

THE DISASTER MANAGEMENT ACT, 2010

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Short title
2. Interpretation
3. Application of Act

PART II

THE NATIONAL DISASTER MANAGEMENT AND

MITIGATION UNIT

4. Establishment of National Disaster Management and Mitigation Unit
5. Functions of Unit
6. Powers of Unit
7. Prevention and mitigation of disasters
8. Establishment of National Disaster Management Council
9. Functions of Council
10. Establishment of National Disaster Management Technical Committee
11. Functions of Technical Committee
12. Proceedings of Technical Committee
13. National Co-ordinator
14. Directories and records
15. Disaster Management Information System

PART III

PROVINCIAL DISASTER MANAGEMENT

COMMITTEES

16. Establishment of Provincial Disaster Management Committees
17. Composition of Provincial Committee
18. Functions of Provincial Committee
19. Provincial Disaster Management Co-ordinator
20. Proceedings of Provincial Committees

PART IV

DISTRICT AND SATELLITE DISASTER MANAGEMENT

COMMITTEES

21. Establishment of District Disaster Management Committees
22. Functions of District Committee
23. Proceedings of District Committee
24. District Disaster Management Co-ordinator
25. Powers of District Disaster Management Co-ordinator
26. Satellite Disaster Management Committees
27. Functions of Satellite Committee
28. Proceedings of Satellite Committees
29. Disaster management volunteers

PART V

THE NATIONAL DISASTER RELIEF TRUST FUND

30. National Disaster Relief Trust Fund
31. Administration and management of Trust Fund
32. Application of Trust Fund
33. Financial year
34. Statement of income and expenditure
35. Annual report

PART VI

DECLARATION OF NATIONAL DISASTER

36. Declaration of national disasters and disaster areas
37. Regulatory powers in state of disaster

PART VII

DISASTER MANAGEMENT PLANS

38. National disaster management plan
39. Post disaster reconstruction, rehabilitation and recovery plan
40. Sector disaster management plans

PART VIII

GENERAL PROVISIONS

41. General offences
42. Regulations

GOVERNMENT OF ZAMBIA

ACT

No. 13 of 2010

Date of Assent: 13th April, 2010

An Act to establish and provide for the maintenance and operation of a system for the anticipation, preparedness, prevention, coordination, mitigation and management of disaster situations and the organisation of relief and recovery from disasters; establish the National Disaster Management and Mitigation Unit and provide for its powers and functions; provide for the declaration of disasters; establish the National Disaster Relief Trust Fund; provide for the responsibilities and involvement of the members of the public in disaster management; and provide for matters connected with, or incidental to, the foregoing.

[16th April, 2010

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Disaster Management Act, 2010.

Short title

2. In this Act, unless the context otherwise requires —

“ Council ” means the National Disaster Management Council established under section *eight*;

Interpretation

“ disaster area ” means an area in which a disaster occurs and which is declared as such an area under section *thirty-six*;

“ disaster ” means an event that is associated with the impact of a human induced or natural hazard, which causes a serious disruption in the functioning of a community or society, causing widespread human, material or environmental losses which exceeds the ability of the affected community or society to cope with the hazard using its own resources;

“disaster management” means a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at —

- (a) preventing or reducing the risk of disasters;
- (b) mitigating the severity or consequences of disasters;
- (c) emergency preparedness;
- (d) a rapid and effective response to disasters; and
- (e) post-disaster recovery and rehabilitation;

“disaster preparedness” means activities and measures taken in advance to ensure effective response to the impact of hazards, including the issuance of timely and effective early warnings and the evacuation of people and economic assets from a threatened location;

“disaster prevention” means measures or actions taken to avoid, eliminate, or prevent harmful natural or human adverse phenomena or hazards from causing or resulting in a disaster;

“District Committee” means the District Disaster Management Committee established under section *twenty-one*;

“District Development Co-ordinating Committee” means the District Development Co-ordinating Committee established by Government as a forum for co-ordinating the planning and implementation of development activities at the district level;

“District Disaster Management Co-ordinator” means the person appointed as such under section *twenty-four*;

“early warning” means the provision of timely and effective information, through relevant institutions, that allows individuals exposed to any hazard, to take action to avoid or reduce their risk and prepare for effective response;

“emergency” means an event, actual or imminent, which endangers or threatens to endanger life, property or the environment and which requires a significant and co-ordinated response;

