

DISASTER RISK MANAGEMENT BILL, 2011

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AN ACT to provide for integrated, co-ordinated and mainstreaming of disaster risk management that focuses on preventing or reducing the risk of disasters, mitigating the severity of disasters, emergency preparedness, emergency fire services, rapid and effective response to disasters and post-disaster recovery; to provide for the establishment of a disaster risk management organisation and provide organizational structures at national, provincial, district and local authority levels; to provide for the establishment of a fund to finance disaster risk management efforts; and to provide for matters connected with or incidental to the foregoing.

ENACTED by the President and Parliament of Zimbabwe

PART I

PRELIMINARY

1. Short title and date of commencement

- (1) This Act may be cited as the Disaster Risk Management Act [Chapter.....].
- (2) This Act shall come into operation on a date to be fixed by the President by a statutory instrument.

2. Interpretation

In this Act-

“coping capability” means the manner in which people and organisations use existing resources to achieve various beneficial ends during unusual, abnormal and adverse conditions of a disaster event or process.

“disaster” means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community to cope using its own resources.

“disaster risk assessment” means a process to determine the nature and extent of risk by analysing potential hazards and evaluating existing conditions of vulnerability or capacity that

could pose a potential threat or harm to people, property, livelihoods, and the environment on which they depend;

“disaster risk reduction” means the systematic development and application of policies, strategies and practices to minimise vulnerabilities and disaster risks throughout a society, to avoid or to limit adverse impact of hazards, within the broad context of sustainable development.

“disaster risk management” means the systematic process of using administrative decisions, organisational and operational capacities to implement policies, strategies and coping capacity of society in order to prevent and or mitigate against disaster risks, prepare for, respond and recover from disaster impacts.

“early warning” means the provision of timely and effective information, through identified institutions, that allow individuals at risk of a disaster, to take action to avoid or reduce their risk and prepare for effective response.

“emergency preparedness” means activities and measures taken in advance to ensure, effective response to the impact of disasters, including the issuance of timely and effective early warnings and the temporary removal of people and property from a threatened location.

“fixed date” means the date fixed in terms of section 1(2) as the date on which this Act shall come into operation;

“fund” means the National Disaster Risk Management Fund established in terms of section 3;

“gazette” means the Government Gazette;

“hazard” means a potentially damaging physical event, phenomenon or human activity, as set out in the First Schedule, which may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation;

The “**highest ranking executives**” of local authorities means a Chief Executive Officer, Town Clerk or Town Secretary;

“**local authority**” means-

(a) a municipal council, town council, rural district council or local board; or

(b) in relation to a local government area for which no local board has been established, any person in whom or authority in which the administration, control or management of such area has been vested;

“**local fund**” means the Local Disaster Risk Management Fund;

“**Minister**” means the Minister of Local Government and Urban and Rural Development or any other Minister to whom the President may from time to time assign the administration of this Act;

“**mitigation**” means structural and non-structural measures undertaken to limit the adverse impact of natural hazards, environmental degradation and technological hazards;

“**President**” means the President of the Republic of Zimbabwe;

“**prevention**” means activities to provide outright avoidance of the adverse impact of hazards and related environmental, technological and biological disasters;

“**Principal Director**” means the Principal Director of the Department of Disaster Risk Management;

“**resilience**” means the capacity of a system, community or society to resist or to change in order that it may obtain an acceptable level in functioning and structure;

“**risk**” means the probability of harmful consequences, or expected loss of lives, people injured, property, livelihoods, economic activity disrupted or environment damaged resulting from interactions between natural or human induced hazards and vulnerable or capable conditions;

“**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;

3. Application of this Act in Relation to other Acts

(1) Except where it is expressly provided to the contrary, this Act shall be construed as being in addition to and not in substitution for any other law which is not in conflict or inconsistent with this Act.

(2) If any other law is in conflict or inconsistent with this Act, this Act shall prevail.

