severity of the disaster is greater or lesser than the initial assessment. 55
- (4) A disaster is a local disaster if—



- (iii) mediese nooddienste;
- (iv) skool-, kerk- en openbare geboue en ander fasiliteite wat gebruik kan word as noodskuilings of hospitale in geval van 'n ramp;
- (v) brandweerdienste; en
- 5 (vi) lughawens, landingstroke, hawens, seehawens en spoorwegstasies;
- (j) noodreaksie-hulpbronne en -kapasiteit in buurstate en relevante internasionale noodlenigingsagentskappe;
- (k) noodgereedheid in die onderskeie regeringsfere;
- (l) elke ramp wat deur die Nasionale Sentrum ingevolge artikel 23 geklassifiseer word, insluitende die raming van die Nasionale Sentrum van die ramp en die
- 10 inligting wat opgeneem word in die register bedoel in subartikel (1)(c) van daardie artikel; en
- (m) navorsings- en opleidingsgeriewe vir rampbestuurstudierigtings.
- (3) Die Nasionale Sentrum moet redelike stappe doen om te verseker dat die databasis
- 15 gratis elektronies toeganklik is vir enige persoon.
- (4) Subartikel (3) verhoed nie die Nasionale Sentrum om—
- (a) sekerheidsbeskermingsmaatreëls in te stel om die databasis teen misbruik te beskerm nie; en
- (b) sekere gedeeltes van die databasis in oorleg met die Minister as beperkte
- 20 gebiede te klassifiseer en toegang tot daardie gedeeltes te beperk tot persone wat deur die Minister gemagtig word nie.

### **Invordering van inligting**

18.(1) Die Nasionale Sentrum kan 'n staatsorgaan of persoon wat in besit is van inligting wat redelikerwys deur die Nasionale Sentrum benodig word vir die doeleindes

25 van artikel 16 of 17, skriftelik versoek om sodanige inligting aan die Nasionale Sentrum te voorsien binne 'n redelike tydperk wat deur die Nasionale Sentrum bepaal word.

(2) Indien 'n staatsorgaan versuim om aan 'n versoek te voldoen, moet die Nasionale Sentrum die versuim rapporteer aan die Minister wat die stappe moet doen wat nodig is om nakoming van die versoek te verseker, insluitende rapportering van die versuim aan

30 die Parlement.

### **Rampbestuursplanne en -strategieë**

19. Die Nasionale Sentrum moet—
- (a) riglyne ontwikkel vir die voorbereiding en gereelde hersiening en opdatering van rampbestuursplanne en -strategieë deur staatsorgane en ander institusionele rolspelers wat by rampbestuur betrokke is;
  - 35 (b) die voorbereiding en gereelde hersiening en opdatering van hierdie planne en strategieë deur staatsorgane en ander institusionele rolspelers wat by rampbestuur betrokke is, ondersteun en aanhelp;
  - (c) help met die inskakeling van hierdie planne en strategieë;
  - 40 (d) help met die koördinerende van die implementering van hierdie planne en strategieë deur die onderskeie staatsorgane en ander rolspelers;
  - (e) riglyne ontwikkel vir die integrasie van die konsep en beginsels van rampbestuur, en in die besonder strategieë oor voorkoming en verligting, by nasionale, provinsiale en munisipale ontwikkelingsplanne, -programme en
  - 45 -inisiatiewe; en
  - (f) die integrasie bedoel in paragraaf (e) ondersteun en aanhelp.

### **Voorkoming en verligting**

20. (1) Die Nasionale Sentrum moet, in die mate wat hy die kapasiteit het, leiding gee aan staatsorgane, die privaatsektor, nie-regeringsorganisasies, gemeenskappe en individue om die risiko van rampe te raam, en te voorkom of te verminder, insluitende—

50

- (a) maniere om—
  - (i) vlakke van risiko te bepaal;
  - (ii) die kwesbaarheid van gemeenskappe en huishoudings vir rampe wat kan voorkom, te raam;
  - 55 (iii) die kapasiteit te verhoog van gemeenskappe en huishoudings om die risiko en gevolge van rampe wat kan voorkom, tot die minimum te beperk; en



- (iii) emergency medical services;
  - (iv) school, church and public buildings and other facilities that could be used as emergency shelters or hospitals in the event of a disaster;
  - (v) fire-fighting services; and
  - (vi) airports, airstrips, harbours, seaports and railway stations; 5
  - (j) emergency response resources and capacity in neighbouring states and relevant international relief agencies;
  - (k) emergency preparedness in the different spheres of government;
  - (l) each disaster classified by the National Centre in terms of section 23, including the assessment of the National Centre of the disaster and the information recorded in the register referred to in subsection (1)(c) of that section; and 10
  - (m) research and training facilities for disaster management disciplines.
- (3) The National Centre must take reasonable steps to ensure that the database is electronically accessible to any person free of charge. 15
- (4) Subsection (3) does not prevent the National Centre from—
- (a) establishing security safeguards to protect the database from abuse; and
  - (b) classifying parts of the database as restricted areas in consultation with the Minister, and limiting access to those parts to persons authorised by the Minister. 20

### Gathering of information

18. (1) The National Centre may, in writing, request any organ of state or person in possession of information reasonably required by the National Centre for the purpose of section 16 or 17, to provide such information to the National Centre within a reasonable period determined by the National Centre. 25
- (2) If an organ of state fails to comply with a request, the National Centre must report the failure to the Minister, who must take such steps as may be necessary to secure compliance with the request, including reporting the failure to Parliament.

### Disaster management plans and strategies

19. The National Centre must— 30
- (a) develop guidelines for the preparation, and regular review and updating, of disaster management plans and strategies by organs of state and other institutional role-players involved in disaster management;
  - (b) support and assist in the preparation, and regular review and updating, of these plans and strategies by organs of state and other institutional role-players involved in disaster management; 35
  - (c) assist in aligning these plans and strategies;
  - (d) assist in co-ordinating the implementation of these plans and strategies by the respective organs of state and other role-players;
  - (e) develop guidelines for the integration of the concept and principles of disaster management, and particularly strategies on prevention and mitigation, with national, provincial and municipal development plans, programmes and initiatives; and 40
  - (f) support and assist in the integration referred to in paragraph (e). 45

### Prevention and mitigation

20. (1) The National Centre, to the extent that it has the capacity, must give guidance to organs of state, the private sector, non-governmental organisations, communities and individuals to assess and prevent or reduce the risk of disasters, including—
- (a) ways and means of— 50
    - (i) determining levels of risk;
    - (ii) assessing the vulnerability of communities and households to disasters that may occur;
    - (iii) increasing the capacity of communities and households to minimise the risk and impact of disasters that may occur; and

- (c) ooreenkomstig die administratiewe opdragte van die Direkteur-generaal van die Departement; en
  - (d) behoudens die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).
- 5 (4) Die Nasionale Sentrum moet oorleg pleeg en sy aktiwiteite koördineer met die provinsiale en munisipale rampbestuursentrums.

### Kommunikasieverbindings met rampbestuursrolspelers

16. (1) Die Nasionale Sentrum moet—
- (a) 'n register ontwikkel en in stand hou van institusionele rolspelers wat betrokke is, of behoort te wees, by rampbestuur in suidelike Afrika wat—
    - (i) hulle name, telefoon- en faksimileenommers en fisiese, pos- en elektroniese adresse aandui;
    - (ii) besonderhede van hulle betrokkenheid by rampbestuur aandui; en
    - (iii) die aard, kapasiteit en ligging van nood- en noodlenigingsdienste onder hul beheer aandui; en
  - (b) effektiewe kommunikasieverbindings vestig met kontakpersone wat deur daardie rolspelers geïdentifiseer word.
- (2) Die register moet besonderhede insluit van—
- (a) alle nasionale, provinsiale en munisipale staatsorgane en statutêre funksionariese wat betrokke is by rampbestuur;
  - (b) nie-regeringsorganisasies wat betrokke is by rampbestuur;
  - (c) rampbestuursdeskundiges in Suid-Afrika;
  - (d) privaatsektororganisasies met gespesialiseerde toerusting, vaardighede of kennis wat relevant is vir rampbestuur;
  - (e) privaatsektor- vrywillige agentskappe wat betrokke is by rampbestuur; en
  - (f) buitelandse nie-regeringsorganisasies en internasionale organisasies wat betrokke is by rampbestuur in suidelike Afrika.
- (3) Die Nasionale Sentrum moet kommunikasieverbindings vestig met buitelandse rampbestuursagentskappe, insluitende instellings wat funksies verrig soortgelyk aan dié wat deur die Nasionale Sentrum verrig word, om inligting uit te ruil en om toegang te hê tot internasionale kundigheid in en bystand ten opsigte van rampbestuur.

### Rampbestuursinligtingstelsel

17. (1) Die Nasionale Sentrum moet optree as 'n bewaarplek en geleier van inligting rakende rampe en rampbestuur, en moet vir hierdie doel—
- (a) inligting versamel oor alle aspekte van rampe en rampbestuur;
  - (b) sodanige inligting prosesseer en analiseer;
  - (c) 'n elektroniese databasis beoog in subartikel (2) ontwikkel en in stand hou; en
  - (d) stappe doen om sodanige inligting te versprei, veral aan gemeenskappe wat kwesbaar is vir rampe.
- (2) Die elektroniese databasis wat deur die Nasionale Sentrum ontwikkel word, moet uitvoerige inligting bevat rakende rampe wat voorkom of kan voorkom in suidelike Afrika en rampbestuurskwessies, insluitende inligting oor—
- (a) verskynsels, gebeurtenisse, aktiwiteite en omstandighede wat rampe veroorsaak of vererger;
  - (b) risikofaktore wat rampe ten grondslag lê en maniere om sodanige risiko's te verminder;
  - (c) herhalende gebeurtenisse wat verliese veroorsaak, maar wat nie as rampe ingevolge hierdie Wet geklassifiseer word nie;
  - (d) voorkoming en verligting;
  - (e) vroeë-waarskuwingstelsels;
  - (f) gebiede en gemeenskappe wat besonder kwesbaar is vir rampe;
  - (g) inheemse kennis met betrekking tot rampbestuur;
  - (h) die register van rolspelers bedoel in artikel 16 en die name en besonderhede van hulle onderskeie kontakpersone;
  - (i) noodreaksie-hulpbronne en -kapasiteit in die nasionale, provinsiale en plaaslike regeringsfere en in die nie-regeringssektore, insluitende die ligging en groter van, en ander relevante data wat betrekking het op—
    - (i) polisiestasies;
    - (ii) hospitale, klinieke en ander gesondheidsinstellings;

- (c) in accordance with the administrative instructions of the Director-General of the Department; and
  - (d) subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999).
- (4) The National Centre must liaise and co-ordinate its activities with the provincial and municipal disaster management centres.

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### Communication links with disaster management role-players

16. (1) The National Centre must—
- (a) develop and maintain a directory of institutional role-players that are or should be involved in disaster management in southern Africa showing—
    - (i) their names, telephone and fax numbers and physical, postal and electronic addresses; 10
    - (ii) particulars of their involvement in disaster management; and
    - (iii) the nature, capacity and location of emergency and relief services under their control; and
  - (b) establish effective communication links with contact persons identified by those role-players. 15
- (2) The directory must include particulars of—
- (a) all national, provincial and municipal organs of state and statutory functionaries involved in disaster management;
  - (b) non-governmental organisations involved in disaster management; 20
  - (c) disaster management experts in South Africa;
  - (d) private sector organisations with specialised equipment, skills or knowledge relevant to disaster management;
  - (e) private sector voluntary agencies involved in disaster management; and
  - (f) foreign non-governmental organisations and international organisations involved in disaster management in southern Africa. 25
- (3) The National Centre must establish communication links with foreign disaster management agencies, including institutions performing functions similar to those performed by the National Centre, to exchange information and to have access to international expertise in and assistance in respect of disaster management. 30

### Disaster management information system

17. (1) The National Centre must act as a repository of, and conduit for, information concerning disasters and disaster management, and, must for this purpose—
- (a) collect information on all aspects of disasters and disaster management;
  - (b) process and analyse such information; 35
  - (c) develop and maintain an electronic database envisaged in subsection (2); and
  - (d) take steps to disseminate such information, especially to communities that are vulnerable to disasters.
- (2) The electronic database developed by the National Centre must contain extensive information concerning disasters that occur or may occur in southern Africa and disaster management issues, including information on— 40
- (a) phenomena, occurrences, activities and circumstances that cause or aggravate disasters;
  - (b) risk factors underlying disasters and ways and means to reduce such risks;
  - (c) recurring occurrences that result in loss, but which are not classified as disasters in terms of this Act; 45
  - (d) prevention and mitigation;
  - (e) early warning systems;
  - (f) areas and communities that are particularly vulnerable to disasters;
  - (g) indigenous knowledge relating to disaster management; 50
  - (h) the directory of role-players referred to in section 16 and the names and particulars of their respective contact persons;
  - (i) emergency response resources and capacity in the national, provincial and local spheres of government and in the non-government sectors, including the location and size of, and other relevant information relating to— 55
    - (i) police stations;
    - (ii) hospitals, clinics and other health institutions;

- (a) is onderworpe aan die beperkings of voorwaardes wat die Hoof van die Nasionale Sentrum oplê; en
- (b) ontnem nie die Hoof van die Nasionale Sentrum van die verantwoordelikheid rakende die uitoefening van die gedelegeerde bevoegdheid of die uitvoering van die opgedraagde plig nie.
- (3) Die Hoof van die Nasionale Sentrum kan enige besluit wat uit hoofde van 'n delegering of opdrag ingevolge subartikel (1) geneem is, bevestig, verander of herroep, maar geen sodanige verandering of herroeping van 'n besluit kan afbreuk doen aan enige regte wat as gevolg van die besluit toegeval het nie.

## 10 *Bevoegdhede en pligte van Nasionale Sentrum*

### **Algemene bevoegdhede en pligte**

- 15.** (1) Die Nasionale Sentrum moet, behoudens ander bepalings van hierdie Wet, alles doen wat nodig is om sy oogmerke soos in artikel 9 uiteengesit, te bereik, en vir hierdie doel—
- 15 (a) moet hy spesialiseer in kwessies rakende rampe en rampbestuur;
- (b) moet hy monitor of staatsorgane en statutêre funksionaries aan hierdie Wet en die nasionale rampbestuursraamwerk voldoen, en moet hy vordering met na-ramp herstel en rehabilitasie monitor;
- 20 (c) moet hy optree as 'n bewaarplek en geleier van inligting rakende rampe, dreigende rampe en rampbestuur;
- (d) kan hy optree as 'n advies- en raadplegende liggaam oor kwessies rakende rampe en rampbestuur vir—
- (i) staatsorgane en statutêre funksionaries;
- (ii) die privaatsektor en nie-regeringsorganisasies;
- 25 (iii) gemeenskappe en individue; en
- (iv) ander regerings en instellings in suidelike Afrika;
- (e) moet hy aanbevelings doen met betrekking tot die befondsing van rampbestuur en pogings om sodanige befondsing beskikbaar te stel, inisieer en fasiliteer;
- 30 (f) moet hy aanbevelings doen aan enige relevante staatsorgaan of statutêre funksionaris—
- (i) oor konsepwetgewing wat hierdie Wet, die nasionale rampbestuursraamwerk of enige ander rampbestuurskwessie raak;
- (ii) oor die inskakeling van nasionale, provinsiale of munisipale wetgewing by hierdie Wet en die nasionale rampbestuursraamwerk; of
- 35 (iii) in geval van 'n nasionale ramp, oor of 'n nasionale ramptoestand verklaar behoort te word ingevolge artikel 27;
- (g) moet hy die werwing, opleiding en deelname van vrywilligers in rampbestuur bevorder;
- 40 (h) moet hy kapasiteitsbou, opleiding en opvoeding vir rampsbestuur bevorder oor die Republiek heen, ook in skole, en, in die mate wat dit gepas is, in ander suider Afrikaanse state;
- (i) moet hy navorsing oor alle aspekte van rampbestuur bevorder;
- (j) kan hy hulp verleen by die implementering van wetgewing bedoel in artikel 2(1)(b) in die mate benodig deur die administrateur van sodanige wetgewing en goedgekeur deur die Minister; en
- 45 (k) kan hy enige ander bevoegdhede uitoefen wat hom opgelê word, en moet hy enige ander pligte uitvoer wat aan hom ingevolge hierdie Wet opgedra word.
- (2) Die Nasionale Sentrum kan—
- 50 (a) betrokke raak by enige regmatige aktiwiteit, hetsy alleen of saam met enige ander organisasie in die Republiek of elders, wat die bevordering van die behoorlike uitoefening van sy bevoegdhede of die behoorlike uitvoering van sy pligte ten doel het;
- (b) inligting wat relevant is vir rampbestuur uitruil met instellings wat funksies verrig soortgelyk aan dié van die Nasionale Sentrum in die Republiek en elders.
- 55 (3) Die Nasionale Sentrum moet sy bevoegdhede uitoefen en sy pligte uitvoer—
- (a) binne die nasionale rampbestuursraamwerk;
- (b) onderhewig aan die voorskrifte van die Minister;

- (a) is subject to the limitations or conditions that the Head of the National Centre may impose; and
- (b) does not divest the Head of the National Centre of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty.

(3) The Head of the National Centre may confirm, vary or revoke any decision taken in consequence of a delegation or assignment in terms of subsection (1), but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

### *Powers and duties of National Centre*

#### **General powers and duties**

**15.** (1) The National Centre must, subject to other provisions of this Act, do all that is necessary to achieve its objective as set out in section 9, and, for this purpose—

- (a) must specialise in issues concerning disasters and disaster management;
- (b) must monitor whether organs of state and statutory functionaries comply with this Act and the national disaster management framework and must monitor progress with post-disaster recovery and rehabilitation;
- (c) must act as a repository of, and conduit for, information concerning disasters, impending disasters and disaster management;
- (d) may act as an advisory and consultative body on issues concerning disasters and disaster management to—
  - (i) organs of state and statutory functionaries;
  - (ii) the private sector and non-governmental organisations;
  - (iii) communities and individuals; and
  - (iv) other governments and institutions in southern Africa;
- (e) must make recommendations regarding the funding of disaster management and initiate and facilitate efforts to make such funding available;
- (f) must make recommendations to any relevant organ of state or statutory functionary—
  - (i) on draft legislation affecting this Act, the national disaster management framework or any other disaster management issue;
  - (ii) on the alignment of national, provincial or municipal legislation with this Act and the national disaster management framework; or
  - (iii) in the event of a national disaster, on whether a national state of disaster should be declared in terms of section 27;
- (g) must promote the recruitment, training and participation of volunteers in disaster management;
- (h) must promote disaster management capacity building, training and education throughout the Republic, including in schools, and, to the extent that it may be appropriate, in other southern African states;
- (i) must promote research into all aspects of disaster management;
- (j) may assist in the implementation of legislation referred to in section 2(1)(b) to the extent required by the administrator of such legislation and approved by the Minister; and
- (k) may exercise any other powers conferred on it, and must perform any other duties assigned to it in terms of this Act.