- “essential commodities” means food supplies, water, shelter, health care, sanitation, clothing, equipment and any other basic necessity or service given to a victim of a disaster, hazard or emergency to save the victim’s life;
- “hazard” means a potentially damaging physical event such as an earthquake, a hurricane, flood, drought, fire, epidemic, phenomenon or human activity, which may cause injury or the loss of life, damage to property, social and economic disruption or environmental degradation, and includes latent conditions that may represent future threats and can have different origins, natural and human induced;
- “health facility” has the meaning assigned to it in the Health Professions Act, 2009; Act No. 24 of 2009
- “health practitioner” has the meaning assigned to it in the Health Professions Act, 2009; Act No. 24 of 2009
- “local authority” means a council established under the Local Government Act; Cap. 281
- “mitigation” means structural and non-structural measures undertaken to limit the adverse impact of natural hazards, environmental degradation and technological hazards;
- “National Co-ordinator” means the National Co-ordinator of the Unit appointed under section *thirteen*;
- “Provincial Committee” means the Provincial Disaster Management Committee established under section *sixteen*;
- “Provincial Development Co-ordinating Committee” means the Provincial Development Co-ordinating Committee established by Government as a forum for co-ordinating the planning, implementation and monitoring of development activities at the Provincial level;
- “Provincial Disaster Management Co-ordinator” means the person appointed as such under section *nineteen*;
- “rapid on-set disaster” means a disaster that occurs usually as a result of a sudden natural event such as a flash flood, an earthquake, epidemic, fire, cyclone, civil disturbance, oilspill, influx of refugees or transport accident;

“rehabilitation, reconstruction and 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 the necessary adjustments to the changes caused by the disaster and improving on the status quo, where possible;

“relief” means emergency provision of assistance to save people’s lives in the immediate wake of a disaster, including search and rescue, evacuation, distribution of food and water, temporary provision of sanitation, health care and shelter, and the restoration of immediate personal security;

“resilience” means capacity to withstand the negative effects of a hazard;

“risk” means the probability of harmful consequences such as deaths or injuries, or expected losses of property or livelihoods, disruption of economic activity, or environmental damage, resulting from interaction between natural or human induced hazards and vulnerable conditions;

“Satellite Committee” means the Satellite Disaster Management Committee established pursuant to section *twenty-six*;

“Technical Committee” means the National Disaster Management Technical Committee established under section *ten*;

“Trust Fund” means the National Disaster Relief Trust Fund established under section *thirty*;

“Unit” means the Disaster Management and Mitigation Unit established under section *four*;

“volunteer” means a person providing, or assisting in the provision of, disaster management services;

“vulnerability” means a set of conditions and processes resulting from physical, social, economic, and environmental factors which increase the susceptibility of a community to the impact of hazards; and

“warrant holder” means a public officer with authority to control and account for public funds and resources.

3. This Act does not apply to an occurrence or event —
- (a) if, from the date on which it occurs, an emergency is declared to deal with that occurrence or event under the Emergency Powers Act; or
 - (b) to the extent that the occurrence can be dealt with effectively under any other law aimed at reducing the risk, and addressing the consequences of occurrences of that nature.
- Application of Act
Cap. 108

PART II

THE NATIONAL DISASTER MANAGEMENT AND MITIGATION UNIT

4. (1) There is hereby established the National Disaster Management and Mitigation Unit which shall be responsible for the implementation of the provisions of this Act.
- (2) The Unit shall be a department in the Office of the Vice-President.
- (3) The expenses of the Unit shall be charged upon and issued out of the general revenues of the Republic.
5. (1) The Unit shall be the Secretariat to the entire national disaster management structure, and shall implement all disaster management programmes and activities in the country.
- (2) Without limiting the generality of subsection (1), the Unit shall—
- (a) act as the central planning, co-ordinating and monitoring institution for prevention, mitigation, preparedness, response and post disaster recovery taking into account all potential disaster risks;
 - (b) advise the Technical Committee on the progress and constraints in disaster management and on other matters relating to the management of disaster relief operations;
 - (c) warn the public of an imminent disaster and predict its effects;
 - (d) maintain a data collection and dissemination system, and national strategic reserves of essential commodities and equipment for immediate disaster relief;
 - (e) formulate disaster prevention, mitigation, preparedness, response and rehabilitation strategies and action plans to meet all foreseeable requirements in consultation with Government, non-governmental organisations and donor agencies;
- Establishment of National Disaster Management and Mitigation Unit
Functions of Unit

- (f) prepare and update the disaster management plans and the supporting disaster management manual;
- (g) prepare an over-arching national disaster contingency plan and co-ordinate cross sectoral plans;
- (h) establish an early warning system covering all sectors and hazard sources and maintain close links with the different institutions that provide early warning services;
- (i) develop and sustain viable, effective structures and capacities at the national level, provincial level and within the districts;
- (j) take all necessary measures in order to prevent, alleviate, contain and minimize the effects of disasters;
- (k) conduct public and media briefings on disaster-related programmes, progress and constraints;
- (l) act as an advisory and consultative body on issues concerning disasters and disaster management;
- (m) make post disaster reconstruction, rehabilitation and recovery plans;
- (n) promote the recruitment, training and participation of volunteers in disaster management;
- (o) establish and manage an Emergency Operations Centre, which shall be the nerve centre to monitor emergencies and feed into the normal operations of the Unit;
- (p) act as a central clearing house for the reporting of disasters and dissemination of output from the Technical Committee during a disaster;
- (q) conduct assessments, before, during and after disasters;
- (r) work with authorities in other countries that are responsible for disaster management to exchange information and have access to international expertise and assistance in respect of disaster management; and
- (s) carry out and co ordinate all research relevant to its functions for the purpose of advising the Council and the Technical Committee on measures necessary for disaster prevention and preparedness.

