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# GUIDELINE

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## CLASSIFICATION OF A DISASTER AND THE DECLARATION OF A STATE OF DISASTER



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None



## Acronyms

DMA	Disaster Management Act, 2002 (Act No. 57 of 2002)
DMC	Disaster Management Centre
MDMC	Municipal Disaster Management Centre
NDMC	National Disaster Management Centre
NDMF	National Disaster Management Framework, 2005
PDMC	Provincial Disaster Management Centre

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## Definitions

Words and expressions will, unless the context otherwise requires or the Disaster Management Act, 2002 (Act No. 57 of 2002) or National Disaster Management Framework, 2005 otherwise provides, have the meanings thereby assigned to them namely;

**“Classification”** means the categorisation of a disaster as a local, provincial or national disaster in terms of section 23 of the Act. (adapted from Oxford, 2018)

**“Coordination”** means the organisation of the different elements of a complex body or activity to enable them to work together effectively (Oxford, 2018)

**“Declaration”** means declaring a local, provincial or national state of disaster in terms of section 27, 41 or 55 of the Act.

**“Disastrous”** means an event or incident that cause or may cause great damage preceding a disaster (adapted from BD, 2018)

**“Occurrence”** means an incident or event (Oxford, 2018)

**“Magnitude”** means the size or extent of a disaster (Oxford, 2018)

**“Management”** means the responsibility or process of dealing with or controlling things or people to accomplish a goal (Oxford, 2018)

**“Severity”** means very great or intense (Oxford, 2018)





## Interrelation / compatibility with other guidelines

The foundation for the classification of a disaster and the declaration of a state of disaster is laid through the successful completion of a number of other processes before the disastrous event occurs. This guideline interrelates with the,

- Guidelines for Conducting Comprehensive Disaster Risk Assessments, Part 1: Hazard Identification, Analysis and Prioritisation issued<sup>1</sup> by the NDMC on 25 October 2016,
- Guidelines for the Development and Structure of a Disaster Management Plan issued<sup>2</sup> by the NDMC on 26 May 2017;
- Guideline for Cooperation and Mutual Assistance Agreements, issued by the NDMC in 2019;
- Guidelines on Contingency Planning and Arrangements, issued by the NDMC in 2019.

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<sup>1</sup> Government Gazette No. 40393 on 2 November 2016

<sup>2</sup> Government Gazette No. 40685 on 26 May 2017



## 1. Introduction

The Disaster Management Act, 2002 (Act No. 57 of 2002), (DMA) in Section 15, assigns various powers and duties to the National Disaster Management Centre (NDMC) which, amongst others, includes not only advisory and consultative functions, but also, in Section 22, the power to give guidance and advice to stakeholders with regards to disaster management.

It is central to the conception of the Republic's Constitutional order that the Legislature and executive in every sphere are constrained by the principle that they may exercise no power and perform no function beyond that conferred upon them by law. Administrative legality is a principle used by the courts to determine whether administrative action taken was not only authorised by law but was also performed in accordance with the prescripts laid down by the law.

Within the constitutional framework, this means that the executive and the public administration may exercise no power and perform no function beyond that conferred upon them by law<sup>3</sup>. In the disaster management context, the executive and the public administration draws its powers and functions from the DMA and subordinate legislation such as the National Disaster Management Framework, 2005 (NDMF) and the Disaster Management Volunteer Regulations, 2010 to amongst others classify a disaster and or to declare a state of disaster.

The DMA and NDMF is quite clear on the definition of a disaster. Applying this definition assumes a number of actions to follow. The classification of a disaster and the declaration of a state of disasters can only occur if the incident in question adheres to the characteristics of a disaster<sup>4</sup>. In practice it is important to understand the relationship<sup>5</sup> between the classification of a disaster, the declaration of a state of disaster and the procedure(s) to follow in execution of these tasks.

<sup>3</sup> Fedsure Life Assurance LTD v Greater Johannesburg 1999 (1) SA 374 (CC)

<sup>4</sup> Legal Opinions by Office of the Chief State Law Advisor on the reclassification of provincial disasters as national disaster 20 February 2018 and 12 March 2018.

<sup>5</sup> Legal Opinions by Western Cape Provincial Government Legal Services on the reclassification implication of lifting the national drought disaster declaration 17 August 2018 and 23 August 2018.



## 2. Purpose of this guideline

This guideline, developed in terms of paragraph 4.6 of the NDMF read with paragraph 4.2, provides a uniform mechanism to facilitate the rapid and effective process to classify a disaster and to declare a state of disaster.

## 3. Scope

This guideline provides a systematic process and flowchart(s) to clarify and facilitate the rapid and effective process to classify a disaster and the declaration of a state of disaster but do not provide detailed guidance on the methods for conducting the initial on-site assessment of a disaster.

## 4. How to use this guideline

Figure 4.2 of the NDMF provides the baseline processes for the classification and declaration of a state of disaster. This guideline builds on this process by extracting and grouping together the key concepts in different 'parts'. To classify a disaster and declare a state of disaster, therefore involves applying the four steps listed below.

**Step 1:** Evaluate the nature of the occurrence, set out in section 5 of this guideline, to determine whether the occurrence falls within the application of the DMA and if so, to initiate the process to conduct an initial onsite assessment.



**Step 2:** Conduct an initial onsite assessment of the occurrence, set out in section 6 of this guideline, to establish (1) the magnitude and severity of the disaster, (2) the ability of those affected by the disaster to cope using its own resources (3) whether the event should be regarded as a disaster, and (4) the basis of recommending to the NDMC which sphere of government should be assigned primary responsibility to coordinate and manage the disaster through a classification in terms of Section 23 of the DMA.

**Step 3:** The NDMC classifies the occurrence as a local, provincial or national disaster and organs of state mobilise their applicable contingency arrangements and emergency procedures, set out in Section 7.

**Step 4:** If existing legislation and contingencies are inadequate to deal with the disaster, the council or executive to whom primary responsibility to manage and coordinate the disaster is assigned, declares a local, provincial or national state of disaster to augment the existing legislation, contingency arrangements and emergency procedures through directives and Regulations, set out in section 8.

## 5. Part 1: Nature of the occurrence

Figure 4.2 of the NDMF sets out the process for the classification of a disaster and the declaration of a state of disaster. It depicts the first process to undertake, following an occurrence, as an evaluation of the nature of the occurrence in terms of section 2 of the DMA.



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**"2 Application of Act**

(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 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 [guideline emphasis].

(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.

Analysis of the underlined sections of the provision highlights that the DMA does not apply to an incident, even if it falls within the definition of a disaster specified by the DMA, provided that—

- (1) the incident can be dealt with effectively through other national legislation aimed at reducing the risk, and addressing the consequences, of occurrences of that nature: and
- (2) was identified by the Minister by notice in the Gazette.

In such circumstances, the process for the classification of a disaster and the declaration of a state of disaster is interrupted and the occurrence is dealt with through that other national legislation.

Conversely, in the absence of national legislation, or where occurrences that fall within the definition of a disaster occurs that cannot be dealt with effectively through other legislation, the DMA applies and lawful action should be or could be taken in terms of the DMA. The process for the classification of a disaster and the declaration of a state of disaster is thus maintained and the sequence progresses to the next step to initially assess the occurrence to determine if it should be regarded as a disaster.



## 6. Part 2: Initial assessment and application of the DMA definition

### 6.1 Initial assessment of the occurrence

The second process depicted by figure 4.2 of the NDMF, deals with conducting an initial onsite assessment<sup>6</sup> of the occurrence to establish the magnitude<sup>7</sup> and severity<sup>8</sup> or potential magnitude and severity, according to set assessment criteria<sup>9</sup>. The initial on-site assessment must capture at least the following:

- (i) Determine when a disastrous event occurs or may occur,
  - a. What type of disastrous event occurred or is likely to occur?
  - b. Where did the disastrous event occur or where is it likely to occur?
  - c. When did the disastrous event occur or is likely to occur?
- (ii) Evaluate the nature of the occurrence by determining whether the occurrence can be effectively be dealt with by other national legislation,
  - a. Aimed at reducing the risk, and addressing the consequences of occurrences of that nature; and is
  - b. Identified by the Minister by Notice in the Gazette.
- (iii) Establish the immediate magnitude or potential magnitude of the occurrence, by estimating the,
  - a. Size of the affected area or the size of the likely affected area.
  - b. Major type of land use affected or that may be affected?
  - c. Number of people affected or potentially affected by the occurrence.