(2) The National Centre may—

- (a) engage in any lawful activity, whether alone or together with any other organisation in the Republic or elsewhere, aimed at promoting the effective exercise of its powers or the effective performance of its duties;
- (b) exchange information relevant to disaster management with institutions performing functions similar to those of the National Centre in the Republic and elsewhere.

(3) The National Centre must exercise its powers and perform its duties—

- (a) within the national disaster management framework;
- (b) subject to the directions of the Minister;



## Oogmerk

9. Die oogmerk van die Nasionale Sentrum is om 'n geïntegreerde en gekoördineerde stelsel van rampbestuur te bevorder, met besondere klem op voorkoming en verligting, deur nasionale, provinsiale en munisipale staatsorgane, statutêre funksionarisse, ander rolspeleers wat betrokke is by rampbestuur en gemeenskappe.

## Administrasie

### Aanstelling van Hoof

10. (1) Die Minister moet, behoudens subartikel (2) en wetgewing wat die staatsdiens beheer, 'n persoon aanstel as Hoof van die Nasionale Sentrum.
- (2) 'n Persoon wat as die Hoof van die Nasionale Sentrum aangestel word, beklee die amp in die Departement op die bedinge en voorwaardes wat uiteengesit word in 'n geskrewe dienskontrak wat bedinge en voorwaardes moet insluit wat prestasiestandaarde vestig.

### Waarnemende Hoof

15. 11. Wanneer die Hoof van die Nasionale Sentrum afwesig is of andersins nie in staat is om die pligte verbonde aan die amp te verrig nie, of gedurende 'n vakature in die amp van Hoof van die Nasionale Sentrum, kan die Direkteur-generaal van die Departement 'n ander persoon in diens van, of gesekondeer aan, die Departement aanwys om as Hoof van die Nasionale Sentrum waar te neem.

### 20 Verantwoordelikhede van Hoof

12. (1) Die Hoof van die Nasionale Sentrum—
- (a) is verantwoordelik vir die uitoefening deur die Nasionale Sentrum van sy bevoegdhede en die uitvoering van sy pligte; en
  - (b) neem alle besluite van die Nasionale Sentrum in die uitoefening van sy bevoegdhede en die uitvoering van sy pligte, behalwe besluite van die Nasionale Sentrum wat geneem word uit hoofde van 'n delegering of opdrag ingevolge artikel 14.
- 25
- (2) Die Hoof van die Nasionale Sentrum verrig die funksies van die amp behoudens artikel 15(3).

### 30 Personeel

13. (1) Die personeel van die Nasionale Sentrum bestaan uit—
- (a) die Hoof van die Nasionale Sentrum; en
  - (b) persone in diens van die Departement wat deur die Direkteur-generaal van die Departement aangewys word om die pligte van die Nasionale Sentrum uit te voer.
- 35
- (2) 'n Werknemer van 'n staatsorgaan of ander organisasie kan aan die Nasionale Sentrum gesekondeer word by ooreenkoms tussen die Direkteur-generaal van die Departement en daardie staatsorgaan of organisasie.
- (3) Persone wat aan die Nasionale Sentrum gesekondeer word, verrig hulle ampsfunksies onderhewig aan die beheer en toesig van die Hoof van die Nasionale Sentrum.
- 40

### Delegering of opdrag

14. (1) Die Hoof van die Nasionale Sentrum kan skriftelik enige van die bevoegdhede of enige van die pligte wat aan die Nasionale Sentrum toevertrou is, ingevolge hierdie
- 45 Wet deleger of opdra aan—
- (a) 'n personeellid van die Nasionale Sentrum;
  - (b) 'n provinsiale rampbestuursentrum by ooreenkoms met die LUR wat verantwoordelik is vir die departement waarin die sentrum geleë is; of
  - (c) 'n munisipale rampbestuursentrum, by ooreenkoms met die betrokke munisipaliteit.
- 50
- (2) 'n Delegering of opdrag ingevolge subartikel (1)—



**Objective**

9. The objective of the National Centre is to promote an integrated and co-ordinated system of disaster management, with special emphasis on prevention and mitigation, by national, provincial and municipal organs of state, statutory functionaries, other role-players involved in disaster management and communities.

5

**Administration****Appointment of Head**

10. (1) The Minister must, subject to subsection (2) and legislation governing the public service, appoint a person as the Head of the National Centre.

(2) A person appointed as the Head of the National Centre holds office in the Department on terms and conditions set out in a written employment contract which must include terms and conditions setting performance standards.

10

**Acting Head**

11. When the Head of the National Centre is absent or otherwise unable to perform the functions of office, or during a vacancy in the office of Head of the National Centre, the Director-General of the Department may designate another person in the service of, or seconded to, the Department to act as Head of the National Centre.

15

**Responsibilities of Head**

12. (1) The Head of the National Centre—

(a) is responsible for the exercise by the National Centre of its powers and the performance of its duties; and

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(b) takes all decisions of the National Centre in the exercise of its powers and the performance of its duties, except decisions of the National Centre taken in consequence of a delegation or assignment in terms of section 14.

(2) The Head of the National Centre performs the functions of office subject to section 15(3).

25

**Staff**

13. (1) The staff of the National Centre consists of—

(a) the Head of the National Centre; and

(b) persons in the service of the Department designated by the Director-General of the Department to perform the duties of the National Centre.

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(2) An employee of an organ of state or other organisation may be seconded to the National Centre by agreement between the Director-General of the Department and that organ of state or organisation.

(3) Persons seconded to the National Centre perform their functions of office subject to the control and direction of the Head of the National Centre.

35

**Delegation or assignment**

14. (1) The Head of the National Centre may, in writing, delegate any of the powers or assign any of the duties entrusted to the National Centre in terms of this Act to—

(a) a member of the staff of the National Centre;

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(b) a provincial disaster management centre, by agreement with the MEC responsible for the department in which the centre is located; or

(c) a municipal disaster management centre, by agreement with the municipality concerned.

(2) A delegation or assignment in terms of subsection (1)—

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**Inhoud van nasionale rampbestuursraamwerk**

7. (1) Die nasionale rampbestuursraamwerk moet 'n samehangende, deursigtige en allesomvattende beleid oor rampbestuur uiteensit wat gepas is vir die Republiek as geheel.
- 5 (2) Die nasionale rampbestuursraamwerk moet 'n proporsionele klem op rampe van verskillende soorte, felheid en omvang wat plaasvind of mag plaasvind in suidelike Afrika weerspieël, klem plaas op maatreëls wat die kwesbaarheid van tot ramp geneigde gebiede, gemeenskappe en huishoudings verminder, en moet—
- 10 (a) die ontwikkeling en implementering van rampbestuur wat deur hierdie Wet beoog word, lei;
- (b) voorkoming en verligting vestig as die kernbeginsels van rampbestuur;
- (c) (i) Suid-Afrika se samewerking in internasionale rampbestuur fasiliteer;
- (ii) streeksamewerking in rampbestuur in suidelike Afrika fasiliteer; en
- (iii) die vestiging van gesamentlike praktykstandaarde fasiliteer;
- 15 (d) gevolg gee aan die toepassing van regering van samewerking oor kwessies rakende rampe en rampbestuur tussen die regeringsfere en—
- (i) die verhouding bepaal tussen die regeringsfeer wat primêre verantwoordelikheid uitoefen vir die koördinerende en bestuur van 'n ramp ingevolge artikels 26(1), 40(1) en 54(1) of (2) en die regeringsfere wat ondersteunende rolle vervul;
- 20 (ii) spesifieke verantwoordelikhede in hierdie verband toeken aan die verskillende sfere;
- (e) die ontwikkeling en implementering van rampbestuur binne nasionale, provinsiale en munisipale staatsorgane lei op 'n kruis-funksionele en
- 25 multidissiplinêre grondslag en verantwoordelikhede in hierdie verband toeken aan verskillende staatsorgane;
- (f) (i) die betrokkenheid van die privaatsektor, nie-regeringsorganisasies, tradisionele leiers, tegniese deskundiges en vrywilligers in rampbestuur fasiliteer;
- 30 (ii) gemeenskapsdeelname in rampbestuur fasiliteer; en
- (iii) vennootskappe vir doeleindes van subparagrafe (i) en (ii) tussen staatsorgane en die privaatsektor, nie-regeringsorganisasies en gemeenskappe fasiliteer;
- (g) kapasiteitsbou, opleiding en opvoeding vir rampbestuur, ook in skole,
- 35 fasiliteer en aansporing voorsien vir sodanige kapasiteitsbou, opleiding en opvoeding;
- (h) rampbestuursnavorsing bevorder;
- (i) die ontwikkeling van 'n omvattende inligtingbestuurstelsel lei;
- (j) inheemse kennis met betrekking tot rampbestuur in ag neem;
- 40 (k) 'n raamwerk voorsien waarbinne staatsorgane rampbestuur kan befonds, met besondere klem op voorkoming of vermindering van die risiko van rampe, insluitende toekennings om by te dra tot na-ramp herstel en rehabilitasie en betaling aan slagoffers van rampe en hulle afhanklikes;
- (l) die vereistes vir samewerking en koördinasie tussen die verskillende
- 45 regeringsfere, die privaatsektor, nie-regeringsorganisasies en gemeenskappe aanspreek; en
- (m) sleutelprestasie-aanwysers ten opsigte van die onderskeie aspekte van rampbestuur vestig.

**HOOFSTUK 3****50 NASIONALE RAMPBESTUUR*****Deel 1: Nasionale Rampbestuursentrum*****Instelling**

8. (1) 'n Nasionale Rampbestuursentrum word ingestel as 'n instelling binne die staatsdiens.
- 55 (2) Die Nasionale Sentrum maak deel uit van, en funksioneer in, 'n staatsdepartement waarvoor die Minister verantwoordelik is.

**Contents of national disaster management framework**

7. (1) The national disaster management framework must provide a coherent, transparent and inclusive policy on disaster management appropriate for the Republic as a whole.
- (2) The national disaster management framework must reflect a proportionate emphasis on disasters of different kinds, severity and magnitude that occur or may occur in southern Africa, place emphasis on measures that reduce the vulnerability of disaster-prone areas, communities and households, and must—
- (a) guide the development and implementation of disaster management envisaged by this Act; 10
  - (b) establish prevention and mitigation as the core principles of disaster management;
  - (c) facilitate—
    - (i) South Africa's co-operation in international disaster management;
    - (ii) regional co-operation in disaster management in southern Africa; and 15
    - (iii) the establishment of joint standards of practice;
  - (d) give effect to the application of co-operative governance on issues concerning disasters and disaster management among the spheres of government and—
    - (i) determine the relationship between the sphere of government exercising primary responsibility for the co-ordination and management of a disaster in terms of sections 26(1), 40(1) and 54(1) or (2) and the spheres of government performing supportive roles; 20
    - (ii) allocate specific responsibilities in this regard to the different spheres;
  - (e) guide the development and implementation of disaster management within national, provincial and municipal organs of state on a cross-functional and multi-disciplinary basis and allocate responsibilities in this regard to different organs of state; 25
  - (f) facilitate—
    - (i) the involvement of the private sector, non-governmental organisations, traditional leaders, technical experts and volunteers in disaster management; 30
    - (ii) community participation in disaster management; and
    - (iii) partnerships for purposes of subparagraphs (i) and (ii) between organs of state and the private sector, non-governmental organisations and communities; 35
  - (g) facilitate disaster management capacity building, training and education, including in schools, and provide incentives for such capacity building, training and education;
  - (h) promote disaster management research;
  - (i) guide the development of a comprehensive information management system; 40
  - (j) take into account indigenous knowledge relating to disaster management;
  - (k) provide a framework within which organs of state may fund disaster management with specific emphasis on preventing or reducing the risk of disasters, including grants to contribute to post-disaster recovery and rehabilitation and payment to victims of disasters and their dependants; 45
  - (l) address the requirements for co-operation and co-ordination between the different spheres of government, the private sector, non-governmental organisations and communities; and
  - (m) provide key performance indicators in respect of the various aspects of disaster management. 50

**CHAPTER 3****NATIONAL DISASTER MANAGEMENT*****Part 1: National Disaster Management Centre*****Establishment**

8. (1) A National Disaster Management Centre is established as an institution within the public service. 55
- (2) The National Centre forms part of, and functions within, a department of state for which the Minister is responsible.

gane, statutêre funksionarisse, nie-regeringsinstellings wat betrokke is by rampbestuur, die privaatsektor, gemeenskappe en individue te verseker.

### Nasionale Rampbestuursadviesforum

5. (1) Die Minister moet 'n Nasionale Rampbestuursadviesforum instel wat bestaan uit—
- (a) die Hoof van die Nasionale Sentrum;
  - (b) 'n senior verteenwoordiger van elke nasionale departement wie se Minister 'n lid van die Interregeringskomitee oor Rampbestuur is, en wat deur daardie Minister aangewys word;
  - (c) 'n senior verteenwoordiger van elke provinsiale departement wie se LUR 'n lid van daardie Komitee is, en wat deur daardie LUR aangewys word;
  - (d) munisipale amptenare wat uitgesoek word deur die "South African Local Government Association";
  - (e) verteenwoordigers van ander rampbestuursrolspelers wat deur die Minister aangewys word, wat kan insluit—
    - (i) georganiseerde besigheid;
    - (ii) die Kamer van Mynwese;
    - (iii) georganiseerde arbeid;
    - (iv) die versekeringsbedryf;
    - (v) georganiseerde landbou;
    - (vi) tradisionele leiers;
    - (vii) godsdienst- en welsynsorganisasies;
    - (viii) mediese, para-mediese en hospitaalorganisasies;
    - (ix) organisasies wat die rampbestuursprofessies in Suid-Afrika verteenwoordig;
    - (x) ander relevante nie-regerings- en internasionale organisasies en noodlenigingsagentskappe;
    - (xi) statutêre liggame wat veiligheidstandaarde in bepaalde industrieë reguleer;
    - (xii) inrigtings van hoër onderwys; en
    - (xiii) instellings wat wetenskaplike en tegnologiese advies of ondersteuning aan rampbestuur kan verleen;
  - (f) deskundiges in rampbestuur wat deur die Minister aangewys word; en
  - (g) persone wat deur die Forum gekoöpteer word vir 'n spesifieke tydperk of spesifieke besprekings.
- (2) Die Hoof van die Nasionale Sentrum is die voorsitter van die Forum.
- (3) (a) Die Forum is 'n liggaam waarin nasionale, provinsiale en plaaslike regering en ander rampbestuursrolspelers met mekaar oorleg pleeg en hulle optrede koördineer aangaande aangeleenthede wat betrekking het op rampbestuur.
- (b) By die verrigting van die funksies bedoel in paragraaf (a)—
- (i) moet die Forum aanbevelings rakende die nasionale rampbestuursraamwerk aan die Interregeringskomitee oor Rampbestuur doen; en
  - (ii) kan die Forum enige staatsorgaan, statutêre funksionaris, nie-regerings-organisasie of gemeenskap of die privaatsektor adviseer oor enige aangeleentheid wat betrekking het op rampbestuur.

### Nasionale rampbestuursraamwerk

6. (1) Die Minister—
- (a) moet 'n nasionale rampbestuursraamwerk by kennisgewing in die *Staatskoerant* voorskryf, met inagneming van—
    - (i) enige aanbevelings van die Interregeringskomitee oor Rampbestuur wat ingevolge artikel 4 gemaak word; en
    - (ii) kommentaar wat deur die publiek voorgelê word as gevolg van 'n publikasie ingevolge subartikel (2); en
  - (b) kan, van tyd tot tyd, die nasionale rampbestuursraamwerk by kennisgewing in die *Staatskoerant* wysig.
- (2) Voor die voorskryf of wysiging van die nasionale rampbestuursraamwerk, moet die Minister besonderhede van die voorgestelde raamwerk of wysiging in die *Staatskoerant* vir openbare kommentaar publiseer.

organs of state, statutory functionaries, non-governmental institutions involved in disaster management, the private sector, communities and individuals.

### National Disaster Management Advisory Forum

5. (1) The Minister must establish a National Disaster Management Advisory Forum consisting of— 5
- (a) the Head of the National Centre;
  - (b) a senior representative of each national department whose Minister is a member of the Intergovernmental Committee on Disaster Management, designated by that Minister; 10
  - (c) a senior representative of each provincial department whose MEC is a member of that Committee, designated by that MEC;
  - (d) municipal officials selected by the South African Local Government Association;
  - (e) representatives of other disaster management role-players designated by the Minister, which may include— 15
    - (i) organised business;
    - (ii) the Chamber of Mines;
    - (iii) organised labour;
    - (iv) the insurance industry; 20
    - (v) organised agriculture;
    - (vi) traditional leaders;
    - (vii) religious and welfare organisations;
    - (viii) medical, paramedical and hospital organisations;
    - (ix) organisations representing disaster management professions in South Africa; 25
    - (x) other relevant non-governmental and international organisations and relief agencies;
    - (xi) statutory bodies regulating safety standards in particular industries;
    - (xii) institutions of higher education; and 30
    - (xiii) institutions that can provide scientific and technological advice or support to disaster management;
  - (f) experts in disaster management designated by the Minister; and
  - (g) persons co-opted by the Forum for a specific period or specific discussions. 35
- (2) The Head of the National Centre is the chairperson of the Forum. 35
- (3) (a) The Forum is a body in which national, provincial and local government and other disaster management role-players consult one another and co-ordinate their actions on matters relating to disaster management.
- (b) In performing the functions referred to in paragraph (a), the Forum— 40
- (i) must make recommendations concerning the national disaster management framework to the Intergovernmental Committee on Disaster Management; and
  - (ii) may advise any organ of state, statutory functionary, non-governmental organisation or community or the private sector on any matter relating to disaster management. 45

### National disaster management framework

6. (1) The Minister, by notice in the *Gazette*—
- (a) must prescribe a national disaster management framework, taking into account— 50
    - (i) any recommendations of the Intergovernmental Committee on Disaster Management made in terms of section 4; and
    - (ii) comments by the public submitted as a result of a publication in terms of subsection (2); and
  - (b) may, from time to time, amend the national disaster management framework. 55
- (2) Before prescribing or amending the national disaster management framework, the Minister must publish particulars of the proposed framework or amendment in the *Gazette* for public comment.



- “reaksie”, met betrekking tot ’n ramp, die maatreëls wat getref word tydens of onmiddellik na ’n ramp ten einde verligting te bring vir mense en gemeenskappe wat deur die ramp geraak word;
- “staatsorgaan” ’n nasionale, provinsiale of munisipale staatsorgaan;
- 5 “statutêre funksionaris” ’n persoon wat ’n funksie verrig wat deur die nasionale, provinsiale of munisipale wetgewing aan daardie persoon opgedra is;
- “verligting”, met betrekking tot ’n ramp, maatreëls wat die vermindering van die uitwerking of gevolge van ’n ramp ten doel het;
- 10 “voorkoming”, met betrekking tot ’n ramp, maatreëls wat ten doel het om ’n ramp te keer om plaas te vind, of om te voorkom dat ’n gebeurtenis in ’n ramp ontgaat;
- “voorskryf” by regulasie ingevolge artikel 59 voorskryf.

