

Tanzania

Disaster Relief Co-ordination Act Chapter 242

Legislation as at 31 July 2002

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Tanzania

Disaster Relief Co-ordination Act Chapter 242

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Act No. 9 of 1990]

An Act to establish and provide for the maintenance and operation of a system for the anticipation, co-ordination and control of disastrous situations and the organisation of relief from disaster.

Part I – Preliminary provisions (ss. 1-2)

1. Short title

This Act may be cited as the Disaster Relief Co-ordination Act, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

2. Interpretation

(1) In this Act, unless the context requires otherwise—

"**Committee**" means the Tanzania Disaster Relief Committee established by [section 3](#);

"**creeping disaster**" means a disaster possible of anticipation and permitting of the taking of corrective action to avoid it or minimise the seriousness of its consequences;

"**Department**" means the Disaster Relief Co-ordination Department in the Prime Minister's Office established by [section 7](#);

"**Director**" means the Director for Disaster Relief appointed under [section 11](#);

"**disaster**" means an occurrence or series of occurrences, natural or man-made, causing a catastrophic situation whereby the day-to-day patterns of life are widely and suddenly disrupted and people are plunged into helplessness and suffering and as a result need to be provided with protection, food, clothing, shelter, medical and social care and other necessities of life;

"**disaster area**" means any area in which there occurs a disaster for which it is declared to be such an area under [section 14](#);

"**disaster preparedness**" means the state of being able to anticipate a disaster and undertake timely measures designed to minimise the loss of life and property, and to organise and facilitate effective emergency relief operations in time of disaster;

"**disaster prevention**" means any measure designed to prevent natural phenomenon from causing or resulting in disaster or other related emergency situations;

"**disaster report**" means a report concerning the occurrence of a disaster, submitted under [section 15\(3\)](#);

"**Minister**" means the Minister responsible for matter regarding the co-ordination of relief during disasters;

"**natural disaster**" means a disaster arising from the interaction of natural phenomena without the help or planned by man, and includes such occurrences as earthquakes, hurricanes, floods, droughts, fire or epidemics;

"**Prevention Subcommittee**" means the Disaster Prevention Subcommittee established by [section 6\(2\)](#);

"**sudden disaster**" includes flash floods, earthquakes, epidemics, fires, cyclones, civil disturbances and war, oil spills, influx or refugees and transport accidents.

Part II – The Tanzania Disaster Relief Committee (ss. 3-6)

3. Establishment of the Committee

There is hereby established a disaster relief co-ordination agency of the Government of the United Republic, which shall be known as the Tanzania Disaster Relief Committee or, by the acronym "TANDREC".

4. Composition of the Committee

- (1) The Committee shall be composed of—
 - (a) the Permanent Secretary in the Prime Minister's Office who shall be the Chairman;
 - (b) eight other members appointed by the Minister one each representing such ministries as the Minister may determine;
 - (c) any other person or persons as the Minister may appoint.
- (2) The Director shall be the Secretary of the Committee.
- (3) The Committee may, with the prior approval of the Minister, co-opt such other persons as it may deem necessary or desirable for the purposes of securing the efficient and effective discharge by the Committee of its functions under this Act.
- (4) The Minister may, if he deems it necessary or desirable in the national interest so to do, by order published in the *Gazette*, alter the composition of the Committee specified under subsection (1) and where he does so, this section shall be deemed to have been amended to that extent.
- (5) Every person appointed to serve on the Committee, other than a person appointed by virtue of the office he holds, shall hold office for such period, not less than three years, as may be specified in the instrument of his appointment.
- (6) The Minister may make rules for the regulation and guidance of the procedure and other business of the Committee and Subcommittees.

5. Functions of the Committee

- (1) The Committee shall be responsible generally for overseeing and co-ordinating the activities of the Government designed to secure the effective prevention of disasters and the preparedness and operation of affairs in the event of a disaster.
- (2) Without prejudice to the generality of subsection (1), it shall be the responsibility of the Committee to guide, direct, approve and control the activities of the Disaster Relief Co-ordination Department, as provided under [section 8](#) of this Act, as well as the activities of the Subcommittees.

6. Meetings and organisation of the Committee

- (1) The Committee shall hold meetings at such times and places and of such duration as the Chairman shall consider necessary, or as the Committee may determine.
- (2) For the purposes of the better and more expeditious discharge of its functions, the Committee may establish such other subcommittees or centres as it may deem necessary or expedient.

Part III – Mobilisation for disaster relief (ss. 7-13)

7. Establishment of the Department

There shall be established within the Prime Minister's Office, a department of Government to be known as the Disaster Relief Co-ordination Department.

8. Functions of the Department

- (1) The Department shall, under the charge of the Director, be the executive organ of the Committee and shall be responsible to the Committee for the discharge of its functions under this Act.
- (2) Without prejudice to the generality of subsection (1), the Department shall—
 - (a) co-ordinate all disaster relief operations and preparedness measures, subject to the directions of the Committee;
 - (b) carry out or co-ordinate all research relevant to its functions for the purposes of advising the Committee on measures necessary for disaster prevention;
 - (c) arrange for and carry out the dissemination, on behalf of the Committee, of information concerning disaster operations, preparedness and prevention;
 - (d) attend to the convening and service the meetings of the Committee, and secure the execution of any decisions of Government arising from the advice or recommendations of the Committee;
 - (e) formulate and recommend for establishment by the Committee the scope of the disaster prevention plans and the basic policies designed to govern them;
 - (f) review regularly and co-ordinate the different disaster prevention measures;
 - (g) seek and collate current data on disaster prevention measures, and recommend suitable measures to the Committee for implementation;
 - (h) recommend to the Committee measures and methods necessary for promoting an awareness and understanding among the public of disaster prevention activities and measures;
 - (i) advise the Committee on matters concerning the making of legislation and other authorisations for the better management of the disaster relief operations.