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<sup>6</sup> In order to expedite the potential classification of the disaster, it is important that the affected province(s) and municipality(ies) conduct an initial assessment within 72 hours following the occurrence of the incident and submits a report to NDMC recommending the classification of the disaster that may be appropriate.

<sup>7</sup> The size or extent of the occurrence.

<sup>8</sup> The intensity of the damage

<sup>9</sup> See Guideline on Conducting an Initial On-Site Assessment.



- d. Number of animals affected or potentially affected by the occurrence.
- (iv) Establish the severity or potential severity of the occurrence, by estimating whether the occurrence caused or may cause,
  - a. Death.
  - b. Injury.
  - c. Disease.
  - d. Damage to property.
  - e. Damage to infrastructure
  - f. Damage to the environment.
- (v) Establish whether the occurrence is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources.
- (vi) Establish whether the disastrous event should be regarded as a disaster.
- (vii) Establish the basis of recommending to the NDMC which sphere of government should be assigned primary responsibility to coordinate and manage the disaster through a classification in terms of Section 23 of the DMA.

The outcome of the initial on-site assessment will indicate whether the occurrence is disastrous in nature or not and should be regarded as a disaster. If the occurrence is not a disaster, the process for the classification of a disaster is interrupted and the occurrence is monitored and dealt with by the applicable sector departments through conventional response measures.

However, if the occurrence is disastrous in nature section 49(1) and 35(1) of the DMA enjoins the Disaster Management Centre (DMC) of a municipality or province, as the case may be, to determine if the occurrence should be regarded (seen) as a disaster. This is achieved by applying the results of the initial on-site assessment against the definition of a disaster.



## 6.2 Application of the DMA definition

The third process depicted by figure 4.2 of the NDMF, deals with determining if the occurrence should be regarded as a disaster in terms of the DMA. Disasters are circumscribed in section 1 of the DMA, as follows:

*“ ‘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;*
  - (ii) damage to property, infrastructure or the environment; or*
  - (iii) significant 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; “*

It is clear from close analysis of the definition, that once an occurrence meets the elements<sup>10</sup> set out in the definition, it should be regarded (seen) as a disaster. When this is established, section 49(1) and 35(1) of the DMA enjoins the DMC of a municipality or province as the case may be, to immediately inform the NDMC of the disaster and its initial on-site assessment of the magnitude and severity or potential magnitude or severity of the disaster. When informing the NDMC in terms of section 49(1) and 35(1), the DMC may make such recommendations regarding the classification of the disaster as may be appropriate. However, until the disaster is classified by the NDMC in terms of Section 23, it must be regarded as a local disaster.

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<sup>10</sup> Causes death, injury, disease, damage, causes significant disruption and exceeds the ability of the affected to cope using only its own resources.





## 7. Part 3: Classification of a disaster and mobilisation of contingencies

### 7.1 Classification of a disaster

The fourth process depicted by figure 4.2 of the NDMF, deals with the classification of the occurrence as a local, provincial or national disaster in terms of section 23 of the DMA. The purpose to classify a disaster is to:

- (i) formally determine that a disaster exist;
- (ii) assign primary responsibility to a particular sphere of government for the coordination<sup>11</sup> and management<sup>12</sup> of the disaster.
- (iii) ensure that a sphere of government is accountable for the disaster; and
- (iv) enable organs of state in other spheres to assist the sphere having primary responsibility, to deal with the disaster or its consequences.

The Head of the National Centre, by virtue of the powers assigned by section 12 of the DMA, in terms of section 23(1)(b), is responsible to classify a disaster as a local, provincial or national disaster.

#### 7.1.1 Classification of a local disaster

Section 23(4) of the DMA states that a disaster is classified as a local disaster if it 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 or district of the district municipality is able to deal with it effectively.

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<sup>11</sup> Achieved through well defined goals; establishing and maintaining effective intergovernmental structures; communicating effectively; providing inspirational leadership; maintaining supervision across the structure; having appropriate plans and policies that are SMART (Specific, Measureable, Achievable, Relevant and Time-bound); establishing and maintaining cooperation; conducting regular meetings to reflect, review and reinvigorate efforts; and promote inclusiveness.

<sup>12</sup> Achieved through joint planning, organisation, staffing, directing and controlling.

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### 7.1.2 Classification of a provincial disaster

In terms of section 23(5) of the DMA, a disaster is classified as a provincial disaster if it affects more than one metropolitan or district municipality in the same province; or 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; and the province concerned is able to deal with it effectively.

### 7.1.3 Classification of a national disaster

In terms of section 23(6) of the DMA, a disaster is classified as a national disaster if it affects more than one province or a single province, which is unable to deal with it effectively.

### 7.1.4 Reclassification of a disaster

In terms of section 23(3) of the DMA, the NDMC may reclassify a disaster classified as a local, provincial or national disaster at any time after consultation with the relevant provincial or municipal DMCs, if the magnitude and severity or potential magnitude or severity is greater or lesser than the initial on-site assessment and or, capabilities are exceeded, or resources depleted, or the threshold is exceeded.

### 7.1.5 Publication of the classification in the Gazette

Section 15 of the Interpretation Act, 1957 (Act No. 33 of 1957) (IA) states that when any act, matter or thing is by any law directed or authorized to be done by the Governor-General, or by any Minister, or by any public officer, the notification that such act, matter or thing has been done may, unless a specified instrument or method is by that law prescribed for the notification, be by notice in the *Gazette*.



Section 23(1)(b) of the DMA, read with section 12(1)(a) empowers the Head of the National Centre to classify a disaster as a local, provincial or national disaster. The DMA does not prescribe a process to notify stakeholders of the classification of a disaster.

In line with the requirements of the IA highlighted, it is designated as good practice, and to facilitate broad communication of the decision made, that the classification of a local, provincial or national disaster be placed as a notice in the Government Gazette, consistent with **Template A**. Similarly, when a decision is made by the Head of the National Centre to reclassify a disaster, a notice is to be placed in the Government Gazette, consistent with **Template B**.

## 7.2 Mobilisation of contingency arrangements

The fifth process depicted by figure 4.2 of the NDMF, deals with the mobilisation of contingency arrangements<sup>13</sup> developed as part of the disaster management plan<sup>14</sup> of the applicable sphere of government. When it was established that an occurrence must be regarded as a disaster, section 49(1) and 35(1) of the DMA enjoins the DMC of a municipality or province as the case may be, to immediately alert disaster management role-players in the province that may be of assistance in the circumstances; and initiate the implementation of any contingency arrangements and emergency procedures that may be applicable in the circumstances.

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<sup>13</sup> Provides amongst others for what can be done to prepare and respond to the disaster as well as what would trigger activation of the contingency arrangements.

<sup>14</sup> Sections 25, 38, 39, 53 and 54 requires that organs of state across the three spheres of government develop a disaster management plan.



## 7.2.1 Responsibilities in the event of a local disaster

### (a) Metropolitan Municipalities

Section 54(1)(a) of the DMA indicates that the Council of a metropolitan municipality, following the classification of a local disaster by the Head of the NDMC, is primarily responsible for the coordination and management of such a local disaster. Section 54(3) of the DMA elucidates how the Council of a metropolitan municipality (and MDMC as the key role player) must deal with a local disaster by managing it in terms of existing legislation and contingency arrangements [required by Section 53 (1)(c)(vi) in particular] if a local state of disaster has not been declared in terms of Section 55. Section 48(1)(a)(ii) of the DMA requires that the MDMC fulfil its responsibility to monitor<sup>15</sup> response initiatives provided by various actors<sup>16</sup> in the area of the metropolitan municipality and report thereon to stakeholders as part of the coordination of the local disaster.