### **Toepassing van Wet**

2. (1) Hierdie Wet is nie van toepassing op ’n gebeurtenis wat binne die omskrywing van “ramp” in artikel 1 val nie—
- 15 (a) indien, en vanaf die datum waarop, ’n noodtoestand verklaar word om met daardie gebeurtenis te handel ingevolge die Wet op Noodtoestand, 1997 (Wet No. 64 van 1997); of
- (b) in die mate wat effektief met daardie gebeurtenis gehandel kan word ingevolge ander nasionale wetgewing—
- 20 (i) wat die vermindering van die risiko ten doel het, en die gevolge van gebeurtenisse van hierdie aard aanspreek; en
- (ii) wat deur die Minister by kennisgewing in die *Staatskoerant* geïdentifiseer word.
- (2) Die Minister kan in oorleg met Kabinetslede wat verantwoordelik is vir die 25 administrasie van nasionale wetgewing bedoel in subartikel (1)(b), riglyne uitreik oor die toepassing van daardie subartikel.
- (3) Waar provinsiale wetgewing wat rampbestuur in ’n provinsie reguleer, teenstrydig is met hierdie Wet, geniet hierdie Wet, behoudens artikel 146 van die Grondwet, voorrang bo die provinsiale wetgewing.

### **30 Administrasie van Wet**

3. Hierdie Wet word geadminestreer deur ’n Kabinetslid wat deur die President aangewys word.

## **HOOFSTUK 2**

### **INTERREGERINGSTRUKTURE EN BELEIDSRAAMWERK**

#### **35 Interregeringskomitee oor Rampbestuur**

4. (1) Die President moet ’n Interregeringskomitee oor Rampbestuur instel wat bestaan uit—
- (a) Kabinetslede wat betrokke is by rampbestuur of die administrasie van wetgewing bedoel in artikel 2(1)(b);
- 40 (b) LUR’e van elke provinsie wat betrokke is by rampbestuur of die implementering van wetgewing bedoel in artikel 2(1)(b) in hulle onderskeie provinsies, en wat deur die Premier van die betrokke provinsie uitgesoek word; en
- (c) lede van munisipale rade wat uitgesoek word deur die “South African Local Government Association”.
- 45 (2) Die Minister is die voorsitter van die Komitee.
- (3) Die Komitee—
- (a) moet gevolg gee aan die beginsels van regering van samewerking in Hoofstuk 3 van die Grondwet oor kwessies wat betrekking het op rampbestuur;
- (b) is rekenpligtig teenoor, en moet rapporteer aan, die Kabinet oor die 50 koördinerende van rampbestuur tussen regeringsfere;
- (c) moet adviseer en aanbevelings doen aan die Kabinet—
- (i) oor kwessies wat betrekking het op rampbestuur; en
- (ii) oor die instelling van ’n nasionale raamwerk vir rampbestuur wat ten 55 doel het om ’n geïntegreerde en eenvormige benadering tot rampbestuur in die Republiek deur alle nasionale, provinsiale en munisipale staatsor-



“response”, in relation to a disaster, means measures taken during or immediately after a disaster in order to bring relief to people and communities affected by the disaster;

“statutory functionary” means a person performing a function assigned to that person by national, provincial or municipal legislation;

“this Act” includes any regulations made in terms of section 59;

“vulnerability” means the degree to which an individual, a household, a community or an area may be adversely affected by a disaster.

### Application of Act

2. (1) This Act does not apply to an occurrence falling within the definition of “disaster” in section 1—

(a) if, and from the date on which, a state of emergency is declared to deal with that occurrence in terms of the State of Emergency Act, 1997 (Act No. 64 of 1997); or

(b) to the extent that that occurrence can be dealt with effectively in terms of other national legislation—

(i) aimed at reducing the risk, and addressing the consequences, of occurrences of that nature; and

(ii) identified by the Minister by notice in the *Gazette*.

(2) The Minister may, in consultation with Cabinet members responsible for the administration of national legislation referred to in subsection (1)(b), issue guidelines on the application of that subsection.

(3) Where provincial legislation regulating disaster management in a province is inconsistent with this Act, this Act prevails over the provincial legislation subject to section 146 of the Constitution.

### Administration of Act

3. This Act is administered by a Cabinet member designated by the President.

## CHAPTER 2

### INTERGOVERNMENTAL STRUCTURES AND POLICY FRAMEWORK

#### Intergovernmental Committee on Disaster Management

4. (1) The President must establish an Intergovernmental Committee on Disaster Management consisting of—

(a) Cabinet members involved in disaster management or the administration of legislation referred to in section 2(1)(b);

(b) MECs of each province involved in disaster management or the implementation of legislation referred to in section 2(1)(b) in their respective provinces, selected by the Premier of the province concerned; and

(c) members of municipal councils, selected by the South African Local Government Association.

(2) The Minister is the chairperson of the Committee.

(3) The Committee—

(a) must give effect to the principles of co-operative government in Chapter 3 of the Constitution on issues relating to disaster management;

(b) is accountable and must report to Cabinet on the co-ordination of disaster management among the spheres of government;

(c) must advise and make recommendations to Cabinet—

(i) on issues relating to disaster management; and

(ii) on the establishment of a national framework for disaster management aimed at ensuring an integrated and uniform approach to disaster management in the Republic by all national, provincial and municipal

- “munisipale bestuurder” ’n persoon wat as sodanig ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) aangestel word;
- 5 “munisipale entiteit” ’n munisipale entiteit omskryf in artikel 1 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000;
- “munisipale rampbestuursentrum” ’n sentrum wat in die administrasie van ’n munisipaliteit ingevolge artikel 43 ingestel word;
- “munisipale staatsorgaan”—
- (a) ’n munisipaliteit;
- 10 (b) ’n departement of ander administratiewe eenheid in die administrasie van ’n munisipaliteit, insluitende ’n interne besigheids eenheid bedoel in artikel 76(a)(ii) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000; of
- (c) ’n munisipale entiteit;
- “munisipale wetgewing” munisipale verordeninge;
- 15 “na-ramp herstel en rehabilitasie” optrede, insluitende ontwikkeling, wat daarop gemik is om ’n toestand te skep waar—
- (a) normaliteit herstel word in die toestande wat deur ’n ramp veroorsaak is;
- (b) die gevolge van ’n ramp verlig word; of
- (c) omstandighede geskep word wat die risiko dat ’n soortgelyke ramp kan
- 20 plaasvind, sal verminder;
- “nasionale ramp” ’n ramp wat as ’n nasionale ramp geklassifiseer word ingevolge artikel 23;
- “nasionale rampbestuursraamwerk” die nasionale rampbestuursraamwerk wat ingevolge artikel 6 voorgeskryf word;
- 25 “Nasionale Sentrum” die Nasionale Rampbestuursentrum deur artikel 8(1) ingestel;
- “nasionale staatsorgaan” ’n nasionale departement of nasionale openbare instelling omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999);
- 30 “noodgereedheid” ’n staat van gereedheid wat staatsorgane en ander instellings wat by rampbestuur betrokke is, die privaatsektor, gemeenskappe en individue in staat stel om te mobiliseer, organiseer, en noodlenigingsmaatreëls te voorsien om met ’n dreigende of teenswoordige ramp of die gevolge van ’n ramp te handel;
- “plaaslike ramp” ’n ramp wat as ’n plaaslike ramp geklassifiseer word ingevolge
- 35 artikel 23;
- “plaaslike munisipaliteit” ’n munisipaliteit wat munisipale uitvoerende en wetgewende gesag in sy gebied deel met ’n distriksmunisipaliteit in wie se gebied hy val, en wat in artikel 155(1) van die Grondwet as ’n kategorie B munisipaliteit beskryf word;
- 40 “provinsiale ramp” ’n ramp wat as ’n provinsiale ramp geklassifiseer word ingevolge artikel 23;
- “provinsiale rampbestuursentrum” ’n sentrum wat ingestel word in die administrasie van ’n provinsie ingevolge artikel 29(1);
- “provinsiale staatsorgaan” ’n provinsiale departement of provinsiale openbare instelling omskryf in artikel 1 van die Wet op Openbare Finansiële Bestuur, 1999
- 45 (Wet No. 1 van 1999);
- “ramp” ’n progressiewe of skielike, wydverspreide of gelokaliseerde, natuurlike of mensgemaakte gebeurtenis wat—
- (a) (i) dood, besering of siekte;
- 50 (ii) skade aan eiendom, infrastruktuur of die omgewing; of
- (iii) ontwinging van ’n gemeenskap, veroorsaak of dreig om te veroorsaak; en
- (b) van ’n omvang is wat die vermoë oorskry van diegene wat deur die ramp geraak word om sy gevolge die hoof te bied deur slegs van hul eie hulpbronne gebruik te maak;
- 55 “rampbestuur” ’n deurlopende en geïntegreerde multisektor-, multi-dissiplinêre proses van beplanning en implementering van maatreëls wat gemik is op—
- (a) voorkoming of vermindering van die risiko van rampe;
- (b) verligting van die felheid of gevolge van rampe;
- 60 (c) noodgereedheid;
- (d) ’n snelle en effektiewe reaksie op rampe; en
- (e) na-ramp herstel en rehabilitasie;

“district municipality” means a municipality that has municipal executive and legislative authority in an area that includes more than one municipality, and which is described in section 155(1) of the Constitution as a category C municipality;

“emergency preparedness” means a state of readiness which enables organs of state and other institutions involved in disaster management, the private sector, communities and individuals to mobilise, organise, and provide relief measures to deal with an impending or current disaster or the effects of a disaster;

“integrated development plan”, in relation to a municipality, means a plan envisaged in section 25 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“local disaster” means a disaster classified as a local disaster in terms of section 23;

“local municipality” means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section 155(1) of the Constitution as a category B municipality;

“MEC” means a Member of the Executive Council of a province;

“metropolitan municipality” means a municipality that has exclusive executive and legislative authority in its area, and which is described in section 155(1) of the Constitution as a category A municipality;

“Minister” means the Cabinet member designated in terms of section 3 to administer this Act;

“mitigation”, in relation to a disaster, means measures aimed at reducing the impact or effects of a disaster;

“municipal disaster management centre” means a centre established in the administration of a municipality in terms of section 43;

“municipal entity” means a municipal entity defined in section 1 of the Local Government: Municipal Systems Act, 2000;

“municipal legislation” means municipal by-laws;

“municipal manager” means a person appointed as such in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“municipal organ of state” means—

- (a) a municipality;
- (b) a department or other administrative unit within the administration of a municipality, including an internal business unit referred to in section 76(a)(ii) of the Local Government: Municipal Systems Act, 2000; or
- (c) a municipal entity;

“National Centre” means the National Disaster Management Centre established by section 8(1);

“national disaster” means a disaster classified as a national disaster in terms of section 23;

“national disaster management framework” means the national disaster management framework prescribed in terms of section 6;

“national organ of state” means a national department or national public entity defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“organ of state” means a national, provincial or municipal organ of state;

“post-disaster recovery and rehabilitation” means efforts, including development, aimed at creating a situation where—

- (a) normality in conditions caused by a disaster is restored;
- (b) the effects of a disaster are mitigated; or
- (c) circumstances are created that will reduce the risk of a similar disaster occurring;

“prescribe” means prescribe by regulation in terms of section 59;

“prevention”, in relation to a disaster, means measures aimed at stopping a disaster from occurring or preventing an occurrence from becoming a disaster;

“provincial disaster” means a disaster classified as a provincial disaster in terms of section 23;

“provincial disaster management centre” means a centre established in the administration of a province in terms of section 29(1);

“provincial organ of state” means a provincial department or provincial public entity defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

- 48. Monitering, meting van prestasie en evaluering van rampbestuursplanne en voorkomings-, verligtings- en reaksie-inisiatiewe
- 49. Rampe wat plaasvind of dreig om plaas te vind in munisipale gebiede
- 50. Jaarverslae

5 ***Deel 3: Bevoegdheide en pligte van munisipaliteite en munisipale entiteite***

- 51. Munisipale rampbestuursadviesforum
- 52. Voorbereiding van rampbestuursplanne deur munisipale entiteite
- 53. Rampbestuursplanne vir munisipale gebiede
- 54. Verantwoordelikhede in geval van plaaslike ramp
- 10 55. Verklaring van plaaslike ramptoestand

## HOOFTUK 6

### BEFONDSING VAN NA-RAMP HERSTEL EN REHABILITASIE

- 56. Leidinggewende beginsels
- 57. Nasionale bydraes om gevolge van plaaslike en provinsiale rampe te verlig

15 **HOOFTUK 7**

### RAMPBESTUURSVRYWILLIGERS

- 58. Rampbestuursvrywilligers

## HOOFTUK 8

### DIVERSE

- 20 59. Regulasies
- 60. Misdrywe
- 61. Vrywaring
- 62. Bestek van bystand deur staatsorgane
- 63. Infasering van sekere bepalings van Wet
- 25 64. Herroeping van Wet 67 van 1977
- 65. Kort titel en inwerkingtreding

## HOOFTUK 1

### UITLEG, TOEPASSING EN ADMINISTRASIE VAN WET

#### Woordoms krywing

- 30 1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - “Departement” die staatsdepartement bedoel in artikel 8(2);
  - “distriksmunisipaliteit” ’n munisipaliteit wat munisipale uitvoerende en wetgewende gesag het in ’n gebied wat meer as een munisipaliteit insluit, en wat in artikel 155(1) van die Grondwet as ’n kategorie C munisipaliteit beskryf word;
  - 35 “geïntegreerde ontwikkelingsplan”, met betrekking tot ’n munisipaliteit, ’n plan beoog in artikel 25 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);
  - “hierdie Wet” ook enige regulasies ingevolge artikel 59 uitgevaardig;
  - “kwesbaarheid” die mate waarin ’n individu, ’n huishouding, ’n gemeenskap of ’n gebied nadelig deur ’n ramp geraak kan word;
  - 40 “LUR” ’n lid van die Uitvoerende Raad van ’n provinsie;
  - “metropolitaanse munisipaliteit” ’n munisipaliteit wat eksklusiewe uitvoerende en wetgewende gesag in sy gebied het, en wat in artikel 155(1) van die Grondwet as ’n kategorie A munisipaliteit beskryf word;
  - 45 “Minister” die Kabinetslid wat ingevolge artikel 3 aangewys word om hierdie Wet te administreer;

- (a) moet spesialiseer in kwessies rakende rampe en rampbestuur in die provinsie;
- (b) moet 'n geïntegreerde en gekoördineerde benadering tot rampbestuur in die provinsie bevorder, met besondere klem op voorkoming en verligting, deur—
- 5 (i) provinsiale staatsorgane in die provinsie; en
- (ii) ander rolspelers wat by rampbestuur in die provinsie betrokke is;
- (c) moet optree as 'n bewaarplek en geleier van inligting rakende rampe, dreigende rampe en rampbestuur in die provinsie;
- (d) kan optree as 'n advies- en raadplegende liggaam oor kwessies rakende rampe en rampbestuur in die provinsie vir—
- 10 (i) staatsorgane en statutêre funksionaris;
- (ii) die privaatsektor en nie-regeringsorganisasies; en
- (iii) gemeenskappe en individue;
- (e) moet aanbevelings doen met betrekking tot die befondsing van rampbestuur in die provinsie, en pogings om sodanige befondsing beskikbaar te stel, inisieer en fasiliteer;
- 15 (f) kan aanbevelings doen aan enige relevante staatsorgaan of statutêre funksionaris—
- (i) oor konsepwetgewing wat hierdie Wet, die nasionale rampbestuursraamwerk of enige ander rampbestuurskwessie raak;
- 20 (ii) oor die inskakeling van provinsiale of munisipale wetgewing by hierdie Wet en die nasionale rampbestuursraamwerk; of
- (iii) in geval van 'n provinsiale ramp, oor of 'n provinsiale ramptoestand verklaar behoort te word ingevolge artikel 41;
- (g) moet die werwing, opleiding en deelname van vrywilligers in rampbestuur in die provinsie bevorder;
- 25 (h) moet kapasiteitsbou, opleiding en opvoeding vir rampbestuur, ook in skole, in die provinsie bevorder;
- (i) kan navorsing oor alle aspekte van rampbestuur in die provinsie bevorder;
- (j) kan advies en leiding gee deur inligting te versprei rakende rampbestuur in die provinsie, veral aan gemeenskappe wat kwesbaar is vir rampe;
- 30 (k) kan enige bevoegdhede uitoefen en moet enige pligte uitvoer wat aan hom ingevolge artikel 14 gedelegeer en opgedra word; en
- (l) kan hulp verleen by die implementering van wetgewing bedoel in artikel 2(1)(b) in die mate benodig deur die administrateur van sodanige wetgewing en goedgekeur deur die LUR wat verantwoordelik is vir die departement
- 35 waarin die sentrum geleë is.
- (2) 'n Provinsiale rampbestuursentrum kan betrokke raak by enige regmatige aktiwiteit in die provinsie, hetsy alleen of saam met enige ander organisasie, wat gemik is op die bevordering van die behoorlike uitoefening van sy bevoegdhede of uitvoering
- 40 van sy pligte.
- (3) 'n Provinsiale rampbestuursentrum oefen sy bevoegdhede uit en voer sy pligte uit—
- (a) binne die nasionale rampbestuursraamwerk en die provinsiale rampbestuursraamwerk bedoel in artikel 28;
- 45 (b) behoudens die beleidsaanwysings van die LUR wat verantwoordelik is vir rampbestuur in die provinsie en wat optree binne die nasionale rampbestuursraamwerk en die provinsiale rampbestuursraamwerk;
- (c) ooreenkomstig die administratiewe opdragte van die hoof van die provinsiale departement waarin hy geleë is; en
- 50 (d) behoudens die Wet op Openbare Finansiële Bestuur, 1999.
- (4) 'n Provinsiale rampbestuursentrum moet oorleg pleeg en sy aktiwiteite koördineer met die Nasionale Sentrum en die munisipale rampbestuursentrums in die provinsie.

### Hoof van provinsiale rampbestuursentrum

31. (1) Die LUR wat verantwoordelik is vir die departement waarin 'n provinsiale rampbestuursentrum geleë is, moet, behoudens subartikel (2) en wetgewing wat die staatsdiens beheer, 'n persoon aanstel as die hoof van die provinsiale rampbestuursentrum.

(2) 'n Persoon wat as die hoof van 'n provinsiale rampbestuursentrum aangestel word, beklee die amp op die bedinge en voorwaardes wat uiteengesit word in 'n geskrewe

60 dienskontrak wat bedinge en voorwaardes moet insluit wat prestasiestandaarde vestig.

(3) Die hoof van 'n provinsiale rampbestuursentrum—



- (a) is responsible for the exercise by the centre of its powers and the performance of its duties; and
  - (b) takes all decisions of the centre in the exercise of its powers and the performance of its duties, except decisions taken by another person in consequence of a delegation by the head of the centre. 5
- (4) The head of a provincial disaster management centre performs the functions of office subject to section 30(3).

