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THE DISASTER MANAGEMENT ACT, 2014

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SCHEDULE

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NOTICE
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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es Salaam,
15th October, 2014

OMBENI Y. SEFUE
Secretary to the Cabinet

A BILL

for

An Act to provide for establishment of the Disaster Management Agency, disaster risk management, coordination mechanism for disaster prevention, mitigation, preparedness, response and recovery, establishment and management of Disaster Management Fund and to provide for other related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and
commencement

1. This Act may be cited as the Disaster Management Act, 2014 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act, unless the context requires otherwise-
“Agency” means the Tanzania Disaster Management Agency established under section 4;
“authorised person” means any person authorised to

- undertake any activities as may be authorized by the Agency;
- “Centre” means the Emergency Operation Centre established under section 47;
- “Council” means the Tanzania Disaster Management Council established under section 7;
- “Director-General” means the Director General of the Agency appointed under section 9 of the Act;
- “disaster” means an occurrence or series of occurrences, whether natural or man-made, man-made calamity that causes or poses a significant disruption or threat to the functioning of a community, causing widespread human, natural, economic or environmental losses which exceed the capacity of that community to cope with the disaster using its own resources;
- “disaster area” means an area declared as a disaster area under this Act;
- “disaster management” means a continuous and integrated multi-sectoral process of planning and implementation of measures aimed at-
- (a) preventing the danger or threat of a disaster;
 - (b) mitigating the severity or consequences of a disaster;
 - (c) creating or enhancing disaster preparedness;
 - (d) creating rapid and effective response to disaster; and
 - (e) creating or enhancing mechanisms for post disaster recovery and rehabilitation;
- “disaster preparedness” means the state of readiness to deal with a threatening disaster situation, disaster and the effects thereof;
- “disaster prevention” means any measures designed to eliminate or prevent a natural or human adverse phenomenon from causing or resulting in a disaster;
- “disaster recovery” means measures to help restore the livelihoods, assets and production levels of emergency affected communities; to re-build essential infrastructure, productive capacities,

institutions and services destroyed or rendered non-operational by a disaster and to help bring about sustainable development by facilitating necessary adjustments to the changes caused by the disaster or improving on the status quo;

“disaster response” means any measure taken immediately prior to or following a disaster impact that is directed towards saving life, protecting property and the environment or dealing with the immediate damage and other effects caused by the disaster;

"disaster risk reduction" means measures taken to reduce the probability of harmful consequences of disaster such as deaths, injuries, expected loss of property, livelihoods, disruption of economic activity or environmental damage resulting from interaction between natural or man-made hazards and vulnerable conditions;

“District Committee” means District Disaster Management Committee established under this Act;

“Minister” means Minister responsible for disaster management;

“mitigation” means measures aimed at reducing the risk, impact or effects of a disaster;

“National Disaster Management Plan” means a plan which defines actions to be taken in dealing with a disaster, risk reduction and management;

“natural disaster” means a disaster arising from the interaction of natural phenomena without the help or plan by man, and includes such occurrences as earthquakes, hurricanes, floods, droughts, fires or epidemics;

“Platform” means the National Disaster Management Platform established under this Act.

“Regional Committee” means the Regional Disaster Management Committee established under this Act;

“Village Committee” means the Village Disaster Management Committee established under this

Act;
“vulnerability” means the degree to which the population is likely to be impacted or damaged by a disaster;
“Ward Committee” means a Ward Disaster Management Committee established under this Act.

PART II
THE DISASTER MANAGEMENT AGENCY

Establishment of
the Agency

4.-(1) There is hereby established an agency to be known as the Tanzania Disaster Management Agency.

(2) The Agency shall be a body corporate, and in its corporate name, be capable of-

- (a) suing and being sued;
- (b) entering into contracts, agreements, memorandum of understanding, deeds and executing other arrangements;
- (c) owning movable and immovable property; and
- (d) bearing a common seal.

(3) The Attorney-General shall have the right to intervene in any suit or matter instituted by or against the Agency.

Cap. 5

(4) Where the Attorney-General intervenes in any matter provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government.