(3) The Unit shall exercise and perform such other functions and powers as are conferred or imposed on it by, or under, this Act or any other written law.

6. (1) The Unit may— Powers of
Unit
- (a) request, in writing, any Government department or Ministry, an organisation, institution, person or body of persons, to furnish to the Unit such information for the purposes of disaster prevention, mitigation, preparedness, response and rehabilitation, as the Unit may require for purposes of this Act;
 - (b) during the existence of a disaster, request from any Government department or Ministry, an institution, organisation, person or persons, vehicles, equipment, property, supplies and other materials, necessary to mitigate the disaster; and
 - (c) direct, in writing, a local authority, statutory corporation, utility, person or body to institute, enforce, take or administer necessary measures to prepare for, prevent or mitigate a disaster.
- (2) A person who provides any vehicles, equipment, building, property, supplies or other materials pursuant to subsection (1) shall be entitled to fair compensation thereof from the Government.
- (3) The President may, by statutory instrument, regulate the procedure, criteria, type and the determination of compensation to be given to any person under this Act.
7. (1) The Unit shall give guidance to Government ministries and departments, the private sector, non-governmental organisations, communities and individuals to assess and prevent or reduce the risk of disasters, including — Prevention
and
mitigation
of disasters
- (a) ways and means of —
 - (i) determining levels of risks;
 - (ii) assessing the vulnerability of communities, households, environment and economic assets to disasters;
 - (iii) increasing the capacity of communities and households to minimise the risk and impact of disasters; and
 - (iv) monitoring the likelihood of, and the state of alertness to, disasters;
 - (b) the development and implementation of appropriate prevention and mitigation methodologies;

(c) the integration of prevention and mitigation methodologies with development plans, programmes and initiatives; and

(d) the management of high-risk developments.

(2) The Unit shall promote formal and informal initiatives that encourage risk-avoidance behaviour by Government ministries and departments, the private sector, non-governmental organisations, communities and individuals.

(3) The Unit shall —

(a) monitor —

(i) progress with the preparation and regular updating of disaster management plans and strategies by persons, institutions and organisations involved in disaster management;

(ii) formal and informal prevention, mitigation and response initiatives by Government departments and ministries, the private sector, non-governmental organisations and communities, including the integration of the initiatives with development plans; and

(b) measure performance and evaluate such progress and initiatives.

Establishment
of National
Disaster
Management
Council

8. (1) There is hereby established the National Disaster Management Council.

(2) The Council shall consist of the following part-time members who shall be appointed by the President:

(a) the Vice President, who shall be the Chairperson;

(b) the Minister responsible for defence, who shall be the Vice- Chairperson; and

(c) the Ministers responsible for—

(i) home affairs;

(ii) health;

(iii) agriculture;

(iv) energy;

(v) information;

(vi) national planning;

(vii) local government;

- (viii) communication;
- (ix) community development;
- (x) education;
- (xi) minerals development;
- (xii) works and supply; and
- (xiii) environment and natural resources.

(3) The Council may, for purposes of this Act, co-opt any other Minister or Provincial Minister, with the approval of the President.

(4) The National Coordinator of the Unit shall be an *ex officio* member of the Council.

(5) The President may, by statutory instrument, make regulations to provide for the procedure, meetings and quorum of the Council and any other matter relating to the Council.

9. The functions of the Council shall be to—

Functions of
Council

- (a) formulate and update the national disaster policy;
- (b) direct line Ministries to take up their responsibility during disaster and non-disaster periods;
- (c) mobilise resources for disaster management;
- (d) approve national disaster management plans and guidelines; and
- (e) recommend to the President, the declaration of national disasters.

10. (1) There is hereby established the National Disaster Management Technical Committee.

Establishment
of National
Disaster
Management
Technical
Committee

(2) The Technical Committee shall consist of the following part-time members who shall be appointed by the Vice-President:

- (a) the National Co ordinator, who shall be the Chairperson;
- (b) the Permanent Secretary in the Ministry responsible for defence, who shall be the Vice-Chairperson;
- (c) one Permanent Secretary each from the Ministries responsible for —
 - (i) national planning;
 - (ii) local government;

- (iii) home affairs;
- (iv) health;
- (v) energy;
- (vi) agriculture;
- (vii) environment and natural resources;
- (viii) communications;
- (ix) minerals development;
- (x) information and broadcasting;
- (xi) community development; and
- (xii) works and supply;

(d) a representative of the Zambia Red Cross Society;

(e) the United Nations Resident Coordinator; and

(f) a representative of a religious organisation.

(3) The Technical Committee may, for purposes of this Act, co-opt any other person from a Government department, a Provincial office, the private sector or non-governmental organisation, as an *ex officio* member, with the approval of the Vice-President.

(4) The Technical Committee may exercise its functions notwithstanding any vacancy in its membership.