9. Sources of funds

The funds and resources of the Committee shall consist of—

- (a) any money voted to it by the Parliament;
- (b) subscriptions by the public;
- (c) any monies made by way of donations or grants made within and outside the United Republic.

10. Department to keep and maintain records

- (1) The Director shall cause to be kept and maintained in the Department—
 - (a) a directory showing the names, postal and telephone addresses of the heads of all departments of Government, Regional Commissioner and District Commissioners and their deputies;
 - (b) a directory showing the names, postal and telephone addresses of all United Nations and other international organisations and voluntary agencies;
 - (c) records showing the location of all schools and other institutions of learning within the country, together with the names and addresses of their respective heads;
 - (d) records showing the locations of all firefighting stations and units in the country;
 - (e) records or registers showing—
 - (i) the location and size of buildings which could be used as emergency shelters or hospitals in the event a disaster occurs;
 - (ii) the location, size and other statistical data relating to all airports, aerodromes and airstrips, including length, tonnage limitation, communication and elevation;
 - (iii) the location, size and other statistical data relating to all seaports in the country, including their depth, tonnage, capacity, storage facilities, types of cranes available and their loading and unloading capacities;
 - (iv) the location and storage capacities of all key warehouses in the country;
 - (v) all other matters and things relevant to relief operations and co-ordination during or after a disaster.
- (2) The Department shall make arrangements or co-operate with any person or body of persons enabling it to facilitate the effective discharge of its functions, decisions and directions of the Committee.

11. Director

- (1) There shall be a Director for Disaster Relief, who shall be appointed by the President from the senior officers in the public service, upon such terms and conditions as shall be specified in the instrument of his appointment.
- (2) The Director shall be the Chief Executive Officer of the Department and shall be responsible to the Chairman of the Committee for the management of the business of the Department as well as the execution of the decisions and directions of the Committee.

12. Power to call for information

- (1) For the purposes of securing the proper performance by the Committee of its functions under this Act, the Department may require in writing any department, organisation, authority person or body of persons, to furnish to it such information required for the purposes of disaster relief planning operation or prevention as the Committee or the Director may deem necessary and specify in writing.
- (2) Every department, organisation, authority, person or body of persons required to furnish information under subsection (1) shall comply with the requirement and any person or body of persons who refuses or fails to comply with that requirement commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings, and shall thereafter furnish the information required.

13. Custody of information

- (1) All information furnished to the Department pursuant to [section 13](#) shall be kept by the Department for purposes of record and may be dealt with or disposed of in such manner and for such purposes as the Committee may approve or direct.
- (2) Except where the Minister directs otherwise, all information furnished to the Department pursuant to [section 12](#) shall be treated as confidential.
- (3) Subject to subsection (4) any member of the Committee or any employee of the Department who discloses to any person except for the purposes of the performance of his duties or exercise of his powers under this Act, any information furnished to the Department pursuant to [section 12](#), or any information which was in case may be, the employee in the performance of his duties or the exercise of his power under this Act, commits an offence and is liable on conviction to a fine not exceeding three thousand shillings or imprisonment for a term not exceeding twelve months or to both that fine and imprisonment.
- (4) Subsection (3) shall not apply to the disclosure of information made for the purposes of any legal proceedings instituted under this Act or for the purpose of a report relating to those proceedings.
- (5) Subject to subsection (4) where in the performance of its functions the Committee or the Department discloses to any institution or person any information furnished to it pursuant to [section 12](#), subsection (3) of this section shall apply to that institution or that person as if references in that subsection to a member of the Committee or an employee of the institution or, as the case may be, the persons to whom the Committee or the Department discloses the information.

Part IV – Declaration and operations in disaster areas (ss. 14-16)

14. Declaration of disaster areas

- (1) Where the Committee is satisfied that an emergency situation aggregating to a disaster exists in any area, it shall cause information regarding that situation to be promptly brought to the attention of the Minister, who shall inform the President accordingly and advise him of the view of the Committee.
- (2) Upon receipt of information and advice from the Minister pursuant to subsection (1), the President may, if he considers necessary that the Tanzania Emergency Operation Plan be applied to the situation, by notice published in the *Gazette*, as well as in any other manner, declare the area in which, the emergency situation exists to be a disaster area.

15. Operations in disaster area

- (1) Upon the declaration of any area as a disaster area, the Committee shall as soon as possible cause such measures under the Tanzania Emergency Operation Plan as may be appropriate to be taken in respect of that area and to accord to it a co-ordinated disaster assistance effort.
- (2) The Minister may, by order published in the *Gazette* determine and provide for the procedural activation and operation of the Tanzania Emergency Operation Plan.
- (3) In making an order under subsection (2), the Minister shall provide for the duties of all official and other persons, including the manner of reporting the existence of an emergency situation in any area, as well as that of reporting the progress being made in the operation of relief measures in the disaster area.

16. Regulations

- (1) The Minister may, after consultation with the Committee, make regulations for the purposes of better giving effect to the purposes and provisions of this Act.

- (2) Without prejudice to the generality of the power conferred by subsection (1), the Minister may make regulations—
- (a) providing for the better performance of the duties of the Department;
 - (b) prescribing the functions of subcommittees of the Committee;
 - (c) providing for the establishment and functions of disaster relief co-ordination Committees in regions and districts;
 - (d) prescribing the centres of operation of the Committee, before, during and after a disaster;
 - (e) providing for the further development of the national disaster relief plan;
 - (f) prescribing or providing for any other matter or thing which is required or necessary to be prescribed or provided for under this Act;
 - (g) regarding any other matter which is necessary or desirable for the purposes of the better giving effect to the purposes and provisions of this Act.