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Powdery mildew in the Northern Cape: Declaration of a disaster

Background

In the Disaster Management Act, 2002 (Act 57 of 2002), a "disaster" is defined as:

"A progressive or sudden, widespread or localized, natural or human-caused occurrence which:

(a) causes or threatens to cause:

- death, injury or disease;
- damage to property, infrastructure or the environment; or
- 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."

Plant diseases can potentially lead to the declaration of a disaster, provided they meet the legal definition of a "disaster" in the Disaster Management Act, 2002. The key consideration is not whether the event is a disease outbreak, but whether it:

- Causes or threatens to cause death, disease, environmental damage, economic loss, or disruption of community life; and
- Exceeds the ability of those affected to cope using their own resources

Level of management of a disaster

A disaster is generally managed at the lowest appropriate level of government. If the impact is confined to a municipality and that municipality has the capacity and resources to respond, it remains a local disaster. The municipal disaster management structures coordinate the response. The Disaster Management Act places responsibility on municipalities to manage disasters occurring within their jurisdiction where local resources are adequate.

Provincial disasters

A disaster becomes a matter for the province when:

- It affects multiple municipalities;
- The scale exceeds municipal response capacity; or
- Provincial coordination and resources are required

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The process for declaring a provincial state of disaster is governed by the Disaster Management Act, 2002 (Act 57 of 2002), particularly sections 35, 40 and 41.

The requirements for the declaration of a provincial state of disaster are:

- A disaster (such as floods, drought, wildfires, severe storms, infrastructure failures, or other major emergencies) must either have occurred or be threatening to occur within the province. The Provincial Disaster Management Centre monitors and assesses the situation.
- Provincial authorities will evaluate whether existing legislation, disaster management plans, contingency arrangements, and available resources are adequate to manage the disaster effectively.
- The Provincial Disaster Management Centre and relevant departments provide assessments and recommendations to the provincial executive regarding the severity of the disaster and the need for extraordinary powers.
- Before a declaration can be made, the Premier must consult with the other Members of the Executive Council (MECs).
- The Premier may declare a provincial state of disaster by publishing a notice in the Provincial Gazette if:
    - ❖ Existing legislation and contingency arrangements do not adequately enable the provincial executive to deal effectively with the disaster; or
    - ❖ Other special circumstances justify the declaration.
- Once declared, the Premier may issue regulations, directions, or authorize directions dealing with matters such as:
    - ❖ The release of provincial resources and equipment.
    - ❖ Deployment of provincial personnel.
    - ❖ Implementation of disaster management plans.
    - ❖ Evacuations and temporary shelters.
    - ❖ Traffic and movement controls.
    - ❖ Emergency procurement procedures.
    - ❖ Disaster response, recovery, and rehabilitation measures.

These powers may only be exercised to the extent necessary to protect the public, provide relief, protect property, prevent disruption, or address the impacts of the disaster.

Practical steps

- Raisins SA will need to establish whether this is a local- or a provincial disaster. This will determine which authority needs to be approached.
- If it is provincial, the first steps are to contact the MEC for Agriculture for the Province and the Provincial Disaster Management Centre .
- Raisins SA will have to be able to demonstrate that the outbreak of powdery mildew does in fact constitute a disaster.
- The Premier will have to declare a state of disaster to enable the release of resources and equipment to address the situation.

Annelize Crosby

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