# Government Gazette
# Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

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## THE PRESIDENCY

No. 1239 15 December 2015

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

**Act No. 16 of 2015: Disaster Management Amendment Act, 2015**

## DIE PRESIDENSIE

No. 1239 15 Desember 2015

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

**Wet No 16 van 2015: Wysigingswet op Rampbestuur, 2015**


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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**GENERAL EXPLANATORY NOTE:**

| | |
|---|---|
| [ ] | Words in bold type in square brackets indicate omissions from existing enactments. |
| ______ | Words underlined with a solid line indicate insertions in existing enactments. |

*(English text signed by the President)*
*(Assented to 13 December 2015)*

# ACT

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

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 57 of 2002**

**1.** Section 1 of the Disaster Management Act, 2002 (hereinafter referred to as the principal Act), is hereby amended—

*(a)* by the insertion before the definition of ''Department'' of the following definitions:

'' **'adaptation'** means—

*(a)* in relation to human systems, the process of adjustment to actual or expected climate and its effects, in order to moderate harm or exploit beneficial opportunities; and

**ALGEMENE VERDUIDELIKENDE NOTA:**

| | |
|---|---|
| [ ] | Woorde in vierkantige hakies dui skrappings uit bestaande verordenings aan. |
| ______ | Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan. |

*(Engelse teks deur die President geteken)*
*(Goedgekeur op 13 Desember 2015)*

# WET

**Tot wysiging van die Wet op Rampbestuur, 2002, ten einde sekere omskrywings te vervang en in te voeg; beleidsfokus op rehabilitasie en funksionering van rampbestuursentrums duidelik te maak; die werksaamhede van die Nasionale Rampbestuursadviesforum in ooreenstemming te bring om plek vir die Suid-Afrikaanse Nasionale Platform vir Ramprisikovermindering te maak; voorsiening te maak vir die Suid-Afrikaanse Nasionale Weermag, Suid-Afrikaanse Polisiediens en enige ander staatsorgaan om die rampbestuurstrukture by te staan; voorsiening te maak vir 'n uitgebreide verslagstelsel deur staatsorgane oor inligting aangaande gebeure wat tot die verklaring van rampe lei, uitgawes op reaksie en herstel, handelings ten opsigte van risikovermindering en bepaalde probleme wat in die hantering van rampe ervaar word; verslagdoening oor die inwerkingstelling van beleid en wetgewing met betrekking tot ramprisikovermindering en bestuur van bewilligde fondse aan munisipale en provinsiale munisipale en provinsiale interregeringsforums ingestel ingevolge die "Intergovernmental Relations Framework Act", 2005, te versterk; die verteenwoordiging van tradisionele leiers in nasionale, provinsiale en munisipale rampbestuursadviesforums te versterk; die inhoud van rampbestuursplanne uit te brei om die uitvoer van ramprisikowaarderings vir funksionele gebiede en die beskrywing van risiko's, gebiede en gemeenskappe wat kwesbaar vir rampe is, in te sluit; maatreëls te voorsien om die risiko vir rampe te verminder deur by klimaatsverandering aan te pas en vroeë-waarskuwingsmeganismes te ontwikkel; voorsiening te maak vir regulasies oor rampbestuursopvoeding, opleiding en navorsingsaangeleenthede en verklaring en klassifisering van rampe; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 57 van 2002**

**1.** Artikel 1 van die Wet op Rampbestuur, 2002 (hierna die Hoofwet genoem), word hierby gewysig—

*(a)* deur die volgende omskrywing voor die omskrywing van "Departement" in te voeg:

" **'aanpassing'—**

*(a)* in verband met menslike stelsels, die proses van aanpassing by werklike of verwagte klimaat en die gevolge daarvan, ten einde skade te beperk of voordelige geleenthede te benut; en

*(b)* in relation to natural systems, the process of adjustment to actual climate and its effects;
**'climate change'** means a change in the state of the climate that can be identified by changes in the variability of its properties and that persists for an extended period, typically decades or longer;'';

*(b)* by the substitution for the definition of ''Department'' of the following definition:

'' **'Department'** means the principal department that supports the Cabinet member referred to in section 3;'';

*(c)* by the substitution for subparagraph (iii) of paragraph *(a)* of the definition of ''disaster'' of the following subparagraph:

''(iii) significant disruption of the life of a community; and'';

*(d)* by the insertion after the definition of ''disaster management'' of the following definition:

'' **'disaster risk reduction'** means either a policy goal or objective, and the strategic and instrumental measures employed for—

*(a)* anticipating future disaster risk;
*(b)* reducing existing exposure, hazard or vulnerability; and
*(c)* improving resilience;'';

*(e)* by the insertion after the definition of ''district municipality'' of the following definition:

'' **'ecosystem'** means a system of relationships between animals and plants and their environment;'';

*(f)* by the substitution for the definition of ''emergency preparedness'' of the following definition:

'' **'emergency preparedness'** means—

*(a)* 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; and
*(b)* the knowledge and capacities developed by governments, professional response and recovery organisations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current hazard events or conditions;'';

*(g)* by the substitution for the definition of ''mitigation'' of the following definition:

'' **'mitigation'**, in relation to—

*(a)* a disaster or disaster risk, means the lessening of the potential adverse impacts of physical hazards, including those that are human-induced, through actions that reduce hazard, exposure and vulnerability; or
*(b)* climate change, means a human intervention to reduce the sources or enhance the sinks of greenhouse gases;'';

*(h)* by the insertion after the definition of ''municipal entity'' of the following definition:

'' **'municipality'** means a municipality as contemplated in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);'';

*(i)* by the substitution for the definition of ''organ of state'' of the following definition:

'' **'organ of state'** means **[a national, provincial or municipal organ of state]** any organ of state referred to in section 239 of the Constitution of the Republic of South Africa, 1996;'';

*(j)* by the substitution for the definition of ''post-disaster recovery and rehabilitation'' of the following definition:

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

(b) in verband met natuurlike stelsels, die proses van aanpassing by werklike klimaat en die gevolge daarvan;'';

*(b)* deur die omskrywing van ''Departement'' deur die volgende omskrywing te vervang:

'' **'Departement'** die hoofdepartement wat die Kabinetslid in artikel 3 bedoel, ondersteun;'';