(5) For purposes of subsections (3) and (4), the Agency shall have a duty to notify the Attorney-General of any impending suit or intention to institute a suit or file a matter by or against the Agency.

Functions of the
Agency

5.-(1) The Agency shall be the national focal point for the coordination of disaster risk reduction and management.

(2) In discharging its functions in terms of subsection (1), the Agency shall-

- (a) formulate policies and plans on all activities related to disaster management in Tanzania Mainland;

- (b) act as the central planning, coordinating and monitoring institution for the prevention, mitigation, preparedness, response and post-disaster recovery, taking into account all potential disaster risks;
- (c) coordinate and monitor inter-ministerial, multi-sectoral entities and technical committees responsible for disaster management at all levels;
- (d) establish an Emergency Operation Centre;
- (e) establish an early warning system covering all sectors and maintain close links with different institutions that provide warning services;
- (f) promote education, knowledge and use of information communication technology in disaster management for public awareness;
- (g) mobilize resources for the purpose of disaster management activities; and
- (h) require from any organization, department, authority, person or body of persons, to furnish to it such information required for the purpose of disaster management operations, as the director may require.

Powers of the Agency

6.-(1) For the purpose of performing its functions, the Agency shall have powers to:

- (a) order evacuation of people from disaster areas or disaster prone areas;
 - (b) suspend or limit sale, dispensing or transportation of alcohol, beverages, firearms, explosives, or such other products which it deems inappropriate in disaster areas; and
 - (c) access and utilize available resources of Government including warehouses, equipment and such other facilities as may be reasonably necessary for emergency operations.
- (2) The Agency shall exercise powers required to

bring about compliance with any directive issued under its authority and take or cause to be taken such measures including bringing action in a court of law or tribunal.

(3) The Agency may, after giving reasonable notice of its intention to take such measures, direct organization, department, authority, person or body of persons to perform, within such time and in such manner as it shall specify, any or other duties imposed by or under this Act or any other written law, in relation to enforcement and compliance.

(4) Where there is failure to comply with the direction, the Agency may perform or cause to be performed the duties in question and the expense incurred shall be recoverable by the Agency from that organization, department, authority, person or body of persons by way of a civil debt.

Tanzania Disaster
Management
Council

7.-(1) There shall be the Tanzania Disaster Management Governing Council.

(2) The Council shall consist of the following members:

- (a) Permanent Secretary in the Ministry responsible for disaster management who shall be the Chairman;
- (b) Permanent Secretary from the Ministry responsible for Defense and National Services who shall be the Vice-Chairman;
- (c) Deputy Attorney-General;
- (d) Permanent Secretary from the Ministry responsible for regional and local Government Authorities;
- (e) Permanent Secretary from the Ministry responsible for finance;
- (f) Permanent Secretary from the Ministry responsible for health and social welfare;
- (g) Permanent Secretary from the Ministry responsible for communications;
- (h) Permanent Secretary from the Ministry responsible for Environment
- (i) Permanent Secretary from the Ministry

responsible for agriculture; and

- (j) Director-General of the Tanzania Meteorological Agency.

(3) The Director-General of the Agency shall be the Secretary to the Council.

(4) The Council may co-opt any person during its meeting as the Council may consider necessary.

(5) The provisions of the Schedule to this Act shall have effect in respect to proceedings of the Council and other matters relating to it.

Functions of Council

8.-(1) The Council shall oversee the management of the affairs of the Agency.

(2) In the performance of its functions, the Council shall be responsible for-

- (a) ensuring that disaster risk reduction interventions are integrated into the relevant governmental institutions, development policies, strategies and programs at national, regional, and local levels;
- (b) provide support in the mobilization of resources for effective disaster risk reduction and management;
- (c) advocating the development of national information and knowledge management strategies and the establishment of stakeholder networks for disaster risk management;
- (d) reviewing and updating the disaster risk management policies; and
- (e) advising the Minister on disaster management and all related matters.

PART III ADMINISTRATION OF THE AGENCY

Director General

9.-(1) There shall be a Director General of the Agency who shall be appointed by the President from amongst qualified public servants.