Functions
of Technical
Committee

- 11.** The functions of the Technical Committee shall be to—
- (a) recommend policy and program direction to the Council;
 - (b) co ordinate the implementation of the decisions of the Council, using the sectoral skills and resources of line Ministries;
 - (c) supervise disaster management activities in Zambia, and in particular, coordinate the disaster management content of development and reconstruction programmes;
 - (d) supervise the work of the Unit in the monitoring and review of disaster management plans; and
 - (e) control disbursements from the Trust Fund.

Proceedings
of Technical
Committee

12. The provisions of the Schedule apply to the Technical Committee.

National
Co-ordinator

13. (1) There shall be a National Co-ordinator of the Unit who shall be a public officer appointed by the President.

(2) The National Co-ordinator shall hold such qualifications as shall be prescribed by statutory instrument.

(3) The National Co-ordinator shall be a warrant holder and shall be at the level of Permanent Secretary.

(4) The National Co-ordinator shall be the chief executive officer of the Unit and shall be responsible for the day-to-day management of the Unit, and shall execute the decisions of the Council and the Technical Committee.

(5) The Public Service Commission shall appoint any other staff of the Unit as shall be necessary for the implementation of the provisions of this Act.

(6) On the coming into operation of this Act, the person serving as National Co-ordinator of the Unit shall continue in office as if appointed under this Act.

14. (1) The National Co-ordinator shall cause to be kept and maintained at the office of the Unit —

Directories
and records

- (a) a directory showing the names, addresses and other details of the heads of all Government departments, provincial and district offices;
- (b) records showing the locations of all schools and other institutions of learning within the country, together with the names and addresses of the heads of the schools and learning institutions;
- (c) records showing the locations of all health facilities within the country, together with the particulars of the health practitioners responsible for the health facilities;
- (d) records showing the location of all fire-fighting stations and units in the country;
- (e) a directory showing the names, addresses and other details of all United Nations and other international organisations and voluntary agencies;
- (f) a directory showing the names, addresses and other details of all non-governmental organisations involved in disaster management;
- (g) records or registers showing the location and size of buildings which could be used as emergency shelters or health facilities in the event of a disaster;

- (h) the location, size and other statistical data relating to all airports, airdromes and airstrips, including the length, tonnage limitations, communication and elevation;
- (i) the location and storage capacity of all key warehouses in the country;
- (j) copies of the sector disaster management plans; and
- (k) the number, location and capacity of vehicles, aircraft, tractors, and equipment which could be used during a disaster.

(2) The Unit may collaborate with any other person or body of persons to facilitate the efficient and effective discharge of its functions.

Disaster
management
information
system

15. (1) The Unit shall act as a repository of, and conduit for, information concerning disasters and disaster management, and shall for this purpose —

- (a) collect information on all aspects of disasters and disaster management;
- (b) process and analyse the information referred to under paragraph (a);
- (c) develop and maintain an electronic database envisaged in subsection (2); and
- (d) take steps to disseminate information, especially to communities that are vulnerable to disasters.

(2) The electronic database referred to under subsection (1) shall contain information concerning disasters that occur or may occur in Zambia and disaster management issues, including information on —

- (a) phenomena, occurrences, activities and circumstances that cause or aggravate disasters;
- (b) risk factors underlying disasters and ways and means to reduce such risks;
- (c) recurring occurrences that result in loss, but which are not classified as disasters under this Act;
- (d) prevention and mitigation;
- (e) early warning systems;
- (f) areas and communities that are particularly vulnerable to disasters;
- (g) indigenous knowledge relating to disaster management;
- (h) the directories and records referred to in section *fourteen*;
- (i) emergency response resources and capacity in the national, provincial and local institutions of Government and among the private sector and the non-governmental organisations;

- (j) emergency response resources and capacity in Zambia, neighbouring countries and relevant international relief agencies;
 - (k) emergency preparedness in the different institutions of Government;
 - (l) each disaster, including the assessment of the Unit of the disaster; and
 - (m) research and training facilities for disaster management disciplines.
- (3) The Unit shall take reasonable steps to ensure that the database is electronically accessible to any person free of charge.
- (4) Subsection (3) does not prevent the Unit from —
- (a) establishing security safeguards to protect the database from abuse; and
 - (b) classifying parts of the database as restricted areas in consultation with the Council, and limiting access to those parts to persons authorised by the Council.

PART III

PROVINCIAL DISASTER MANAGEMENT COMMITTEES

16. There is hereby established a Provincial Disaster Management Committee in each of the Provinces of Zambia, which shall be a sub-committee of the Provincial Development Co-ordinating Committee.

Establishment
of
Provincial
Disaster
Management
Committees

17. (1) A Provincial Committee shall consist of the following part-time members who shall be appointed by the Provincial Permanent Secretary:

Composition
of Provincial
Committee

- (a) the Provincial Permanent Secretary, who shall be the Chairperson;
 - (b) seven representatives of the Government departments in the Province;
 - (c) three representatives of non-governmental organisations;
 - (d) two representatives of the private sector; and
 - (e) two representatives of religious organisations.
- (2) The Provincial Disaster Management Co-ordinator shall be the Secretary to the Provincial Committee.

(3) The Vice-Chairperson of the Provincial Committee shall be elected by the Provincial Committee from among its members.