#### Assistance to National Centre

32. (1) A provincial disaster management centre must assist the National Centre, at the request of the National Centre, to— 10
- (a) identify and establish communication links with provincial organs of state and other disaster management role-players in the province for the purposes of section 16;
  - (b) develop and maintain the disaster management electronic database envisaged in section 17 in so far as the database applies to the province; and 15
  - (c) develop guidelines in terms of section 19 for the—
    - (i) preparation and regular review of disaster management plans and strategies, including contingency plans and emergency procedures; and
    - (ii) the integration of the concept and principles of disaster management, and particularly prevention and mitigation strategies, with development 20 plans and programmes.
- (2) (a) A provincial disaster management centre may, in writing, request any provincial organ of state or person in possession of information reasonably required by that centre for the purpose of subsection (1)(a) or (b), to provide such information to the centre within a reasonable period determined by the centre. 25
- (b) If a provincial organ of state fails to comply with a request, the provincial disaster management centre must report the failure to the MEC responsible for disaster management in the province, who must take such steps as may be necessary to secure compliance with the request, including reporting the failure to the provincial legislature.

#### Prevention and mitigation 30

33. (1) A provincial disaster management centre, to the extent that it has the capacity, must give guidance to organs of state, the private sector, non-governmental organisations, communities and individuals in the province to assess and prevent or reduce the risk of disasters, including—
- (a) ways and means of— 35
    - (i) determining levels of risk;
    - (ii) assessing the vulnerability of communities and households to disasters that may occur;
    - (iii) increasing the capacity of communities and households to minimise the risk and impact of disasters that may occur; and 40
    - (iv) monitoring the likelihood of, and the state of alertness to, disasters that may occur;
  - (b) the development and implementation of appropriate prevention and mitigation methodologies;
  - (c) the integration of prevention and mitigation methodologies with development 45 plans, programmes and initiatives; and
  - (d) the management of high-risk developments.
- (2) A provincial disaster management centre must promote formal and informal initiatives that encourage risk-avoidance behaviour by organs of state, the private sector, non-governmental organisations, communities and individuals in the province. 50

#### Monitoring, measuring performance and evaluating disaster management plans and prevention, mitigation and response initiatives

34. A provincial disaster management centre must—
- (a) monitor—
    - (i) progress with the preparation and regular updating in terms of sections 55 38, 39, 52 and 53 of disaster management plans and strategies by

- (a) is verantwoordelik vir die uitoefening deur die sentrum van sy bevoegdhede en die uitvoering van sy pligte; en
- (b) neem alle besluite van die sentrum in die uitoefening van sy bevoegdhede en die uitvoering van sy pligte, behalwe besluite wat deur 'n ander persoon
- 5 geneem word uit hoofde van 'n delegering deur die hoof van die sentrum.
- (4) Die hoof van 'n provinsiale rampbestuursentrum verrig die funksies van die amp behoudens artikel 30(3).

### **Bystand aan Nasionale Sentrum**

32. (1) 'n Provinsiale rampbestuursentrum moet, op die versoek van die Nasionale
- 10 Sentrum, die Nasionale Sentrum bystaan om—
- (a) kommunikasieverbindings met provinsiale staatsorgane en ander rampbestuursrolspelers in die provinsie te identifiseer en in te stel vir die doeleindes van artikel 16;
- (b) die elektroniese databasis vir rampbestuur beoog in artikel 17 te ontwikkel en
- 15 in stand te hou namate die databasis op die provinsie van toepassing is; en
- (c) riglyne ingevolge artikel 19 te ontwikkel vir die—
- (i) voorbereiding en gereelde hersiening van rampbestuursplanne en -strategieë, insluitende gebeurlikheidsplanne en noodprosedures; en
- (ii) integrering van die konsep en beginsels van rampbestuur, en in die
- 20 besonder voorkoming- en verligtingstrategieë, by ontwikkelingsplanne en -programme.
- (2) (a) 'n Provinsiale rampbestuursentrum kan 'n provinsiale staatsorgaan of persoon wat in besit is van inligting wat redelikerwys deur daardie sentrum benodig word vir die doeleindes van subartikel (1)(a) of (b), skriftelik versoek om sodanige inligting aan die
- 25 sentrum te voorsien binne 'n redelike tydperk wat deur die sentrum bepaal word.
- (b) Indien 'n provinsiale staatsorgaan versuim om aan 'n versoek te voldoen, moet die provinsiale rampbestuursentrum die versuim rapporteer aan die LUR wat verantwoordelik is vir rampbestuur in die provinsie, wat die stappe moet doen wat nodig is om nakoming van die versoek te verseker, insluitende rapportering van die versuim aan die
- 30 provinsiale wetgewer.

### **Voorkoming en verligting**

33. (1) 'n Provinsiale rampbestuursentrum moet, in die mate wat hy die kapasiteit het, leiding gee aan staatsorgane, die privaatsektor, nie-regeringsorganisasies, gemeenskappe en individue in die provinsie om die risiko van rampe te raam, en te voorkom of
- 35 te verminder, insluitende—
- (a) maniere om—
- (i) vlakke van risiko te bepaal;
- (ii) die kwesbaarheid van gemeenskappe en huishoudings vir rampe wat kan voorkom, te raam;
- 40 (iii) die kapasiteit te verhoog van gemeenskappe en huishoudings om die risiko en gevolge van rampe wat kan voorkom, tot die minimum te beperk; en
- (iv) die waarskynlikheid van, en die stand van gereedheid vir, rampe wat kan voorkom, te monitor;
- 45 (b) die ontwikkeling en implementering van gepaste voorkomings- en verligtingsmetodiek;
- (c) die integrering van voorkomings- en verligtingsmetodiek by ontwikkelingsplanne, -programme en -inisiatiewe; en
- (d) die bestuur van hoë-risiko ontwikkelings.
- 50 (2) 'n Provinsiale rampbestuursentrum moet formele en informele inisiatiewe bevorder wat risikovermydingsgedrag deur staatsorgane, die privaatsektor, nie-regeringsorganisasies, gemeenskappe en individue in die provinsie aanmoedig.

### **Monitering, meting van prestasie en evaluering van rampbestuursplanne en voorkomings-, verligtings- en reaksie-inisiatiewe**

34. 'n Provinsiale rampbestuursentrum moet—
- (a) (i) vordering met die voorbereiding en gereelde opdatering ingevolge artikels 38, 39, 52 en 53 van rampbestuursplanne en -strategieë deur

- provincial and municipal organs of state involved in disaster management in the province;
- (ii) formal and informal prevention, mitigation and response initiatives by provincial and municipal organs of state, the private sector, non-governmental organisations and communities, including the integration of these initiatives with development plans; and
- (iii) the compliance in the province with key performance indicators envisaged by section 7(2)(m); and
- (b) from time to time, measure performance and evaluate such progress and initiatives.

### Disasters occurring or threatening to occur in provinces

- 35.** (1) When a disastrous event occurs or threatens to occur in a province, the disaster management centre of the province concerned must determine whether the event should be regarded as a disaster in terms of this Act, and, if so, the centre must immediately—
- (a) initiate efforts to assess the magnitude and severity or potential magnitude and severity of the disaster;
  - (b) inform the National Centre of the disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of the disaster;
  - (c) alert disaster management role-players in the province that may be of assistance in the circumstances; and
  - (d) initiate the implementation of any contingency plans and emergency procedures that may be applicable in the circumstances.
- (2) When informing the National Centre in terms of subsection (1)(b), the provincial disaster management centre may make such recommendations regarding the classification of the disaster as may be appropriate.

### Annual reports

- 36.** (1) The disaster management centre of a province must submit a report annually to the MEC responsible for the provincial department in which the centre is located, on—
- (a) its activities during the year;
  - (b) the results of the centre's monitoring of prevention and mitigation initiatives;
  - (c) disasters that occurred during the year in the province;
  - (d) the classification, magnitude and severity of these disasters;
  - (e) the effects they had;
  - (f) particular problems that were experienced—
    - (i) in dealing with these disasters; and
    - (ii) generally in implementing this Act and the national disaster management framework;
  - (g) the way in which these problems were addressed and any recommendations the centre wishes to make in this regard;
  - (h) progress with the preparation and regular updating in terms of sections 38 and 39 of disaster management plans and strategies by provincial organs of state involved in disaster management in the province; and
  - (i) an evaluation of the implementation of such plans.
- (2) The MEC must submit the report to the provincial legislature within 30 days after receipt of the report from the provincial disaster management centre.
- (3) The provincial disaster management centre must, at the same time that its report is submitted to the relevant MEC in terms of subsection (1), submit a copy of that report to the National Centre and to each municipal disaster management centre in the province.

## Part 3: Powers and duties of provincial government

### Provincial disaster management advisory forum

- 37.** (1) The MEC responsible for disaster management in a province may establish a provincial disaster management advisory forum consisting of—

provinsiale en munisipale staatsorgane wat by rampbestuur in die provinsie betrokke is, moniteer;

- (ii) formele en informele voorkomings-, verligtings- en reaksie-inisiatiewe deur provinsiale en munisipale staatsorgane, die privaatsektor, neregierungsorganisasies en gemeenskappe moniteer, insluitende die integrering van hierdie inisiatiewe by ontwikkelingsplanne; en
- (iii) die voldoening in die provinsie aan sleutelprestasië-aanwysers beoog in artikel 7(2)(m) moniteer; en
- (b) van tyd tot tyd, prestasie meet en sodanige vordering en inisiatiewe evalueer.

## 10 Rampe wat plaasvind of dreig om plaas te vind in provinsies

35. (1) Wanneer 'n rampspoedige gebeurtenis plaasvind of dreig om plaas te vind in 'n provinsie, moet die rampbestuursentrum van die betrokke provinsie vasstel of die gebeurtenis as 'n ramp ingevolge hierdie Wet beskou behoort te word, en, indien wel, moet die sentrum onmiddellik—

- 15 (a) stappe inisieer om die omvang en felheid of potensiele omvang en felheid van die ramp te raam;
- (b) die Nasionale Sentrum in kennis stel van die ramp en sy aanvanklike beraming van die omvang en felheid of potensiele omvang en felheid van die ramp;
- 20 (c) rampbestuursrolspelers in die provinsie wat onder die omstandighede van hulp mag wees, waarsku; en
- (d) die implementering inisieer van enige gebeurlikheidsplanne en noodprosedures wat onder die omstandighede van toepassing mag wees.

(2) Wanneer die Nasionale Sentrum ingevolge subartikel (1)(b) in kennis gestel word, 25 kan die provinsiale rampbestuursentrum die aanbevelings doen met betrekking tot die klassifisering van die ramp wat gepas mag wees.

## Jaarverslae

36. (1) Die rampbestuursentrum van 'n provinsie moet jaarliks 'n verslag voorlê aan die LUR wat verantwoordelik is vir die provinsiale departement waarin die sentrum 30 geleë is, oor—

- (a) sy aktiwiteite gedurende die jaar;
- (b) die resultate van die sentrum se monitering van voorkomings- en verligtings-inisiatiewe;
- (c) rampe wat gedurende die jaar in die provinsie voorgekom het;
- 35 (d) die klassifisering, omvang en felheid van hierdie rampe;
- (e) die gevolge wat hulle gehad het;
- (f) besondere probleme wat ervaar is—
- (i) met die hantering van hierdie rampe; en
- (ii) in die algemeen met die implementering van hierdie Wet en die nasionale 40 rampbestuursraamwerk;
- (g) die wyse waarop hierdie probleme aangespreek is en enige aanbevelings wat die sentrum graag in hierdie verband wil doen;
- (h) vordering met die voorbereiding en gereelde opdatering ingevolge artikels 38 en 39 van rampbestuursplanne en -strategieë deur provinsiale staatsorgane 45 wat by rampbestuur in die provinsie betrokke is; en
- (i) 'n evaluering van die implementering van sodanige planne.

(2) Die LUR moet die verslag aan die provinsiale wetgewer voorlê binne 30 dae na ontvangs van die verslag van die provinsiale rampbestuursentrum.

(3) Die provinsiale rampbestuursentrum moet op dieselfde tyd as wat sy verslag 50 ingevolge subartikel (1) aan die relevante LUR voorgelê word, 'n afskrif van daardie verslag aan die Nasionale Sentrum en aan elke munisipale rampbestuursentrum in die provinsie voorlê.

## Deel 3: Bevoegdhede en pligte van provinsiale regering

### Provinsiale rampbestuursadviesforum

55 37. (1) Die LUR wat verantwoordelik is vir rampbestuur in 'n provinsie kan 'n provinsiale rampbestuursadviesforum instel wat bestaan uit—

- (a) the head of the provincial disaster management centre;
  - (b) a senior representative of each provincial department designated by the Premier of the province concerned;
  - (c) the heads of the respective municipal disaster management centres in the province; 5
  - (d) representatives of organised local government in the province;
  - (e) representatives of other disaster management role-players in the province designated by the MEC, which may include—
    - (i) organised business in the province;
    - (ii) representatives of mines in the province; 10
    - (iii) organised labour in the province;
    - (iv) organised agriculture in the province;
    - (v) traditional leaders;
    - (vi) the insurance industry in the province;
    - (vii) religious and welfare organisations in the province; 15
    - (viii) medical, paramedical and hospital organisations in the province;
    - (ix) other relevant non-governmental organisations and relief agencies in the province;
    - (x) institutions of higher education in the province;
    - (xi) institutions that can provide scientific and technological advice or support to disaster management; 20
  - (f) experts in disaster management designated by the MEC; and
  - (g) persons co-opted by the forum in question for a specific period or specific discussion.
- (2) A forum envisaged by subsection (1) is a body in which a provincial government 25 and relevant disaster management role-players in the province consult one another and co-ordinate their actions on matters relating to disaster management in the province.

### Preparation of disaster management plans

38. (1) Each provincial organ of state indicated in the national or provincial disaster management framework must, within the applicable provincial disaster management 30 framework—

- (a) prepare a disaster management plan setting out—
    - (i) the way in which the concept and principles of disaster management are to be applied in its functional area;
    - (ii) its role and responsibilities in terms of the national or provincial disaster 35 management framework;
    - (iii) its role and responsibilities regarding emergency response and post-disaster recovery and rehabilitation;
    - (iv) its capacity to fulfil its role and responsibilities;
    - (v) particulars of its disaster management strategies; and 40
    - (vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies;
  - (b) co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players; and
  - (c) regularly review and update its plan. 45
- (2) The disaster management plan of a provincial organ of state referred to in subsection (1) must form an integral part of its planning.
- (3) (a) A provincial organ of state must submit a copy of its disaster management plan and of any amendment to the plan to the National Centre and the relevant provincial disaster management centre. 50
- (b) If a provincial organ of state fails to submit a copy of its disaster management plan or of any amendment to the plan in terms of paragraph (a), the National Centre or relevant provincial disaster management centre must report the failure to the MEC responsible for disaster management in the province, who must take such steps as may be necessary to secure compliance with that paragraph, including reporting the failure to 55 the provincial legislature.

### Disaster management plans for provinces

39. (1) Each province must—



- (a) die hoof van die provinsiale rampbestuursentrum;
  - (b) 'n senior verteenwoordiger van elke provinsiale departement wat deur die Premier van die betrokke provinsie aangewys word;
  - (c) die hoofde van die onderskeie munisipale rampbestuursentrums in die provinsie;
  - (d) verteenwoordigers van georganiseerde plaaslike regering in die provinsie;
  - (e) verteenwoordigers van ander rampbestuursrolspelers in die provinsie wat deur die LUR aangewys word, wat kan insluit—
    - (i) georganiseerde besigheid in die provinsie;
    - (ii) verteenwoordigers van myne in die provinsie;
    - (iii) georganiseerde arbeid in die provinsie;
    - (iv) georganiseerde landbou in die provinsie;
    - (v) tradisionele leiers;
    - (vi) die versekeringsbedryf in die provinsie;
    - (vii) godsdiens- en welsynsorganisasies in die provinsie;
    - (viii) mediese, para-mediese en hospitaalorganisasies in die provinsie;
    - (ix) ander relevante nie-regeringsorganisasies en noodlenigingsagentskappe in die provinsie;
    - (x) inrigtings van hoër onderwys in die provinsie;
    - (xi) instellings wat wetenskaplike en tegnologiese advies of ondersteuning aan rampbestuur kan verleen;
  - (f) deskundiges in rampbestuur wat deur die LUR aangewys word; en
  - (g) persone wat deur die betrokke forum gekoöpteer word vir 'n spesifieke tydperk of spesifieke besprekings.
- 25 (2) 'n Forum beoog in subartikel (1) is 'n liggaam waarin 'n provinsiale regering en relevante rampbestuursrolspelers in die provinsie met mekaar oorleg pleeg, en hulle optrede koördineer aangaande aangeleenthede wat op rampbestuur in die provinsie betrekking het.

#### Voorbereiding van rampbestuursplanne

- 30 **38.** (1) Elke provinsiale staatsorgaan wat in die nasionale of provinsiale rampbestuursraamwerk aangedui word, moet, binne die toepaslike provinsiale rampbestuursraamwerk—
- (a) 'n rampbestuursplan voorberei wat 'n uiteensetting gee van—
    - (i) die manier waarop die konsep en beginsels van rampbestuur in sy funksionele gebied toegepas staan te word;
    - (ii) sy rol en verantwoordelikhede ingevolge die nasionale of provinsiale rampbestuursraamwerk;
    - (iii) sy rol en verantwoordelikhede betreffende noodreaksie en na-ramp herstel en rehabilitasie;
    - (iv) sy kapasiteit om sy rol en verantwoordelikhede te vervul;
    - (v) besonderhede van sy rampbestuurstrategieë; en
    - (vi) gebeurlikheidsstrategieë en noodprosedures in geval van 'n ramp, insluitende maatreëls om hierdie strategieë te finansier;
  - (b) die implementering van sy plan koördineer en inskakel by dié van ander staatsorgane en institusionele rolspelers; en
  - (c) sy plan gereeld hersien en opdateer.
- (2) Die rampbestuursplan van 'n provinsiale staatsorgaan bedoel in subartikel (1), moet 'n integrerende deel uitmaak van sy beplanning.
- (3) (a) 'n Provinsiale staatsorgaan moet 'n afskrif van sy rampbestuursplan en van enige wysiging van die plan aan die Nasionale Sentrum en die relevante provinsiale rampbestuursentrum voorlê.
- (b) Indien 'n provinsiale staatsorgaan versuim om 'n afskrif van sy rampbestuursplan of van enige wysiging van die plan ingevolge paragraaf (a) voor te lê, moet die Nasionale Sentrum of die relevante provinsiale rampbestuursentrum die versuim rapporteer aan die LUR wat vir rampbestuur in die provinsie verantwoordelik is, wat die stappe moet doen wat nodig is om nakoming van daardie paragraaf te verseker, insluitende rapportering van die versuim aan die provinsiale wetgewer.