*(c)* deur die volgende omskrywing na die omskrywing van ''distriksmunisipaliteit'' in te voeg:

'' **'ekostelsel'** 'n stelsel van verhoudings tussen diere en plante en hul omgewing;'';

*(d)* deur die volgende omskrywing na die omskrywing van ''hierdie Wet'' in te voeg:

'' **'klimaatsverandering'** 'n verandering in die toestand van die klimaat wat deur wisseling in die veranderlikheid van die klimaat se eienskappe geïdentifiseer kan word en wat vir 'n verlengde tydperk voortduur, gewoonlik dekades of langer;'';

*(e)* deur die omskrywing van ''kwesbaarheid'' deur die volgende omskrywing te vervang:

'' **'kwesbaarheid'** die omstandighede deur fisieke, maatskaplike, ekonomiese en omgewingsfaktore of prosesse bepaal, wat 'n gemeenskap se vatbaarheid vir die uitwerking van gevare vergroot;'';

*(f)* deur die volgende omskrywing na die omskrywing van ''munisipale entiteit'' in te voeg:

'' **'munisipaliteit'** 'n munisipaliteit soos beoog in artikel 2 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);'';

*(g)* deur die omskrywing van ''na-ramp herstel en rehabilitasie'' deur die volgende omskrywing te vervang:

'' **'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, deur fasiliteite, lewensbestaan en woontoestande van rampgeteisterde gemeenskappe te herstel en te verbeter, waar gepas, met inbegrip van pogings om ramprisikofaktore te verminder;

*(b)* die gevolge van 'n ramp verlig word; of

*(c)* omstandighede geskep word wat die risiko dat 'n soortgelyke ramp kan plaasvind, sal verminder;'';

*(h)* deur die omskrywing van ''noodgereedheid'' deur die volgende omskrywing te vervang:

'' **'noodgereedheid'**—

*(a)* 'n staat van gereedheid wat staatsorgane en ander instellings wat by rampbestuur betrokke is, die privaatsektor, gemeenskappe en indiwidue in staat stel om te mobiliseer, te organiseer, en noodlenigingsmaatreëls te voorsien om 'n dreigende of teenswoordige ramp of die gevolge van 'n ramp te hanteer; en

*(b)* die kennis en vermoëns ontwikkel deur regerings-, professionele reaksie- en herwinningsorganisasies, gemeenskappe en indiwidue om die uitwerking van waarskynlike, dreigende of huidige gevaargebeure of -toestande doeltreffend vooruit te loop, daarop te reageer en daarvan te herstel;'';

*(i)* deur subparagraaf (iii) van paragraaf *(a)* van die omskrywing van ''ramp'' deur die volgende subparagraaf te vervang:

''(iii) noemenswaardige ontwrigting van 'n gemeenskap, veroorsaak of dreig om te veroorsaak; en'';

*(j)* deur die volgende omskrywing na die omskrywing van ''rampbestuur'' in te voeg:

'' **'ramprisikovermindering'** óf 'n beleidsdoel óf 'n -oogmerk, en die strategiese en instrumentele maatreëls gebruik vir—

*(a)* normality in conditions caused by a disaster is restored by the restoration, and improvement, where appropriate, of facilities, livelihoods and living conditions of disaster-affected communities, including efforts to reduce disaster risk factors;
*(b)* the effects of a disaster are mitigated; or
*(c)* circumstances are created that will reduce the risk of a similar disaster occurring;'';

*(k)* by the insertion after the definition of ''response'' of the following definition:
'' **'risk assessment'** means a methodology to determine the nature and extent of risk by analysing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihoods and the environment on which they depend;''; and

*(l)* by the substitution for the definition of ''vulnerability'' of the following definition:
'' **'vulnerability'** means the conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a community to the impact of hazards.''.

**Amendment of section 5 of Act 57 of 2002**

**2**. Section 5 of the principal Act is hereby amended—

*(a)* by the substitution for subparagraph (vi) of paragraph *(e)* of subsection (1) of the following subparagraph:
''(vi) traditional leaders as recommended by the National House of Traditional Leaders established by section 2 of the National House of Traditional Leaders Act, 2009 (Act No. 22 of 2009);'';

*(b)* by the deletion in paragraph *(e)* of subsection (1) of the word ''and'' at the end of subparagraph (xii), the insertion of the word ''and'' at the end of subparagraph (xiii) and the addition to that paragraph of the following subparagraph:
''(xiv) representatives of national umbrella organisations for women, children, the elderly and people with disabilities;''; and

*(c)* by the addition of the following subsection:
''(4) The Forum serves as the South African National Platform for Disaster Risk Reduction.''.

**Substitution of section 8 of Act 57 of 2002**

**3.** The following section is hereby substituted for section 8 of the principal Act:

''**Establishment**

**8. [(1)]** A National Disaster Management Centre is established as an institution within the public service.

**[(2) The National Centre forms part of, and functions within, a department of state for which the Minister is responsible.]**''.

**Amendment of section 10 of Act 57 of 2002**

**4.** Section 10 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

''(2) A person appointed as the Head of the National Centre reports to the Minister and 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.''.

*(a)* die vooruitloop van toekomstige ramprisiko's;
*(b)* vermindering van blootstelling, gevaar, of kwesbaarheid; en
*(c)* verbetering van lewenskragtigheid;'';

*(k)* deur die volgende omskrywing na die omskrywing van ''reaksie'' in te voeg:

'' **'risikowaardering'** 'n metodologie waarvolgens die aard en omvang van risiko's vasgestel word deur potensiële gevare te analiseer en bestaande toestande van kwesbaarheid te evalueer wat gesamentlik mense, eiendom, dienste, lewensbestane en die omgewing waarvan hulle afhanklik is, moontlik kan skaad;'';

*(l)* deur die omskrywing van ''staatsorgaan'' deur die volgende omskrywing te vervang:

'' **'staatsorgaan' ['n nasionale, provinsiale of munisipale staatsorgaan]** enige staatsorgaan bedoel in artikel 239 van die Grondwet van die Republiek van Suid-Afrika, 1996;''; en

*(m)* deur die omskrywing van ''verligting'' deur die volgende omskrywing te vervang:

'' **'verligting'**, in verband met—
*(a)* 'n ramp of ramprisiko, die vermindering van die potensiële nadelige uitwerking van fisieke gevare, met inbegrip van dié wat deur die mens veroorsaak is, deur stappe wat gevaar, blootstelling en kwesbaarheid verminder; of
*(b)* klimaatsverandering, 'n menslike ingryping om kweekhuisgasbronne te verminder of kweekhuisgasputte te verbeter;''.