Functions of
Provincial
Committees

18. (1) Subject to the other provisions of this Act, the Provincial Committee shall oversee all disaster prevention, preparedness and mitigation programmes in the Province and provide the link between national level resources and functions of the districts.

(2) Notwithstanding the generality of subsection (1), the functions of the Provincial Committee shall be to —

- (a) participate in risk analysis and vulnerability assessment;
- (b) prepare and consolidate provincial disaster management plans in line with national development plans;
- (c) monitor the preparation and implementation of disaster management plans and evaluate their impact;
- (d) monitor the implementation of district disaster management plans;
- (e) mobilise provincial resources for prevention, mitigation, preparedness, response and rehabilitation activities for purposes of the Trust Fund;
- (f) collect and disseminate information on provincial disaster management issues;
- (g) act as a channel for information between Central Government and the districts;
- (h) promote and implement disaster management training at provincial level and ensure that training programmes are carried out at district level;
- (i) promote public awareness at provincial and district levels;
- (j) perform emergency operations for the Province in times of disasters;
- (k) co-ordinate provincial level multi-sectoral input into national disaster management plans; and
- (l) act as a clearing house for information relating to early warning.

Provincial
Disaster
Management
Co-
ordinator

19. There shall be a Provincial Disaster Management Co-ordinator who shall be a public officer appointed by the Vice President from among the public officers and shall provide technical advisory support to Provincial, District and Satellite Committees.

Proceedings
of
Provincial
Committees

20. The provisions of the Schedule apply to the Provincial Committees.

PART IV

DISTRICT AND SATELLITE DISASTER MANAGEMENT COMMITTEES

21. (1) There is hereby established in each district a District Disaster Management Committee, which shall be a sub-committee of the District Development Co-ordinating Committee.

Establishment
of District
Disaster
Management
Committees

(2) The District Committee shall consist of the following part-time members who shall be appointed by the District Disaster Management Co-ordinator:

- (a) the District Disaster Management Co-ordinator, who shall be the Chairperson;
- (b) seven representatives of the Government departments in the district;
- (c) all the members of Parliament in the district;
- (d) one representative of the Zambia Red Cross;
- (e) one representative each of the non-governmental organisations and community-based organisations involved in disaster management in the district;
- (f) a representative of a religious organisation in the district; and
- (g) a representative of the Zambia Chambers of Commerce and Industry.

(3) The District Disaster Management Coordinator shall appoint the secretary to the District Committee from among the members of the District Committee.

(4) The District Committee may co-opt other members as are necessary for the performance of its functions under this Act.

22. (1) A District Committee shall deal with the impact of disaster and co-ordinate operations of disaster preparedness, prevention and mitigation at the district level.

Functions of
District
Committees

(2) Without limiting the generality of subsection (1), the functions of the District Committee shall be to —

- (a) prepare and update district multi-sectoral disaster preparedness, prevention and mitigation plans for slow and rapid-onset disasters;
- (b) act as a clearing house for information related to early warning;

- (c) mobilise district resources for disaster management and preparation of budgets;
 - (d) implement district disaster management training programs;
 - (e) ensure the efficient flow of information from the local communities to Provincial level;
 - (f) participate in risk analysis and vulnerability assessment;
 - (g) implement public information and public awareness programs in the district;
 - (h) co-ordinate district disaster management activities;
 - (i) assist the district offices in dealing with disaster management; and
 - (j) review and update district disaster plans during times of non-emergency.
- (3) A District Committee may, in consultation with the Unit—
- (a) direct all institutions in the district to prepare for, prevent or mitigate disasters;
 - (b) request any person or institution in the district to provide transport, any building, equipment, essential commodities and other supplies in order to support the management effort in the district;
 - (c) direct any person, institution or organisation to provide relevant information to support the preparation for, prevention and mitigation of disasters; and
 - (d) order persons to evacuate areas that are affected by, or prone to, disasters and relocate them to safer areas.

Proceedings
of District
Committees

23. The provisions of the Schedule apply to the District Committees.

District
Disaster
Management
Co-ordinator

24. (1) There shall be a District Disaster Management Co-ordinator, who shall be a public officer appointed by the Vice - President from among the public officers and shall be responsible for disaster management in the district.

(2) The functions of the District Disaster Management Co-ordinator shall be to —

- (a) provide, operate and co-ordinate all disaster management services and activities within the district;
- (b) report to the Provincial Disaster Management Co-ordinator on the progress and constraints in respect of disaster management, disaster relief and post disaster roles within the district;

- (c) establish, maintain and control organisations to deal with disaster management in the district; and
- (d) during an emergency, set up a district emergency operations centre for providing a working base for the District Committee.

(3) The District Disaster Management Co-ordinator shall exercise the powers under this Act in consultation with the Unit, the Zambia Police Force, the Zambia Defence Force and any other institution involved in disaster management in the district.

