

Template Jar 2 (TJ 2)

Mechanisms for the development, adoption and amendment of integrated disaster risk management policy for a district municipality

Introduction

There are two options which could be exercised to establish arrangements for the district municipality and the local municipalities in the district for discussion and consultation on the development, adoption and amendment of an integrated disaster risk management policy framework for the district.

Option 1

The first and best option would be to use the provisions of the Intergovernmental Relations Framework Act No. 13 of 2005 to establish an equivalent mechanism to the national Intergovernmental Committee on Disaster Risk Management (ICDRM), for example a District Intermunicipality Committee on Disaster Risk Management (DICDRM). This option would ensure absolute consistency with the National Disaster Management Framework (NDMF).

Option 2

If your municipality has already established a district intergovernmental forum, and it is functioning well, then the second option would be for the district municipality and local municipalities to use the same forum for discussion and consultation on disaster risk management policy. However, it will also be necessary to establish a mechanism/s through the political structures *within* the district municipality. The purpose of such a mechanism/s would be to integrate and coordinate the development, adoption and amendment of disaster risk management policy between the municipal departments and other entities in the municipality. In this instance, the Mayoral Committee would be the most appropriate existing political structure, because it is representative of all the departments and entities in the municipality.

Whichever option you choose, we have developed a template for the terms of reference for each option. These follow below.

Option 1: Establish a District Intermunicipality Committee on Disaster Risk Management (DICDRM) for the development, adoption and amendment of an integrated disaster risk management policy framework

If your district municipality has decided to exercise Option 1, then the following template will assist you to establish a DICDRM for the development and adoption of an integrated disaster risk management policy framework as well as amendments to the policy framework.

Template:
Terms of reference for the composition, role and functioning of the
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District Intermunicipality Committee on Disaster Risk Management

Purpose

The District Intermunicipality Committee on Disaster Risk Management (DICDRM) must be established by the Executive Mayor (or Mayor, as the case may be). The DICDRM is accountable to the municipal council and must advise and make recommendations to the council on municipal disaster risk management policy and issues relating to disaster risk management in the municipality.

Management and administration

The DICDRM must be chaired by the councillor responsible for the department in which the District Municipal Disaster Risk Management Centre is located.

The disaster risk management centre must provide the secretariat for the DICDRM and must maintain accurate records of the activities of the DICDRM.

Composition of the DICDRM

The DICDRM must consist of councillors from the district municipality whose portfolios include departments or other municipal entities involved in the management of disaster risk or in the administration of any other national legislation aimed at dealing with an occurrence defined as a disaster in terms of section 1 of the Disaster Management Act No. 57 of 2002 (DM Act).

The DICDRM must therefore include, but need not be confined to, councillors holding the portfolios listed below. You can insert a list of portfolios relevant to your district municipality here:

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Do you need help in identifying relevant portfolios? Then dip into the Candy Jar. CJ 1 (Key internal institutional role players in disaster risk management in the municipal sphere) will guide you through the process.

In addition, each of the local municipalities in the district must be represented on the DICDRM by those councillors appointed by their municipal councils to deal with disaster risk management in their municipal areas.

Organised local government must be represented by a person designated by the South African Local Government Association (SALGA).

Scope of responsibilities

The DICDRM must:

- establish mechanisms and integrated institutional capacity to give effect to the responsibilities vested in the district council in terms of the DM Act, the National Disaster Management Framework (NDMF), the disaster risk management policy framework of the province, and other related regulations and directives;
- give effect to the principles of co-operative governance in accordance with Chapter 3 of the Constitution (Constitution of the Republic of South Africa Act No. 108 of 1996) in the implementation of the DM Act in the district municipality;
- provide a political forum for the coordination, through joint standards of practice, of disaster risk management policy in the district municipality, local municipalities and other municipal entities operating within the jurisdiction of the district municipality;
- establish joint standards of practice for the departments and entities in the district municipality, in the local municipalities in the district and other relevant external role players;
- advise and make recommendations to the district municipal council on the establishment of a disaster risk management framework for the district and on issues relating to disaster risk management, including making recommendations to the Executive Mayor (or Mayor) on the declaration of a local state of disaster;
- develop and establish a disaster risk management policy framework which makes provision for an integrated and uniform approach to disaster risk management by all

municipal departments and entities, statutory functionaries, non-governmental organisations (NGOs) involved in disaster risk management, the private sector and individuals operating in the area of the district municipality; and