(2) The Director General shall serve for a term of five years and shall be eligible for reappointment.

(3) The Director General shall be the Chief Executive and Accounting Officer of the Agency and shall be responsible to the Council.

Powers of the
Director General

10.-(1) The Director General may, during emergence situation and after consultation with Chairman of the Council, issue directives or orders which are necessary to address the situation.

(2) The Director General shall, upon the consultation with Chairman-

(a) inform the Minister on the emergency measures taken in order to address the situation; and

(b) cause to be convened an emergency meeting of the Council to deliberate on the situation.

Directorates and
staff of the
Agency

11.-(1) The Agency may, with the approval of the relevant authorities, establish a number of directorates, units as may be necessary for the proper discharge of duties of the Agency.

(2) The Agency may, with the approval of the Council, appoint or employ such number of public officers as may be necessary for the proper and efficient discharge of functions under this Act.

Directories and
inventory

12.-(1) The Director-General shall establish and maintain directory and inventory for life support and critical infrastructure for disaster management operations.

(2) A directory or an inventory prepared by the Agency shall be official document for use by the Agency and the Agency may share information contain in the directory or inventory with any other person, department, or organization as may Agency find it appropriate

(3) "Critical infrastructure" as used in subsection (1) means processes, systems, facilities, technologies, networks, assets and services essential for health, safety, security or economic well-being and effective function of

the Government or community.

Regional disaster
management
committees
Cap.97

13.-(1) A Regional Secretariat established under the Regional Administration Act shall be the Regional Disaster Management Committee in its respective jurisdiction.

(2) Without prejudice to the provisions of subsection (1) and section 10(2) of the Regional Administration Act, the Regional Committee shall, in addition to the members of the Regional Secretariat, include the following members appointed by the Regional Administrative Secretary-

- (a) a Regional Disaster Management Coordinator;
- (b) a representative from a regional umbrella of non-governmental organizations;
- (c) two representatives from the private sector from within the Region;
- (d) a regional representative for Tanzania Red Cross Society and other humanitarian and voluntary organizations;
- (e) three representatives of religious organizations; and
- (f) two prominent persons.

(3) Notwithstanding the provisions of subsection (2), the Regional Committee may, co-opt any person who is not a member of the Committee to attend the deliberations of the Committee.

(4) The Regional Disaster Management Coordinator shall, for the purpose of this section, be the Secretary to the Regional Committee.

Functions of
Regional
Committee

14. The functions of the Regional Committee shall be to -

- (a) advise the Regional Commissioner on disaster management matter and activities performed at the Region, and any other matter referred to it by the Regional Commissioner;
- (b) oversee and coordinate disaster risk reduction management and emergency

- operations among government sector institution, local authorities, communities and other role players involved in disaster risk reduction management;
- (c) mobilize resources for disaster management and respond to disasters occurring in their region;
 - (d) align regional early warning system and facilitate the establishment of regional disaster risk information data base in coordination with the Agency; and
 - (e) coordinate district plans on the prevention of disasters and their mitigation submitted by the District Committee.

District committees

Caps. 287 and 288

15.-(1) The Council Management Committees established under the Local Government (Urban Authorities) Act and the Local Government (District Authorities) Act shall, for purposes of this Act, be the District Disaster Management Committees in their respective jurisdictions.

(2) Without prejudice to subsection (1) and the provisions of the Local Government (Urban Authorities) Act and the Local Government (District Authorities) Act relating to the establishment of Council management, the District Committees shall, in addition to the members of Council management Committee include the following members appointed by the Executive Director-

- (a) the district disaster management Coordinator;
- (b) two representatives of the private sector from within the District;
- (c) a representative from regional umbrella of non-governmental organizations;
- (d) two prominent persons;
- (e) a district representative for Tanzania Red Cross Society and other Humanitarian and Voluntary Organization; and
- (f) three representatives of religious organizations.

(3) Notwithstanding the provisions of subsection (2), the Council Director may, where it considers necessary, co-opt any person who is not a member of the Committee to attend the deliberations of the Committee.