25. (1) Subject to the provisions of this Act, the District Disaster Management Co-ordinator may —

Powers of
District
Disaster
Management
Co-
ordinator

- (a) take such measures as are necessary to deal with a state of disaster in the district:

Provided that such measures shall not deprive any person of that person's life or personal liberty and such measures are approved by the National Co-ordinator;

- (b) request any person to supply any information concerning the existence and availability of any service, facility or asset whatsoever which could be used for, or in connection with, disaster management, and which is under the control, or in the possession of such person;
- (c) direct any person to maintain essential commodities and equipment for use during a disaster-induced emergency as may reasonably be expected to maintain; and
- (d) direct any person to perform any work or render any service, which is necessary for the purpose of dealing with the disaster;

(2) A person aggrieved with an order of the District Disaster Management Co-ordinator under subsection (1) may appeal in writing to the Provincial Permanent Secretary.

(3) The Provincial Permanent Secretary may, upon receipt of an appeal under subsection (2), after giving the District Disaster Management Co-ordinator an opportunity to be heard in the matter, and after considering any representations submitted by the parties to the matter, confirm, vary or set aside the order appealed against or give such other direction as the Provincial Permanent Secretary considers appropriate.

Satellite
Disaster
Management
Committees

26. (1) The District Disaster Management Coordinator shall ensure that each village or cluster of villages within each chiefdom has a permanently established Satellite Disaster Management Committee elected by the local community in the area.

(2) A Satellite Committee shall comprise not more than ten part-time members as follows:

- (a) a representative of the traditional authority responsible for the area;
- (b) at least three local persons trained in disaster preparedness, prevention and mitigation, based on local hazards;
- (c) one representative of any community-based organisation operating in the area;
- (d) two women and two men from the local community;
- (e) at least one youth to represent the youth population in the area;
- (f) a prominent business man or farmer; and
- (g) a local representative of a non-governmental organisation involved in disaster management or relief work in the local community.

(3) The members of the Satellite Committee shall elect the Chairperson and Vice-Chairperson from amongst themselves.

Functions of
Satellite
Committee

27. The functions of the Satellite Committee shall be to—

- (a) oversee disaster preparedness, disaster relief and post disaster recovery activities of individuals and households in the village or township under its jurisdiction;
- (b) identify vulnerable households and individuals;
- (c) sensitise the local community on the effects of disasters and appropriate responses;
- (d) act as a clearing house for information related to early warning;
- (e) act as a primary responding and mitigation agent within the existing resilience capacity of the community;
- (f) participate in risk analysis and vulnerability assessments; and
- (g) act as the information and reporting channel for the community with regard to disaster management issues at the local level.

Proceedings
of Satellite
Committees

28. The provisions of the Schedule apply to the Satellite Committees.

29. (1) Any person, private enterprise or non-governmental organisation may, in the prescribed manner and form, volunteer to—

Disaster
management
volunteers

- (a) provide or assist in the provision of any disaster management service in any district; and
- (b) perform, within any district, any function connected with disaster management as determined by the District Committee.

(2) The President may, by statutory instrument, make regulations to —

- (a) regulate the service of volunteers under this Act;
- (b) provide for the procedure, criteria, type and the determination of compensation to be given to a volunteer for any disability or injury during the provision of volunteer services under this Act; and
- (c) provide for any other matter relevant for the effective delivery of volunteer services.

PART V

THE NATIONAL DISASTER RELIEF TRUST FUND

30. (1) There is hereby established the National Disaster Relief Trust Fund.

National
Disaster
Relief Trust
Fund

(2) The Trust Fund shall consist of—

- (a) such moneys as Parliament may appropriate for the purpose of the Trust Fund;
- (b) voluntary contributions to the Trust Fund from any person or organisation;
- (c) any grants mobilised from any source within or outside Zambia for the purpose of disaster management; and
- (d) interest arising out of any investment of the Trust Fund.

31. (1) The Trust Fund shall be vested in the Minister responsible for finance and shall be managed and administered by the Unit.

Administration
and
management
of Trust
Fund

(2) The Technical Committee shall develop guidelines for the disbursements from the Trust Fund.

32. The Trust Fund shall be used for—

- (a) the provision of essential commodities and other relief to victims of any disaster, hazard or emergency;

Application
of Trust
Fund

- (b) the restoration, reconstruction and rehabilitation of areas affected by any disaster, hazard or emergency;
- (c) the payment of any compensation due to a person under this Act;
- (d) the operations of the Provincial Committees, District Committees and Satellite Committees in the management of disasters in their areas; and
- (e) any other matter relating to the preparedness, prevention, mitigation of, and recovery from, disasters.

Financial
year

33. The financial year of the Trust Fund shall be the period of twelve months ending on 31st December in each year.

Statement of
income and
expenditure

34. (1) The Unit shall cause to be prepared proper books of accounts and other records relating to the Trust Fund.

(2) The Minister responsible for finance shall cause to be prepared an annual statement of the income and expenditure of the Trust Fund to be laid before the National Assembly.