- establish mechanisms for coordinated disaster risk management in the district municipality and in the local municipalities and municipal entities, and for the application of joint standards of practice by district and local municipal departments and entities and statutory functionaries in departments in these municipalities and entities.

Frequency of meetings

The DICDRM must meet at least four times a year. Circumstances prevailing at the time may determine whether the chairperson:

- convenes a full meeting of the DICDRM;
- convenes a meeting of only those members directly involved or affected by the business in hand;
- refers the matter to any portfolio or standing committee/s of the district municipality; or
- opens the DICDRM meeting to councillors who carry other relevant portfolios.

Apart from addressing disaster risk management issues in meetings of the DICDRM, the chairperson may also choose to raise disaster risk management issues in the mayoral committee meetings of the district municipality and at meetings of the District Intergovernmental Forum.

Policy-making process for disaster risk management in the district municipality

Processes for developing and establishing a disaster risk management policy framework for the municipality and for processing changes to the policy framework

The processes for dealing with the development and establishment of the District Disaster Risk Management Policy Framework and for processing any amendments to the policy once it has been adopted are the same. Note that the amendments could also include any changes to the district disaster risk management framework.

The steps required to develop and establish, or change, the district disaster risk management policy framework are explained below. These steps are illustrated in Figure 1 at the end of this section.

1. All recommendations on issues relating to disaster risk management policy must be submitted to the District Municipal Disaster Risk Management Centre.

2. The municipal disaster risk management centre must ensure that policy recommendations are consistent with the DM Act, the Provincial Disaster Risk Management Policy Framework and the NDMF, are properly formulated and include details of any financial, constitutional, human resource and interdepartmental implications.
3. The municipal disaster risk management centre must submit the proposed policy framework, or any amendments to the existing policy framework, to the District Municipal Disaster Risk Management Advisory Forum for technical consideration, comment and recommendations.
4. The municipal disaster risk management centre must submit the proposed policy framework, or any amendments to the policy framework, to any portfolio or standing committee/s of the district municipality for assessment, comment and recommendations.
5. The disaster risk management centre must then submit the proposed policy framework, or any amendments to the existing policy framework, to the District Intermunicipality Committee on Disaster Risk Management (DICDRM) and the District Intergovernmental Forum for consideration, comment and recommendations.
6. Having taken into account the recommendations of the advisory forum, the portfolio or standing committee/s, the DICDRM and the district intergovernmental forum, the disaster risk management centre must make the necessary changes to the proposed policy framework, or make amendments to the existing policy framework, before submitting it to the district council.
7. The district council must make particulars of the proposed policy framework, or any amendments to the policy framework, available for public comment in compliance with section 21 of the Local Government: Municipal Systems Act No. 32 of 2000.
8. After taking into account public comments and having made the necessary changes to the policy framework, the municipal disaster risk management centre must submit the final proposed policy framework, or any amendments to the existing policy framework, to the office of the Executive Mayor (or Mayor).
9. After the district council has considered and adopted the proposed policy framework, or the amendments to the existing policy framework, the policy framework must be published in the provincial gazette before implementation. (Note: This is not mandatory but it is recommended.)

10. The municipal disaster risk management centre is responsible for the execution of the prescribed policy framework and for processing any subsequent amendments to the policy framework.