**Wysiging van artikel 5 van Wet 57 van 2002**

**2**. Artikel 5 van die Hoofwet word hierby gewysig—

*(a)* deur subparagraaf (vi) van paragraaf *(e)* van subartikel (1) deur die volgende subparagraaf te vervang:

''(vi) tradisionele leiers soos deur die Nasionale Huis van Tradisionele Leiers ingestel by artikel 2 van die 'National House of Traditional Leaders Act', 2009 (Wet No. 22 van 2009), aanbeveel;'';

*(b)* deur in paragraaf *(e)* subartikel (1) die woord ''en'' aan die einde van subparagraaf (xii) te skrap, die woord ''en'' aan die einde van subparagraaf (xiii) in te voeg en die volgende subparagraaf by daardie paragraaf te voeg:

''(xiv) verteenwoordigers van nasionale sambreelorganisasies vir vroue, kinders, bejaardes en persone met gestremdhede;''; en

*(c)* deur die volgende subartikel by te voeg:

''(4) Die Forum dien as die Suid-Afrikaanse Nasionale Platform vir Ramprisikovermindering.''.

**Vervanging van artikel 8 van Wet 57 van 2002**

**3.** Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

''**Instelling**

**8. [(1)]** 'n Nasionale Rampbestuursentrum word ingestel as 'n instelling binne die staatsdiens.

**[(2) Die Nasionale Sentrum maak deel uit van, en funksioneer in, 'n staatsdepartement waarvoor die Minister verantwoordelik is.]**''.

**Wysiging van artikel 10 van Wet 57 van 2002**

**4.** Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

''(2) 'n Persoon wat as die Hoof van die Nasionale Sentrum aangestel word, rapporteer aan die Minister en 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.''.

**Substitution of section 11 of Act 57 of 2002**

**5.** The following section is hereby substituted for section 11 of the principal Act:

''**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]** Minister may designate another person in the service of, or seconded to, the Department to act as Head of the National Centre.''.

**Amendment of section 13 of Act 57 of 2002**

**6.** Section 13 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

''(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]** Head of the National Centre and that organ of state or organisation.''.

**Amendment of section 15 of Act 57 of 2002**

**7.** Section 15 of the principal Act is hereby amended—

*(a)* by the insertion after paragraph *(a)* of subsection (2) of the following paragraph:

''*(a*A*)* in any event of a disaster, or a potential disaster, call on the South African National Defence Force, South African Police Service and any other organ of state to assist the disaster management structures;''; and

*(b)* by the addition of the word ''and'' at the end of paragraph *(b)* of subsection (3) and the deletion of paragraph *(c)* of that subsection.

**Amendment of section 22 of Act 57 of 2002**

**8.** Section 22 of the principal Act is hereby amended by the substitution for paragraph *(f)* of the following paragraph:

''*(f)* acting in any other way approved by the **[Director-General of the Department]** Minister.''.

**Amendment of section 23 of Act 57 of 2002**

**9.** Section 23 of the principal Act is hereby amended—

*(a)* by the deletion in subsection (1) of the word ''and'' at the end of paragraph *(b)* and the insertion after that paragraph of the following paragraph:

''*(b*A*)* inform the relevant provincial disaster management centre of the decision on the classification of the disaster made in terms of paragraph *(b)*; and''; and

*(b)* by the substitution for paragraph *(a)* of subsection (5) of the following paragraph:

''*(a)* it affects—

(i) more than one metropolitan or district municipality in the same province; or

(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]** and

**[(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]**''.

**Vervanging van artikel 11 van Wet 57 van 2002**

**5.** Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

“**Waarnemende Hoof**

**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]** Minister ’n ander persoon in diens van, of gesekondeer aan, die Departement aanwys om as Hoof van die Nasionale Sentrum waar te neem.”.

**Wysiging van artikel 13 van Wet 57 van 2002**

**6.** Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(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]** Hoof van die Nasionale Sentrum en daardie staatsorgaan of organisasie.”.

**Wysiging van artikel 15 van Wet 57 van 2002**

**7.** Artikel 15 van die Hoofwet word hierby gewysig—

*(a)* deur na paragraaf *(a)* van subartikel (2) die volgende paragraaf in te voeg:

“*(a*A*)* in enige geval van rampspoed, of ’n potensiële ramp, die Suid-Afrikaanse Nasionale Weermag, Suid-Afrikaanse Polisiediens en enige ander staatsorgaan oproep om die rampbestuurstrukture by te staan;”; en

*(b)* deur die woord “en” aan die einde van paragraaf *(b)* van subartikel (3) by te voeg en paragraaf *(c)* van daardie subartikel te skrap.

**Wysiging van artikel 22 van Wet 57 van 2002**

**8.** Artikel 22 van die Hoofwet word hierby gewysig deur paragraaf *(f)* deur die volgende paragraaf te vervang:

“*(f)* op te tree op enige ander wyse wat deur die **[Direkteur-generaal van die Departement]** Minister goedgekeur word.”.

**Wysiging van artikel 23 van Wet 57 van 2002**

**9.** Artikel 23 van die Hoofwet word hierby gewysig—

*(a)* deur in subartikel (1) die woord “en” aan die einde van paragraaf *(b)* te skrap en die volgende paragraaf na daardie paragraaf in te voeg:

“*(b*A*)* die tersaaklike provinsiale rampbestuursentrum inlig van die besluit geneem oor die klassifikasie van die ramp ingevolge paragraaf *(b)*; en”; en

*(b)* deur paragraaf *(a)* van subartikel (5) deur die volgende paragraaf te vervang:

“*(a)* dit—

(i) meer as een metropolitaanse of distriksmunisipaliteit in dieselfde provinsie raak; of

(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]** en

**[(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]**”.

**Amendment of section 24 of Act 57 of 2002**

**10.** Section 24 of the principal Act is hereby amended—

*(a)* by the substitution for the heading of the following heading:

"**[Annual reports] Reporting**"; and

*(b)* by the addition of the following subsections:

"(4) Each organ of state must, on any occurrence leading to the declaration of a disaster, report on a quarterly basis to the National Centre on—

*(a)* information reflecting the type, severity, loss in terms of lives, damage to property, crop and other goods;

*(b)* the spatial attributes of the areas, communities and households affected by the disaster;

*(c)* an analysis of the impact of the disaster in accordance with gender, age, disability and cultural perspectives;

*(d)* a list of the measures implemented in order to restore communities and the reconstruction and rehabilitation of infrastructure in a manner that makes those communities less vulnerable to disasters and strengthens their resilience;

*(e)* information on the expenditure incurred on response and post-disaster recovery and rehabilitation;

*(f)* listing of any actions in terms of risk reduction;

*(g)* particular problems that were experienced in dealing with the disasters; and

*(h)* any other information that may be prescribed.

