

**Tyhileka madubela - "Strengthening of the work of the Weather Service through the South African Weather Service Amendment Bill, 2011"**

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**From:** "Judith Taylor"  
**To:**  
**Date:** 2012/01/11 09:21 AM  
**Subject:** "Strengthening of the work of the Weather Service through the South African Weather Service Amendment Bill, 2011"

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Dear Ms Tyhileka Madubela

I wish to give input on the following proposed amendment to the Bill:

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;  
(b) supply false or misleading information about the Weather Service;  
(c) unlawfully, intentionally or negligently commit any act or omission which detrimentally affects or is likely to detrimentally affect 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.

(3) Whenever any person is convicted of an offence under subsection (2) and it appears that such person has by that offence caused loss or damage to any organ of state or other person, the court may in the same proceedings at the written request of the Minister or other organ of state or other person concerned, and in the presence of the convicted person, inquire summarily and without pleadings into the amount of the loss or damage so caused.

(4) Upon proof of such amount, the court may give judgment therefore in favour of the organ of state or other person concerned against the convicted person, and such judgment shall be of the same force and effect and be executable in the same manner as if it had been given in a civil action duly instituted before a competent court.

(5) Whenever any person is convicted of an offence under subsection (2), the court convicting such person may summarily enquire into and assess the monetary value of any advantage gained or likely to be gained by such person in consequence of that offence, and, in addition to any other punishment imposed in respect of that offence, the court may order—

(a) the award of damages or compensation or a fine equal to the amount so assessed; or

(b) that such remedial measures as the court may determine must be undertaken by the convicted person.

(6) Notwithstanding anything to the contrary in any other law, a Magistrate's Court shall have the jurisdiction to impose any penalty prescribed by this Act."

I am baffled by the huge penalties envisaged in this clause and indeed why this clause is considered to be necessary at all, when protection already exist under the law. The section is extremely vague and open to abuse, when faced with an ineffective monitoring of air pollution by the Weather Service. As the Weather Service is protected by existing law, I recommend that this section be removed in its entirety.

I would recommend a proactive approach to bring in as many qualified people working in NGOs and in

laboratories to assist the Weather Service in collecting the necessary data. I say this as the government's motto is "working together we can do more" and such action would more readily fall in line with the spirit of the motto. It would also enable schools to become involved in projects which would provide us with young people interested in science and experienced in using it from an early age, so that the practicality of science is demonstrated and a passion cultivated, enabling us to increase our impact in building capacity in this vital field.

Regards

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