### (b) District Municipalities

Section 54 (1)(b) of the DMA indicates that the Council of a district municipality, following the classification of a local disaster by the Head of the NDMC, after consultation with the relevant local municipality, is primarily responsible for the coordination and management of a local disaster. Section 54(3) of the DMA elucidates how the Council of the district municipality (and MDMC as the key role player) must deal with a local disaster by managing it in terms of existing legislation and contingency arrangements [required by Section 53 (1)(c)(vi) in particular] if a local state of disaster has not been declared in terms of Section 55. Section 48(1)(a)(ii) of the DMA also requires that the MDMC fulfil its responsibility to monitor response initiatives provided by various actors in the area of the metropolitan municipality and report thereon to stakeholders as part of the coordination of the local disaster.

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<sup>15</sup> Achieved through observation, checking and keeping record etc. during the coordination and management process.

<sup>16</sup> Municipal organs of state, the private sector, non-governmental organisations and communities.



### (c) Local Municipalities

Section 54(2) of the DMA indicates that a local municipality may assume the primary responsibility for the coordination and management of a local disaster occurring in its area, following the classification of a local disaster by the Head of the NDMC, following an agreement with the district municipality to do so. In such a case, in terms of section 54(3) of the DMA, the Council of the local municipality (and MDMC as the key role player) must deal with a local disaster by managing it in terms of existing legislation and contingency arrangements [Section 53 (1)(c)(vi) in particular], if a local state of disaster has not been declared in terms of Section 55. Notwithstanding which Council has primary responsibility to coordinate and manage the disaster, section 48(1)(a)(ii) of the DMA still requires that the MDMC fulfil its responsibility to monitor response initiatives provided by various actors in the area of the metropolitan municipality and report thereon to stakeholders as part of the coordination of the local disaster.

#### 7.2.2 Responsibilities in the event of a provincial disaster

Section 40(1) of the DMA indicates that the executive of a province, following the classification of a provincial disaster by the Head of the NDMC, is primarily responsible for the coordination and management of the provincial disaster. Section 40 (2) of the DMA elucidates how the provincial executive (and PDMC for that matter) must deal with a provincial disaster by managing it in terms of existing legislation and contingency arrangements [Section 38 (1)(a)(vi) in particular] if a provincial state of disaster has not been declared in terms of Section 41. Section 34(1)(a)(ii) of the DMA also requires that the PDMC fulfil its responsibility to monitor response initiatives provided by various actors in the province and report thereon to stakeholders as part of the coordination of a provincial or local disaster.



### 7.2.3 Responsibilities in the event of a national disaster

Section 26(1) of the DMA indicates that the national executive, following the classification of a national disaster by the Head of the NDMC, is primarily responsible for the coordination and management of the national disaster. Section 26 (2) of the DMA elucidates how the national executive (and NDMC for that matter) must deal with a national disaster by managing it in terms of existing legislation and contingency arrangements [Section 25(1)(c)(vi) in particular] if a national state of disaster has not been declared in terms of Section 27. Section 21(1)(a)(ii) of the DMA requires that the NDMC fulfil its responsibility to monitor response initiatives provided by various actors and report thereon to stakeholders as part of the coordination of a national, provincial or local disaster.

### 7.3 Lapse of the classification of a disaster

The classification of a local, provincial or national disaster does not lapse as is the case with the lapsing of a local<sup>17</sup>, provincial<sup>18</sup> or national<sup>19</sup> state of disaster when declared, as the case may be, by the Minister, a Premier or a Council. As such, the organ of state having been assigned primary responsibility to manage and coordinate a disaster through the classification of a local, provincial or national disaster, with the support of the other spheres of government, remains responsible to manage and coordinate that local, provincial or national disaster in terms of existing legislation and contingency arrangements as long as the conditions remains that lead to the classification of a (local, provincial or national) disaster and it is determined otherwise by the NDMC, in accordance with Section 23 of the Act.

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<sup>17</sup> Ito Section 55(5)(a)

<sup>18</sup> Ito Section 41(5)(a)

<sup>19</sup> Ito Section 27(5)(a)



## 8. Part 4: Declaration of a state of disaster

The sixth to eleventh processes, depicted by figure 4.2 of the NDMF, deals with those disasters where (1) the existing legislation and contingency arrangements are inadequate to effectively deal with a local, provincial or national disaster, or (2) other special circumstances warrant the declaration of a state of disaster. In such instances, the executive or council declares a local, provincial or national state of disaster to augment the existing legislation and contingency arrangements, using directives and or Regulations<sup>20</sup>.

### 8.1 Process to declare a state of a disaster

The process to declare a state of disaster is subject to the Constitution, the DMA and other legislation, which establishes a variety of administrative structures to control the exercise of this public power. Parliament, Provincial Legislatures and Councils therefore have legislative competence within the confinements of the Constitution whilst subordinate legislative bodies, such as the Minister, Premiers and Councils do not have original legislative competence. They must act within the confines of the enabling legislation, such as the DMA insofar as it relates to declaring a state of disaster, issuing Regulations and or issuing directions.

The making of such delegated legislation by a Minister, a Premier and a Council has been stated by the Constitution as an essential part of the public administration, in that it gives effect to legislative provisions through the implementation of policies, procedures and programmes. However, according to the Promotion of Administrative Justice Act, 2000, (Act No. 3 of 2000) (PAJA) the test to determine if administrative action<sup>21</sup> taken by the executive of council is just, is based on three elements.

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<sup>20</sup> Bylaws in the case of a Council.

<sup>21</sup> in this case declaring a state of disaster, and or making regulations and or issuing directions



- (Element 1) The administrative action must be lawful,
- (Element 2) The administrative action must be reasonable; and
- (Element 3) The administrative action must be procedurally fair.

In the context of exercising the administrative power to declare a state of disaster, the executive or a council as the case may be, has the power to lawfully declare a state of disaster (element 1) once it is classified by the NDMC, but should only do so after having considered whether it is reasonable (element 2). This requires that the executive or council, in making a decision to declare a state of disaster, exercises sound judgement, fairness and sensibility with regards to the application of existing legislation, the applicable contingency arrangements, the needed Regulations (or bylaws in the case of a Council) and or the needed Directives. This speaks to following sound decision-making procedures based on the facts provided by the disaster assessment report(s) collected, which in turn promotes procedural fairness (element 3). When these elements are put to effective use, it enables the executive or a council to lawfully declare a state of disaster.

### 8.1.1 Declaration of a local state of disaster

Section 55(1) of the DMA states that in the event of a municipality having primary responsibility for the coordination and management of a local disaster, the Council of that municipality may declare a local state of disaster where,

- (1) the existing legislation and contingency arrangements are inadequate to effectively deal with the local disaster, or
- (2) other special circumstances warrant the declaration of a local state of disaster.





A local state of disaster, enables the council of the municipality to implement those extra-ordinary measures set out in section 55(2)(a) –(n) of the DMA, only to the extent that it is necessary for the purpose of,

- (a) Assisting and protecting the public;
- (b) Providing relief to the public;
- (c) Protecting property;
- (d) Preventing or combatting disruption; or
- (e) Dealing with the destructive effects of the disaster.

The decision of a council to declare a local state of disaster becomes effective once a Notice consistent with **Template C** is published in the applicable Provincial Gazette.

### 8.1.2 Declaration of a provincial state of disaster

Section 41(1) of the DMA states that in the event of a province having primary responsibility for the coordination and management of a provincial disaster, the Premier may declare a provincial state of disaster where,

- (1) the existing legislation and contingency arrangements are inadequate to effectively deal with the local disaster, or
- (2) other special circumstances warrant the declaration of a local state of disaster.