(5) Progress reports on the implementation of policy and legislation relating to disaster risk reduction and management in municipalities and provinces must be submitted on a quarterly basis to the municipal and provincial intergovernmental forums established in terms of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

(6) If money has been allocated to a national department, province or municipality from the national revenue for purposes of disaster mitigation, relief and post-disaster recovery and rehabilitation, whether in the form of new funding or from current institutional funds, a progress report on the spending of that money must be submitted on a quarterly basis to the municipal, provincial and national intergovernmental forums established in terms of the Intergovernmental Relations Framework Act, 2005.

(7) Expenditure and performance reports for all funds received must be compiled by each organ of state and submitted to the transferring national officers and the National Treasury in accordance with the annual Division of Revenue Act.

(8) Copies of reports referred to in subsections (4), (5) and (6) must be submitted simultaneously to the National Treasury and the relevant disaster management centres in the respective spheres of government.".

**Amendment of section 25 of Act 57 of 2002**

**11.** Section 25 of the principal Act is hereby amended—

*(a)* by the substitution for subsection (1) of the following subsection:

"(1) Each national organ of state must—

*(a)* conduct a disaster risk assessment for its functional area;

*(b)* identify and map risks, areas, ecosystems, communities and households that are exposed or vulnerable to physical and human-induced threats;

*(c)* 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, including expected climate change impacts and risks for the organ of state;

(ii) its role and responsibilities in terms of the national or provincial disaster management framework;

**Wysiging van artikel 24 van Wet 57 van 2002**

**10.** Artikel 24 van die Hoofwet word hierby gewysig—

*(a)* deur die opskrif deur die volgende opskrif te vervang:

"**[Jaarverslae]** **Verslagdoening**"; en

*(b)* deur die volgende subartikels by te voeg:

"(4) Elke staatsorgaan moet, by enige gebeurtenis wat tot die verklaring van 'n ramp lei, kwartaalliks aan die Nasionale Sentrum verslag doen oor—

*(a)* inligting wat die tipe, erns, lewensverliese, skade aan eiendom, oeste en ander goedere weergee;

*(b)* die ruimtelike kenmerke van die gebiede, gemeenskappe en huishoudings wat deur die ramp geraak is;

*(c)* 'n analise van die uitwerking van die ramp volgens geslag, ouderdom, gestremdheid en kulturele perspektiewe;

*(d)* 'n lys van die maatreëls in werking gestel ten einde gemeenskappe te herstel en die rekonstruksie en rehabilitasie van infrastruktuur op 'n wyse wat daardie gemeenskappe minder kwesbaar vir rampe maak en hul veerkragtigheid versterk;

*(e)* inligting oor die uitgawes aangegaan vir reaksie en na-ramp herstel en rehabilitasie;

*(f)* lys van enige stappe ter wille van risikovermindering gedoen;

*(g)* bepaalde probleme wat in die hantering van die rampe ervaar is; en

*(h)* enige ander inligting wat voorgeskryf kan word.

(5) Vorderingsverslae oor die inwerkingstelling van beleid en wetgewing wat met ramprisikovermindering en -bestuur in munisipaliteite en provinsies verband hou, moet kwartaalliks aan die munisipale en provinsiale interregeringsforums ingestel ingevolge die 'Intergovernmental Relations Framework Act', 2005 (Wet No. 13 van 2005), voorgelê word.

(6) Indien geld uit die nasionale inkomste aan 'n nasionale departement, provinsie of munisipaliteit bewillig is vir die doeleindes van rampverligting, ramphulp en na-ramp herstel en rehabilitasie, hetsy in die vorm van nuwe befondsing of uit huidige institusionele fondse, moet 'n vorderingsverslag oor die besteding van daardie geld kwartaalliks aan die munisipale, provinsiale en nasionale interregeringsforums ingestel ingevolge die 'Intergovernmental Relations Framework Act', 2005, voorgelê word.

(7) Uitgawe- en prestasieverslae vir alle fondse wat ontvang is, moet deur elke staatsorgaan opgestel word en ooreenkomstig die jaarlikse Wet op Verdeling van Inkomste aan die oordraende nasionale beamptes en die Nasionale Tesourie voorgelê word.

(8) Afskrifte van verslae in subartikels (4), (5) en (6) bedoel, moet gelyktydig aan die Nasionale Tesourie en die relevante rampbestuursentrum in die relevante regeringsfere voorgelê word.".

**Wysiging van artikel 25 van Wet 57 van 2002**

**11.** Artikel 25 van die Hoofwet word hierby gewysig—

*(a)* deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Elke nasionale staatsorgaan moet—

*(a)* 'n ramprisikowaardering vir sy funksionele gebied uitvoer;

*(b)* risiko's, gebiede, ekostelsels, gemeenskappe en huishoudings wat aan fisieke en mensgemaakte bedreigings blootgestel of daarvoor kwesbaar is, identifiseer en karteer;

*(c)* 'n rampbestuursplan voorberei wat—

(i) die wyse waarop die konsep en beginsels van rampbestuur in sy funksionele gebied toegepas moet word, met inbegrip van gevolge en risiko's van verwagte klimaatsverandering vir die staatsorgaan;

(ii) sy rol en verantwoordelikhede ingevolge die nasionale of provinsiale rampbestuursraamwerk;

(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;
(vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies; and
(vii) specific measures taken to address the needs of women, children, the elderly and persons with disabilities during the disaster management process;