#### Rampbestuursplanne vir provinsies

39. (1) Elke provinsie moet—

- (a) prepare a disaster management plan for the province as a whole;
- (b) co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players; and
- (c) regularly review and update its plan.
- (2) A disaster management plan for a province must— 5
  - (a) form an integral part of development planning in the province;
  - (b) anticipate the types of disaster that are likely to occur in the province and their possible effects;
  - (c) guide the development of measures that reduce the vulnerability of disaster-prone areas, communities and households; 10
  - (d) seek to develop a system of incentives that will promote disaster management in the province;
  - (e) identify the areas or communities at risk;
  - (f) take into account indigenous knowledge relating to disaster management;
  - (g) promote disaster management research; 15
  - (h) identify and address weaknesses in capacity to deal with possible disasters;
  - (i) provide for appropriate prevention and mitigation strategies;
  - (j) facilitate maximum emergency preparedness; and
  - (k) contain contingency plans and emergency procedures in the event of a disaster, providing for— 20
    - (i) the allocation of responsibilities to the various role-players and co-ordination in the carrying out of those responsibilities;
    - (ii) prompt disaster response and relief;
    - (iii) the procurement of essential goods and services;
    - (iv) the establishment of strategic communication links; 25
    - (v) the dissemination of information; and
    - (vi) other matters that may be prescribed.
- (3) Municipal organs of state in the province, to the extent required by the province, may be requested to co-operate with the province in preparing a disaster management plan for the province. 30
- (4) A province must submit a copy of its disaster management plan, and of any amendment to the plan, to the National Centre and each municipal disaster management centre in the province.

### Responsibilities in event of provincial disaster

- 40. (1) The executive of a province is primarily responsible for the co-ordination and management of provincial disasters that occur in the province, irrespective of whether a provincial state of disaster has been declared in terms of section 41. 35
- (2) The provincial executive must deal with a provincial disaster—
  - (a) in terms of existing legislation and contingency arrangements, if a provincial state of disaster has not been declared in terms of section 41(1); or 40
  - (b) in terms of existing legislation and contingency arrangements as augmented by regulations or directions made or issued in terms of section 41(2), if a provincial state of disaster has been declared.
- (3) This section does not preclude a national or municipal organ of state from providing assistance to a provincial executive to deal with a provincial disaster and its consequences. 45

### Declaration of provincial state of disaster

- 41. (1) In the event of a provincial disaster, the Premier of a province, after consultation with the other MECs, may, by notice in the provincial gazette, declare a provincial state of disaster if— 50
  - (a) existing legislation and contingency arrangements do not adequately provide for the provincial executive to deal effectively with the disaster; or
  - (b) other special circumstances warrant the declaration of a provincial state of disaster.
- (2) If a provincial state of disaster has been declared in terms of subsection (1), the Premier of the province concerned may, subject to subsection (3), make regulations or issue directions or authorise the issue of directions concerning— 55

- (a) 'n rampbestuursplan vir die provinsie as geheel voorberei;
  - (b) die implementering van sy plan koördineer met en inskakel by dié van ander staatsorgane en institusionele rolspelers; en
  - (c) sy plan gereeld hersien en opdateer.
- 5 (2) 'n Rampbestuursplan vir 'n provinsie moet—
- (a) 'n integrerende deel uitmaak van ontwikkelingsbeplanning in die provinsie;
  - (b) die soorte rampe wat waarskynlik in die provinsie sal voorkom, en hulle moontlike gevolge, antisipeer;
  - (c) die ontwikkeling rig van maatreëls wat die kwesbaarheid van tot ramp geneigde gebiede, gemeenskappe en huishoudings verminder;
  - 10 (d) daarna streef om 'n stelsel van aansporing te ontwikkel wat rampbestuur in die provinsie sal bevorder;
  - (e) die gebiede of gemeenskappe wat in gevaar is, identifiseer;
  - (f) inheemse kennis met betrekking tot rampbestuur in ag neem;
  - 15 (g) navorsing oor rampbestuur bevorder;
  - (h) swak plekke in die kapasiteit om met moontlike rampe te handel, identifiseer en aanspreek;
  - (i) vir gepaste voorkoming- en verligtingstrategieë voorsiening maak;
  - (j) maksimum noodgereedheid fasiliteer; en
  - 20 (k) gebeurlikheidsplanne en noodprosedures bevat wat in geval van 'n ramp voorsiening maak vir—
    - (i) die toewysing van verantwoordelikhede aan die onderskeie rolspelers, en koördinerende by die uitvoering van daardie verantwoordelikhede;
    - (ii) spoedige rampreaksie en noodleniging;
    - 25 (iii) die verkryging van noodsaaklike goedere en dienste;
    - (iv) die vestiging van strategiese kommunikasieverbindings;
    - (v) die verspreiding van inligting; en
    - (vi) ander aangeleenthede wat voorgeskryf kan word.
- (3) Munisipale staatsorgane in die provinsie kan, in die mate deur die provinsie 30 benodig, versoek word om saam te werk met die provinsie by die voorbereiding van 'n rampbestuursplan vir die provinsie.
- (4) 'n Provinsie moet 'n afskrif van sy rampbestuursplan, en van enige wysiging van die plan, aan die Nasionale Sentrum en elke munisipale rampbestuursentrum in die provinsie voorlê.

### 35 Verantwoordelikhede in geval van provinsiale ramp

40. (1) Die uitvoerende gesag van 'n provinsie is primêr verantwoordelik vir die koördinerende en bestuur van provinsiale rampe wat in die provinsie voorkom, ongeag of 'n provinsiale ramptoestand verklaar is ingevolge artikel 41.
- (2) Die provinsiale uitvoerende gesag moet handel met 'n provinsiale ramp—
- 40 (a) ingevolge bestaande wetgewing en gebeurlikheidsmaatreëls indien 'n provinsiale ramptoestand nie verklaar is ingevolge artikel 41(1) nie; of
  - (b) ingevolge bestaande wetgewing en gebeurlikheidsmaatreëls, soos uitgebreide regulasies of aanwysings wat ingevolge artikel 41(2) uitgevaardig of uitgereik is, indien 'n provinsiale ramptoestand verklaar is.
- 45 (3) Hierdie artikel verhoed nie 'n nasionale of munisipale staatsorgaan om bystand aan 'n provinsiale uitvoerende gesag te verleen om met 'n provinsiale ramp en sy gevolge te handel nie.

### Verklaring van provinsiale ramptoestand

41. (1) In geval van 'n provinsiale ramp kan die Premier van 'n provinsie, na oorleg 50 met die ander LUR'e, by kennisgewing in die provinsiale koerant 'n provinsiale ramptoestand verklaar indien—
- (a) bestaande wetgewing en gebeurlikheidsmaatreëls nie genoegsaam voorsiening maak vir die provinsiale uitvoerende gesag om effektief met die ramp te handel nie; of
  - 55 (b) ander besondere omstandighede die verklaring van 'n provinsiale ramptoestand regverdig.
- (2) Indien 'n provinsiale ramptoestand verklaar is ingevolge subartikel (1) kan die Premier van die betrokke provinsie, behoudens subartikel (3), regulasies uitgevaardig of aanwysings uitreik, of die uitreik van aanwysings magtig rakende—

- (a) the release of any available resources of the provincial government, including stores, equipment, vehicles and facilities;
  - (b) the release of personnel of a provincial organ of state for the rendering of emergency services;
  - (c) the implementation of all or any of the provisions of a provincial disaster management plan that are applicable in the circumstances; 5
  - (d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life;
  - (e) the regulation of traffic to, from or within the disaster-stricken or threatened area; 10
  - (f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;
  - (g) the control and occupancy of premises in the disaster-stricken or threatened area; 15
  - (h) the provision, control or use of temporary emergency accommodation;
  - (i) the suspension or limiting of the sale, dispensing or transportation of alcoholic beverages in the disaster-stricken or threatened area;
  - (j) the maintenance or installation of temporary lines of communication to, from or within the disaster area; 20
  - (k) the dissemination of information required for dealing with the disaster;
  - (l) emergency procurement procedures;
  - (m) the facilitation of response and post-disaster recovery and rehabilitation;
  - (n) steps to facilitate international assistance; or
  - (o) other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster. 25
- (3) The powers referred to in subsection (2) may be exercised only to the extent that this is necessary for the purpose of—
- (a) assisting and protecting the public;
  - (b) providing relief to the public; 30
  - (c) protecting property;
  - (d) preventing or combating disruption; or
  - (e) dealing with the destructive and other effects of the disaster.
- (4) Regulations made in terms of subsection (2) may include regulations prescribing penalties for any contravention of the regulations. 35
- (5) A provincial state of disaster that has been declared in terms of subsection (1)—
- (a) lapses three months after it has so been declared;
  - (b) may be terminated by the Premier by notice in the provincial gazette before it lapses in terms of paragraph (a); and
  - (c) may be extended by the Premier by notice in the provincial gazette for one month at a time before it lapses in terms of paragraph (a) or the existing extension is due to expire. 40

## CHAPTER 5

### MUNICIPAL DISASTER MANAGEMENT

#### *Part 1: Municipal disaster management framework*

45

#### **Municipal disaster management framework**

42. (1) Each metropolitan and each district municipality must establish and implement a framework for disaster management in the municipality aimed at ensuring an integrated and uniform approach to disaster management in its area by—
- (a) the municipality and statutory functionaries of the municipality, including, in the case of a district municipality, the local municipalities and statutory functionaries of the local municipalities in its area; 50
  - (b) all municipal entities operating in its area;
  - (c) all non-governmental institutions involved in disaster management in its area; and 55
  - (d) the private sector.
- (2) A district municipality must establish its disaster management framework after consultation with the local municipalities in its area.

- (a) die vrystelling van enige beskikbare hulpbronne van die provinsiale regering, insluitende voorraad, toerusting, voertuie en fasiliteite;
  - (b) die vrystelling van personeel van 'n provinsiale staatsorgaan vir die lewering van nooddienste;
  - 5 (c) die implementering van alle of enige van die bepalings van 'n provinsiale rampbestuursplan wat in die omstandighede van toepassing is;
  - (d) die ontruiming na tydelike skuilings van die hele of 'n gedeelte van die bevolking van die rampgeteisterde of bedreigde gebied indien sodanige optrede nodig is vir die behoud van lewens;
  - 10 (e) die regulering van verkeer na, van of binne die rampgeteisterde of bedreigde gebied;
  - (f) die regulering van die beweging van persone en goedere na, van of binne die rampgeteisterde of bedreigde gebied;
  - (g) die beheer en besetting van persele in die rampgeteisterde of bedreigde gebied;
  - 15 (h) die voorsiening, beheer of gebruik van tydelike noodhuisvesting;
  - (i) die opskorting of beperking van die verkoop, verspreiding of vervoer van alkoholiese drank in die rampgeteisterde of bedreigde gebied;
  - (j) die instandhouding of installering van tydelike kommunikasieverbindings na, van of binne die rampgebied;
  - 20 (k) die verspreiding van inligting wat vir hantering van die ramp benodig word;
  - (l) noodverkrygingsprosedures;
  - (m) die fasilitering van reaksie en na-ramp herstel en rehabilitasie;
  - (n) stappe om internasionale bystand te fasiliteer; of
  - 25 (o) ander stappe wat nodig is om 'n eskalasie van die ramp te voorkom, of om die gevolge van die ramp te verlig, in toom te hou en tot die minimum te beperk.
- (3) Die bevoegdhede bedoel in subartikel (2) kan slegs uitgeoefen word tot die mate wat dit nodig is vir die doeleindes van—
- (a) bystand aan, en beskerming van, die publiek;
  - 30 (b) voorsiening van noodleniging aan die publiek;
  - (c) beskerming van eiendom;
  - (d) voorkoming of bestryding van ontwigting; of
  - (e) die hantering van die vernietigende en ander gevolge van die ramp.
- (4) Regulasies ingevolge subartikel (2) uitgevaardig, kan regulasies insluit wat
- 35 strawwe voorskryf vir 'n oortreding van die regulasies.
- (5) 'n Provinsiale ramptoestand wat ingevolge subartikel (1) verklaar is—
- (a) verval drie maande nadat dit aldus verklaar is;
  - (b) kan deur die Premier, by kennisgewing in die provinsiale koerant, beëindig word voordat dit verval ingevolge paragraaf (a); en
  - 40 (c) kan deur die Premier, by kennisgewing in die provinsiale koerant, verleng word vir een maand op 'n keer voordat dit ingevolge paragraaf (a) verval, of die bestaande verlenging verstryk.

## HOOFSTUK 5

### MUNISIPALE RAMPBESTUUR

#### 45 *Deel 1: Munisipale rampbestuursraamwerk*

#### **Munisipale rampbestuursraamwerk**

42. (1) Elke metropolitaanse en elke distriksmunisipaliteit moet 'n raamwerk vir rampbestuur in die munisipaliteit instel en implementeer, wat ten doel het om 'n geïntegreerde en eenvormige benadering tot rampbestuur in sy gebied te verseker
- 50 deur—
- (a) die munisipaliteit en statutêre funksionaris van die munisipaliteit, wat, in die geval van 'n distriksmunisipaliteit, die plaaslike munisipaliteite en statutêre funksionaris van die plaaslike munisipaliteite in sy gebied insluit;
  - (b) alle munisipale entiteite wat werksaam is in sy gebied;
  - 55 (c) alle nie-regeringsinstellings wat by rampbestuur in sy gebied betrokke is; en
  - (d) die privaatsektor.
- (2) 'n Distriksmunisipaliteit moet sy rampbestuursraamwerk instel na oorleg met die plaaslike munisipaliteite in sy gebied.



(3) A municipal disaster management framework must be consistent with the provisions of this Act, the national disaster management framework and the disaster management framework of the province concerned.

## *Part 2: Municipal disaster management centres*

### **Establishment**

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**43.** (1) Each metropolitan and each district municipality must establish in its administration a disaster management centre for its municipal area.

(2) A district municipality—

(a) must establish its disaster management centre after consultation with the local municipalities within its area; and

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(b) may operate such centre in partnership with those local municipalities.

### **Powers and duties**

**44.** (1) A municipal disaster management centre—

(a) must specialise in issues concerning disasters and disaster management in the municipal area;

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(b) must promote an integrated and co-ordinated approach to disaster management in the municipal area, with special emphasis on prevention and mitigation, by—

(i) departments and other internal units within the administration of the municipality, and, in the case of a district municipality, also by departments and other internal units within the administration of the local municipalities in the area of the district municipality;

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(ii) all municipal entities operating in the municipal area; and

(iii) other role-players involved in disaster management in the municipal area;

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(c) must act as a repository of, and conduit for, information concerning disasters, impending disasters and disaster management in the municipal area;

(d) may act as an advisory and consultative body on issues concerning disasters and disaster management in the municipal area for—

(i) organs of state and statutory functionaries;

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(ii) the private sector and non-governmental organisations; and

(iii) communities and individuals;

(e) must make recommendations regarding the funding of disaster management in the municipal area, and initiate and facilitate efforts to make such funding available;

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(f) may make recommendations to any relevant organ of state or statutory functionary—

(i) on draft legislation affecting this Act, the national disaster management framework or any other disaster management issue;

(ii) on the alignment of municipal legislation with this Act, the national disaster management framework and the relevant provincial disaster management framework; or

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(iii) in the event of a local disaster, on whether a local state of disaster should be declared in terms of section 55;

(g) must promote the recruitment, training and participation of volunteers in disaster management in the municipal area;

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(h) must promote disaster management capacity building, training and education, including in schools, in the municipal area;

(i) may promote research into all aspects of disaster management in the municipal area;

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(j) may give advice and guidance by disseminating information regarding disaster management in the municipal area, especially to communities that are vulnerable to disasters;

(k) may exercise any powers and must perform any duties delegated and assigned to it in terms of section 14; and

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(l) may assist in the implementation of legislation referred to in section 2(1)(b) to the extent required by the administrator of such legislation and approved by the municipal council.

(3) 'n Munisipale rampbestuursraamwerk moet in ooreenstemming met die bepalings van hierdie Wet, die nasionale rampbestuursraamwerk en die rampbestuursraamwerk van die betrokke provinsie wees.

## *Deel 2: Munisipale rampbestuursentrums*

### **5 Instelling**

43. (1) Elke metropolitaanse en elke distriksmunisipaliteit moet in sy administrasie 'n rampbestuursentrum vir sy munisipale gebied instel.

(2) 'n Distriksmunisipaliteit—

- (a) moet sy rampbestuursentrum instel na oorleg met die plaaslike munisipaliteite in sy gebied; en
- (b) kan sodanige sentrum in vennootskap met daardie plaaslike munisipaliteite bedryf.

### **Bevoegdhede en pligte**

44. (1) 'n Munisipale rampbestuursentrum—

- (a) moet spesialiseer in kwessies rakende rampe en rampbestuur in die munisipale gebied;
- (b) moet 'n geïntegreerde en gekoördineerde benadering tot rampbestuur in die munisipale gebied bevorder, met besondere klem op voorkoming en verligting, deur—
  - (i) departemente en ander interne eenhede binne die administrasie van die munisipaliteit, en, in die geval van 'n distriksmunisipaliteit, ook deur departemente en ander interne eenhede binne die administrasie van die plaaslike munisipaliteite in die gebied van die distriksmunisipaliteit;
  - (ii) alle munisipale entiteite wat werksaam is in die munisipale gebied; en
  - (iii) ander rolspelers wat by rampbestuur in die munisipale gebied betrokke is;
- (c) moet optree as 'n bewaarplek en geleier van inligting rakende rampe, dreigende rampe en rampbestuur in die munisipale gebied;
- (d) kan optree as 'n advies- en raadplegende liggaam oor kwessies rakende rampe en rampbestuur in die munisipale gebied vir—
  - (i) staatsorgane en statutêre funksionaries;
  - (ii) die privaatsektor en nie-regeringsorganisasies; en
  - (iii) gemeenskappe en individue;
- (e) moet aanbevelings doen met betrekking tot die befondsing van rampbestuur in die munisipale gebied, en pogings om sodanige befondsing beskikbaar te stel, inisieer en fasiliteer;
- (f) kan aanbevelings doen aan enige relevante staatsorgaan of statutêre funksionaris—
  - (i) oor konsepwetgewing wat hierdie Wet, die nasionale rampbestuursraamwerk of enige ander rampbestuurskwessie raak;
  - (ii) oor die inskakeling van munisipale wetgewing by hierdie Wet, die nasionale rampbestuursraamwerk en die relevante provinsiale rampbestuursraamwerk; of
  - (iii) in geval van 'n plaaslike ramp, oor of 'n plaaslike ramptoestand verklaar behoort te word ingevolge artikel 55;
- (g) moet die werwing, opleiding en deelname van vrywilligers in rampbestuur in die munisipale gebied bevorder;
- (h) moet kapasiteitsbou, opleiding en opvoeding vir rampbestuur, ook in skole, in die munisipale gebied bevorder;
- (i) kan navorsing oor alle aspekte van rampbestuur in die munisipale gebied bevorder;
- (j) kan advies en leiding gee deur inligting te versprei rakende rampbestuur in die munisipale gebied, veral aan gemeenskappe wat kwesbaar is vir rampe;
- (k) kan enige bevoegdhede uitoefen en moet enige pligte uitvoer wat aan hom ingevolge artikel 14 gedelegeer en opgedra word; en
- (l) kan hulp verleen by die implementering van wetgewing bedoel in artikel 2(1)(b) in die mate benodig deur die administrateur van sodanige wetgewing en goedgekeur deur die munisipale raad.

(2) A municipal disaster management centre may engage in any lawful activity in the municipal area, whether alone or together with any other organisation, aimed at promoting the effective exercise of its powers and performance of its duties.