(4) The District Disaster Management Coordinator shall, for the purpose of this section be the secretary to the District Committee.

Functions of
District
committees

16. The functions of the District Committees shall be to-

- (a) advise the District Commissioner on the disaster management matter and activities performed a at the District, and another matter referred to it by the District Commissioner;
- (b) oversee and coordinate disaster risk management and emergency operations at district level; and
- (c) mobilise resource in respect of disaster management.

Powers of
Regional and
District
Committees

17. Regional and District Disaster Management Committees shall, in collaboration with the Agency, have powers to-

- (a) direct all institutions in the region and district to prepare for, prevent or mitigate disasters;
- (b) order persons to evacuate from areas that are affected by or prone to disasters and relocate them;
- (c) request any person or institution in the region and district to provide transport, any building, equipment, essential commodities and other supplies in order to support the management effort in the district;
- (d) establish sub-committees for the purpose of ensuring the proper discharge of its functions; or
- (e) do any such act or thing which is necessary to be done for or in connection with the performance of their functions under this

Act, based on the established policy, plan and procedures.

Ward committees
Caps. 287

18.-(1) The Ward Management Teams established under the Local Government (District Authorities) Act shall, for the purposes of this Act, be the Ward Disaster Management Committee in its respective jurisdiction.

(2) Without prejudice to subsection (1) and the provisions of the Local Government (District Authorities) Act relating to the establishment of Ward Management Team, the Ward Committee shall, in addition to the members of Ward Management Team, include the following members appointed by the Council Director in consultation with the Ward Executive Officer-

- (a) two representatives from the private sector from within the Ward;
- (b) a representative of community based organization within the Ward;
- (c) two prominent persons;
- (d) a ward representative from the Tanzania Red Cross Society and other Humanitarian and Voluntary Organisation; and
- (e) three representatives of religious organisations.

(3) The Ward Executive Officer may, where it considers necessary, co-opt any person from within the respective Ward who is not a member of the Committee to attend the deliberations of the Committee.

(4) The Council Director shall, in consultation with the Ward Executive Officer, designate any of the extension officers in the ward to be the secretary to the Ward Committee for the purpose of this section

Functions of
ward committees

19. The functions of the Ward Committee shall be to-

- (a) oversee and coordinate disaster risk management and emergency operations at ward level;
- (b) mobilise resource in respect of disaster

- management;
- (c) facilitate the implementation of disaster management programs for the ward;
- (d) respond in a coordinated manner to any emergency situation at ward level.

Village committees

Caps. 287 and 288

20.-(1) Village Management Team established under the Local Government (District Authorities) Act shall, for the purposes of this Act, be the Village Disaster Management Committee in its respective jurisdiction.

(2) Without prejudice to subsection (1) and the provisions of the Local Government (District Authorities) Act relating to the establishment of Village Management Team, the Village Committee shall, in addition to the members of Village Management Team, include the following members appointed by the Council Director in consultation with the Village Executive Officer-

- (a) two representatives of private sector from within the Village;
- (b) a representative for non-governmental organisations from within the Village;
- (c) two prominent persons;
- (d) a Village representative for Red cross, Red Crescent and other Humanitarian and Voluntary Organisation; and
- (e) three representatives of religious organisations from within the Village.

(3) Notwithstanding the provisions of subsection (2), the Village Executive Officer may, where it considers necessary, co-opt any person from within the respective Village who is not a member of the Committee to attend the deliberations of the Committee.

(4) The Council Director shall, in consultation with the Village Executive Officer, designate any of the extension officers in the Village to be the secretary to the Village Committee for the purpose of this section

Functions of Village

21.-(1) The functions of the Village Committee

committees

shall be to-

- (a) oversee and coordinate disaster risk management and emergency operations at village level;
- (b) act as a clearing house for information related to early warning
- (c) mobilise resources in respect of disaster management;
- (d) implement public information and public awareness program in the Village; and
- (e) respond in a coordinated manner to any emergency situation at village level.

(2) In the discharge of its functions, the village committee shall, as much as practicable, use customary law, traditional practices and indigenous methods of warning and communication.