*(d)* co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players;
*(e)* provide measures and indicate how it will invest in disaster risk reduction and climate change adaptation, including ecosystem and community-based adaptation approaches;
*(f)* develop early warning mechanisms and procedures for risks identified in its functional area; and
*(g)* regularly review and update its plan.'';

*(b)* by the insertion in subsection (3) after paragraph *(a)* of the following paragraph:
''*(a*A*)* A major public entity, listed in Schedule 2 to the Public Finance Management Act, 1999 (Act No.1 of 1999), must submit its disaster management plan prepared in terms of subsection (1) to the National Centre at the same time the major public entity submits its disaster management plan to the relevant national organ of state.'';

*(c)* by the substitution in subsection (3) for paragraph *(b)* of the following paragraph:
''*(b)* If a national organ of state or major public entity fails to submit a copy of its disaster management plan or of any amendment to the plan in terms of paragraph *(a)* or *(a*A*)*, as the case may be, the National Centre must report the failure to the Minister, who must take such steps as may be necessary to secure compliance with **[that]** the relevant paragraph, including reporting the failure to Parliament.''; and

*(d)* by the addition to subsection (3) of the following paragraph:
''*(c)* The National Centre must make available applicable disaster management plans of organs of state to relevant provincial and municipal disaster management centres.''.

## Insertion of section 31A in Act 57 of 2002

**12.** The following section is hereby inserted in the principal Act after section 31:

''**Staff of provincial disaster management centre**

**31A.** The staff of a provincial disaster management centre consists of—
*(a)* the head of the provincial disaster management centre; and
*(b)* suitably qualified persons, designated by the Head of the department within which the provincial disaster management centre is established.''.

## Amendment of section 37 of Act 57 of 2002

**13.** Section 37 of the principal Act is hereby amended—
*(a)* by the substitution for subparagraph (v) of paragraph *(e)* of subsection (1) of the following subparagraph:
''(v) a traditional **[leaders]** leader recommended by the Provincial House of Traditional Leaders established by the Premier of a province in terms of section 212 of the Constitution of the Republic of South Africa, 1996; and

*(b)* by the insertion of the word ''and'' at the of subparagraph (xi) of paragraph *(e)* of subsection (1) and the addition to that paragraph of the following subparagraph:

(iii) sy rol en verantwoordelikhede aangaande noodreaksie en na-ramp herstel en rehabilitasie;
(iv) sy kapasiteit om sy rol en verantwoordelikhede te vervul;
(v) besonderhede van sy rampbestuurstrategieë;
(vi) gebeurlikheidstrategieë en noodprosedures in die geval van 'n ramp, met inbegrip van maatreëls om hierdie strategieë te befonds; en
(vii) bepaalde maatreëls ingestel om die behoeftes van vroue, kinders, bejaardes en persone met gestremdhede tydens die rampbestuursproses te hanteer, uiteensit;

*(d)* die inwerkingstelling van sy eie plan met die planne van ander staatsorgane en institusionele belanghebbendes koördineer en in ooreenstemming bring;
*(e)* maatreëls voorsien en aandui hoe hy in ramprisikovermindering en klimaatsveranderingsaanpassing sal belê, met inbegrip van ekostelsel- en gemeenskapsgebaseerde aanpassingsbenaderings;
*(f)* vroeë-waarskuwingsmeganismes en prosedures vir risiko's in sy funksionele gebied geïdentifiseer, ontwikkel; en
*(g)* sy plan gereeld hersien en bywerk.'';

*(b)* deur in subartikel (3) na paragraaf *(a)* die volgende paragraaf in te voeg:
''*(a*A*)* 'n Groter openbare instelling, gelys in Bylae 2 tot die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), moet sy rampbestuursplan ingevolge subartikel (1) voorberei, voorlê op dieselfde tyd wat die groter openbare instelling sy rampbestuursplan aan die tersaaklike nasionale staatsorgaan voorlê.'';

*(c)* deur in subartikel (3) paragraaf *(b)* deur die volgende paragraaf te vervang:
''*(b)* Indien 'n nasionale staatsorgaan of groter openbare instelling versuim om 'n afskrif van sy rampbestuursplan of van enige wysiging van die plan ingevolge paragraaf *(a)* of *(a*A*)*, na gelang van die geval, 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]** die tersaaklike paragraaf te verseker, insluitende rapportering van die versuim aan die Parlement.''; en

*(d)* deur die volgende paragraaf by subartikel (3) te voeg:
''*(c)* Die Nasionale Sentrum moet toepaslike rampbestuursplanne van staatsorgane aan relevante provinsiale en munisipale rampbestuursentrums beskikbaar stel.''.

**Invoeging van artikel 31A in Wet 57 van 2002**

**12**. Die volgende artikel word hierby na artikel 31 in die Hoofwet ingevoeg:

''**Personeel van provinsiale rampbestuursentrum**

**31A.** Die personeel van 'n provinsiale rampbestuursentrum bestaan uit—
*(a)* die hoof van die provinsiale rampbestuursentrum; en
*(b)* persone met gepaste kwalifikasies, aangestel deur die Hoof van die departement waarin die provinsiale rampbestuursentrum gestig is.''.

**Wysiging van artikel 37 van Wet 57 van 2002**

**13.** Artikel 37 van die Hoofwet word hierby gewysig—

*(a)* deur subparagraaf (v) in paragraaf *(e)* van subartikel (1) deur die volgende subparagraaf te vervang:
''(v) 'n tradisionele **[leiers]** leier aanbeveel deur die Provinsiale Huis van Tradisionele Leiers ingestel deur die Premier van 'n provinsie ingevolge artikel 212 van die Grondwet van Suid-Afrika, 1996; en

*(b)* deur die woord ''en'' aan die einde van subparagraaf (xi) van paragraaf *(e)* van subparagraaf (1) in te voeg en die volgende subparagraaf by daardie paragraaf te voeg:

"(xii) representatives of provincial umbrella organisations for women, children, the elderly and people with disabilities;".

