



Western Cape
Government



DROUGHT & FIRE MANAGEMENT

LAWS AND REGULATIONS

Drought Dialogue

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Content

- **Governing Legislation**
- **Disaster Management Act**
 - **STEP BY STEP RECOVERY PROCESS**
 - damage assessment,
 - verification,
 - declaration,
classification,
 - gazetting & request for funding
- **Fire Services Act**
- **Veld and Forest Fires Act**

Governing Legislation

Governing Legislation

Disaster management and Fire Fighting services in South Africa are governed by the Constitution and three Acts (and one national framework).

Fire Services

- The Fire Services Act (Act 99 of 1987)
- National Veld and Forest Fires Act (Act 101 of 1998)

Disaster Management

- The Disaster Management Act (Act 57 of 2002)
- The National Disaster Management Framework (2005)

Disaster Management Act



Disaster Management Act

To provide for

- An integrated and co-ordinated disaster management policy that focusses 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

Disaster Management Act (Main imperatives)

- Provides for disaster management function at all spheres of government.
- Appointment of a Head of Centre (Disaster Management).
- Allows HoC to engage in any lawful activity to prevent/mitigate disasters.
- Maintain a disaster management information system.
- Develop and maintain disaster plans.
- Determine levels of risk/assess vulnerability of communities and households to disasters.
- Measure performance of govt. departments and organs of state & evaluate disaster prevention, mitigation & response initiatives.
- Classification of disasters.
- Declaration of a state of disaster (Regulations).
- Disaster management framework.
- Disaster management advisory forum.

Disaster Declaration (Provincial)

- Provincial executive is primarily responsible for the co-ordination & management of disasters occurring in the province (irrespective of a disaster being declared).
- Disaster may be declared if:
 - Existing legislation & contingencies do not allow the executive to adequately deal with the incident;
 - Other special circumstances warrant a declaration.
- Provincial disaster lapses after 3 months, or
 - May be terminated by Premier (Prov Gazette) prior to 3 month period.
 - May be extended for one month at a time.

Disaster Declaration (Regulations)

If a disaster has been declared the Premier may make regulations pertaining to:

- Release any Prov. Govt. resources;
- Movement of people to shelters;
- Movement of traffic/people;
- Control/occupancy of premises;
- Establishment & maintenance of lines of communication;
- Prohibit or limit the sale of liquor;
- Facilitation of response & disaster recovery activities;
- International assistance;
- Any steps to prevent an escalation of the disaster.

STEP BY STEP RECOVERY PROCESS

damage assessment, verification, declaration,
classification, gazetting & request for funding

1. DAMAGE ASSESSMENTS CONDUCTED

1.1 Facilitate preliminary disaster damage assessment process:

Step 1: incident occurs at local/district or metro level;

Step 2: local/district will request assistance from the PDMC if they cannot cope;

Step 3: PDMC monitors the situation to determine the magnitude of the damage and whether support is required;

Step 4: Co-ordinate preliminary/ immediate disaster assessments with the relevant stakeholders;

1. DAMAGE ASSESSMENTS CONDUCTED continued

1.1 Facilitate preliminary disaster damage assessment process:

Step 5: Provide municipalities/ departments with preliminary damage assessment templates (highlighting insured/non-insured items);

Step 6: Collect all preliminary damage assessment data;

Step 7: Collate data in preliminary damage assessment template; and

Step 8: Submit the preliminary damage assessments results to Provincial Cabinet/Provincial Treasury and National Disaster Management Centre.

1. DISASTER ASSESSMENTS CONDUCTED continued

1.2 Facilitate verification of disaster damage assessment process:

Step 1: Co-ordinate verification of preliminary/ immediate disaster assessments with the relevant stakeholders (with assistance from Provincial Verification Team);

Step 2: Provide municipalities/departments with verified damage assessment templates;

Step 3: Collect all verified damage assessment data;

Step 4: Collate data in verified damage assessment template; and

Step 5: Submit the verified assessment results to Provincial Cabinet/PT and NDMC.

