

Disaster Management Act 57 of 2002

Topic: Environmental

IN A CALABASH

Introduction

The Disaster Management Act 57 of 2002 defines the roles of local authorities and provincial and national government in disaster management.

The Disaster Management Act focuses on speeding up response times to ensure that disasters are dealt with efficiently and effectively by providing clear guidelines for the classification of disasters and the declaration of a state of disaster.

In simple terms, the Disaster Management Act is about all spheres of government, all sectors within government, communities and businesses working together to reduce the risk of disasters and to ensure that arrangements are in place to minimise the impact of disasters on the community.

Objectives of the Act

The Disaster Management Act provides a platform from which all spheres of government and communities can work together to prevent or reduce the risks of disasters including steps which are aimed at–

- preventing or reducing the risk of disasters;
 - taking measures to reduce the impact or consequences of a disaster;
 - emergency preparedness;
 - rapid and effective responses to disasters; and
 - post-disaster recovery and rehabilitation.
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Application of the Act and its implication to Tourism

The Disaster Management Act applies to any disaster or emergency situation but does not apply to an occurrence which has been declared as a state of emergency or an occurrence which can be dealt with effectively in terms of other national legislation.

All three spheres of government, national, provincial and local, have a role to play in disaster management.

Whilst the Act does not directly apply to an operator within tourism, save for a public office which may have a duty under the Act, all private service providers should co-operate with the various national, provincial or municipal disaster management centres, employees or volunteers employed to assist in the event of a disaster.

Summary of the provisions of the Act

All organs of state, provinces, municipalities and communities should have an awareness of what a disaster is and their respective levels of responsibility in controlling and reacting to such a disaster.

A National Disaster Management Centre has been established. 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, a person performing a function assigned to them by national, provincial or municipal legislation and other role-players involved in disaster management and communities.

In turn, the provinces and municipalities must establish a disaster management center for the areas under their respective jurisdictions.

The Act identifies three categories of disasters, namely a Local, Provincial or National disaster. These are explained below.

A **local disaster** is one that affects a single metropolitan, district or local municipality only and 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.

A **provincial disaster** is one that affects–

- more than one metropolitan or district municipality in the same province;
- 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
- a cross-boundary municipality in respect of which only one province exercises executive authority, and the province concerned is able to deal with it effectively.

A **national disaster** is one that affects–

- more than one province; or
- a single province which is unable to deal with it effectively.

Until a disaster is classified, the disaster must be regarded as a local disaster.

Disaster management plans

All 3 spheres of government must prepare a national disaster management plan.

The disaster management plans, read together with the law and disaster management frameworks, make provision for the 3 spheres of government to declare disaster areas occurring within their respective jurisdictions and allow for resources to be allocated for

immediate relief as well as for reconstruction. This includes things like food, blankets, medical supplies and building materials for reconstruction.



WHAT HAPPENS IF YOU DO NOT COMPLY?

A person is guilty of an offence if that person fails to comply with a request made by the National Centre or by a provincial or municipal disaster management centre.

A person convicted of an offence is liable on conviction to a fine, to imprisonment not exceeding six months or to both a fine and such imprisonment.



RECOMMENDED ACTIONS OR CONTROLS WHICH SHOULD BE IMPLEMENTED BY THE TARGET AUDIENCE TO ENSURE COMPLIANCE WITH THE ACT

The following physical controls and measures must be in place in order to demonstrate compliance:

- Set up Disaster Management Centres;
- Prepare disaster management framework;
- Classify and record disasters;
- Prepare disaster management plans;
- Establish a unit for volunteers for disaster management;
- Identify threats and risks in a community;
- Identify vulnerabilities in a community;
- Prioritise risks;
- Develop risk treatment actions and incorporate into the integrated development plan for action;
- Train communities to ensure community awareness and engagement;
- Ensure that contingency plans, protocols and procedures are in place to address incidents and disasters;
- Develop plans and actions for the rehabilitation and reconstruction of communities at risk; and
- Develop excellent co-operation and relationships between all parties.

FURTHER INFORMATION

Regulator

South African National Disaster Management Centre

Website

www.ndmc.gov.za