



Subject: "Strengthening of the work of the Weather Service through the South African Weather Service Amendment Bill, 2011".

Greetings to the Chairman and Portfolio Committee on Water and Environmental Affairs.

Many South Africans feel the effects of severe weather every year. To obtain critical weather information, the SA Weather and Disaster Observation Service (SAWDOS) use voluntary weather observers. These volunteers help keep their local communities safe and informed by providing timely and accurate real-time reports of severe weather to the SAWDOS for publication on the SAWDOS Blog, Twitter, Facebook and Amateur Radio Networks. The S.A. Weather and Disaster Observation Service provides a weather and disaster observation (Weather and Disaster Watching/Spotting) service in South Africa and not a weather prediction or disaster management service. The SAWDOS is a non-profit organization that renders a FREE COMMUNITY-BASED SERVICE since 2008.

Of main concern to the SAWDOS is the insertion of section 30A in Act 8 of 2001. The insertion reads:

12. The following section is hereby inserted in the principal Act after section 30: "Offences and penalties

30A. (1) No person may—

(a) issue a severe weather or air pollution-related warning without the necessary written permission from the Weather Service;

(2) A person who contravenes any provisions of subsection (1), is guilty of an offence and is liable, in the case of a first conviction, to a fine not exceeding five million rand or imprisonment for a period not exceeding five years, and in the case of a second or subsequent conviction, to a fine not exceeding ten million rand or imprisonment for a period not exceeding 10 years, or in both instances to both such fine and such imprisonment, respectively.....

I have highlighted the areas of grave concern to the SAWDOS.

The Bill proposes the insertion of section 30A. This amendment will, amongst others, make it an offence for any person to issue a severe weather warning.

As the amendment bill now reads nobody will be able to issue any real-time warning of approaching real-time severe weather. In other words if you see real-time severe weather approaching you will not be allowed to warn anybody via any medium as this will constitute an offence punishable with a fine not exceeding five million rand or imprisonment for a period not exceeding five years.

This means if you observe a real-time tornado that can strike a township say for instance in Mamelodi in 10 minutes time, you will not be allowed to warn people by means of any media or multi-media or even by word of mouth as you will first have to get permission from the SA Weather Service to issue a real time weather warning and by the time permission is granted, if at all, it will be too late to warn the people.

The only exception made is the fact that one can obtain permission from the SA Weather Service to issue such a warning BUT and this is a VERY BIG BUT, experience has learned that getting permission from any institution takes time that's if you can get hold of the designated person.

SAWDOS respectfully argue that 30A. (1) is unconstitutional and vague as there is no definition of the term severe weather warning. Neither does the definition appear in Act 8 of 2001: SAWS Act 2001 unless this was rectified in another amendment bill. It would arguably be difficult for the general public and our law courts to determine what a severe weather warning means or entails if there is no such definition. As the bill now reads any reference to warn anybody of any real-time severe weather approaching will constitute a criminal offence. Surely this was and is not the intention of the lawmaker to keep real-time life-saving information from the general public who renders a very valuable and life saving service to their local community and country in times of severe weather.

The SA Weather and Disaster Observation Service (SAWDOS)- receives real-time weather observations from the public and then publishes these observations which include images and videos on Twitter, Facebook, the SAWDOS Blog and Amateur Radio Networks to warn the general public where severe weather is observed. This way the SAWDOS has correctly informed communities of real-time severe weather approaching. (Recent examples: Masinga, Nqutu, uMvoti and Mondlo storms in KwaZulu Natal where it is doubtful that one real-time warning was issued by the SA Weather Service while they had all the means and sophisticated weather instruments at their disposal. Other examples since 2008 available if required.) The SAWDOS has also been involved in forwarding of life saving information during several rescue missions in the past.

The question now remains whether the SAWDOS will be able to continue as before. This remains to be seen as the new amendment bill impedes SAWDOS to issue any real-time severe weather warnings.

It is the opinion of SAWDOS that the Amendment Bill is counter productive and not in the interest of the general public. The people that lost everything has asked many times why were they not warned by the SA Weather Service of a real-time storm approaching their area. If this bill is passed the public will have no means of warning other fellow citizens of approaching real-time severe weather. Those who suffer the most is the poorest of the poor who has no money to subscribe to the SA Weather Service to receive severe weather warnings or radar images, the first line of defense.

The way daily severe weather warnings are issued by the SA Weather Service is via their web-site, some radio and TV stations. I was also informed that the SA Weather Service sends warnings to Disaster Management who must then warn the general public. In many instances these warnings are late or not issued at all. The lack of Disaster Management offices and in some areas functionality across South Africa is another concerning factor.

The SAWDOS would therefore recommend that section 30A be withdrawn or amended in such a way that the issuing of real-time weather warnings will not be regarded as a criminal offence especially where the public renders a valuable free service to warn their local communities against approaching real-time severe weather. The SAWDOS renders a service by the public for the public.

More information about the SAWDOS is available at:
<http://saweatherobserver.blogspot.com/> and <http://sawdis1.blogspot.com/>

The SAWDOS trust that the general public will still be able to exercise their constitutional right to warn their local communities of approaching real-time severe weather by which ever means possible.

Thank you for the opportunity to submit written comments on the subject to the Portfolio Committee.

Regards

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