A provincial state of disaster, enables the provincial executive to implement those extra-ordinary measures set out in section 41(2)(a) –(o) of the DMA, only to the extent that it is necessary for the purpose of,

- (a) Assisting and protecting the public;
- (b) Providing relief to the public;
- (c) Protecting property;
- (d) Preventing or combatting disruption; or
- (e) Dealing with the destructive effects of the disaster.



The decision of a Premier to declare a provincial state of disaster becomes effective once a Notice consistent with **Template D** is published in the applicable Provincial Gazette.

### 8.1.3 Declaration of a national state of disaster

Section 27(1) of the DMA states that in the event of national government having primary responsibility for the coordination and management of a national disaster, the Minister may declare a provincial state of disaster where,

- (1) the existing legislation and contingency arrangements are inadequate to effectively deal with the local disaster, or
- (2) other special circumstances warrant the declaration of a local state of disaster.

A national state of disaster, enables the national executive to implement those extraordinary measures set out in section 41(2)(a) –(o) of the DMA, only to the extent that it is necessary for the purpose of,

- (a) Assisting and protecting the public;
- (b) Providing relief to the public;
- (c) Protecting property;
- (d) Preventing or combatting disruption; or
- (e) Dealing with the destructive effects of the disaster.

The decision of the Minister to declare a provincial state of disaster becomes effective once a Notice consistent with **Template E** is published in the National Gazette.





## 8.2 Responsibilities in the event of a state of disaster

It was explained in paragraph 7.2 that the mobilisation of contingency arrangements developed as part of the disaster management plan of the applicable sphere of government having primary responsibility is critical to provide fast and effective relief to the affected area(s). Notwithstanding this, the council, provincial or national executive by virtue of the declaration of a state of disaster, has the responsibility to deal with the disaster through the implementation of extra-ordinary measures.

### 8.2.1 Responsibilities in the event of a local state of disaster

#### (a) Metropolitan Municipalities

Section 54(3) of the DMA elucidates how the Council of a metropolitan municipality (and MDMC as the key role player) must deal with a local disaster by managing it in terms of existing legislation and contingency arrangements [required by Section 53 (1)(c)(vi) in particular] 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.

Section 48(1)(a)(ii) of the DMA requires that the MDMC fulfil its responsibility to monitor<sup>22</sup> response initiatives provided by various actors<sup>23</sup> in the area of the metropolitan municipality and report thereon to stakeholders as part of the coordination of the local disaster.

#### (b) District Municipalities

Section 54(3) of the DMA elucidates how the Council of the district municipality (and MDMC as the key role player) must deal with a local disaster by managing it in terms of existing legislation and contingency arrangements [required by Section 53 (1)(c)(vi) in particular] 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.

<sup>22</sup> Achieved through observation, checking and keeping record etc. during the coordination and management process.

<sup>23</sup> Municipal organs of state, the private sector, non-governmental organisations and communities.



Section 48(1)(a)(ii) of the DMA also requires that the MDMC fulfil its responsibility to monitor response initiatives provided by various actors in the area of the metropolitan municipality and report thereon to stakeholders as part of the coordination of the local disaster.

### (c) Local Municipalities

In the a case where a local municipality has assume the primary responsibility for the coordination and management of a local disaster occurring in its area, following an agreement with the district municipality to do so, in terms of section 54(3) of the DMA, the Council of the local municipality (and MDMC as the key role player) must deal with a local disaster by managing it in terms of existing legislation and contingency arrangements [Section 53 (1)(c)(vi) in particular], 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.

Notwithstanding which Council has primary responsibility to coordinate and manage the disaster, section 48(1)(a)(ii) of the DMA still requires that the MDMC fulfil its responsibility to monitor response initiatives provided by various actors in the area of the metropolitan municipality and report thereon to stakeholders as part of the coordination of the local disaster.

### 8.2.2 Responsibilities in the event of a provincial state of disaster

Section 40 (2) of the DMA elucidates how the provincial executive (and PDMC for that matter) must deal with a provincial disaster by managing it in terms of existing legislation and contingency arrangements [Section 38 (1)(a)(vi) in particular] as augmented by regulations or directions made or issued in terms of section 41(2), if a provincial state of disaster has been declared..

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Section 34(1)(a)(ii) of the DMA also requires that the PDMC fulfil its responsibility to monitor response initiatives provided by various actors in the province and report thereon to stakeholders as part of the coordination of a provincial or local disaster.

### 8.2.3 Responsibilities in the event of a national state of disaster

Section 26 (2) of the DMA elucidates how the national executive (and NDMC for that matter) must deal with a national disaster by managing it in terms of existing legislation and contingency arrangements [Section 25(1)(c)(vi) in particular] as augmented by regulations or directions made or issued in terms of section 27(2), if a national state of disaster has been declared.

Section 21(1)(a)(ii) of the DMA requires that the NDMC fulfil its responsibility to monitor response initiatives provided by various actors and report thereon to stakeholders as part of the coordination of a national, provincial or local disaster.

### 8.3 Lapsing of a state of disaster

A local, provincial or national state of disaster lapses three months<sup>24</sup> after the Notice to declare the local, provincial or national state of disaster appeared in the applicable Government Gazette, unless it is terminated or extended

### 8.4 Termination of a state of disaster

A Council, a Premier or the Minister having declared a local, provincial or national state of disaster, may terminate such a state of disaster before it lapses by placing a notice of termination in the applicable Government Gazette consistent with **Template F – H** as the case may be.

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<sup>24</sup> includes the date of publication of the Notice but excludes the last day of the three month period.

*me*



The termination of the state of disaster becomes effective either on the date the notice is published in the applicable Government Gazette or on a date listed in the notice following publication.

### 8.5 Extension of a state of disaster

A Council, a Premier or the Minister may extend a local, provincial or national state of disaster, as the case may be, for one month at a time by placing a notice of the extension in the applicable Government Gazette consistent with **Templates I – K**, as the case may be. In order for the state of disaster to remain valid, the extension notice must be appear in the applicable Government Gazette on a date before the (existing) state of disaster is due to lapse.

### 8.6 Making regulations or issuing directions

A Council, a Premier or the Minister may make regulations<sup>25</sup> or issue directions on a range of matters listed in sections 55(2); 41(2) and 27(2) of the DMA to augment contingency plans and existing legislation when it is not enabling the executive to effectively deal with the disaster.

It is accomplished by placing a signed notice of in the Provincial or Government Gazette consistent with **Templates L – M** as the case may be. Given the broad range of aspects listed in sections 55(2); 41(2) and 27(2) for which Regulations and or directions can be issued, it must be appreciated that this guideline cannot provide guidance or templets to achieve such a broad objective. Given the legislative technicalities and nature of the Regulations and or directives, DMCs are urged to establish cordial relations with legislative drafters and plan for the eventuality to prepare the requisite Regulations and or directions when needed.

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<sup>25</sup> By-laws in the case of a council.



It must be noted that the Regulations and or directions may only be issued to the extent that it is necessary for the purpose of,

- (a) Assisting and protecting the public;
- (b) Providing relief to the public;
- (c) Protecting property;
- (d) Preventing or combatting disruption; or
- (e) Dealing with the destructive effects of the disaster.

