

Submission of alternate wording for the penalty clause of the South African Weather Service Amendment Bill 2011

It is assumed by the primary drive behind the penalty clause is to prevent hoax warnings from panicking citizens and diverting/deploying emergency services. However the requirement of in-time information regarding extreme weather conditions is in direct conflict with the written permission requirement of the proposed penalty clause 30A (1) (a).

While the general commentary in the media about how this will stop discussions of weather in offices and homes is an extreme extrapolation of the clause and is unlikely to be enforced, a valid perception is created that only the Weather Service may issue warnings and only those who the Weather Service approves of officially may relay those warnings. This is clearly not what the Department should be proposing.

The following wording is proposed for 30A (1) to properly and fairly regulate the potential for hoaxes. This wording provides for penalties for hoaxes but without requiring the problematic written permission from the Weather Service.

30A. (1) No person may---

- (a) issue a known false severe weather warning or air pollution-related warning regardless of the intent for the issuing of said warning,**

Additionally the Bill should include permissive wording to permit relaying of warnings issued by the Weather Service on their website or other official channels without requiring written permission from the Weather Service to do so. It is in the public and state interest that such warnings be spread as rapidly and as widely as possible and restricting who may do so once the warning is official is counterproductive to that goal. Example wording might be as follows.

xx (1) Any person may---

- (a) relay official severe weather warnings or air pollution-related warnings from the Weather Service to any interested parties without requirement of permission or risk of penalty provided such warnings are**
 - a. relayed verbatim and without modification excepting translation into alternate languages,
 - b. relayed in a timely manner,
 - c. are applicable to the audience receiving the warning and
 - d. no financial gain is made.
- (b) relay severe weather warnings or air pollution-related warnings from third-party sources Service to any interested parties without requirement of permission or risk of penalty provided such warnings are**
 - a. provided by a source known to be trustworthy and reliable,
 - b. relayed verbatim and without modification excepting translation into alternate languages,
 - c. relayed in a timely manner,
 - d. are applicable to the audience receiving the warning and
 - e. no financial gain is made.

The proposals in this document are designed to maximize the ability of the public and private organizations to assist with the distribution of information that has a direct impact on the safety of the citizens without criminalizing accurate distribution of warnings by any party without requiring a direct agreement with the Weather Service.

It further prevents a monopoly on weather information critical to the Republic from forming while still providing suitable penalties for those who would issue hoax warnings for any intent albeit a bad sense of humor or criminal intent.

Thank you for considering this submission.

Bruce Smith