Process for dealing with recommendations made by municipalities that may have an impact on provincial or national disaster risk management policy

The municipal disaster risk management centre is responsible for sending comments and recommendations that may impact on national and/or provincial policy to the relevant disaster risk management centres, that is, the National Disaster Management Centre (NDMC) and the provincial disaster risk management centre. The steps required to do this are explained below and shown in Figure 1 at the end of this section.

1. All recommendations on issues relating to disaster risk management policy must be submitted to the District Municipal Disaster Risk Management Centre.
2. The municipal disaster risk management centre must ensure that recommendations are properly formulated and that they include details of any financial, constitutional, human resource and interdepartmental implications.
3. The municipal disaster risk management centre must submit the recommendations to the District Municipal Disaster Risk Management Advisory Forum for comment and recommendations.
4. The disaster risk management centre must then forward all proposed recommendations and comments that may affect national disaster risk management policy to the NDMC. Recommendations and comments that may affect disaster risk management policy in the province must be sent to the provincial disaster risk management centre for further processing.

Figure 1 below illustrates all the steps that need to be taken when establishing, or changing, a disaster risk management policy framework. It also shows the steps that need to be taken when recommendations for changes to the policy framework are likely to affect provincial and national disaster risk management policy.

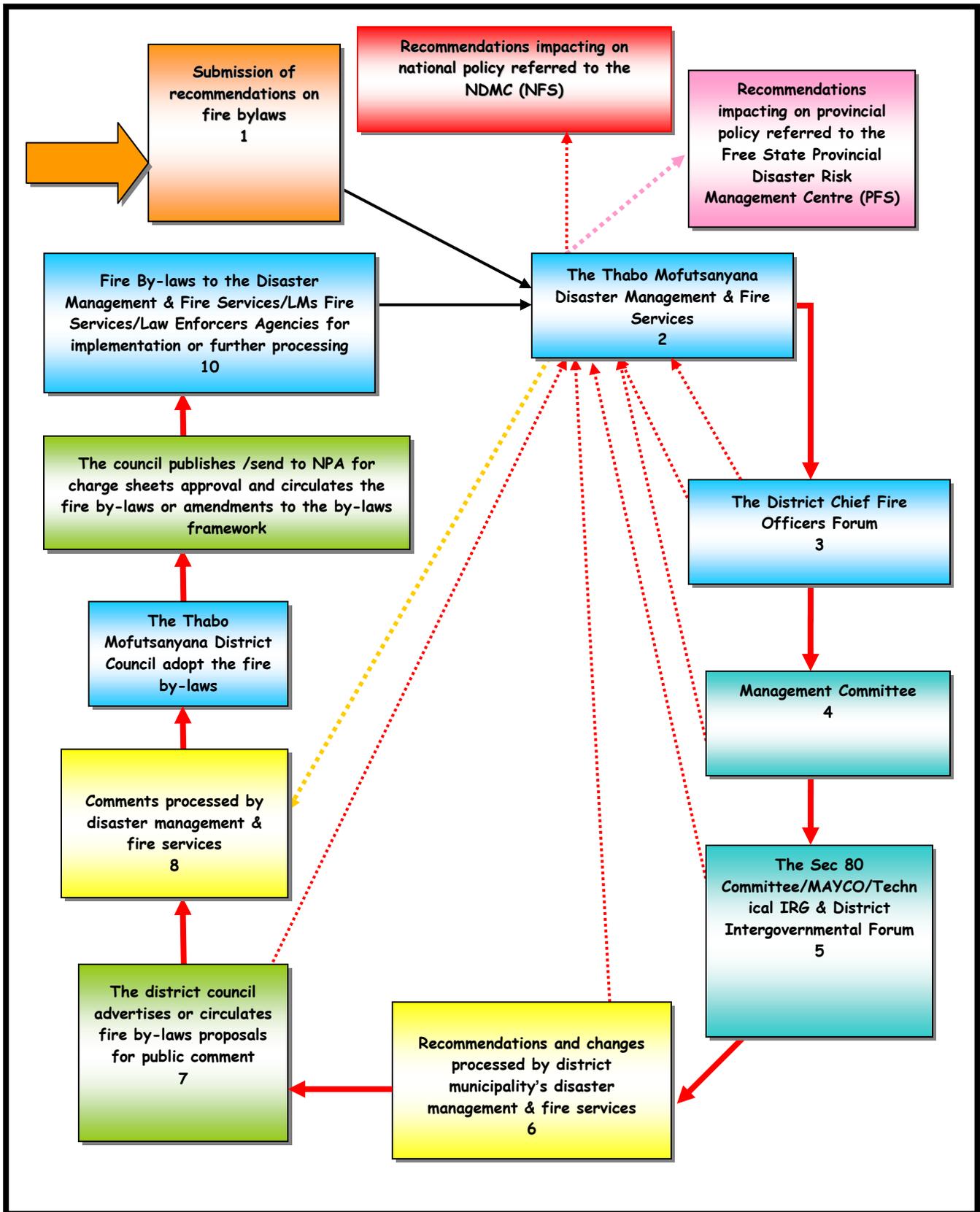


Figure 1. Processes for developing, adopting and changing the district municipality's fire by-laws

Option 2: Use a district intergovernmental forum and the Mayoral Committee for the development, adoption and amendment of an integrated disaster risk management policy framework

If your district municipality has decided to exercise Option 2, then the following template will assist you to establish the necessary arrangements for the development and adoption of an integrated disaster risk management policy framework as well as amendments to the policy framework.

Template: Mechanisms for the development, adoption and amendment of integrated disaster risk management policy for district municipalities

Role of the district intergovernmental forum

The district intergovernmental forum serves as the consultative forum for the district and the local municipalities in the district to discuss and consult each other on matters relating to disaster risk management policy including:

- establishing mechanisms and integrated institutional capacity to give effect to the responsibilities vested in municipal councils in terms of the DM Act, the National Disaster Management Framework (NDMF), the disaster risk management policy framework of the province, and other related regulations and directives;
- giving effect to the principles of co-operative governance in accordance with Chapter 3 of the Constitution (Constitution of the Republic of South Africa Act No. 108 of 1996) in the implementation of the DM Act in the district;
- providing the political forum for the coordination, through joint standards of practice, of disaster risk management policy between the district municipality, the local municipalities and other municipal entities operating within the jurisdiction of the district council;
- advising and making recommendations to the district council on the establishment of an integrated disaster risk management policy framework for the district and any amendments of the framework; and
- establishing mechanisms for coordinated disaster risk management in local municipalities and municipal entities in local municipalities and for the application of joint standards of practice by local municipal departments and entities and statutory functionaries in departments in these municipalities and entities.

Role of the Mayoral Committee

The Mayoral Committee represents all the municipal departments and other municipal entities with disaster risk management responsibilities within the District Municipality and therefore serves as the political forum for matters relating to disaster risk management policy within the district municipality. The Mayoral Committee must:

- report to council on mechanisms established in the district municipality for integrated institutional capacity to give effect to the responsibilities vested in municipal councils in terms of the Disaster Management Act No. 57 of 2002 (DM Act), the National Disaster Management Framework (NDMF), the disaster risk management policy framework of the province, and other related regulations and directives;
- give effect to the principles of co-operative governance in accordance with Chapter 3 of the Constitution (Constitution of the Republic of South Africa Act No. 108 of 1996) in the implementation of the DM Act in the district;
- develop and establish a disaster risk management policy framework for the district which makes provision for an integrated, coordinated and uniform approach to disaster risk management by all municipal departments and entities in the district municipality, local municipalities in the district municipality, statutory functionaries, non-governmental organisations (NGOs) involved in disaster risk management, the private sector and individuals; and
- advise and make recommendations on issues relating to disaster risk management including making recommendations to the Executive Mayor (or Mayor) of the district municipality on the declaration of a local state of disaster.