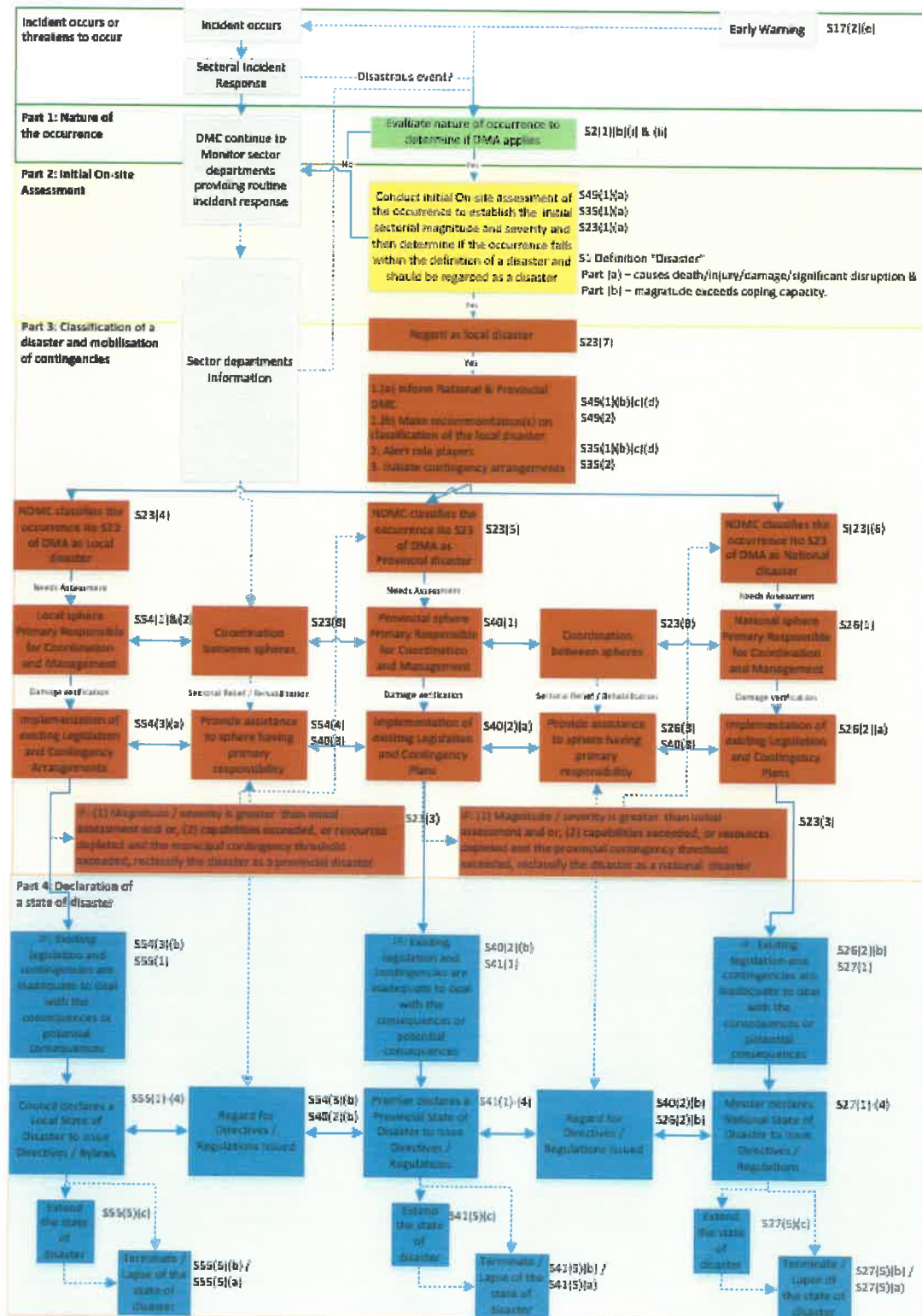
The Regulations or directions issued becomes effective, either on the date the notice is published or on a date listed in the notice following publication and lapses when the state of disaster lapse or is terminated.

## 9. Process flowchart

(see next page)



# CLASSIFICATION AND DECLARATION OF A STATE OF DISASTER



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## 10. Conclusion

This guideline provides a systematic process and flowchart(s) to clarify and facilitate the rapid and effective classification of a disaster and the declaration of a state of disaster.

## 11. Recommendations

It is recommended that all disaster management centres have regard for and consider this guideline when a disastrous event occurs or threatens to occur in order to determine whether the event should be regarded as a disaster and if so, how best to execute their responsibilities in terms of existing legislation, including the National Disaster Management Framework, 2005, the appropriate contingency arrangements, and where applicable, augment such existing legislation or contingency arrangements with regulations or directions made in terms of the applicable section of the Disaster Management Act, 2002.



## 12. Approval

**Mr Jurgens Dyssel**

Director: Policy Development and Regulatory Frameworks

Date:

Guideline Approved / Guideline referred to core group for refinement.

Guideline approved for Publication /.....

*Kindly work with CDs DAMOT & R and DRR & RC to develop a simplified user manual on a brochure format for approval by HOC and distribution before October 2019.*

**Dr Mmaphaka Tau**

Deputy Director-General (Head): NDMC

Date:



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## 14. Templates

### 14.1 Template A: Classification of a disaster

#### Government Notice

#### DEPARTMENT OF COOPERATIVE GOVERNANCE

No.

<insert Month>, 2018

#### DISASTER MANAGEMENT ACT, 2002 (ACT NO 57 of 2002)

**CLASSIFICATION OF A <INSERT LOCAL, PROVINCIAL OR NATIONAL> DISASTER: <INSERT HAZARD TYPE> WHICH OCCURRED ON <INSERT DAY MONTH YEAR> IN THE <INSERT PLACE OR PLACE(S) / STATE PLACES LISTED IN THE SCHEDULE>**

I, <insert name of Head of National Centre>, in my capacity as Head of the National Disaster Management Centre, after consultation with the relevant Provincial Disaster Management Centre, and after assessing the magnitude and severity of the <insert hazard type> occurring in <insert place or place(s) / state places listed in the schedule>, hereby give notice that the National Disaster Management Centre on <insert day month year> in terms of section 23(3) of the Disaster Management Act, 2002 (Act No. 57 of 2002) (the Act), classified the <insert hazard type> as a <insert local, provincial or national> disaster.

Emanating from the classification of this occurrence as a <insert local, provincial or national> disaster, in terms of section <insert 26, 40, 54>, read with section 23 of the Act, the primary responsibility to coordinate and manage the disaster, in terms of existing legislation and contingency arrangements, is designated to the <insert local, provincial or national> sphere of government.

*me*



## Guideline

### CLASSIFICATION AND DECLARATION OF A STATE OF DISASTER



I hereby, in terms of Section 15(2)(aA) of the Act, call upon organs of state (section 23(8)) to strengthen and support the disaster management structures to implement contingency plans and ensure that immediate relief, recovery and reconstruction measures are put in place to enable the *<insert local, provincial or national>* executive to effectively deal with the effects of this disaster.

Also emanating from this reclassification and the assistance provided by organs of state in terms of Section 23(8) and Sections 15(2)(aA) of the Act, organs of state are required to prepare and submit reports, as required by the National Disaster Management Centre and as outlined in Section 24(4) - (8) of the Act, to the respective intergovernmental forums as listed therein.

***<insert title, initials and surname of the Head of National Centre>***

**National Disaster Management Centre**

**Department of Cooperative Governance**

**Date:**



## 14.2 Template B: Reclassification of a disaster

### Government Notice

#### DEPARTMENT OF COOPERATIVE GOVERNANCE

No. *<insert Month>*, 2018

#### DISASTER MANAGEMENT ACT, 2002 (ACT NO 57 of 2002)

#### RECLASSIFICATION OF *< INSERT LOCAL, PROVINCIAL OR NATIONAL >* DISASTER AS A *< INSERT LOCAL, PROVINCIAL OR NATIONAL >* DISASTER.

I, *<insert name of Head of National Centre>*, in my capacity as Head of the National Disaster Management Centre, after consultation with the relevant Provincial Disaster Management Centre, and after reassessing the magnitude and severity of the *< insert hazard type >* occurring in *<insert place or place(s) / state places listed in the schedule>*, hereby give notice that the National Disaster Management Centre on *<insert day month year>* in terms of section 23(3) of the Disaster Management Act, 2002 (Act No. 57 of 2002) (the Act), reclassified the *<insert hazard type >* as a *<insert local, provincial or national >* disaster.

Emanating from the reclassification of this occurrence as a *<insert local, provincial or national >* disaster, in terms of section *<insert 26, or 40, or 54>*, read with section 23 of the Act, the primary responsibility to coordinate and manage the disaster, in terms of existing legislation and contingency arrangements, is designated to the *<insert local, provincial or national >* sphere of government.



