

Tyhileka madubela - FW: Comment with respect to the South African Weather ServiceAmendment Bill [B22-2011]

From: Ossie Oswald
To: "tmadubela@parliament.gov.za"
Date: 2011/12/29 08:46 AM
Subject: FW: Comment with respect to the South African Weather ServiceAmendment Bill [B22-2011]

Good Morning
Please see our comments below.
Regards

Ossie Oswald
Regional Air Quality Practitioner
City Health
Air Quality Management


Ossie Oswald

From: Ed Filby
Sent: 28 December 2011 09:05 AM
To: Ossie Oswald
Cc: Ian Gildenhuys; David Oliver; Niel Rossouw
Subject: Comment with respect to the South African Weather Service Amendment Bill [B22-2011]
Importance: High

Hi Ossie,

I have reworded Ian's initial e-mail as follows. Please add any other concerns you may have in this regard.

If you and the others are in agreeance, you can forward the same to Ms Tyhileka Madubela
(tmadubela@parliament.gov.za)

Regards,

Ed

Dear Ms Tyhileka Madubela,

Please be advised of our comment with regards to the South African Weather Service Amendment Bill [B22-2011].

The Air Quality Management unit of the City of Cape town is authorised to oversee the ambient air quality in the City in terms of The Constitution, the National Environmental Management Air Quality Act and the City of Cape Town Air Quality Management By-Law.

We are particularly concerned about the wording in Section 30A. (1) which states that: "No person may (a) issue a severe weather or air pollution-related warning without the necessary written permission from the Weather Service;"

A practical example of where this may be problematic is when a situation arises where a burning ship in the harbour may be about to release a large volume of Ammonia gas into the atmosphere potentially affecting large numbers of the public who work and visit the City – according to this section we will not be able to warn the public of a pending severe air pollution threat.

The Bill needs to make provision for these localised emergency events where it would be totally unreasonable to have to first get a written response from SAWS before a warning could be issued.

I am also sure that this section conflicts with the Disaster Management Act for example.

Therefore, the section should be re-worded by the addition in red as follows to clarify this issue.

Insertion of section 30A in Act 8 of 2001

12. The following section is hereby inserted in the principal Act after section 30:

"Offences and penalties

30A. (1) No person may, unless authorised, acting or appointed to do so 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.

Ed Filby .
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