Policy-making process for disaster risk management in the district municipality

Processes for developing and establishing a disaster risk management policy framework for the district municipality and for processing changes to the policy framework

The processes for dealing with the development and establishment of the District Disaster Risk Management Policy Framework and for processing any amendments to the policy once it has been adopted are the same. Note that the amendments could also include any changes to the municipal disaster risk management framework.

The steps required to develop and establish, or change, the district municipality's disaster risk management policy framework are explained below. These steps are illustrated in Figure 1 at the end of this section.

1. All recommendations on issues relating to disaster risk management policy must be submitted to the District Municipal Disaster Risk Management Centre.
2. The municipal disaster risk management centre must ensure that policy recommendations are consistent with the DM Act, the Provincial Disaster Risk Management Policy Framework and the NDMF, are properly formulated and include details of any financial, constitutional, human resource and interdepartmental implications.
3. The municipal disaster risk management centre must submit the proposed policy framework, or any amendments to the existing policy framework, to the District Municipal Disaster Risk Management Advisory Forum and to the relevant intergovernmental support structures for technical consideration, comment and recommendations.
4. The municipal disaster risk management centre must submit the proposed policy framework, or any amendments to the policy framework, to any portfolio or standing committee/s of the district municipality and to the Mayoral Committee for assessment, comment and recommendations.
5. The municipal disaster risk management centre must then submit the proposed policy framework, or any amendments to the existing policy framework, to the District Intergovernmental Forum for consideration, comment and recommendations.
6. Having taken into account the recommendations of the advisory forum, the relevant intergovernmental technical support structures, portfolio or standing committee/s, the Mayoral Committee of the district municipality and the district intergovernmental forum, the municipal disaster risk management centre must make the necessary changes to the proposed policy framework, or make amendments to the existing policy framework, before submitting it to the district council.
7. The district council must make particulars of the proposed policy framework, or any amendments to the policy framework, available for public comment in compliance with section 21 of the Local Government: Municipal Systems Act No. 32 of 2000.
8. After taking into account public comments and having made the necessary changes to the policy framework, the disaster risk management centre must submit the final proposed policy framework, or any amendments to the existing policy framework, to the Office of the Executive Mayor (or Mayor) of the district municipality.
9. After the municipal council has considered and adopted the proposed policy framework, or the amendments to the existing policy framework, the policy framework must be published in the provincial gazette before implementation. (Note: This is not mandatory but it is recommended.)
10. The municipal disaster risk management centre is responsible for the execution of the prescribed policy framework and for processing any subsequent amendments to the policy framework.

Process for dealing with recommendations made by the municipality that may have an impact on provincial or national disaster risk management policy

The municipal disaster risk management centre is responsible for sending comments and recommendations that may impact on national and/or provincial policy to the relevant disaster risk management centres, that is, the National Disaster Management Centre (NDMC) and the provincial disaster risk management centre. The steps required to do this are explained below and shown in Figure 1 at the end of this section.

1. All recommendations on issues relating to disaster risk management policy must be submitted to the District Municipal Disaster Risk Management Centre.
2. The municipal disaster risk management centre must ensure that recommendations are properly formulated and that they include details of any financial, constitutional, human resource and interdepartmental implications.
3. The municipal disaster risk management centre must submit the recommendations to the District Municipal Disaster Risk Management Advisory Forum and to the relevant district intergovernmental technical support structure/s for comment and recommendations.
4. The municipal disaster risk management centre must then forward all proposed recommendations and comments that may affect national disaster risk management policy to the NDMC. Recommendations and comments that may affect disaster risk management policy in the province must be sent to the provincial disaster risk management centre for further processing.

Figure 1 below illustrates all the steps that need to be taken when establishing, or changing, a disaster risk management policy framework. It also shows the steps that need to be taken when recommendations for changes to the policy framework are likely to affect provincial and national disaster risk management policy.