(3) A municipal disaster management centre must exercise its powers and perform its duties—

- (a) within the national disaster management framework, the disaster management framework of the province concerned and the disaster management framework of its municipality;
- (b) subject to the municipality's integrated development plan and other directions of the municipal council acting within the national disaster management framework, the disaster management framework of the province concerned and the disaster management framework of that municipality; and
- (c) in accordance with the administrative instructions of the municipal manager.

(4) A municipal disaster management centre must liaise and co-ordinate its activities with the National Centre and the relevant provincial disaster management centre.

#### **Head of municipal disaster management centre**

45. (1) A municipal council must, subject to the applicable provisions of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), appoint a person as head of its municipal disaster management centre.

(2) The head of a municipal disaster management centre—

- (a) is responsible for the exercise by the centre of its powers and the performance of its duties; and
- (b) in accordance with the directions of the council, takes all decisions of the centre in the exercise of its powers and the performance of its duties, except decisions taken by another person in consequence of a delegation by the head of the centre.

(3) The head of a municipal disaster management centre performs the functions of office subject to section 44(3).

#### **Assistance to National Centre and provincial disaster management centre**

46. (1) A municipal disaster management centre must assist the National Centre and the relevant provincial disaster management centre at that centre's request to—

- (a) identify and establish communication links with disaster management role-players in the municipal area for the purposes of section 16;
- (b) develop and maintain the disaster management electronic database envisaged in section 17 in so far as the database applies to the municipality; and
- (c) develop guidelines in terms of section 19 for the—
  - (i) preparation and regular review of disaster management plans and strategies, including contingency plans and emergency procedures; and
  - (ii) the integration of the concept and principles of disaster management, and particularly prevention and mitigation strategies, with development plans and programmes.

(2) (a) A municipal disaster management centre may, in writing, request any municipal organ of state or person in possession of information reasonably required by that centre for the purpose of subsection (1)(a) or (b), to provide such information to the centre within a reasonable period determined by the centre.

(b) If a municipal organ of state fails to comply with a request, the municipal disaster management centre must report the failure to the executive mayor or mayor, as the case may be, of that municipality, who must take such steps as may be necessary to secure compliance with the request, including reporting the failure to the municipal council.

#### **Prevention and mitigation**

47. (1) A municipal disaster management centre, to the extent that it has the capacity, must give guidance to organs of state, the private sector, non-governmental organisations, communities and individuals in the municipal area to assess and prevent or reduce the risk of disasters, including—

- (a) ways and means of—

(2) 'n Munisipale rampbestuursentrum kan betrokke raak by enige regmatige aktiwiteit in die munisipale gebied, hetsy alleen of saam met enige ander organisasie, wat gemik is op die bevordering van die behoorlike uitoefening van sy bevoegdhe en uitvoering van sy pligte.

5 (3) 'n Munisipale rampbestuursentrum oefen sy bevoegdhe uit en voer sy pligte uit—

- (a) binne die nasionale rampbestuursraamwerk, die rampbestuursraamwerk van die betrokke provinsie en die rampbestuursraamwerk van sy munisipaliteit;
  - 10 (b) behoudens die munisipaliteit se geïntegreerde ontwikkelingsplan en ander aanwysings van die munisipale raad wat optree binne die nasionale rampbestuursraamwerk, die rampbestuursraamwerk van die betrokke provinsie en die rampbestuursraamwerk van daardie munisipaliteit; en
  - (c) ooreenkomstig die administratiewe opdragte van die munisipale bestuurder.
- (4) 'n Munisipale rampbestuursentrum moet oorleg pleeg en sy aktiwiteite koördineer met die Nasionale Sentrum en die relevante provinsiale rampbestuursentrum.
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### Hoof van munisipale rampbestuursentrum

45. (1) 'n Munisipale raad moet, behoudens die toepaslike bepalings van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), 'n persoon aanstel as die hoof van sy munisipale rampbestuursentrum.

20 (2) Die hoof van 'n munisipale rampbestuursentrum—

- (a) is verantwoordelik vir die uitoefening deur die sentrum van sy bevoegdhe en die verrigting van sy pligte; en
- (b) neem, ooreenkomstig die aanwysings van die raad, alle besluite van die sentrum in die uitoefening van sy bevoegdhe en die uitvoering van sy pligte,
- 25 behalwe besluite wat deur 'n ander persoon geneem word uit hoofde van 'n delegasie deur die hoof van die sentrum.

(3) Die hoof van 'n munisipale rampbestuursentrum verrig die funksies van die amp behoudens artikel 44(3).

### Bystand aan Nasionale Sentrum en provinsiale rampbestuursentrum

30 46. (1) 'n Munisipale rampbestuursentrum moet die Nasionale Sentrum en die relevante provinsiale rampbestuursentrum, op daardie sentrum se versoek, bystaan om—

- (a) kommunikasieverbindings met rampbestuursrolspelers in die munisipale gebied te identifiseer en in te stel vir die doeleindes van artikel 16;
- 35 (b) die elektroniese databasis vir rampbestuur beoog in artikel 17 te ontwikkel en in stand te hou namate die databasis op die munisipaliteit van toepassing is; en
- (c) riglyne ingevolge artikel 19 te ontwikkel vir die—
  - (i) voorbereiding en gereelde hersiening van rampbestuursplanne en -strategieë, insluitende gebeurlikheidsplanne en noodprosedures; en
  - 40 (ii) integrering van die konsep en beginsels van rampbestuur, en in die besonder voorkoming- en verligtingstrategieë, met ontwikkelingsplanne en -programme.

(2) (a) 'n Munisipale rampbestuursentrum kan 'n munisipale staatsorgaan of persoon wat in besit is van inligting wat redelikerwys deur daardie sentrum benodig word vir die doeleindes van subartikel (1)(a) of (b), skriftelik versoek om sodanige inligting aan die sentrum te voorsien binne 'n redelike tydperk wat deur die sentrum bepaal word.

(b) Indien 'n munisipale staatsorgaan versuim om aan 'n versoek te voldoen, moet die munisipale rampbestuursentrum die versuim rapporteer aan die uitvoerende burgemeester of burgemeester, na gelang van die geval, van daardie munisipaliteit, wat die stappe moet doen wat nodig is om nakoming van die versoek te verseker, insluitende rapportering van die versuim aan die munisipale raad.

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### Voorkoming en verligting

47. (1) 'n Munisipale rampbestuursentrum moet, in die mate wat hy die kapasiteit het, leiding gee aan staatsorgane, die privaatsektor, nie-regeringsorganisasies, gemeenskappe en individue in die munisipale gebied om die risiko van rampe te raam, en te voorkom of te verminder, insluitende—

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- (a) maniere om—

- (i) determining levels of risk;
  - (ii) assessing the vulnerability of communities and households to disasters that may occur;
  - (iii) increasing the capacity of communities and households to minimise the risk and impact of disasters that may occur; and 5
  - (iv) monitoring the likelihood of, and the state of alertness to, disasters that may occur;
  - (b) the development and implementation of appropriate prevention and mitigation methodologies;
  - (c) the integration of prevention and mitigation methodologies with development plans, programmes and initiatives; and 10
  - (d) the management of high-risk developments.
- (2) A municipal disaster management centre must promote formal and informal initiatives that encourage risk-avoidance behaviour by organs of state, the private sector, non-governmental organisations, communities, households and individuals in the municipal area. 15

**Monitoring, measuring performance and evaluating disaster management plans and prevention, mitigation and response initiatives**

48. (1) A municipal disaster management centre must—
- (a) monitor— 20
    - (i) progress with the preparation and regular updating in terms of sections 52 and 53 of disaster management plans and strategies by municipal organs of state involved in disaster management in the municipal area;
    - (ii) formal and informal prevention, mitigation and response initiatives by municipal organs of state, the private sector, non-governmental organisations and communities in the municipal area, including the integration of these initiatives with development plans; and 25
    - (iii) the compliance in the municipal area with key performance indicators envisaged by section 7(2)(m); and
  - (b) from time to time, measure performance and evaluate such progress and initiatives. 30

**Disaster occurring or threatening to occur in municipal areas**

49. (1) When a disastrous event occurs or is threatening to occur in the area of a municipality, the disaster management centre of the municipality concerned must determine whether the event should be regarded as a disaster in terms of this Act, and, if so, must immediately— 35
- (a) initiate efforts to assess the magnitude and severity or potential magnitude and severity of the disaster;
  - (b) inform the National Centre and the relevant provincial disaster management centre of the disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of the disaster; 40
  - (c) alert disaster management role-players in the municipal area that may be of assistance in the circumstances; and
  - (d) initiate the implementation of any contingency plans and emergency procedures that may be applicable in the circumstances. 45
- (2) When informing the National Centre and the relevant provincial disaster management centre in terms of subsection (1)(b), the municipal disaster management centre may make such recommendations regarding the classification of the disaster as may be appropriate.

**Annual reports** 50

50. (1) The disaster management centre of a municipality must submit a report annually to the municipal council on—
- (a) its activities during the year;
  - (b) the results of the centre's monitoring of prevention and mitigation initiatives;
  - (c) disasters that occurred during the year in the area of the municipality; 55



- (i) vlakke van risiko te bepaal;
  - (ii) die kwesbaarheid van gemeenskappe en huishoudings vir rampe wat kan voorkom, te raam;
  - (iii) die kapasiteit te verhoog van gemeenskappe en huishoudings om die risiko en gevolge van rampe wat kan voorkom, tot die minimum te beperk; en
  - (iv) die waarskynlikheid van, en die stand van gereedheid vir, rampe wat kan voorkom, te monitor;
  - (b) die ontwikkeling en implementering van gepaste voorkomings- en verligtingsmetodiek;
  - (c) die integrering van voorkomings- en verligtingsmetodiek by ontwikkelingsplanne, -programme en -inisiatiewe; en
  - (d) die bestuur van hoë-risiko ontwikkelings.
- (2) 'n Munisipale rampbestuursentrum moet formele en informele inisiatiewe bevorder wat risikovermydingsgedrag deur staatsorgane, die privaatsektor, nie-regeringsorganisasies, gemeenskappe, huishoudings en individue in die munisipale gebied aanmoedig.

#### **Monitering, meting van prestasie en evaluering van rampbestuursplanne en voorkomings-, verligtings- en reaksie-inisiatiewe**

48. 'n Munisipale rampbestuursentrum moet—
- (a) (i) vordering met die voorbereiding en gereelde opdatering ingevolge artikels 52 en 53 van rampbestuursplanne en -strategieë deur munisipale staatsorgane wat by rampbestuur in die munisipale gebied betrokke is, monitor;
  - (ii) formele en informele voorkomings-, verligtings- en reaksie-inisiatiewe deur munisipale staatsorgane, die privaatsektor, nie-regeringsorganisasies en gemeenskappe in die munisipale gebied monitor, insluitende die integrering van hierdie inisiatiewe by ontwikkelingsplanne; en
  - (iii) die voldoening in die munisipale gebied aan sleutelprestasie-aanwysers beoog in artikel 7(2)(m) monitor; en
  - (b) van tyd tot tyd, prestasie meet en sodanige vordering en inisiatiewe evalueer.

#### **Ramp wat plaasvind of dreig om plaas te vind in munisipale gebiede**

49. (1) Wanneer 'n rampspoedige gebeurtenis plaasvind of dreig om plaas te vind in die gebied van 'n munisipaliteit, moet die rampbestuursentrum van die betrokke munisipaliteit vasstel of die gebeurtenis as 'n ramp ingevolge hierdie Wet beskou behoort te word, en, indien wel, moet die sentrum onmiddellik—
- (a) stappe inisieer om die omvang en felheid of potensiele omvang en felheid van die ramp te raam;
  - (b) die Nasionale Sentrum en die relevante provinsiale rampbestuursentrum in kennis stel van die ramp en sy aanvanklike beraming van die omvang en felheid of potensiele omvang en felheid van die ramp;
  - (c) rampbestuursrolspelers in die munisipale gebied wat onder die omstandighede van hulp mag wees, waarsku; en
  - (d) die implementering inisieer van enige gebeurlikheidsplanne en noodprosedures wat onder die omstandighede van toepassing mag wees.
- (2) Wanneer die Nasionale Sentrum en die relevante provinsiale rampbestuursentrum ingevolge subartikel (1)(b) in kennis gestel word, kan die munisipale rampbestuursentrum die aanbevelings maak met betrekking tot die klassifisering van die ramp wat gepas is.

#### **Jaarverslae**

50. (1) Die rampbestuursentrum van 'n munisipaliteit moet jaarliks 'n verslag aan die munisipale raad voorlê oor—
- (a) sy aktiwiteite gedurende die jaar;
  - (b) die resultate van die sentrum se monitering van voorkomings- en verligtings-inisiatiewe;
  - (c) rampe wat gedurende die jaar in die gebied van die munisipaliteit voorgekom het;

- (d) the classification, magnitude and severity of these disasters;
  - (e) the effects they had;
  - (f) particular problems that were experienced—
    - (i) in dealing with these disasters; and
    - (ii) generally in implementing this Act, the national disaster management framework, the disaster management framework of the province concerned and the disaster management framework of its municipality;
  - (g) the way in which these problems were addressed and any recommendations the centre wishes to make in this regard;
  - (h) progress with the preparation and regular updating in terms of sections 52 and 53 of disaster management plans and strategies by municipal organs of state involved in disaster management in the municipal area; and
  - (i) an evaluation of the implementation of such plans.
- (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 of the province concerned.
- (b) The disaster management centre of a district municipality must, at the same time, also submit a copy of its report to each local municipality in the area of the district municipality.
- (3) The disaster management centre of a district municipality that is operated in partnership with local municipalities within the area of the district municipality must prepare its report in consultation with those local municipalities.

### *Part 3: Powers and duties of municipalities and municipal entities*

#### **Municipal disaster management advisory forum**

- 51.** (1) A metropolitan or district municipality may establish a municipal disaster management advisory forum consisting of—
- (a) the head of the municipal disaster management centre in the municipality;
  - (b) a senior representative of each department or component within the administration of the municipality designated by the executive mayor or mayor, as the case may be;
  - (c) if it is a district municipality, representatives of the local municipalities within the area of jurisdiction of the district municipality;
  - (d) representatives of other disaster management role-players in the municipality designated by the executive mayor or mayor, as the case may be, which may include—
    - (i) organised business in the municipality;
    - (ii) organised labour in the municipality;
    - (iii) relevant community-based organisations;
    - (iv) traditional leaders;
    - (v) the insurance industry in the municipality;
    - (vi) representatives of the agricultural sector in the municipality;
    - (vii) religious and welfare organisations in the municipality;
    - (viii) medical, paramedical and hospital organisations in the municipality;
    - (ix) institutions of higher education;
    - (x) institutions that can provide scientific and technological advice or support to disaster management;
    - (xi) other relevant non-governmental organisations and relief agencies in the municipality;
  - (e) experts in disaster management designated by the executive mayor or mayor, as the case may be; and
  - (f) persons co-opted by the forum in question for a specific period or specific discussion.
- (2) A forum envisaged by subsection (1) is a body in which a municipality and relevant disaster management role-players in the municipality consult one another and co-ordinate their actions on matters relating to disaster management in the municipality.

- (d) die klassifisering, omvang en felheid van hierdie rampe;
  - (e) die gevolge wat hulle gehad het;
  - (f) besondere probleme wat ervaar is—
    - (i) met die hantering van hierdie rampe; en
    - (ii) in die algemeen met die implementering van hierdie Wet, die nasionale rampbestuursraamwerk, die rampbestuursraamwerk van die betrokke provinsie en die rampbestuursraamwerk van sy munisipaliteit;
  - (g) die wyse waarop hierdie probleme aangespreek is en enige aanbevelings wat die sentrum graag in hierdie verband wil doen;
  - (h) vordering met die voorbereiding en gereelde opdatering ingevolge artikels 52 en 53 van rampbestuursplanne en -strategieë deur munisipale staatsorgane wat by rampbestuur in die munisipale gebied betrokke is; en
  - (i) 'n evaluering van die implementering van sodanige planne.
- (2) (a) 'n Munisipale rampbestuursentrum moet, op dieselfde tyd as wat sy verslag ingevolge subartikel (1) aan die munisipale raad voorgelê word, 'n afskrif van die verslag aan die Nasionale Sentrum en die rampbestuursentrum van die betrokke provinsie voorlê.
- (b) Die rampbestuursentrum van 'n distriksmunisipaliteit moet terselfdertyd ook 'n afskrif van sy verslag aan elke plaaslike munisipaliteit in die gebied van die distriksmunisipaliteit voorlê.
- (3) Die rampbestuursentrum van 'n distriksmunisipaliteit wat in vennootskap met plaaslike munisipaliteite in die gebied van die distriksmunisipaliteit bedryf word, moet sy verslag in oorleg met daardie plaaslike munisipaliteite voorberei.

### *Deel 3: Bevoegdhede en pligte van munisipaliteite en munisipale entiteite*

#### **25 Munisipale rampbestuursadviesforum**

- 51.** (1) 'n Metropolitaanse of distriksmunisipaliteit kan 'n munisipale rampbestuursadviesforum instel wat bestaan uit—
- (a) die hoof van die munisipale rampbestuursentrum in die munisipaliteit;
  - (b) 'n senior verteenwoordiger van elke departement of komponent in die administrasie van die munisipaliteit wat deur die uitvoerende burgemeester of burgemeester, na gelang van die geval, aangewys word;
  - (c) indien dit 'n distriksmunisipaliteit is, verteenwoordigers van die plaaslike munisipaliteite in die regsgebied van die distriksmunisipaliteit;
  - (d) verteenwoordigers van ander rampbestuursrolspelers in die munisipaliteit wat deur die uitvoerende burgemeester of burgemeester, na gelang van die geval, aangewys word, wat kan insluit—
    - (i) georganiseerde besigheid in die munisipaliteit;
    - (ii) georganiseerde arbeid in die munisipaliteit;
    - (iii) relevante gemeenskapsgebaseerde organisasies;
    - (iv) tradisionele leiers;
    - (v) die versekeringsbedryf in die munisipaliteit;
    - (vi) verteenwoordigers van die landbousektor in die munisipaliteit;
    - (vii) godsdiens- en welsynsorganisasies in die munisipaliteit;
    - (viii) mediese, para-mediese en hospitaalorganisasies in die munisipaliteit;
    - (ix) inrigtings van hoër onderwys;
    - (x) instellings wat wetenskaplike en tegnologiese advies of ondersteuning aan rampbestuur kan verleen;
    - (xi) ander relevante nie-regeringsorganisasies en noodlenigingsagentskappe in die munisipaliteit;
  - (e) deskundiges in rampbestuur wat deur die uitvoerende burgemeester of burgemeester, na gelang van die geval, aangewys word; en
  - (f) persone wat deur die betrokke forum gekoöpteer word vir 'n spesifieke tydperk of spesifieke besprekings.
- (2) 'n Forum beoog in subartikel (1) is 'n liggaam waarin 'n munisipaliteit en relevante rampbestuursrolspelers in die munisipaliteit met mekaar oorleg pleeg en hulle optrede koördineer aangaande aangeleenthede wat op rampbestuur in die munisipaliteit betrekking het.