Annual
report

35. As soon as practicable after the close of the financial year, but not later than three months thereafter, the Unit shall present to the Technical Committee a report on —

- (a) its activities during the year;
- (b) the results of its monitoring of prevention and mitigation initiatives;
- (c) disasters that occurred during the year in the country, the classification, magnitude and severity of the disasters and the effects they had;
- (d) constraints in dealing with disasters or generally in implementing this Act; and
- (e) any other matter of public interest and concern in relation to disaster management.

PART VI

DECLARATION OF DISASTERS AND DISASTER AREAS

Declaration
of national
disasters
and disaster
areas

36. (1) The Council shall, where it has reasonable grounds to believe that an emergency or a situation aggregating to a disaster exists in any area, inform the President accordingly.

(2) The President may, upon receipt of the information from the Council under subsection (1), if the President considers that the emergency or situation referred to in that subsection is of such nature and extent that exceptional measures are necessary to assist and protect the public or property in the area, or that circumstances are likely to arise making such measures necessary, by notice published in the *Gazette*, declare the situation or emergency a state of disaster and the area in which the emergency or situation exists, to be a disaster area.

(3) The declaration of a state of disaster shall remain in force for a period of three months and may be extended accordingly for a like period.

37. (1) Where a declaration of a state of disaster is declared under section *thirty-six*, the President, in consultation with the Council, may make regulations relating to—

Regulatory
powers in
state of
disaster

- (a) the release of any available resources including stores, equipment, vehicles and facilities;
- (b) the release of personnel of a State organ or institution for the rendering of emergency services;
- (c) the implementation of all or any of the provisions of a national disaster management plan that are applicable in the circumstances;
- (d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life;
- (e) the regulation of traffic to, from or within the disaster-stricken or threatened area;
- (f) the regulation of the movement of persons and goods to, from or within the disaster stricken or threatened area;
- (g) the control and occupancy of premises in the disaster-stricken or threatened area;
- (h) the provision, control or use of temporary emergency accommodation;
- (i) the suspension or limiting of the sale, dispensing or transportation of alcoholic beverages in the disaster-stricken or threatened area;
- (j) the maintenance or installation of temporary lines of communication to, from or within the disaster area;
- (k) the dissemination of information required for dealing with the disaster;

- (l) emergency procurement procedures;
- (m) the facilitation of response and post-disaster recovery and rehabilitation;
- (n) other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster; or
- (o) steps to facilitate international assistance.

(2) The powers referred to in subsection (1) may be exercised only to the extent that this is necessary for the purpose of—

- (a) assisting and protecting the public;
- (b) providing relief to the public;
- (c) protecting property;
- (d) preventing or combating disruption; or
- (e) dealing with the destructive and other effects of the disaster.

PART VII

NATIONAL DISASTER MANAGEMENT PLANS

National
disaster
management
plans

38. (1) The Unit shall prepare national disaster management plans which the Vice-President shall submit to the Council for approval.

(2) A national disaster management plan referred to under subsection (1) shall —

- (a) facilitate requirements for disaster management including mitigation, preparedness, response and recovery measures;
- (b) facilitate community participation in disaster management;
- (c) place emphasis on measures that reduce the vulnerability of disaster-prone areas, communities and households;
- (d) take into account indigenous knowledge relating to disaster management;
- (e) promote disaster management research; and
- (f) provide for any other matters as are relevant for purposes of this Act.

(3) A national disaster management plan shall be supported by a disaster management manual containing the details, responsibilities and procedures for disaster management.

(4) A national disaster management plan and a disaster management manual shall be reviewed and updated by the National Co-ordinator once a year or as necessary, particularly at the end of a state of disaster, and the National Co-ordinator shall make recommendations for any amendments to the Technical Committee for approval by the Council.

(5) The National Co-ordinator shall prepare disaster response plans at national level, while the Provincial Permanent Secretaries and the District Disaster Management Co-ordinators shall prepare plans for the Province and district.

(6) The Zambia Defence Force and the Zambia Police Force shall prepare plans to provide assistance to the civil authorities or the civilian population, which plans shall be based on the National Disaster Management Plan and shall be incorporated in the plan referred to in subsection (1) as appropriate.

(7) Where a state of disaster is declared under section *thirty-six*—

- (a) the National Co-ordinator shall activate an appropriate national disaster response plan;
- (b) each Provincial Permanent Secretary shall activate an appropriate provincial disaster response plan for the Province and, following its approval by the Technical Committee, shall implement and maintain that plan; and
- (c) the District Disaster Management Co-ordinator shall activate an appropriate district disaster response plan for the district and, following its approval by the Provincial Committee, shall implement and maintain that plan.

39. During a state of disaster, the National Co-ordinator shall prepare a post-disaster, re-construction, rehabilitation and recovery plan, and after its approval by the Council, shall implement and maintain that plan at national, provincial and district level.

Post disaster reconstruction, rehabilitation and recovery plan

40. (1) A Government Ministry or department, statutory body, institution, agency, local authority, company, person or other body operating, or providing services, in the mining, manufacturing, engineering, agriculture, environment, infrastructure, energy, communications, meteorology, health, science, technology, education, water, sanitation, housing, food and nutrition fields or sectors shall prepare a sector disaster management plan.