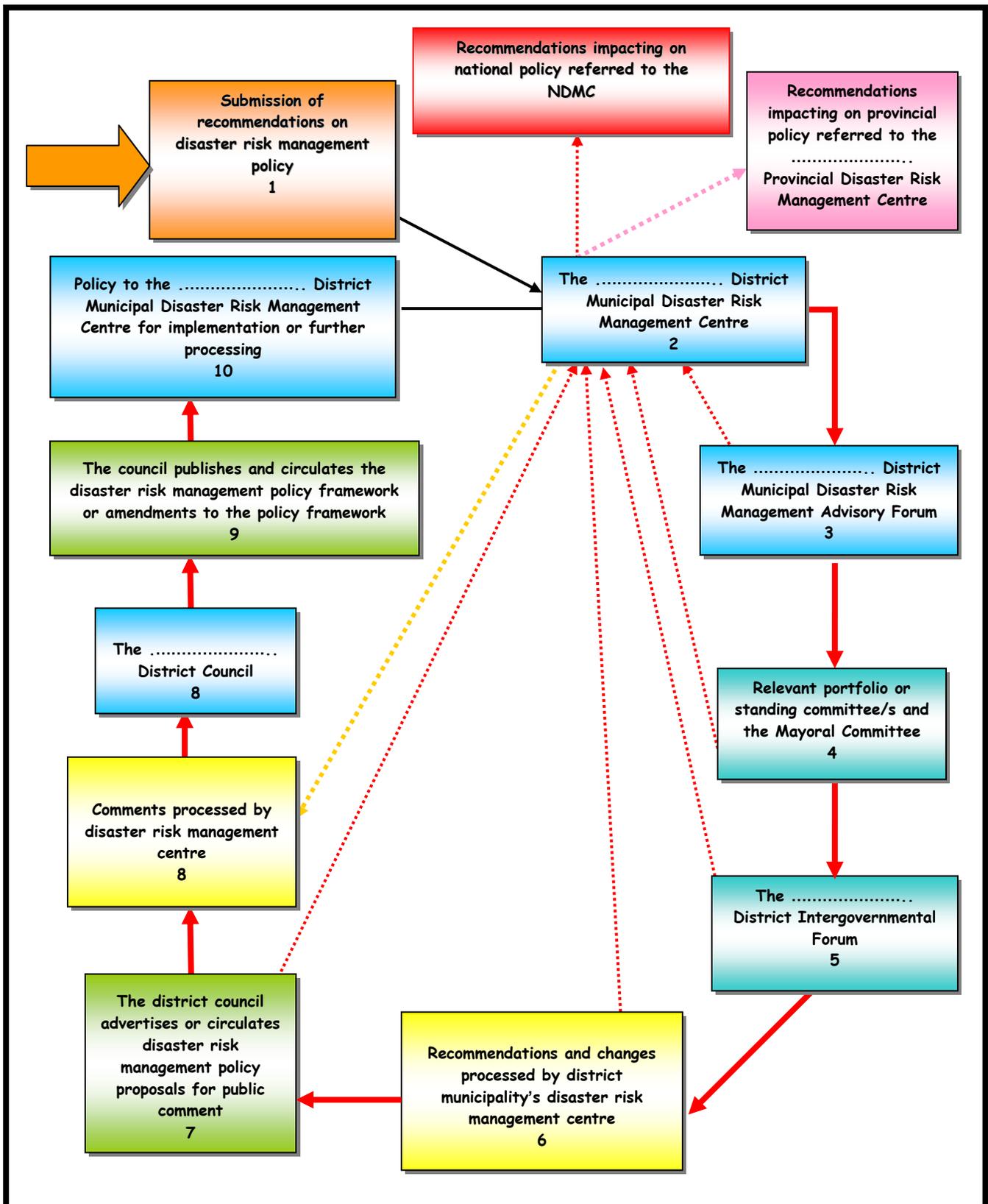


Figure 1. Processes for developing, adopting and changing the district municipality's disaster risk management policy