## Guideline

### CLASSIFICATION AND DECLARATION OF A STATE OF DISASTER



I hereby, in terms of Section 15(2)(aA) of the Act, call upon organs of state (section 23(8)) to strengthen and support the disaster management structures to implement contingency plans and ensure that immediate relief, recovery and reconstruction measures are put in place to enable the *<insert local, provincial or national>* executive to effectively deal with the effects of this disaster.

Also emanating from this reclassification and the assistance provided by organs of state in terms of Section 23(8) and Sections 15(2)(aA) of the Act, organs of state are required to prepare and submit reports, as required by the National Disaster Management Centre and as outlined in Section 24(4) - (8) of the Act, to the respective intergovernmental forums as listed therein.

***<insert title, initials and surname of the Head of National Centre>***

**National Disaster Management Centre**

**Department of Cooperative Governance**

**Date:**





### 14.3 Template C: Declaration of local state of disaster

PROVINCIAL NOTICE \_\_\_ OF 2017

PROVINCE OF THE *<insert name>*

*<Insert NAME OF LOCAL / DISTRICT MUNICIPALITY>*

#### DECLARATION OF A LOCAL STATE OF DISASTER IN TERMS OF SECTION 55(1) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

The Council of the *<insert name>* *<insert Local / District>* Municipality, at a *<insert special>* meeting on *<insert day month year>*, after considering the report, tabled by the *<insert Mayor / Executive Mayor>*, Councillor *<insert, initials and surname>*, setting out the destructive and other effects of the *<insert hazard type>* that occurred in the *<insert name>* municipality, affecting the areas *<insert place or place(s) / insert listed in the schedule hereto>* acting in terms of,

- 1) Section 55(1) of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act"), declares a local state of disaster having recognised that *<insert existing legislation and contingency arrangements do not adequately provide for the Council to deal effectively with the disaster / insert special circumstances exist to warrant the declaration of a local state of disaster>*; and
- 2) Section 55(2) of the Act, *<insert may when required, issue regulations or directions / insert authorise the Member of the Mayor Committee for name of portfolio to issue directions>* concerning the matters listed therein only to the extent that it is necessary for the purpose of—
  - (a) assisting and protecting the public;
  - (b) providing relief to the public;



Guideline

CLASSIFICATION AND DECLARATION OF A STATE OF DISASTER



- (c) protecting property;
- (d) preventing or combatting disruption; or
- (e) dealing with the destructive nature and other effects of the disaster.

**<insert title, initials and surname of the Mayor>**

**MAYOR OF <insert name of municipality>**

**DATE:**

**<insert title, initials and surname of the MMC>**

**MMC OF <insert portfolio of the MMC>**

**DATE:**



#### 14.4 Template D: Declaration of provincial state of disaster

### PROVINCIAL NOTICE \_\_\_ OF 2017

OFFICE OF THE PREMIER OF THE *<insert name>*

DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)

#### DECLARATION OF A PROVINCIAL STATE OF DISASTER IN TERMS OF SECTION 55(1) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

Subsequent to the *<insert classification / insert reclassification>* of the *< insert hazard type>* as a provincial disaster by the Head of the National Disaster Management Centre, under Government Notice *<insert no. / year>* published in *Government Gazette <insert number>* on *<insert day month year>*, the Premier *<insert name and surname of the Premier>* in terms of,

- 1) Section 41(1) of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act"), declares a provincial state of disaster having recognised that *<insert existing legislation and contingency arrangements do not adequately provide for the provincial executive to deal effectively with the disaster / insert special circumstances exist to warrant the declaration of a provincial state of disaster>*; and
- 2) Section 41(2) of the Act, *<insert may when required, issue regulations or directions / insert authorise the Member of the Executive Council for name of portfolio to issue directions>* concerning the matters listed therein only to the extent that it is necessary for the purpose of—



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CLASSIFICATION AND DECLARATION OF A STATE OF DISASTER



- a) assisting and protecting the public;
- b) providing relief to the public;
- c) protecting property;
- d) preventing or combatting disruption; or
- e) dealing with the destructive nature and other effects of the disaster.

*<insert title, initials and surname of the Premier>*

**PREMIER**

Countersigned by:

*<insert title, initials and surname of the MEC>*

**MEC OF *<insert portfolio of the MEC>***

**DATE:**



## 14.5 Template E: Declaration of national state of disaster

### Government Notice

#### DEPARTMENT OF COOPERATIVE GOVERNANCE

No. *<insert month>*, 2018

#### DISASTER MANAGEMENT ACT, 2002

#### DECLARATION OF A NATIONAL STATE OF DISASTER

Subsequent to the *<insert classification / insert reclassification>* of the *< insert hazard type>* as a national disaster by the Head of the National Disaster Management Centre, under Government Notice *<insert no. / year>* published in *Government Gazette <insert number>* on *<insert day month year>*, the Minister of Cooperative Governance and Traditional Affairs *<insert name and surname of the Minister>*, designated under Section 3 of the Disaster Management Act, 2002 (Act No. 57 of 2002) ("the Act"), in terms of,

- 1) Section 27(1) of the Act, declares a national state of disaster having recognised that *<insert existing legislation and contingency arrangements do not adequately provide for the national executive to deal effectively with the disaster / insert special circumstances exist to warrant the declaration of a national state of disaster>*; and
- 2) Section 27(2) of the Act, may when required, issue regulations or directions concerning the matters listed therein, only to the extent that it is necessary for the purpose of—

*me*



## Guideline



### CLASSIFICATION AND DECLARATION OF A STATE OF DISASTER

- a) assisting and protecting the public;
- b) providing relief to the public;
- c) protecting property;
- d) preventing or combatting disruption; or
- e) dealing with the destructive nature and other effects of the disaster.

**<insert title, initials and surname of the Minister>, MP**

**MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**DATE:**

*me*



#### 14.6 Template F: Termination of a local state of disaster

PROVINCIAL NOTICE \_\_\_ OF 2017

PROVINCE OF THE *<insert name>*

*<Insert NAME OF LOCAL / DISTRICT MUNICIPALITY>*

#### TERMINATION OF A LOCAL STATE OF DISASTER

After considering the prevailing circumstances of the *<insert hazard type>* that affected the *<insert place or place(s) / state places listed in the schedule>* from *<insert day month year>*, under section 55(5)(b) of the Disaster Management Act, 2002 (Act 57 of 2002), the *<insert Mayor / Executive Mayor>*, Councillor *<insert, initials and surname>* terminates, from *<insert day month year>*, the local state of disaster declared in Provincial Notice *<insert no. / year>* published in *Provincial Gazette <insert number>* *<insert on day month year / insert with immediate effect>*.

*<insert title, initials and surname of the Municipal Manager>*

**MUNICIPAL MANAGER**

**DATE:**



## 14.7 Template G: Termination of a provincial state of disaster

### PROVINCIAL NOTICE \_\_\_ OF 2017

OFFICE OF THE PREMIER OF THE *<insert name>*

DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)

#### TERMINATION OF A PROVINCIAL STATE OF DISASTER

After considering the improved circumstances of the *< insert hazard type>* that affected the *<insert place or place(s) / state places listed in the schedule>* in *<insert day month year>*, under section 41(5)(b) of the Disaster Management Act, 2002 (Act 57 of 2002), I hereby terminate, from *<insert day month year>* the declared provincial state of disaster issued by Provincial Notice *<insert no. / year>* published in *Provincial Gazette <insert number>* on *<insert day month year>*.

*<insert title, initials and surname of the Premier>*

PREMIER

Countersigned by:

*<insert title, initials and surname of the MEC>*

MEC OF *<insert portfolio of the MEC>*

DATE:





## 14.8 Template H: Termination of a National State of Disaster

### Government Notice

#### DEPARTMENT OF COOPERATIVE GOVERNANCE

No. *<insert month>*, 2018

#### DISASTER MANAGEMENT ACT, 2002

#### TERMINATION OF A NATIONAL STATE OF DISASTER

After considering the prevailing circumstances of the *< insert hazard type >* that affected the *<insert place or place(s) / state places listed in the schedule >* in *<insert day month year >*, under section 27(5)(b) of the Disaster Management Act, 2002 (Act 57 of 2002), I hereby terminate, from *<insert day month year >* the declared national state of disaster issued by Government Notice *<insert no. / year >* published in *Government Gazette <insert number >* on *<insert day month year >*.