**Preparation of disaster management plans by municipal entities**

**52.** (1) Each municipal entity indicated in the national or the relevant provincial or municipal disaster management framework must—

- (a) prepare a disaster management plan setting out—
  - (i) the way in which the concept and principles of disaster management are to be applied in its functional area; 5
  - (ii) its role and responsibilities in terms of the national, provincial or municipal disaster management frameworks;
  - (iii) its role and responsibilities regarding emergency response and post-disaster recovery and rehabilitation; 10
  - (iv) its capacity to fulfil its role and responsibilities;
  - (v) particulars of its disaster management strategies; and
  - (vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies;
- (b) co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players; and 15
- (c) regularly review and update its plan.

(2) (a) A municipal entity referred to in subsection (1) must submit a copy of its disaster management plan, and of any amendment to the plan, to the National Centre and the relevant provincial and municipal disaster management centres. 20

(b) If a municipal entity fails to submit a copy of its disaster management plan or of any amendment to the plan in terms of paragraph (a), the National Centre or relevant provincial or municipal disaster management centre must report the failure to the executive mayor or mayor, as the case may be, of the municipality concerned, who must take such steps as may be necessary to secure compliance with that paragraph, including reporting the failure to the municipal council. 25

**Disaster management plans for municipal areas**

**53.** (1) Each municipality must, within the applicable municipal disaster management framework—

- (a) prepare a disaster management plan for its area according to the circumstances prevailing in the area; 30
  - (b) co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players;
  - (c) regularly review and update its plan; and
  - (d) through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), consult the local community on the preparation or amendment of its plan. 35
- (2) A disaster management plan for a municipal area must—
- (a) form an integral part of the municipality's integrated development plan; 40
  - (b) anticipate the types of disaster that are likely to occur in the municipal area and their possible effects;
  - (c) place emphasis on measures that reduce the vulnerability of disaster-prone areas, communities and households;
  - (d) seek to develop a system of incentives that will promote disaster management in the municipality; 45
  - (e) identify the areas, communities or households at risk;
  - (f) take into account indigenous knowledge relating to disaster management;
  - (g) promote disaster management research;
  - (h) identify and address weaknesses in capacity to deal with possible disasters; 50
  - (i) provide for appropriate prevention and mitigation strategies;
  - (j) facilitate maximum emergency preparedness; and
  - (k) contain contingency plans and emergency procedures in the event of a disaster, providing for—
    - (i) the allocation of responsibilities to the various role-players and co-ordination in the carrying out of those responsibilities; 55
    - (ii) prompt disaster response and relief;

**Voorbereiding van rampbestuursplanne deur munisipale entiteite**

**52.** (1) Elke munisipale entiteit wat in die nasionale of die relevante provinsiale of munisipale rampbestuursraamwerk aangedui word, moet—

- (a) 'n rampbestuursplan voorberei wat 'n uiteensetting gee van—
    - (i) die manier waarop die konsep en beginsels van rampbestuur in sy funksionele gebied toegepas staan te word;
    - (ii) sy rol en verantwoordelikhede ingevolge die nasionale, provinsiale of munisipale rampbestuursraamwerke;
    - (iii) sy rol en verantwoordelikhede betreffende noodreaksie en na-ramp herstel en rehabilitasie;
    - (iv) sy kapasiteit om sy rol en verantwoordelikhede te vervul;
    - (v) besonderhede van sy rampbestuurstrategieë; en
    - (vi) gebeurlikheidsstrategieë en noodprosedures in geval van 'n ramp, insluitende maatreëls om hierdie strategieë te finansier;
  - (b) die implementering van sy plan koördineer en inskakel by dié van ander staatsorgane en institusionele rolspelers; en
  - (c) sy plan gereeld hersien en opdateer.
- (2) (a) 'n Munisipale entiteit bedoel in subartikel (1) moet 'n afskrif van sy rampbestuursplan en van enige wysiging van die plan aan die Nasionale Sentrum en die relevante provinsiale en munisipale rampbestuursentrums voorlê.
- (b) Indien 'n munisipale entiteit versuim om 'n afskrif van sy rampbestuursplan of van enige wysiging van die plan ingevolge paragraaf (a) voor te lê, moet die Nasionale Sentrum of relevante provinsiale of munisipale rampbestuursentrum die versuim rapporteer aan die uitvoerende burgemeester of burgemeester, na gelang van die geval, van die betrokke munisipaliteit, wat die stappe moet doen wat nodig is om nakoming van daardie paragraaf te verseker, insluitende rapportering van die versuim aan die munisipale raad.

**Rampbestuursplanne vir munisipale gebiede**

- 53.** (1) Elke munisipaliteit moet, binne die toepaslike munisipale rampbestuursraamwerk—
- (a) 'n rampbestuursplan vir sy gebied voorberei ooreenkomstig die omstandighede wat in die gebied heers;
  - (b) die implementering van sy plan koördineer met en inskakel by dié van ander staatsorgane en institusionele rolspelers;
  - (c) sy plan gereeld hersien en opdateer; en
  - (d) deur toepaslike meganismes, prosesse en prosedures wat ingevolge Hoofstuk 4 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), ingestel is, met die plaaslike gemeenskap oorleg pleeg oor die voorbereiding of wysiging van sy plan.
- (2) 'n Rampbestuursplan vir 'n munisipale gebied moet—
- (a) 'n integreerende deel uitmaak van die munisipaliteit se geïntegreerde ontwikkelingsplan;
  - (b) die soorte rampe wat waarskynlik in die munisipale gebied kan voorkom, en hulle moontlike gevolge, antisipeer;
  - (c) klem plaas op maatreëls wat die kwesbaarheid van tot ramp geneigde gebiede, gemeenskappe en huishoudings verminder;
  - (d) daarna streef om 'n stelsel van aansporing te ontwikkel wat rampbestuur in die munisipaliteit sal bevorder;
  - (e) die gebiede, gemeenskappe of huishoudings wat in gevaar is, identifiseer;
  - (f) inheemse kennis met betrekking tot rampbestuur in ag neem;
  - (g) navorsing oor rampbestuur bevorder;
  - (h) swak plekke in die kapasiteit om met moontlike rampe te handel, identifiseer en aanspreek;
  - (i) vir gepaste voorkoming- en verligtingstrategieë voorsiening maak;
  - (j) maksimum noodgereedheid fasiliteer; en
  - (k) gebeurlikheidsplanne en noodprosedures bevat wat in geval van 'n ramp voorsiening maak vir—
    - (i) die toewysing van verantwoordelikhede aan die onderskeie rolspelers, en koördinering by die uitvoering van daardie verantwoordelikhede;
    - (ii) spoedige rampreaksie en noodleniging;



- (iii) the procurement of essential goods and services;
- (iv) the establishment of strategic communication links;
- (v) the dissemination of information; and
- (vi) other matters that may be prescribed.

(3) A district municipality and the local municipalities within the area of the district municipality must prepare their disaster management plans after consulting each other. 5

(4) A municipality must submit a copy of its disaster management plan, and of any amendment to the plan, to the National Centre, the disaster management centre of the relevant province, and, if it is a district municipality or a local municipality, to every municipal disaster management centre within the area of the district municipality concerned. 10

### Responsibilities in event of local disaster

**54.** (1) Irrespective of whether a local state of disaster has been declared in terms of section 55—

- (a) the council of a metropolitan municipality is primarily responsible for the co-ordination and management of local disasters that occur in its area; and 15
- (b) the council of a district municipality, acting after consultation with the relevant local municipality, is primarily responsible for the co-ordination and management of local disasters that occur in its area.

(2) A district municipality and the relevant local municipality may, despite subsection (1)(b), agree that the council of the local municipality assumes primary responsibility for the co-ordination and management of a local disaster that has occurred or may occur in the area of the local municipality. 20

(3) The municipality having primary responsibility for the co-ordination and management of a local disaster must deal with a local disaster— 25

- (a) in terms of existing legislation and contingency arrangements, if a local state of disaster has not been declared in terms of section 55(1); or
- (b) in terms of existing legislation and contingency arrangements as augmented by by-laws or directions made or issued in terms of section 55(2), if a local state of disaster has been declared. 30

(4) This section does not preclude a national or provincial organ of state, or another municipality or municipal organ of state from providing assistance to a municipality to deal with a local disaster and its consequences.

### Declaration of local state of disaster

**55.** (1) In the event of a local disaster the council of a municipality having primary responsibility for the co-ordination and management of the disaster may, by notice in the provincial gazette, declare a local state of disaster if— 35

- (a) existing legislation and contingency arrangements do not adequately provide for that municipality to deal effectively with the disaster; or
- (b) other special circumstances warrant the declaration of a local state of disaster. 40

(2) If a local state of disaster has been declared in terms of subsection (1), the municipal council concerned may, subject to subsection (3), make by-laws or issue directions, or authorise the issue of directions, concerning—

- (a) the release of any available resources of the municipality, including stores, equipment, vehicles and facilities; 45
- (b) the release of personnel of the municipality for the rendering of emergency services;
- (c) the implementation of all or any of the provisions of a municipal disaster management plan that are applicable in the circumstances;
- (d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life; 50
- (e) the regulation of traffic to, from or within the disaster-stricken or threatened area;
- (f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area; 55
- (g) the control and occupancy of premises in the disaster-stricken or threatened area;
- (h) the provision, control or use of temporary emergency accommodation;

- (iii) die verkryging van noodsaaklike goedere en dienste;
  - (iv) die vestiging van strategiese kommunikasieverbindings;
  - (v) die verspreiding van inligting; en
  - (vi) ander aangeleenthede wat voorgeskryf kan word.
- 5 (3) 'n Distriksmunisipaliteit en die plaaslike munisipaliteite binne die gebied van die distriksmunisipaliteit moet hulle rampbestuursplanne voorberei na oorleg met mekaar.
- (4) 'n Munisipaliteit moet 'n afskrif van sy rampbestuursplan, en van enige wysiging van die plan, aan die Nasionale Sentrum, die rampbestuursentrum van die relevante provinsie, en, indien dit 'n distriksmunisipaliteit of 'n plaaslike munisipaliteit is, aan
- 10 elke munisipale rampbestuursentrum in die gebied van die betrokke distriksmunisipaliteit, voorlê.

### Verantwoordelikhede in geval van plaaslike ramp

54. (1) Ongeag of 'n plaaslike ramptoestand verklaar is ingevolge artikel 55—
- 15 (a) is die raad van 'n metropolitaanse munisipaliteit primêr verantwoordelik vir die koördinerings en bestuur van plaaslike rampe wat in sy gebied voorkom; en
- (b) is die raad van 'n distriksmunisipaliteit, handelende na oorleg met die relevante plaaslike munisipaliteit, primêr verantwoordelik vir die koördinerings en bestuur van plaaslike rampe wat in sy gebied voorkom.
- (2) 'n Distriksmunisipaliteit en die relevante plaaslike munisipaliteit kan, ondanks
- 20 subartikel (1)(b), ooreenkom dat die raad van die plaaslike munisipaliteit primêre verantwoordelikheid neem vir die koördinerings en bestuur van 'n plaaslike ramp wat in die gebied van die plaaslike munisipaliteit voorkom of kan voorkom.
- (3) Die munisipaliteit wat primêre verantwoordelikheid het vir die koördinerings en bestuur van 'n plaaslike ramp, moet handel met 'n plaaslike ramp—
- 25 (a) ingevolge bestaande wetgewing en gebeurlikheidsmaatreëls indien 'n plaaslike ramptoestand nie verklaar is ingevolge artikel 55(1) nie; of
- (b) ingevolge bestaande wetgewing en gebeurlikheidsmaatreëls, soos uitgebreide verordeninge of aanwysings wat ingevolge artikel 55(2) uitgevaardig of uitgereik is, indien 'n plaaslike ramptoestand verklaar is.
- 30 (4) Hierdie artikel verhoed nie 'n nasionale of provinsiale staatsorgaan of 'n ander munisipaliteit of munisipale staatsorgaan om bystand aan 'n munisipaliteit te verleen om met 'n plaaslike ramp en sy gevolge te handel nie.

### Verklaring van plaaslike ramptoestand

55. (1) In geval van 'n plaaslike ramp kan die raad van 'n munisipaliteit wat primêre
- 35 verantwoordelikheid het vir die koördinerings en bestuur van die ramp, by kennisgewing in die provinsiale koerant, 'n plaaslike ramptoestand verklaar indien—
- (a) bestaande wetgewing en gebeurlikheidsmaatreëls nie genoegsaam voorsiening maak vir daardie munisipaliteit om effektief met die ramp te handel nie; of
- (b) ander besondere omstandighede die verklaring van 'n plaaslike ramptoestand
- 40 regverdig.
- (2) Indien 'n plaaslike ramptoestand verklaar is ingevolge subartikel (1) kan die betrokke munisipale raad, behoudens subartikel (3), verordeninge uitvaardig of aanwysings uitreik, of die uitreik van aanwysings magtig rakende—
- 45 (a) die vrystelling van enige beskikbare hulpbronne van die munisipaliteit, insluitende voorraad, toerusting, voertuie en fasiliteite;
- (b) die vrystelling van personeel van die munisipaliteit vir die lewering van nooddienste;
- (c) die implementering van alle of enige van die bepalings van 'n munisipale rampbestuursplan wat in die omstandighede van toepassing is;
- 50 (d) die ontruiming na tydelike skuilings van die hele of 'n gedeelte van die bevolking van die rampgeteisterde of bedreigde gebied indien sodanige optrede nodig is vir die behoud van lewens;
- (e) die regulering van verkeer na, van of binne die rampgeteisterde of bedreigde gebied;
- 55 (f) die regulering van die beweging van persone en goedere na, van of binne die rampgeteisterde of bedreigde gebied;
- (g) die beheer en besetting van persele in die rampgeteisterde of bedreigde gebied;
- (h) die voorsiening, beheer of gebruik van tydelike noodhuisvesting;

- (i) the suspension or limiting of the sale, dispensing or transportation of alcoholic beverages in the disaster-stricken or threatened area;
  - (j) the maintenance or installation of temporary lines of communication to, from or within the disaster area;
  - (k) the dissemination of information required for dealing with the disaster; 5
  - (l) emergency procurement procedures;
  - (m) the facilitation of response and post-disaster recovery and rehabilitation; or
  - (n) other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster.
- (3) The powers referred to in subsection (2) may be exercised only to the extent that 10  
this is necessary for the purpose of—
- (a) assisting and protecting the public;
  - (b) providing relief to the public;
  - (c) protecting property;
  - (d) preventing or combating disruption; or 15
  - (e) dealing with the destructive and other effects of the disaster.
- (4) By-laws made in terms of subsection (2) may include by-laws prescribing penalties for any contravention of the by-laws.
- (5) A municipal state of disaster that has been declared in terms of subsection (1)—
- (a) lapses three months after it has so been declared; 20
  - (b) may be terminated by the council by notice in the provincial gazette before it lapses in terms of paragraph (a); and
  - (c) may be extended by the council by notice in the provincial gazette for one month at a time before it lapses in terms of paragraph (a) or the existing extension is due to expire. 25

## CHAPTER 6

### FUNDING OF POST-DISASTER RECOVERY AND REHABILITATION

#### Guiding principles

56. (1) This Chapter is subject to sections 16 and 25 of the Public Finance Management Act, 1999, which provide for the use of funds in emergency situations. 30
- (2) When a disaster occurs the following principles apply:
- (a) National, provincial and local organs of state may financially contribute to response efforts and post-disaster recovery and rehabilitation.
  - (b) The cost of repairing or replacing public sector infrastructure should be borne by the organ of state responsible for the maintenance of such infrastructure. 35
- (3) The Minister may, in the national disaster management framework, prescribe a percentage of the budget, or any aspect of a budget, of a provincial organ of state or a municipal organ of state, as the case may be, as a threshold for accessing additional funding from the national government for response efforts.
- (4) Any financial assistance provided by a national, provincial or municipal organ of state in terms of subsection (2)(a) must be in accordance with the national disaster management framework and any applicable post-disaster recovery and rehabilitation policy of the relevant sphere of government, and may take into account— 40
- (a) whether any prevention and mitigation measures were taken, and if not, the reasons for the absence of such measures; 45
  - (b) whether the disaster could have been avoided or minimised had prevention and mitigation measures been taken;
  - (c) whether it is reasonable to expect that prevention and mitigation measures should have been taken in the circumstances;
  - (d) whether the damage caused by the disaster is covered by adequate insurance, 50  
and if not, the reasons for the absence or inadequacy of insurance cover;
  - (e) the extent of financial assistance available from community, public or other non-governmental support programmes; and
  - (f) the magnitude and severity of the disaster, the financial capacity of the victims of the disaster and their accessibility to commercial insurance. 55

- (i) die opskorting of beperking van die verkoop, verspreiding of vervoer van alkoholiese drank in die rampgeteisterde of bedreigde gebied;
- (j) die instandhouding of installering van tydelike kommunikasieverbindings na, van of binne die rampgebied;
- 5 (k) die verspreiding van inligting wat vir hantering van die ramp benodig word;
- (l) noodverkrygingsprosedures;
- (m) die fasilitering van reaksie en na-ramp herstel en rehabilitasie; of
- (n) ander stappe wat nodig is om 'n eskalاسie van die ramp te voorkom, of om die gevolge van die ramp te verlig, in toom te hou en tot die minimum te beperk.
- 10 (3) Die bevoegdhede bedoel in subartikel (2) kan slegs uitgeoefen word in die mate wat dit nodig is vir die doeleindes van—
  - (a) bystand aan, en beskerming van, die publiek;
  - (b) voorsiening van noodleniging aan die publiek;
  - (c) beskerming van eiendom;
  - 15 (d) voorkoming of bestryding van ontwigting; of
  - (e) die hantering van die vernietigende en ander gevolge van die ramp.
- (4) Verordeninge ingevolge subartikel (2) uitgevaardig, kan verordeninge insluit wat strawwe voorskryf vir 'n oortreding van die verordeninge.
- (5) 'n Munisipale ramptoestand wat ingevolge subartikel (1) verklaar is—
  - 20 (a) verval drie maande nadat dit aldus verklaar is;
  - (b) kan deur die raad, by kennisgewing in die provinsiale koerant, beëindig word voordat dit verval ingevolge paragraaf (a); en
  - (c) kan deur die raad, by kennisgewing in die provinsiale koerant, verleng word vir een maand op 'n keer voordat dit ingevolge paragraaf (a) verval, of die
  - 25 bestaande verlenging verstryk.