Committees
management
Guidelines

22.-(1) The Minister may make guidelines for the proper management of regional , district, ward and village committees.

(2) The guidelines made under this section shall prescribe for-

- (a) preparation of plans at different levels of the committees;
- (b) mode of communications and dissemination of information relating to disaster risk reduction and management;
- (c) dissemination of information relating to early warning; and
- (d) running of the affairs of the committees.

(3) The Minister may make guidelines that apply to a specific committee.

Regulation of
affairs of disaster
committees

23. The regional, district, ward and village committees shall regulate their proceedings in their respective jurisdictions.

PART IV CIVIL PROTECTION MEASURES

Civil protection

24.-(1)The Agency shall put in place civil

Measures protection measures for local government authorities Government entities and multi-sectoral entities engaged in disaster management.

(2) For the purposes of subsection (1), the Agency shall take measures as may be necessary to develop programmes for capacity building for regional, district committees, Government entities and multi-sectoral entities with respect to the provision of necessary services and the procedures to be followed in disaster response and recovery activities.

(3) “Civil protection” as used in this section, means the combined efforts of different emergency units in preparing the community to protect itself from hazards from escalating into a disaster.

General
Obligation

25. Every person under general obligation to:

- (a) keep a harmonious social community life and maintain peace and harmony;
- (b) maintain the conduct that reduce disaster risk; and
- (c) exhibit readiness and willingness to participate in disaster management activities.

PART V

OPERATIONS DURING DISASTER AND STATE OF EMERGENCY

(a) Operations during disaster

Declaration of
disaster area

26.-(1) Where the Agency is satisfied that an emergency situation aggregating to a disaster area, it shall activate the National Emergency Preparedness and Response Plan to apply to that area for initial period of three months

(2) Where the National Emergency Preparedness and Response Plan is activated to an area, the Minister shall, by order in the Gazette, determine procedural activities and operations that will apply to such area.

(b) State of Emergency

Emergency situations aggregating to a disaster

27.-(1) Where an emergency situation aggregating to a disaster is of such nature and extent that requires extraordinary measures, the Council shall recommend to the Minister that a state of emergency be declared for an area or the whole of Mainland Tanzania.

(2) Where, upon the satisfaction by the Minister that the emergency disaster warrants proclamation of state of emergency, the Minister shall implore the President to invoke powers vested in the president by the Constitution to proclaim the state of emergency for an area of the whole of Mainland Tanzania.

(3) A proclamation of a state of emergency shall contain and stipulate such extraordinary measures that may be undertaken including:

- (a) evacuation or exclusion of persons and properties;
- (b) deployment of military support;
- (c) call for international support; and
- (d) any other measure as may be necessary regarding obtaining circumstances.

PART VI
NATIONAL DISASTER MANAGEMENT PLAN

National Disaster Management Plan

28.-(1) The Agency shall, with approval of the Minister, prepare and maintain The National Disaster Management Plan.

(2) The National Disaster Management Plan shall be integrated in the yearly National Development Plan and shall be reviewed and updated as and when necessary.

(3) The National Disaster Management Plan shall facilitate mainstreaming of disaster risk reduction and management practice into sectoral development plans and shall be applied by the Agency, regional and district committees as well as Government and multisectoral entities for disaster management.

(4) For the purpose of subsection (3), the Agency, regional and district committees, Government and multi-sectoral entities shall each prepare and submit an annual report at the National Disaster Management Platform for

discussion on shared experience.

(5) The Minister shall, by regulations, stipulate matters which shall be incorporated in the National Disaster Management Plan.

**PART VII
DISASTER MANAGEMENT FUND**

National Disaster
Management
Fund

29.-(1) There shall be a National Disaster Management Fund.

(2) Sources of funds for the Fund shall be:

- (a) such sums as may be appropriated by Parliament for the purposes of disaster management;
- (b) voluntary contribution to the fund by any person or organisation;
- (c) any monies made by way of donations or grants from within and outside the United Republic;
- (d) any monies accrued by way of sale of donated items; and
- (e) proceeds from fund-raising.