2. DISASTER DECLARATIONS AND CLASSIFICATIONS

2.1 Facilitate disaster declaration process:

Step 1: Incident occurs at local/ district or metro level;

Step 2: PDMC monitors the situation to determine the magnitude and severity of the damages and losses;

Step 3: The affected local municipality will take a council resolution w.r.t the declaration of a local disaster;

Step 4: the local municipality will submit a council resolution to their district municipality;

Step 5: If the DM supports the decision, they will forward their council resolution together with that of the local municipality to the PDMC; and

2. DISASTER DECLARATIONS AND CLASSIFICATIONS

2.1 Facilitate disaster declaration process:

Step 6: The PDMC will appraise the situation in order to support/ or not to support the request for a declaration;

Step 7: The PDMC will recommend or not recommend the declaration process to the Provincial Cabinet; and

Step 8: The PDMC will submit the Cabinet recommendation to the NDMC for classification.

2. DISASTER DECLARATIONS AND CLASSIFICATIONS

2.2 Facilitate disaster classification process:

Step 1: The NDMC will communicate the decision on the classification (i.e. local or provincial) to the PDMC;

Step 2: The PDMC to communicate the classification outcome to the District and Local Municipality; and/or Provincial Departments

Step 3: The local municipality will take responsibility for gazetting the classification of a local disaster

Step 4: The PDMC will take responsibility for gazetting the classification of a provincial disaster

3. REQUEST FOR ADDITIONAL FUNDING

3.1 Emergency Relief (Disaster Conditional Grant):

Step 1: The PDMC will request to NDMC for additional funding in an application package including: declaration; classification & gazetting of disaster; initial assessment & situational reports; business plans of critical projects; costing estimates. It is not necessary for an independent verification to be done.

Step 2: If emergency funding is approved, it needs to be spend in 3 months. Monthly expenditure & quarterly reports & auditing site visits needs to be provided/conducted in line with the conditions of the grant.

3. REQUEST FOR ADDITIONAL FUNDING

3.2 Rehabilitation & Reconstruction:

Step 1: The PDMC to request to NDMC for additional funding in an application package, similar to the above. It is necessary for an independent service provider appointed by NDMC to verify the accuracy and veracity of the damage assessments and costing estimates.

Step 2: The PDMC to work in close collaboration with the PSP and affected stakeholders in order to facilitate the completion of the independent verification.

Step 3: The PDMC chase sign-off of the verification report by the responsible HODs

Step 4: Await funding approvals and transfers to beneficiary stakeholders

Step 5: Obtain progress reports, conduct site visits and monitor spending of approved projects

Fire Services Act



Fire Services Act

To provide for

- The establishment maintenance, employment, co-ordination and standardisation of fire brigade services, and for matters connected therewith

Fire Services Act (Main imperatives)

- Fire Brigade Board
- Services of Local Authorities
 - Metro/District Function
 - Wildfires
 - Chemical Fires
 - Training Co-ordination
 - Metro/Local Function
 - Structural Fire fighting
- Designated Services
 - Chevron/Sasol/Koeberg
- Chief Fire Officer & Members of Service
- Reserve Force
- Medals & Decorations
- Training
- Fees
- Category Authorised Persons
- Mutual Aid Agreements

Fire Services Act (Powers of members of service)

In the performance of his/her duties a member of a fire service may:

- Close any road or street;
- Enter, or break and enter any premises;
- Damage, destroy or pull down any property;
- Remove any person from a scene who is in danger or obstructs that member in performing his/her duties;
- Take material or any object from any person provided that person is compensated in accordance with the value of the material/object.
- Order any inhabitant of the RSA (Between 16 and 60) to assist him/her in the performance of their duties.

Veld & Forest Fires Act



Veld and Forest Fires Act

Purpose

- to prevent and combat veld, forest and mountain fires throughout the Republic.

To provide for

- a variety of institutions, methods and practices for achieving the purpose

Veld & Forest Fires Act (Main imperatives)

- Fire Protection Associations
- Fire Danger Rating
- Fire Protection through Fire Breaks
- Fire Fighting
 - Fire fighting readiness
 - Actions to fight fires
 - Mutual assistance agreements.

Thank you

Contact Us



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BETTER TOGETHER.

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