## HOOFSTUK 6

### BEFONDSING VAN NA-RAMP HERSTEL EN REHABILITASIE

#### Leidinggewende beginsels

56. (1) Hierdie Hoofstuk is onderhewig aan artikels 16 en 25 van die Wet op Openbare 30 Finansiële Bestuur, 1999, wat voorsiening maak vir die gebruik van fondse in noodsituasies.
- (2) Wanneer 'n ramp plaasvind, is die volgende beginsels van toepassing:
- (a) Nasionale, provinsiale en plaaslike staatsorgane kan finansiële bydra tot reaksie optredes en na-ramp herstel en rehabilitasie.
  - 35 (b) Die koste verbonde aan die herstel of vervanging van openbaresektor-infrastruktuur behoort gedra te word deur die staatsorgaan wat verantwoordelik is vir die instandhouding van sodanige infrastruktuur.
- (3) Die Minister kan, in die nasionale rampbestuursraamwerk, 'n persentasie van die begroting, of enige aspek van 'n begroting, van 'n provinsiale staatsorgaan of 'n 40 munisipale staatsorgaan voorskryf as 'n drempel om toegang te verkry vir addisionele befondsing deur die nasionale regering vir reaksie-optredes.
- (4) Enige finansiële bystand wat deur 'n nasionale, provinsiale of munisipale staatsorgaan ingevolge subartikel (2)(a) voorsien word, moet in ooreenstemming wees met die nasionale rampbestuursraamwerk en enige toepaslike na-ramp herstel- en 45 rehabilitasiebeleid van die relevante regeringsfeer, en kan in ag neem—
- (a) of enige voorkomings- en verligtingsmaatreëls getref is en, indien nie, die redes vir die afwesigheid van sodanige maatreëls;
  - (b) of die ramp vermy of verklein kon word indien voorkomings- en verligtingsmaatreëls getref was;
  - 50 (c) of dit redelik is om te verwag dat voorkomings- en verligtingsmaatreëls onder die omstandighede getref behoort te gewees het;
  - (d) of die skade wat deur die ramp veroorsaak is, deur genoegsame versekering gedek is, en indien nie, die redes vir die afwesigheid of ontoereikendheid van versekeringsdekking;
  - 55 (e) die omvang van finansiële bystand wat beskikbaar is van gemeenskaps-, openbare of ander nie-regeringsondersteuningsprogramme; en
  - (f) die omvang en felheid van die ramp, die finansiële kapasiteit van die slagoffers van die ramp en hulle toeganklikheid tot kommersiële versekering.

**National contributions to alleviate effects of local and provincial disasters**

**57.** When a municipality or a province in the event of a local or provincial disaster requests the national government to financially contribute to post-disaster recovery and rehabilitation, the following factors may be taken into account:

- (a) Whether any prevention and mitigation measures were taken or initiated by the municipality or province, and if not, the reasons for the absence of such measures; 5
- (b) whether the disaster could have been avoided or minimised had prevention and mitigation measures been taken;
- (c) whether it is reasonable to expect that prevention and mitigation measures should have been taken or initiated in the circumstances by the municipality or province; 10
- (d) whether the damage caused by the disaster is covered by adequate insurance, and if not, the reasons for the absence or inadequacy of insurance cover; and
- (e) the magnitude and severity of the disaster and whether or not available financial resources at local level, or if it is a provincial disaster, at provincial level, are exhausted. 15

**CHAPTER 7****DISASTER MANAGEMENT VOLUNTEERS****Disaster management volunteers 20**

**58.** (1) A metropolitan or a district municipality may establish a unit of volunteers to participate in disaster management in the municipality.

(2) Any person that meets the prescribed minimum requirements may apply to enrol as a volunteer in the unit of volunteers of a relevant municipality.

(3) (a) The National Centre must maintain a register of all volunteers enrolled in a unit of volunteers. 25

(b) A municipality that has established a unit of volunteers must submit the prescribed particulars of any person that has enrolled in terms of subsection (2) to the National Centre within 21 days of such a person's enrolment.

(4) A unit of volunteers may participate in exercises related to disaster management organised by one or more municipal disaster management centres, a provincial disaster management centre or the National Centre. 30

(5) The Minister may prescribe the following:

- (a) The command structure of a unit of volunteers;
- (b) components within a unit of volunteers; 35
- (c) the requirements for, and recruitment of, a volunteer;
- (d) the manner in which any member of a unit of volunteers is to be activated and deployed;
- (e) the training of volunteers;
- (f) the use of equipment by volunteers; 40
- (g) the defraying of expenses incurred by volunteers;
- (h) uniforms of volunteers;
- (i) insignia to be worn by—
  - (i) different units of volunteers;
  - (ii) different components within a unit of volunteers; and 45
  - (iii) different positions of command within a unit of volunteers; and
- (j) the transfer of a volunteer from one unit of volunteers to another unit of volunteers.

(6) This section does not preclude—

- (a) a municipality from calling on persons who are not members of a unit of volunteers to assist the municipality in dealing with a disaster; or 50
- (b) any number of persons from taking reasonable steps to deal with a disaster in an appropriate manner until a municipality takes responsibility for that disaster, and, where appropriate, to continue dealing with the disaster under the control of the municipality. 55



**Nasionale hydraes om gevolge van plaaslike en provinsiale rampe te verlig**

57. Wanneer 'n munisipaliteit of 'n provinsie in die geval van 'n plaaslike of provinsiale ramp die nasionale regering versoek om finansieel by te dra tot na-ramp herstel en rehabilitasie, kan die volgende faktore in ag geneem word:

- 5 (a) Of enige voorkomings- en verligtingsmaatreëls getref is of geïnisieer is deur die munisipaliteit of provinsie, en indien nie, die redes vir die afwesigheid van sodanige maatreëls;
- (b) of die ramp vermy of verklein kon gewees het indien voorkomings- en verligtingsmaatreëls getref was;
- 10 (c) of dit redelik is om te verwag dat voorkomings- en verligtingsmaatreëls onder die omstandighede deur die munisipaliteit of provinsie getref of geïnisieer moes word;
- (d) of die skade wat deur die ramp veroorsaak is deur genoegsame versekering gedek is, en indien nie, die redes vir die afwesigheid of ontoereikendheid van versekeringsdekking; en
- 15 (e) die omvang en felheid van die ramp, en of beskikbare finansiële hulpbronne op plaaslike vlak, of indien dit 'n provinsiale ramp is, op provinsiale vlak, uitgeput is.

**HOOFTUK 7**

20

**RAMPBESTUURSVRYWILLIGERS****Rampbestuursvrywilligers**

58. (1) 'n Metropolitaanse of 'n distriksmunisipaliteit kan 'n eenheid van vrywilligers instel om aan rampbestuur in die munisipaliteit deel te neem.

- 25 (2) 'n Persoon wat aan die voorgeskrewe minimum vereistes voldoen, kan aansoek doen om as 'n vrywilliger by die eenheid van vrywilligers van 'n relevante munisipaliteit ingeskryf te word.

(3) (a) Die Nasionale Sentrum moet 'n register byhou van alle vrywilligers wat by 'n eenheid van vrywilligers ingeskryf word.

- 30 (b) 'n Munisipaliteit wat 'n eenheid van vrywilligers ingestel het, moet die voorgeskrewe besonderhede van 'n persoon wat ingevolge subartikel (2) ingeskryf word binne 21 dae van so 'n persoon se inskrywing aan die Nasionale Sentrum voorlê.

(4) 'n Eenheid van vrywilligers kan deelneem aan oefeninge in verband met rampbestuur wat deur een of meer munisipale rampbestuursentrums, 'n provinsiale rampbestuursentrum of die Nasionale Sentrum gereël word.

- 35 (5) Die Minister kan die volgende voorskryf:

- (a) Die bevelstruktuur van 'n eenheid van vrywilligers;
- (b) komponente in 'n eenheid van vrywilligers;
- (c) die vereistes vir, en werwing van, 'n vrywilliger;
- (d) die wyse waarop 'n lid van 'n eenheid van vrywilligers geaktiveer en ontplooi 40 staan te word;
- (e) die opleiding van vrywilligers;
- (f) die gebruik van toerusting deur vrywilligers;
- (g) die betaling van uitgawes wat deur vrywilligers aangegaan word;
- (h) uniforms van vrywilligers;
- 45 (i) kentekens wat gedra word deur—
  - (i) verskillende eenhede van vrywilligers;
  - (ii) verskillende komponente binne 'n eenheid van vrywilligers; en
  - (iii) verskillende bevelsposisies in 'n eenheid van vrywilligers; en
- (j) die oorpasing van 'n vrywilliger van een eenheid van vrywilligers na 'n ander 50 eenheid van vrywilligers.

(6) Hierdie artikel verhinder nie—

- (a) 'n munisipaliteit om 'n beroep te doen op persone wat nie lede van 'n eenheid van vrywilligers is om die munisipaliteit by te staan in die hantering van 'n ramp nie; of
- 55 (b) enige aantal persone om redelike stappe te doen om op 'n gepaste wyse met 'n ramp te handel totdat 'n munisipaliteit verantwoordelikheid vir daardie ramp neem, en, waar toepaslik, om voort te gaan om onder die beheer van die munisipaliteit met die ramp te handel nie.

## CHAPTER 8

## MISCELLANEOUS

## Regulations

- 59.** (1) The Minister may make regulations not inconsistent with this Act—
- (a) concerning any matter that—
    - (i) may or must be prescribed in terms of a provision of this Act; or
    - (ii) is necessary to prescribe for the effective carrying out of the objects of this Act; and
  - (b) providing for the payment, out of moneys appropriated by Parliament for this purpose, of compensation to any person, or the dependants of any person, whose death, bodily injury or disablement results from any event occurring in the course of the performance of any function entrusted to such person in terms of this Act.
- (2) Regulations referred to in subsection (1)(b)—
- (a) must—
    - (i) determine the basis upon which and the conditions subject to which compensation must be paid in terms of such regulations;
    - (ii) determine the authority responsible for the administration of such regulations;
  - (b) may, without derogating from the generality of the provisions of subsection (1)(b)—
    - (i) determine the persons who must be regarded as dependants for purposes of such regulations;
    - (ii) provide for the revision and, in appropriate cases, the discontinuance or reduction of any compensation payable in terms of such regulations;
    - (iii) prohibit the cession, assignment or attachment of any compensation payable in terms of such regulations, or the right to any such compensation;
    - (iv) determine that any compensation received in terms of such regulations must not form part of the estate of the recipient, should such estate be sequestrated;
    - (v) provide that if, in the opinion of the authority referred to in paragraph (a)(ii), it is for any reason undesirable to pay the whole amount of any compensation payable in terms of such regulations directly to the person entitled thereto, the said authority may direct that such compensation, or any part thereof, be paid to some other person, on such conditions as to its administration for the benefit of such first-mentioned person or his or her dependants as that authority may determine.
- (3) The Minister may, in terms of subsection (1), prescribe a penalty of imprisonment for a period not exceeding six months or a fine for any contravention of, or failure to comply with, a regulation.
- (4) Any regulations made by the Minister in terms of subsection (1) must be referred to the National Council of Provinces for purposes of section 146(6) of the Constitution.

## Offences

- 60.** (1) A person is guilty of an offence if that person fails to comply with a request made by the National Centre in terms of section 18(1) or by a provincial or municipal disaster management centre in terms of section 32(2)(a) or 46(2)(a).
- (2) A person convicted of an offence mentioned in subsection (1) is liable on conviction to a fine or to imprisonment not exceeding six months or to both a fine and such imprisonment.

## Indemnity

- 61.** The Minister, the National Centre, a provincial or municipal disaster management centre, an employee seconded or designated for the purpose of the National Centre or a

**HOOFSTUK 8****DIVERSE****Regulasies**

59. (1) Die Minister kan regulasies wat nie met hierdie Wet onbestaanbaar nie,  
5 uitvaardig—

(a) rakende enige aangeleentheid wat—

- (i) ingevolge 'n bepaling van hierdie Wet voorgeskryf kan of moet word; of
- (ii) nodig is om voorgeskryf te word vir die doeltreffende uitvoering van die oogmerke van hierdie Wet; en

10 (b) wat voorsiening maak vir die betaling, uit gelde vir dié doel deur die Parlement bewillig, van vergoeding aan enige persoon, of die afhanklikes van 'n persoon wie se dood, liggaamlike besering of ongeskiktheid die gevolg is van 'n gebeurtenis wat plaasvind in die loop van die verrigting van enige werksaamheid ingevolge hierdie Wet aan so 'n persoon opgedra.

15 (2) Regulasies bedoel in subartikel (1)(b)—

(a) moet—

- (i) die grondslag waarop en voorwaardes onderworpe waaraan vergoeding ingevolge sodanige regulasies betaal moet word, bepaal;
- (ii) die gesag wat verantwoordelik is vir die uitvoering van sodanige regulasies bepaal;

20 (b) kan, sonder om aan die algemeenheid van die bepalings van subartikel (1)(b) afbreuk te doen—

(i) die persone wat vir die doeleindes van sodanige regulasies as afhanklikes beskou moet word, bepaal;

25 (ii) voorsiening maak vir die hersiening en, in gepaste gevalle, die staking of vermindering van vergoeding ingevolge sodanige regulasies betaalbaar;

(iii) die sessie, oordrag van of beslaglegging op enige vergoeding ingevolge sodanige regulasies betaalbaar, of die reg op sodanige vergoeding, verbied;

30 (iv) bepaal dat enige vergoeding ingevolge sodanige regulasies ontvang, nie deel uitmaak van die boedel van die ontvanger nie, indien sodanige boedel gesekwestreer sou word;

(v) bepaal dat indien, na die oordeel van die gesag in paragraaf (a)(ii) vermeld, dit om die een of ander rede onwenslik is om die hele bedrag van enige vergoeding wat ingevolge sodanige regulasies betaalbaar is, regstreeks aan die persoon wat daarop geregtig is, te betaal, die vermelde gesag kan gelas dat sodanige vergoeding, of enige gedeelte daarvan, aan iemand anders betaal word, op die voorwaardes wat betref die beheer daarvan ten bate van eersgenoemde persoon of sy of haar afhanklikes, wat deur daardie gesag bepaal word.

40 (3) Die Minister kan ingevolge subartikel (1) 'n straf van gevangenskap van hoogstens ses maande of 'n boete voorskryf vir 'n oortreding of nie-nakoming van 'n regulasie.

45 (4) 'n Regulasie uitgevaardig deur die Minister ingevolge subartikel (1) moet vir die doeleindes van artikel 146(6) van die Grondwet na die Nasionale Raad van Provinsies verwys word.

**Misdrywe**

60. (1) 'n Persoon is skuldig aan 'n misdryf indien daardie persoon versuim om te voldoen aan 'n versoek wat deur die Nasionale Sentrum ingevolge artikel 18(1) of deur  
50 'n provinsiale of plaaslike rampbestuursentrum ingevolge artikel 32(2)(a) of 46(2)(a) gerig word.

(2) 'n Persoon wat skuldig bevind word aan 'n misdryf vermeld in subartikel (1) is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf van hoogstens ses maande of met beide 'n boete en sodanige gevangenisstraf.

**55 Vrywaring**

61. Die Minister, die Nasionale Sentrum, 'n provinsiale of munisipale rampbestuursentrum, 'n werknemer wat gesekondeer of aangewys word vir doeleindes van die

provincial or municipal disaster management centre, a representative of the National Centre or a provincial or municipal disaster management centre, or any other person exercising a power or performing a duty in terms of this Act, is not liable for anything done in good faith in terms of, or in furthering the objects of, this Act.

#### Scope of assistance by organs of state

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62. Where an organ of state provides assistance to another organ of state for purposes of this Act, the officials and equipment of the organ of state providing assistance must, for purposes of conditions of employment, utilisation of equipment and insurance, be deemed to be deployed within the normal area of jurisdiction of the organ of state providing assistance.

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#### Phasing in of certain provisions of Act

63. (1) (a) The Minister, by notice in the *Gazette*, may phase in the application of the provisions of this Act which place a financial or administrative burden on organs of state by determining the period within which, and the extent to which, an organ of state must comply with a particular provision of this Act.

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(b) The period referred to in paragraph (a) may not exceed two years after the commencement of this Act.

(2) A notice in terms of subsection (1), may—

- (a) differentiate between different organs of state;
- (b) differentiate between provincial organs of state in the different provinces;
- (c) apply to a specific municipal organ of state, subject to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (d) determine different periods in respect of different organs of state identified in terms of paragraphs (a) to (c).

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#### Repeal of Act 67 of 1977

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64. (1) (a) The Civil Protection Act, 1977 (Act No. 67 of 1977), to the extent that provisions of that Act have not been assigned to a province, is repealed.

(b) Provisions of that Act that were assigned to a province, continue to apply in the province until repealed by the provincial legislature.

(2) Despite the repeal of provisions of the Civil Protection Act, 1977, section 9 of that Act continues to apply to any death, injury or disablement, as described in that section, which occurred before the repeal of that section.

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#### Short title and commencement

65. This Act is called the Disaster Management Act, 2002, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

35

- Nasionale Sentrum of 'n provinsiale of munisipale rampbestuursentrum, 'n verteenwoordiger van die Nasionale Sentrum of 'n provinsiale of munisipale rampbestuursentrum, of enige ander persoon wat 'n bevoegdheid uitoefen of 'n plig uitvoer ingevolge hierdie Wet, is nie aanspreeklik vir enigiets wat te goeder trou ingevolge, of ter bevordering van die oogmerke van, hierdie Wet gedoen is nie.

#### **Bestek van bystand deur staatsorgane**

62. Waar 'n staatsorgaan bystand aan 'n ander staatsorgaan verleen vir die doeleindes van hierdie Wet, word die beamptes en toerusting van die staatsorgaan wat bystand verleen, vir doeleindes van diensvoorwaardes, gebruikmaking van toerusting en versekering, geag ontplooi te wees in die gebruikelike regsgebied van die staatsorgaan wat bystand verleen.

#### **Infasering van sekere bepalinge van Wet**

63. (1) (a) Die Minister kan, by kennisgewing in die *Staatskoerant*, die toepassing van die bepalinge van hierdie Wet wat 'n finansiële of administratiewe las op staatsorgane lê, infaseer deur die tydperk te bepaal waarbinne, en die mate waarin, 'n staatsorgaan aan 'n bepaalde bepaling van hierdie Wet moet voldoen.

(b) Die tydperk bedoel in paragraaf (a) mag nie twee jaar na die inwerkingtreding van hierdie Wet oorskry nie.

- (2) 'n Kennisgewing ingevolge subartikel (1), kan—
- 20 (a) 'n onderskeid tref tussen verskillende staatsorgane;
- (b) 'n onderskeid tref tussen provinsiale staatsorgane in die verskillende provinsies;
- (c) van toepassing wees op 'n spesifieke munisipale staatsorgaan, behoudens die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);
- 25 en
- (d) verskillende tydperke bepaal ten opsigte van verskillende staatsorgane wat ingevolge paragraaf (a) tot (c) geïdentifiseer word.

#### **Herroeping van Wet 67 van 1977**

64. (1) (a) Die Wet op Burgerlike Beskerming, 1977 (Wet No. 67 van 1977), word herroep in die mate wat bepalinge van daardie Wet nie aan 'n provinsie opgedra is nie.

(b) Bepalinge van daardie Wet wat aan 'n provinsie opgedra is, hou aan om van toepassing te wees in die provinsie totdat dit deur die provinsiale wetgewer herroep word.

- (2) Ondanks die herroeping van bepalinge van die Wet op Burgerlike Beskerming, 1977, gaan artikel 9 van daardie Wet voort om van toepassing te wees op enige dood, besering of ongeskiktheid, soos omskryf in daardie artikel, wat voor die herroeping van daardie artikel plaasgevind het.

#### **Kort titel en inwerkingtreding**

65. Hierdie Wet heet die Wet op Rampbestuur, 2002, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.