**Amendment of section 38 of Act 57 of 2002**

**14.** Section 38 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Each provincial organ of state must—

*(a)* conduct a disaster risk assessment for its functional area;

*(b)* identify and map risks, areas, ecosystems, communities and households that are exposed or vulnerable to physical and human-induced threats;

*(c)* 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, including expected climate change impacts and risks for the organ of state;

(ii) its role and responsibilities in terms of the national or provincial 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;

(v) particulars of its disaster management strategies;

(vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies; and

(vii) specific measures taken to address the needs of women, children, the elderly and persons with disabilities during the disaster management process;

*(d)* co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players;

*(e)* provide measures and indicate how it will invest in disaster risk reduction and climate change adaptation, including ecosystem and community-based adaptation approaches;

*(f)* develop early warning mechanisms and procedures for risks identified in its functional area; and

*(g)* regularly review and update its plan.".

**Amendment of section 39 of Act 57 of 2002**

**15.** Section 39 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Each province must—

*(a)* conduct a disaster risk assessment for its provincial area;

*(b)* identify and map risks, areas, ecosystems, communities and households that are exposed or vulnerable to physical and human-induced threats;

*(c)* prepare a disaster management plan for the province as a whole, setting out—

(i) the way in which the concept and principles of disaster management are to be applied in its provincial area, including expected climate change impacts and risks for the province;

(ii) its role and responsibilities in terms of the national and provincial 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;

(v) particulars of its disaster management strategies;

(vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies; and

(vii) specific measures taken to address the needs of women, children, the elderly and persons with disabilities during the disaster management process;

*(d)* co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players;

"(xii) verteenwoordigers van provinsiale sambreelorganisasies vir vroue, kinders, bejaardes en persone met gestremdhede;".

**Wysiging van artikel 38 van Wet 57 van 2002**

**14.** Artikel 38 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Elke provinsiale staatsorgaan moet—

*(a)* 'n ramprisikowaardering vir sy funksionele gebied uitvoer;
*(b)* risiko's, gebiede, ekostelsels, gemeenskappe en huishoudings wat aan fisieke en mensgemaakte bedreigings blootgestel of daarvoor kwesbaar is, identifiseer en karteer;
*(c)* 'n rampbestuursplan voorberei wat—
  (i) die wyse waarop die konsep en beginsels van rampbestuur in sy funksionele gebied toegepas moet word, met inbegrip van verwagte klimaatsverandering se gevolge en risiko's vir die staatsorgaan;
  (ii) sy rol en verantwoordelikhede ingevolge die nasionale of provinsiale rampbestuursraamwerk;
  (iii) sy rol en verantwoordelikhede aangaande noodreaksie en na-ramp herstel en rehabilitasie;
  (iv) sy kapasiteit om sy rol en verantwoordelikhede te vervul;
  (v) besonderhede van sy rampbestuurstrategieë;
  (vi) gebeurlikheidstrategieë en noodprosedures in die geval van 'n ramp, met inbegrip van maatreëls om hierdie strategieë te befonds; en
  (vii) bepaalde stappe gedoen om die behoeftes van vroue, kinders, bejaardes en persone met gestremdhede tydens die rampbestuursproses te hanteer,

  uiteensit;
*(d)* die inwerkingstelling van sy eie plan met die planne van ander staatsorgane en institusionele belanghebbendes koördineer en in ooreenstemming bring;
*(e)* maatreëls voorsien en aandui hoe hy in ramprisikovermindering en klimaatsveranderingaanpassing sal belê, met inbegrip van ekostelsel- en gemeenskapsgebaseerde aanpassingsbenaderings;
*(f)* vroeë-waarskuwingsmeganismes en prosedures vir risiko's in sy funksionele gebied geïdentifiseer, ontwikkel; en
*(g)* sy plan gereeld hersien en bywerk.".

**Wysiging van artikel 39 van Wet 57 van 2002**

**15.** Artikel 39 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Elke provinsie moet—

*(a)* 'n ramprisikowaardering vir sy provinsiale gebied doen;
*(b)* risiko's, gebiede, ekostelsels, gemeenskappe en huishoudings wat aan fisieke en mensgemaakte bedreigings blootgestel of daarvoor kwesbaar is, identifiseer en karteer;
*(c)* 'n rampbestuursplan vir die provinsie as 'n geheel voorberei wat—
  (i) die wyse waarop die konsep en beginsels van rampbestuur in sy provinsiale gebied toegepas moet word, met inbegrip van gevolge en risiko's van verwagte klimaatsverandering vir die provinsie;
  (ii) sy rol en verantwoordelikhede ingevolge die nasionale of provinsiale rampbestuursraamwerk;
  (iii) sy rol en verantwoordelikhede aangaande noodreaksie en na-ramp herstel en rehabilitasie;
  (iv) sy kapasiteit om sy rol en verantwoordelikhede te vervul;
  (v) besonderhede van sy rampbestuurstrategieë;
  (vi) gebeurlikheidstrategieë en noodprosedures in die geval van 'n ramp, met inbegrip van maatreëls om hierdie strategieë te befonds; en
  (vii) bepaalde maatreëls ingestel om die behoeftes van vroue, kinders, bejaardes en persone met gestremdhede tydens die rampbestuursproses te hanteer,

  uiteensit;
*(d)* die inwerkingstelling van sy eie plan met die planne van ander staatsorgane en institusionele belanghebbendes koördineer en in ooreenstemming bring;

*(e)* provide measures and indicate how it will invest in disaster risk reduction and climate change adaptation, including ecosystem and community-based adaptation approaches;
*(f)* develop early warning mechanisms and procedures for risks identified in the provincial area; and
*(g)* regularly review and update its plan.''.

**Amendment of section 43 of Act 57 of 2002**

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

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

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

**Insertion of section 45A in Act 57 of 2002**

**17.** The following section is hereby inserted in the principal Act after section 45:

''**Staff of municipal disaster management centre**

**45A.** The staff of a municipal disaster management centre consists of—
*(a)* the head of the municipal disaster management centre; and
*(b)* suitably qualified persons appointed in the administration of the municipality.''.

**Substitution of heading to Part 3 of Chapter 5 of Act 57 of 2002**

**18**. The following heading is hereby substituted for the heading to Part 3 of Chapter 5 of the principal Act:

''*Powers and duties of* ***[municipalities and municipal entities]*** *municipal organs of state*''.