(3) The Fund shall be managed and administered by the Agency and the Director General shall be accounting officer.

(4) The funds shall be used for-

- (a) the provision of essential commodities and other relief to victims of any disaster, hazards or emergency; and
- (b) prevention, mitigation, preparedness, response and recovery from disaster and any other activities related to disaster management.

Management of
collections and
donations

30.-(1) The Agency may make specific or general appeal to the public for donation in form of properties or funds for purpose of saving life, property, reducing the damage or restoring livelihood of disaster affected community.

(2) Where, in response to an appeal by the

Agency, an individual or organisation collecting property or raise funds shall be required to submit a report to the Agency detailing properties collected and funds raised and the manner in which such properties and funds were distributed to disaster affected community.

(3) For the purpose of subsection (2), the donation for disaster affected community may be delivered directly to the community concerned or through regional or district committees, the Agency or national leaders.

**PART VIII
FINANCIAL PROVISIONS**

Sources of funds

31.-(1) Sources of funds for the Agency shall include-

- (a) monies as may be appropriated by Parliament;
- (b) any funds or assets which may be vested in or accrued from other sources;
- (c) fees imposed and other charges collected from services rendered;
- (d) gifts, grants and donations;
- (e) proceeds derived from sale of assets of the Agency; and
- (f) any other money borrowed, received by or made available to the Agency for the purpose of its functions.

(2) The fees and charges payable under this Act shall be prescribed in the regulations.

Annual report and accounts

32.-(1) In this Act "financial year" means the financial year of the Government.

(2) The Director General shall, at the end of each financial year, prepare an annual implementation report on the activities undertaken by the Agency and submit to the Minister, after approval by the Board.

(3) The Director General shall, ensure that the

annual financial statements are prepared and audited within three months after the end of financial year.

- (4) The financial statements shall include-
 - (a) statement of financial performance;
 - (b) statement of financial position;
 - (c) statement of cash flows;
 - (d) statement of changes of equity; and
 - (e) notes to the financial statements.

Submission of
annual report

33-(1) The Director General shall submit to the Minister an audited financial report together with the auditor's report on those accounts three months after the end of each financial year.

(2) Chief Director General shall prepare and submit to the Board an estimate of the revenue and expenditure for the Agency three months before the end of the preceding year.

(3) No expenditure shall be made from funds of the Agency unless it is authorised by the Director General within the estimate of that financial year.

Management and
control of funds

34.-(1) The Agency shall keep books of accounts and maintain proper records of its operations in accordance with national accounting standards.

(2) The Agency shall cause to be prepared and kept proper books of accounts and record with respect to-

- (a) the assets and liabilities;
- (b) the receipt and expenditure of monies and other financial transactions; and
- (c) a statement of financial position and a statement showing details of the financial performance to be prepared in every financial year.

(3) The funds and resources of the Agency shall be used for the better carrying out the objectives of this Act.

(4) The Agency expenditure shall be subject to

monitoring and review.

Annual and
supplementary
budgets

35.-(1) Not less than one month before the beginning of any financial year, the Board shall approve the annual budget of the amount expected to be received and disbursed during that financial year.

(2) Where in any financial year, the Agency requires to make any disbursement not provided for or of an amount in excess of the amount provided for in the annual budget for that year, the Board shall approve a supplementary budget detailing the disbursement.

(3) The annual budget and every supplementary budget shall be in the form and include the details as is required by law.

Operational
principles

36.-(1) The Agency shall-

(a) open and operate all sets of books of accounts, ledgers, journal, and other subsidiary books of accounts, in accordance with its accounting manual; and

(b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

(2) All cash received shall be deposited to the revenue account and payments shall be made from the expenditure account.

(3) No expenditure shall be incurred from the funds of the Agency unless that expenditure is part of the expenditure plans approved by the Board.

Powers to invest

37. The Agency may, with approval of the Minister responsible for finance, invest any monies in such a manner as it deems fit.