Sector disaster management plans

(2) Without limiting the generality of subsection (1), the organisations referred to under subsection (1) shall —

- (a) prepare and consolidate their sector disaster management plans in line with the national disaster management plans;
 - (b) prepare and regularly update and review sectoral disaster preparedness, prevention and mitigation plans for slow and rapid on-set disasters;
 - (c) allocate and mobilise resources for the implementation of their sector disaster management plans; and
 - (d) in any other manner, prepare for, prevent or mitigate disasters in their field of operation.
- (3) A plan prepared under subsection (1) shall —
- (a) include mitigation, preparedness, response and recovery measures; and
 - (b) be submitted to the Unit for approval before its implementation by the respective institution.
- (4) The Unit shall —
- (a) develop guidelines for the preparation, and regular review and updating of disaster management plans and strategies;
 - (b) assist in the preparation, review and alignment of sector disaster management plans;
 - (c) develop guidelines for the integration of the concept and principles of disaster management, and particularly strategies on prevention and mitigation with national development plans, programmes and initiatives; and
 - (d) monitor the preparation and implementation of any plan prepared under this section and evaluate its impact.

PART VIII

GENERAL PROVISIONS

General
offences

- 41.** 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 exercising the officer's functions;

(c) knowingly gives an officer false or misleading information in answer to an inquiry made by the officer; or

(d) wilfully fails to prepare a plan as required under section *forty*;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both,

42. (1) The President may, by statutory instrument, after consultation with the Council, make regulations for giving effect to the purposes and provisions of this Act. Regulations

(2) Without prejudice to the generality of subsection (1), the regulations made under that subsection may make provision for —

- (a) the preparation and implementation of disaster management plans and the contents thereof;
- (b) the involvement and participation of the public and other organisations or entities in disaster management;
- (c) the preparation and implementation of the sector disaster management plans and the contents thereof, and the sectors or field for which sector-disaster management plans should be prepared;
- (d) the mitigation, preparedness, response and recovery programmes or measures to be undertaken for disasters, hazards or emergencies involving Zambia and any neighbouring country;
- (e) the minimum standard of preparedness to be established and implemented by ministries, industries and organisations; and
- (f) any other matter which is relevant to give effect to the provisions of this Act.

SCHEDULE

(Sections 12, 20, 23 and 28)

ADMINISTRATIVE PROVISIONS

Proceedings
of
Committee

1. (1) Subject to the other provisions of this Act, the Committee may regulate its own procedure.

(2) The Committee shall meet for the transaction of business, at least once in every three months at such places and times as the Chairperson may determine, and may meet as often as its business requires.

(3) Upon giving notice of not less than fourteen days, a meeting of the Committee may be called by the Chairperson, and shall be called by the Chairperson if not less than one third of the members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon a shorter notice given by five members of the Committee.

(4) The quorum at a meeting of the Committee shall be one half of the members.

(5) There shall preside at any meeting of the Committee —

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;

and

(c) in the absence of both the Chairperson and the Vice-Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Committee on any question shall be by a majority of votes of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(7) Where a member is for any reason unable to attend any meeting of the Committee, the member may, in writing, nominate another person from the same institution to attend such meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.

(8) The Committee may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of a meeting of the Committee but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Committee shall not be affected by any vacancy in the membership of the Committee or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(10) The Committee shall cause minutes to be kept of the proceedings of every meeting of the Committee and every meeting of any sub-committee established by the Committee.

Sub-
Committees

2. (1) The Committee may, for the purpose of performing its functions under this Act, appoint sub-committees and delegate to the sub-committees such of its functions as it thinks fit.

(2) The Committee may appoint as members of a sub-committee constituted under sub-paragraph (1), persons who are or are not members of the Committee and such persons shall hold office for such period as the Committee may determine.

(3) Subject to this Act, a sub-committee may regulate its own procedure.

3. The office of a member becomes vacant—

Tenure of office and vacancy

- (a) upon the member's death;
- (b) if the member is adjudged bankrupt;
- (c) upon the expiry of one month's notice of the member's intention to resign from office, given by the member in writing to the Committee;
- (d) if the member becomes mentally or physically incapable of performing the duties of a member of the Committee or sub-committee;
- (e) if the member ceases to be a member of the institution which nominated the member; or
- (f) if the member is convicted of an offence under this Act or any other law.

4. (1) If a member or person is present at a meeting of the Committee or a sub-committee at which any matter, in which that person or any member of the person's immediate family, is directly or indirectly interested in a private capacity, is the subject of consideration, that person or member shall, as soon as is practicable after the commencement of the meeting, disclose that interest and shall not take part in any consideration or discussion of, or vote on, any question relating to, that matter.

Disclosure of interest

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

5. (1) A person shall not, without the consent in writing given by, or on behalf of, the Committee, publish or disclose to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act.

Prohibition of publication of, or information to unauthorised persons

(2) A person who contravenes sub-paragraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-paragraph (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Immunity of
member of
committee
or sub-
committee

6. An action or other proceeding shall not lie or be instituted against a member of the Committee or a sub-committee for, or in respect of, any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under this Act.