**Amendment of section 51 of Act 57 of 2002**

**19.** Section 51 of the principal Act is hereby amended—
*(a)* by the substitution for subparagraph (iv) of paragraph *(d)* of subsection (1) of the following subparagraph:
''(v) one traditional **[leaders]** leader elected from the traditional council or traditional councils in a municipality recognised by the Premier of a province in terms of section 212 of the Constitution of the Republic of South Africa, 1996; and
*(b)* by the insertion of the word ''and'' at the of subparagraph (xi) of paragraph *(e)* of subsection (1) and the addition to that paragraph of the following subparagraph:
''(xii) representatives of local umbrella organisations for women, children, the elderly and people with disabilities;''.

**Amendment of section 52 of Act 57 of 2002**

**20**. Section 52 of the principal Act is hereby amended—
*(a)* by the substitution for the heading of the following heading:
''**Preparation of disaster management plans by municipal [entities] organs of state other than municipalities**'';
*(b)* by the substitution for subsection (1) of the following subsection:
''(1) Each municipal organ of state other than a municipality must—

*(e)* maatreëls voorsien en aandui hoe hy in ramprisikovermindering en klimaatsveranderingsaanpassing sal belê, met inbegrip van ekostelsel- en gemeenskapsgebaseerde aanpassingsbenaderings;
*(f)* vroeë-waarskuwingsmeganismes en prosedures vir risiko's in die provinsiale gebied geïdentifiseer, ontwikkel; en
*(g)* sy plan gereeld hersien en bywerk.''.

**Wysiging van artikel 43 van Wet 57 van 2002**

**16.** Artikel 43 van die Hoofwet word hierby gewysig deur die volgende subartikels by te voeg:

''(3) 'n Plaaslike munisipaliteit moet kapasiteit daarstel vir die ontwikkeling en koördinasie van 'n rampbestuursplan en die inwerkingstelling van 'n rampbestuursfunksie vir die munisipaliteit wat deel uitmaak van die rampbestuursplan soos deur die relevante munisipale rampbestuursentrum goedgekeur.

(4) 'n Plaaslike munisipaliteit kan in oorleg met die tersaaklike distriksmunisipaliteit 'n rampbestuursentrum instel ooreenkomstig die bepalings in 'n diensvlakooreenkoms tussen die twee partye uiteengesit, in ooreenstemming met nasionale norme en standaarde.''.

**Invoeging van artikel 45A in Wet 57 van 2002**

**17.** Die volgende artikel word hierby na artikel 45 in die Hoofwet ingevoeg:

''**Personeel van munisipale rampbestuursentrum**

**45A.** Die personeel van 'n munisipale rampbestuursentrum bestaan uit—
*(a)* die hoof van die munisipale rampbestuursentrum; en
*(b)* persone met gepaste kwalifikasies in die administrasie van die munisipaliteit aangestel.''.

**Vervanging van opskrif tot Deel 3 van Hoofstuk 5 van Wet 57 van 2002**

**18.** Die opskrif tot Deel 3 van Hoofstuk 5 van die Hoofwet word hierby deur die volgende opskrif vervang:

''*Bevoegdhede en pligte van* ***[munisipaliteite en munisipale entiteite]*** *munisipale staatsorgane''.*

**Wysiging van artikel 51 van Wet 57 van 2002**

**19.** Artikel 51 van die Hoofwet word hierby gewysig—
*(a)* deur subparagraaf (iv) van paragraaf *(d)* van subartikel (1) deur die volgende subparagraaf te vervang:
''(v) een tradisionele **[leiers]** leier verkies uit die tradisionele raad of tradisionele rade in 'n munisipaliteit deur die Premier van 'n provinsie erken ingevolge artikel 212 van die Grondwet van die Republiek van Suid-Afrika, 1996; en
*(b)* deur die woord ''en'' aan die einde van subparagraaf (xi) van paragraaf *(e)* van subartikel (1) in te voeg en die volgende subparagraaf by daardie paragraaf te voeg:
''(xii) verteenwoordigers van plaaslike sambreelorganisasies vir vroue, kinders, bejaardes en persone met gestremdhede;''.

**Wysiging van artikel 52 van Wet 57 van 2002**

**20.** Artikel 52 van die Hoofwet word hierby gewysig—
*(a)* deur die opskrif deur die volgende opskrif te vervang:
''**Voorbereiding van rampbestuursplanne deur munisipale [entiteite] staatsorgane buiten munisipaliteite**'';
*(b)* deur subartikel (1) deur die volgende subartikel te vervang:
''(1) Elke munisipale staatsorgaan buiten 'n munisipaliteit moet—

*(a)* conduct a disaster risk assessment for its functional area;
*(b)* identify and map risks, areas, ecosystems, communities and households that are exposed or vulnerable to physical and human-induced threats;
*(c)* 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, including expected climate change impacts and risks for that municipal entity or administrative unit;
(ii) its role and responsibilities in terms of the national, provincial or municipal 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;
(v) particulars of its disaster management strategies;
(vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies; and
(vii) specific measures taken to address the needs of women, children, the elderly and persons with disabilities during the disaster management process;
*(d)* co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players;
*(e)* provide measures and indicate how it will invest in disaster risk reduction and climate change adaptation, including ecosystem and community-based adaptation approaches;
*(f)* develop early warning mechanisms and procedures for risks identified in its functional area; and
*(g)* regularly review and update its plan.''; and

*(c)* by the substitution for subsection (2) of the following subsection:

''(2) *(a)* A municipal **[entity]** organ of state 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]** centre.

*(b)* If a municipal **[entity]** 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 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.''.