PART IX
OFFENCES AND PENALTIES

Offences and
Penalties

- 38.** A person who-
- (a) delays or obstructs any officer in the performance of the officer's functions under this Act;
 - (b) refuses to give an officer such reasonable assistance as the officer may require for the purpose of executing the duties under the Act;
 - (c) knowingly gives an officer false or misleading information in answer to an inquiry made by the officer,

commits an offence and is liable, upon conviction, to a fine not exceeding one million shillings or to imprisonment for a period not exceeding two years, or to both.

Offences by body
corporate

39. Where an offence is committed by a body of persons or a body corporate, any person who, at the time of the commission of the offence was concerned with the management of affairs of such body of persons or body of corporate, shall be deemed to have committed the offence.

PART X
MISCELLANEOUS PROVISIONS

National Disaster
Management
Platform

40.-(1) There shall be a National Disaster Management Platform which shall provide opportunity to stakeholders to meet and discuss strategic issues involved in the disaster management and advise the Government accordingly.

(2) The Platform shall consist of:

- (a) the Director General who shall be the Chairman;
- (b) heads of departments responsible for disaster management from the-
 - (i) Ministry responsible for agriculture

- and food security;
- (ii) Ministry responsible for home affairs;
- (iii) Ministry responsible for finance;
- (iv) Ministry responsible for local government authorities;
- (v) Ministry responsible for health and social welfare;
- (vi) Ministry responsible for environment;
- (vii) Ministry responsible for energy and minerals;
- (viii) Ministry responsible for foreign affairs;
- (ix) Ministry responsible for communications;
- (x) Ministry responsible for lands and housing;
- (xi) Ministry responsible for transport; and
- (xii) Ministry responsible for matters relating to atomic energy;
- (c) heads of the following institutions-
 - (i) the Tanzania Communication Regulatory Authority;
 - (ii) the Fire and Rescue Force;
 - (iii) the National Food Reserve Agency;
 - (iv) the Tanzania Food and Nutrition Centre;
 - (v) the Geological Survey of Tanzania;
 - (vi) the Tanzania Food and Drugs Authority;
- (d) a representative of the Tanzania Meteorological Agency;
- (e) four persons representing recognized higher learning institutions;
- (f) a representative of the Tanzania Peoples Defence Forces;
- (g) a representative of the institution responsible for National Planning;

- (h) three representatives from an umbrella organ of civil society organizations; and
- (i) three representatives from religious organizations.

(2) The Platform may co-opt any other person as and when it deems necessary.

(3) The Platform shall meet at least twice a year but may meet at any time if there is any issue that requires immediate attention.

(4) The Platform may regulate its own proceedings.

(5) The Platform may form committees whose members shall be appointed from amongst its members.

Protection from liability

41.-(1) An employee of an Agency shall not be personally liable for anything done or omitted to be done in good faith in the execution or purported execution of any duty as an employee of Agency.

(2) The Agency shall reimburse and indemnify, to such extent and in such manner as may be prescribed, a volunteer and other person deployed in disaster management, any reasonable expense or liability incurred as a result of -

- (a) performing any disaster response service in terms of this Act; and
- (b) making available for the purposes of a disaster, any land or other property.

Regulations

42.-The Minister shall make regulations with respect to any matter that is necessary for the purposes of carrying out or giving effect to this Act.

Repeal and savings of Cap 242

43.-(1) The Disaster Relief Coordination Act is hereby repealed.

(2) Notwithstanding the repeal, any applicable regulations, rules, orders or notices made under the Disaster Relief Coordination Act, and are in force immediately before coming into operation of this Act shall remain in force as if they were made under this Act.

SCHEDULE

(Made under section 7(5))

PROCEDURE AT MEETING OF THE COUNCIL AND OTHER MATTERS

Meetings of
Council

1.-(1) The Council shall meet for the transaction of its business at the times and at places determined by it, by the Council.

(2) Ordinary meetings of the Council shall be once in every three months.

(3) The Chairman or in his absence, the Vice-Chairman may at any time call a special meeting of the Council, upon a written request by a majority of the members in the Council.

(4) The Chairman or in his absence, the Vice-Chairman shall preside at every meeting.