*<insert title, initials and surname of the Minister >*, MP

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE:



## 14.9 Template 11: First extension of a local state of disaster

PROVINCE OF THE *<insert name>*

*<Insert NAME OF LOCAL / DISTRICT MUNICIPALITY>*

DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)

### EXTENSION OF A LOCAL STATE OF DISASTER

Notice is hereby given that as a result of the magnitude and severity of the *< insert hazard type>* that affected the *<insert place or place(s) / state places listed in the schedule>* in *<insert day month year>*, and under section 55(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), the *<insert Mayor / Executive Mayor>*, Councillor *<insert, initials and surname>* extended, from *<insert day month year>* to *<insert day month year>*, the declaration of the local state of disaster issued by Provincial Notice *<insert no. / year>* published in *provincial Gazette <insert number>* on *<insert day month year>*.

*<insert title, initials and surname of the Municipal Manager>*

MUNICIPAL MANAGER

DATE:



#### 14.10 Template I2: Second extension of a local state of disaster

PROVINCE OF THE *<insert name>*

*<Insert NAME OF LOCAL / DISTRICT MUNICIPALITY>*

DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)

#### EXTENSION OF A LOCAL STATE OF DISASTER

Notice is hereby given that as a result of the magnitude and severity of the *< insert hazard type>* that affected the *<insert place or place(s) / state places listed in the schedule>* in *<insert day month year>*, and under section 55(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), the *<insert Mayor / Executive Mayor>*, Councillor *<insert initials and surname>* further extend, from *<insert day month year>* to *<insert day month year>*, the declaration of the local state of disaster issued by Provincial Notice *<insert no. / year>* published in *Provincial Gazette <insert number>* on *<insert day month year>*, extended by Provincial Notice *<insert no. / year>* published in *Provincial Gazette <insert number>* on *<insert day month year>*.

*<insert title, initials and surname of the Municipal Manager>*

MUNICIPAL MANAGER

DATE

*mer*



#### 14.11 Template I3: Further extension of a local state of disaster

PROVINCE OF THE *<insert name>*

*<Insert NAME OF LOCAL / DISTRICT MUNICIPALITY>*

DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)

#### EXTENSION OF A LOCAL STATE OF DISASTER

Notice is hereby given that as a result of the magnitude and severity of the *< insert hazard type>* that affected the *<insert place or place(s) / state places listed in the schedule>* in *<insert day month year>*, and under section 55(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), the *<insert Mayor / Executive Mayor>*, Councillor *<insert initials and surname>* further extend, from *<insert day month year>* to *<insert day month year>*, the declaration of the provincial state of disaster issued by Government Notice *<insert no. / year>* published in *Provincial Gazette <insert number>* on *<insert day month year>*, extended by Provincial Notice *<insert no. / year>* published in *Provincial Gazette <insert number>* on *<insert day month year>* and further extended by—

(a) Provincial Notice *<insert no. / year>* published in *Provincial Gazette <insert number>* on *<insert day month year>*; and

*<add other extensions as (b)(c)(d) etc. using the same layout as (a)>*

***<insert title, initials and surname of the Municipal Manager>***

**MUNICIPAL MANAGER**

**DATE**



## 14.12 Template J1: First extension of a provincial state of disaster

### PROVINCIAL NOTICE \_\_\_ OF 2017

OFFICE OF THE PREMIER OF THE *<insert name>*

DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)

#### EXTENSION OF A PROVINCIAL STATE OF DISASTER

As a result of the magnitude and severity of the *< insert hazard type>* that affected the *<insert place or place(s) / state places listed in the schedule>* in *<insert day month year>*, and under section 41(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), I extend, from *<insert day month year>* to *<insert day month year>*, the declaration of the national state of disaster issued by Provincial Notice *<insert no. / year>* published in *Provincial Gazette <insert number>* on *<insert day month year>*.

*<insert title, initials and surname of the Premier>*

PREMIER

Countersigned by:

*<insert title, initials and surname of the MEC>*

MEC OF *<insert portfolio of the MEC>*

DATE:



**14.13 Template J2: Second extension of a provincial state of disaster**

**PROVINCIAL NOTICE \_\_\_ OF 2017**

**OFFICE OF THE PREMIER OF THE <insert name of province>**

**DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)**

**EXTENSION OF A PROVINCIAL STATE OF DISASTER**

As a result of the magnitude and severity of the < insert hazard type> that affected the <insert place or place(s) / state places listed in the schedule> in <insert day month year>, and under section 41(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), I further extend, from <insert day month year> to <insert day month year>, the declaration of the provincial state of disaster issued by Provincial Notice <insert no. / year> published in *Provincial Gazette* <insert number> on <insert day month year>, extended by Provincial Notice <insert no. / year> published in *Provincial Gazette* <insert number> on <insert day month year>.

**<insert title, initials and surname of the Premier>**

**PREMIER**

Countersigned by:

**<insert title, initials and surname of the MEC>**

**MEC OF <insert portfolio of the MEC>**

**DATE:**

*me*



#### 14.14 Template J3: Further extension of a Provincial State of Disaster

### PROVINCIAL NOTICE \_\_\_ OF 2017

OFFICE OF THE PREMIER OF THE <insert name of province>

DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)

#### EXTENSION OF A PROVINCIAL STATE OF DISASTER

As a result of the magnitude and severity of the < insert hazard type> that affected the <insert place or place(s) / state places listed in the schedule> in <insert day month year>, and under section 41(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), I further extend, from <insert day month year> to <insert day month year>, the declaration of the provincial state of disaster issued by Government Notice <insert no. / year> published in *Provincial Gazette* <insert number> on <insert day month year>, extended by Provincial Notice <insert no. / year> published in *Provincial Gazette* <insert number> on <insert day month year> and further extended by—

(a) Provincial Notice <insert no. / year> published in *Provincial Gazette* <insert number> on <insert day month year>; and

<add other extensions as (b)(c)(d) etc. using the same layout as (a)>

<insert title, initials and surname of the Premier>

PREMIER

Countersigned by:

<insert title, initials and surname of the MEC>

MEC OF <insert portfolio of the MEC>

DATE:



## 14.15 Template K1: First extension of a National State of Disaster

### Government Notice

#### DEPARTMENT OF COOPERATIVE GOVERNANCE

No. *<insert month>*, 2018

#### DISASTER MANAGEMENT ACT, 2002

#### EXTENTION OF A NATIONAL STATE OF DISASTER

As a result of the magnitude and severity of the *< insert hazard type>* that affected the *<insert place or place(s) / state places listed in the schedule>* in *<insert day month year>*, and under section 27(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), I extend, from *<insert day month year>* to *<insert day month year>*, the declaration of the national state of disaster issued by Government Notice *<insert no. / year>* published in *Government Gazette <insert number>* on *<insert day month year>*.

***<insert title, initials and surname of the Minister>*, MP**

**MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**DATE:**

*wte*





## 14.16 Template K2: Second extension of a National State of Disaster

### Government Notice

#### DEPARTMENT OF COOPERATIVE GOVERNANCE

No. *<insert month>*, 2018

#### DISASTER MANAGEMENT ACT, 2002

##### EXTENSION OF A NATIONAL STATE OF DISASTER

As a result of the magnitude and severity of the *< insert hazard type >* that affected the *<insert place or place(s) / state places listed in the schedule >* in *<insert day month year >*, and under section 27(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), I further extend, from *<insert day month year >* to *<insert day month year >*, the declaration of the national state of disaster issued by Government Notice *<insert no. / year >* published in *Government Gazette <insert number >* on *<insert day month year >*, extended by Government Notice *<insert no. / year >* published in *Government Gazette <insert number >* on *<insert day month year >*.