**Amendment of section 53 of Act 57 of 2002**

**21.** Section 53 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) Each municipality must—
*(a)* conduct a disaster risk assessment for its municipal area;
*(b)* identify and map risks, areas, ecosystems, communities and households that are exposed or vulnerable to physical and human-induced threats;
*(c)* 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 municipal area, including expected climate change impacts and risks for the municipality;
(ii) its role and responsibilities in terms of the national, provincial or municipal 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;

*(a)* ’n ramprisikowaardering vir sy funksionele gebied uitvoer;
*(b)* risiko’s, gebiede, ekostelsels, gemeenskappe en huishoudings wat aan fisieke en mensgemaakte bedreigings blootgestel of daarvoor kwesbaar is, identifiseer en karteer;
*(c)* ’n rampbestuursplan voorberei wat—
(i) die wyse waarop die konsep en beginsels van rampbestuur in sy funksionele gebied toegepas moet word, met inbegrip van verwagte klimaatsverandering se gevolge en risiko’s vir die munisipale entiteit of administratiewe eenheid;
(ii) sy rol en verantwoordelikhede ingevolge die nasionale of provinsiale rampbestuursraamwerk;
(iii) sy rol en verantwoordelikhede aangaande noodreaksie en na-ramp herstel en rehabilitasie;
(iv) sy kapasiteit om sy rol en verantwoordelikhede te vervul;
(v) besonderhede van sy rampbestuurstrategieë;
(vi) gebeurlikheidstrategieë en noodprosedures in die geval van ’n ramp, met inbegrip van maatreëls om hierdie strategieë te befonds; en
(vii) bepaalde stappe gedoen om die behoeftes van vroue, kinders, bejaardes en persone met gestremdhede tydens die rampbestuursproses te hanteer,
uiteensit;
*(d)* die inwerkingstelling van sy eie plan met die planne van ander staatsorgane en institusionele belanghebbendes koördineer en in ooreenstemming bring;
*(e)* maatreëls voorsien en aandui hoe hy in ramprisikovermindering en klimaatsveranderingsaanpassing sal belê, met inbegrip van ekostelsel- en gemeenskapsgebaseerde aanpassingsbenaderings;
*(f)* vroeë-waarskuwingsmeganismes en prosedures vir risiko’s in sy funksionele gebied geïdentifiseer, ontwikkel; en
*(g)* sy plan gereeld hersien en bywerk.”; en

*(c)* deur subartikel (2) deur die volgende subartikel te vervang:

“(2) *(a)* ’n Munisipale **[entiteit]** staatsorgaan 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]** rampbestuursentrum voorlê.

*(b)* Indien ’n munisipale **[entiteit]** 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]** 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.”.

**Wysiging van artikel 53 van Wet 57 van 2002**

**21.** Artikel 53 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Elke munisipaliteit moet—
*(a)* ’n ramprisikowaardering vir sy munisipale gebied uitvoer;
*(b)* risiko’s, gebiede, ekostelsels, gemeenskappe en huishoudings wat aan fisieke en mensgemaakte bedreigings blootgestel of daarvoor kwesbaar is, identifiseer en karteer;
*(c)* ’n rampbestuursplan voorberei wat—
(i) die wyse waarop die konsep en beginsels van rampbestuur in sy munisipale gebied toegepas moet word, met inbegrip van verwagte klimaatsverandering se gevolge en risiko’s vir die munisipaliteit;
(ii) sy rol en verantwoordelikhede ingevolge die nasionale, provinsiale of munisipale rampbestuursraamwerk;
(iii) sy rol en verantwoordelikhede aangaande noodreaksie en na-ramp herstel en rehabilitasie;
(iv) sy kapasiteit om sy rol en verantwoordelikhede te vervul;

(v) particulars of its disaster management strategies;
(vi) contingency strategies and emergency procedures in the event of a disaster, including measures to finance these strategies; and
(vii) specific measures taken to address the needs of women, children, the elderly and persons with disabilities during the disaster management process;
*(d)* co-ordinate and align the implementation of its plan with those of other organs of state and institutional role-players;
*(e)* provide measures and indicate how it will invest in disaster risk reduction and climate change adaptation, including ecosystem and community-based adaptation approaches;
*(f)* develop early warning mechanisms and procedures for risks identified in the municipal area;
*(g)* regularly review and update its plan; and
*(h)* 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.''.

**Amendment of section 59 of Act 57 of 2002**

**22.** Section 59 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

''(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;
*(c)* concerning the focus areas of the national disaster management education, training and research frameworks; and
*(d)* concerning the declaration and classification of disasters.''.

**Substitution of long title of Act 57 of 2002**

**23.** The following long title is hereby substituted for the long title of the principal Act:

''**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 and rehabilitation;**
- **the establishment and functioning of national, provincial and municipal disaster management centres;**
- **disaster management volunteers; and**
- **matters incidental thereto**.''.

**Short title and commencement**

**24.** This Act is called the Disaster Management Amendment Act, 2015, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

(v) besonderhede van sy rampbestuurstrategieë;
(vi) gebeurlikheidstrategieë en noodprosedures in die geval van 'n ramp, met inbegrip van maatreëls om hierdie strategieë te befonds; en
(vii) bepaalde stappe gedoen om die behoeftes van vroue, kinders, bejaardes en persone met gestremdhede tydens die rampbestuursproses te hanteer,

uiteensit;

*(d)* die inwerkingstelling van sy eie plan met die planne van ander staatsorgane en institusionele belanghebbendes koördineer en in ooreenstemming bring;
*(e)* maatreëls voorsien en aandui hoe hy in ramprisikovermindering en klimaatsveranderingsaanpassing sal belê, met inbegrip van ekostelsel- en gemeenskapsgebaseerde aanpassingsbenaderings;
*(f)* vroeë-waarskuwingsmeganismes en prosedures vir risiko's in sy munisipale gebied geïdentifiseer, ontwikkel;
*(g)* sy plan gereeld hersien en bywerk; en
*(h)* deur gepaste meganismes, prosesse en prosedures ingevolge Hoofstuk 4 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), ingestel, met die plaaslike gemeenskap oorleg pleeg oor die voorbereiding of wysiging van sy plan.''.

**Wysiging van artikel 59 van Wet 57 van 2002**

**22.** Artikel 59 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

''(1) Die Minister kan regulasies wat nie met hierdie Wet onbestaanbaar is nie, 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]**

*(b)* wat voorsiening maak vir die betaling, uit gelde vir die 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;
*(c)* met betrekking tot die fokusgebiede van die nasionale rampbestuurs-opvoedings-, opleidings- en navorsingsraamwerke; en
*(d)* aangaande die verklaring en klassifikasie van rampe.''.

**Vervanging van lang titel van Wet 57 van 2002**

**23.** Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

**''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 en rehabilitasie;**
- **die instelling en werking van nasionale, provinsiale en munisipale rampbestuursentrums;**
- **rampbestuursvrywilligers; en**
- **aangeleenthede wat daarmee in verband staan**.''.

**Kort titel en inwerkingtreding**

**24.** Hierdie Wet heet die Wysigingswet op Rampbestuur, 2015, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.