(5) The Chairman or in his absence, the Vice-Chairman may invite any person who is not a member to attend any meeting of the Committee provided that such person shall not be entitled to vote.

Quorum

2. The quorum at any meeting of the Council shall be half of the members of the Council.

Decisions of
the Council

3.-(1) Questions proposed at a meeting of the Council shall be decided by a majority of votes of members present and voting and in the event of equality of votes, the person presiding shall have casting vote.

(2) Notwithstanding subparagraph (1), a decision may be made by the Council without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members.

Minutes of
meetings

4.-(1) The Council shall cause minutes of the meetings to be recorded and kept and the minutes of each meeting of the Council shall

be shared or amended and approved at the next meeting of the Council and signed by the person presiding at the meeting.

(2) Any minutes purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof of error, be deemed to be the correct record of the meeting.

Vacancies not to invalidate proceedings

5. The validity of any act or proceedings of the Council shall not be affected by reason of any vacancy among its members or any defect in the appointment of any of them.

Orders, directions, notices or documents

6. Orders, directions, notices or documents made or issued on behalf of the Council shall be signed by—

- (a) the Chairman of the Council; or
- (b) the Director-General or any other officer of the Agency authorised in writing in that behalf by the Director-General.

Seal of the Council

7. The seal of the Council shall not be affixed to any instrument except in the presence of the Chairman, or the Vice- Chairman or the Director-General.

Council may regulate proceedings

8. Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

OBJECTS AND REASONS

This Bill proposes for the enactment of the Disaster Management Act, 2014. The purpose of the enactment is for the disaster prevention, preparedness and management with a view of establishing an Agency under the Prime Minister's Office. The Prime Minister's Office shall be the centre for the coordination of disaster among relevant institutions. The Bill intends to bring together various stakeholders dealing with disaster management and prevention.

The Bill is divided into Nine Parts. Part I provides for Preliminary provisions.

Part II provides for establishment of the Disaster Management Agency. As earlier on stated the Prime Minister's Office will host the Tanzania Disaster Management Agency and will be the focal point for coordination of disaster prevention and management. The Agency will have a governing Council which will perform the functions and the management of its affairs.

Part III provides for Management of the Agency. The provisions under this Part proposes for the appointment of Director General who shall be appointed by the President. The Part proposes for the establishment of Regional Management committees, District, Ward and Villages Committees, the composition and functions for the Committees are also provided. The Committee Management guidelines, regulation of affairs of disaster Committees, reports of the Agency and disaster management Committees are provided under this Part.

Part IV contains provisions on civil protection measures. It is proposed that Government or Agency to be entitled to provide assistance in case of occurrence of disaster. Furthermore, the Part provides for the community obligation to carry out disaster management and prevention activities.

Part V proposes for the declaration and operations of disaster areas during the state of emergency. The Part also proposes for the declaration

of disaster area, the effect of declaration and operations within the disaster area. It further proposes for provisions for proclamation of state of emergency where it appears to the Agency that an emergency situation aggregating to a disaster exists in an area.

Part VI proposes for the procedure for disaster controls preparations of National Disaster Management Plan by the Agency and approval of the Plan by the Minister. The Parts also proposes that the Local Government authorities to support the implementation of the National Disaster Plan, state actors and non-state actors to make their own plans so as to fulfill their roles as indicated in the National Disaster Plan.

Part VII proposes for the establishment of the Disaster Management Fund within the Agency, the use of the funds, donations, accounts and audit.

Part VIII contains provisions on offences and penalties. It provides for the general penalties and offences by body corporate.

Part IX provides for the miscellaneous and other general matters including National Disaster Management Platform, protection from liability of anything done or omitted in good faith, tax exemption during emergency, movement of international experts during disaster, powers of Regional and District Authorities and compensation. Further, the Part provides for the guiding principles for compensation in case of loss or damage. Reimbursement and indemnification is also provided. Furthermore, the Part proposes for the Ministers powers to make Regulations under the Act and the Repeal of the Disaster Relief Coordination Act (Cap.242).

Dar es Salaam,
10th October, 2014

MIZENGO P. PINDA
Prime Minister