*<insert title, initials and surname of the Minister >*, MP

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE:



### 14.17 Template K3: Further extension of a National State of Disaster

#### Government Notice

#### DEPARTMENT OF COOPERATIVE GOVERNANCE

No. **<insert month>, 2018**

#### DISASTER MANAGEMENT ACT, 2002

##### EXTENTION OF A NATIONAL STATE OF DISASTER

As a result of the magnitude and severity of the *< insert hazard type >* that affected the *<insert place or place(s) / state places listed in the schedule >* in *<insert day month year >*, and under section 27(5)(c) of the Disaster Management Act, 2002 (Act 57 of 2002), I further extend, from *<insert day month year >* to *<insert day month year >*, the declaration of the national state of disaster issued by Government Notice *<insert no. / year >* published in *Government Gazette <insert number >* on *<insert day month year >*, extended by Government Notice *<insert no. / year >* published in *Government Gazette <insert number >* on *<insert day month year >* and further extended by—

(a) Government Notice *<insert no. / year >* published in *Government Gazette <insert number >* on *<insert day month year >*; and

*<add other extensions as (b)(c)(d) etc. using the same layout as (a)>*

**<insert title, initials and surname of the Minister>, MP**

**MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

**DATE:**



#### 14.18 Template L: Local directions issued under section 55(2)

PROVINCIAL NOTICE \_\_\_ OF 2017

PROVINCE OF THE <insert name>

<Insert NAME OF LOCAL / DISTRICT MUNICIPALITY>

#### DIRECTIONS UNDER SECTION 55(2)

On <insert day month year>, under Provincial Notice <insert no. / year> published in *Provincial Gazette* <insert number>, issued under section 55(1) of the Disaster Management Act, 2002, a local state of disaster was declared as a result of the magnitude and severity of the < insert hazard type> affecting the <insert place or place(s) / state places listed in the schedule>.

Bearing in mind the responsibility of the local government in terms of the Disaster Management Act, 2002, to, among other things:

- (a) assist and protect the public;
- (b) provide relief to the public;
- (c) protect property;
- (d) prevent or combat disruption; or
- (e) deal with the destructive nature and other effects of the disaster;
  - (i) by preventing an escalation of the disaster;
  - (ii) alleviating, containing and minimising the effect of the disaster;
  - (iii) mitigating the severity of the disaster; and
  - (iv) rapidly and effectively responding to the disaster,

under section 55(2) of that Act, the <insert council name> issued the directions contained in the Schedule hereto dealing with <insert item(s) from section 55(2)(a)-(o)>.

*mt*



The directions will apply to the *<insert place or place(s) / state places listed in the schedule>*.

*<insert title, initials and surname of the Municipal Manager>*

**MUNICIPAL MANAGER**

**DATE:**

## SCHEDULE

### DIRECTIONS FOR THE *<insert item(s) from section 55(2)(a)-(o)>*

#### Definitions

1. In these directions, any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context indicates otherwise—

“.....” means ..... *<insert wording of definition>*;

#### Application

2. These directions apply to all municipalities in the *<insert specific place / or place(s) where it applies>* for the duration of the declared local state of disaster, including any extensions thereto in terms of section 55(5)(c) of the Act.

*<insert item(s) from section 55(2)(a)-(o)>*

3. (1) A municipality must ..... *<insert wording of directions>*;

*WMS*



**14.19 Template M: Provincial directions issued under section 41(2)**

**PROVINCIAL NOTICE \_\_\_ OF 2017**

**OFFICE OF THE PREMIER OF THE <insert name>**

**DISASTER MANAGEMENT ACT, 2002 (ACT 57 OF 2002)**

**DIRECTIONS UNDER SECTION 41(2)**

On <insert day month year>, under Provincial Notice <insert no. / year> published in *Provincial Gazette* <insert number>, issued under section 41(1) of the Disaster Management Act, 2002, a provincial state of disaster was declared as a result of the magnitude and severity of the <insert hazard type> affecting the <insert place or place(s) / state places listed in the schedule>.

Bearing in mind the responsibility of the provincial government in terms of the Disaster Management Act, 2002, to, among other things:

- (f) assist and protect the public;
- (g) provide relief to the public;
- (h) protect property;
- (i) prevent or combat disruption; or
- (j) deal with the destructive nature and other effects of the disaster;
  - (i) by preventing an escalation of the disaster;
  - (ii) alleviating, containing and minimising the effect of the disaster;
  - (iii) mitigating the severity of the disaster; and
  - (iv) rapidly and effectively responding to the disaster,

under section 41(2) of that Act, I issue the directions contained in the Schedule hereto dealing with <insert item(s) from section 27(2)(a)-(o)>.



The directions will apply to the *<insert place or place(s) / state places listed in the schedule>*.

*<insert title, initials and surname of the Premier>*

**PREMIER**

Countersigned by:

*<insert title, initials and surname of the MEC>*

**MEC OF *<insert portfolio of the MEC>***

**DATE:**

## SCHEDULE

### DIRECTIONS FOR THE *<insert item(s) from section 41(2)(a)-(o)>*

#### Definitions

2. In these directions, any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context indicates otherwise—

“.....” means .....*<insert wording of definition>*;



## Application

2. These directions apply to all municipalities in the Province *<or insert specific place / or place(s) where it applies>* for the duration of the declared provincial state of disaster, including any extensions thereto in terms of section 41(5)(c) of the Act.

***<insert item(s) from section 41(2)(a)-(o)>***

3. (1) A municipality must ..... *<insert wording of directions>*;

***<insert item(s) from section 41(2)(a)-(o)>***

4. (1) A municipality must ..... *<insert wording of directions>*;



## 14.20 Template N: National directions issued under section 27(2)

### Government Notice

#### DEPARTMENT OF COOPERATIVE GOVERNANCE

No. *<insert month>*, 2018

#### DISASTER MANAGEMENT ACT, 2002

##### DIRECTIONS UNDER SECTION 27(2)

On *<insert day month year>*, under Government Notice *<insert no. / year>* published in *Government Gazette <insert number>*, issued under section 27(1) of the Disaster Management Act, 2002, a national state of disaster was declared as a result of the magnitude and severity of the *<insert hazard type>* affecting the *<insert place or place(s) / state places listed in the schedule>*.

Bearing in mind the responsibility of the National Government in terms of the Disaster Management Act, 2002, to, among other things:

- (k) assist and protect the public;
- (l) provide relief to the public;
- (m) protect property;
- (n) prevent or combat disruption; or
- (o) deal with the destructive nature and other effects of the disaster.
  - (i) by preventing an escalation of the disaster;
  - (ii) alleviating, containing and minimising the effect of the disaster;
  - (iii) mitigating the severity of the disaster; and
  - (iv) rapidly and effectively responding to the disaster,

under section 27(2) of that Act, I issue the directions contained in the Schedule hereto dealing with *<insert item(s) from section 27(2)(a)-(o)>*.







The directions will apply to the *<insert place or place(s) / state places listed in the schedule>*.

*<insert title, initials and surname of the Minister>*, MP

MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

DATE:

## SCHEDULE

### DIRECTIONS FOR THE *<insert item(s) from section 27(2)(a)-(o)>*

#### Definitions

3. In these directions, any word or expression to which a meaning has been assigned in the Act bears that meaning and, unless the context indicates otherwise—

“.....” means .....*<insert wording of definition>*;

#### Application

2. These directions apply to *<insert specific place / or place(s) where it applies>* for the duration of the declared national state of disaster, including any extensions thereto in terms of section 27(5)(c) of the Act.

### *<insert item(s) from section 27(2)(a)-(o)>*

3. (1) A municipality must .....*<insert wording of directions>*;



*<insert item(s) from section 27(2)(a)-(o)>*

4. (1) A municipality must .....*<insert wording of directions>*;

...ooo0ooo...



**Switchboard:** 012 848 4600

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*Jurgens Dyssel*