(3) This Act shall apply to all measures and activities aimed at minimising the impacts of a progressive or sudden, widespread or localised, natural or human-caused occurrence which-

(a) causes or threatens to cause-

(i) death, injury or disease;

(ii) damage to property, infrastructure or the environment; or

(iii) disruption of the life of a community; and

(b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;

Part II

NATIONAL DISASTER RISK MANAGEMENT

4. Principal Director of Disaster Risk Management

- (1) There shall be a Principal Director of Disaster Risk Management whose office shall be a public office and form part of the public service.
- (2) Subject to this Act the Principal Director shall have the following functions-
 - (a) directing the establishment of-
 - (i) the Directorate of Disaster Risk Management in Zimbabwe; with the requisite staffing levels for the purposes of this Act;
 - (ii) a National Disaster Risk Management Strategy in order to minimize vulnerability to both natural and human-made, environmental and radiological hazards;
 - (iii) a comprehensive information management system inclusive of an integrated early warning system for the management of emergencies and disasters;
 - (iv) various cost effective mechanisms for disaster risk assessments;
 - (v) psychological support services for victims of disaster and staff and volunteers attending to disasters; and
 - (vi) mechanisms and standardized systems of operation, equipment and training for emergency services with specific reference to-
 - A. fire services; and
 - B. search and rescue on land, in water underground and in the air.
 - (b) controlling and directing personnel, materials and services for the purposes of this Act;
 - (c) directing the management of major emergencies that have the potential of being or have been declared states of disasters;
 - (d) controlling and coordinating the deployment of emergency equipment and services from reinforcement and combination schemes towards national and extra-territorial emergencies and disasters;
 - (e) promoting awareness, training and research into matters relating to emergency preparedness and disaster risk management and disseminating information on matters relating to emergency preparedness;
 - (f) coordinating the compilation of a national register of assets for emergency or disaster risk management;

- (g) coordinating the establishment of mechanisms to integrate disaster risk management into the country's education curriculum;
- (h) directing the establishment of mechanisms for resource mobilization locally and internationally;
- (i) advising the minister on all matters relating to emergency preparedness and disaster risk management;
- (j) promoting awareness and training of communities to participate in disaster risk management;
- (k) performing any other function relating to disaster risk management that may be assigned to him or her by this Act or by the Minister; and
- (l) coordinating lessons learnt and early recovery post major incidents and disasters
- (m) provide secretariat services and other administrative support to the structures for disaster risk management established in terms of this Act

5. Cabinet Committee on Disaster Risk Management

- (1) For the purposes of this Act there shall be established a Cabinet Committee on Disaster Risk Management.
- (2) The Cabinet Committee shall consist of-
 - (a) The Minister for the time being responsible for Local Government and Urban and Rural Development who shall be chairperson;
 - (b) The Ministers for the time being responsible for the matters and areas specified in the Second Schedule
- (3) The functions of the Cabinet Committee shall be-
 - (a) To ensure the integration of disaster risk management measures into all developmental initiatives;
 - (b) To ensure periodic review of -
 - (i) The National Disaster Risk Management Strategy; and
 - (ii) The socio-economic costs of disaster impacts.
 - (c) To promote policies and ensure readiness for –
 - (i) emergencies and disasters;

- (ii) a nuclear or massive radiation incident; and
 - (iii) readiness for climatic change impacts.
- (d) To set up a mechanism to support disaster stricken countries in the sub-region and internationally, which includes proactive cross border disaster risk reduction initiatives;
- (e) To ensure an integrated and uniform approach to disaster risk management by national, provincial, district and local organs of state, statutory bodies, non-governmental institutions involved in disaster risk management, the private sector, communities and individuals.
- (4) The Minister, by notice in the Gazette-
- (a) Shall prescribe a National Disaster Risk Reduction Strategy; and
 - (b) May, from time to time, amend the National Disaster Risk Reduction Strategy.

6. Meetings and Procedures of the Cabinet Committee on Disaster Risk Management

- (1) The Cabinet Committee shall hold its first meeting on such a date and at such a place as the Minister shall fix and thereafter shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings, which shall not be less than three in a given year, as it deems fit.
- (2) If at a meeting of the Cabinet Committee, the chairperson is absent, members may choose one amongst themselves to act as chairperson.
- (3) The Chairperson of the Cabinet Committee may at any time convene a meeting, and shall at the request of any member, convene a special meeting of the Cabinet Committee, which shall be convened not sooner than seven days nor later than thirty days after receipt of such request.

7. Working Party on Disaster Risk Management

- (1) There shall be established a Working Party on Disaster Risk Management for the better functioning of the Cabinet Committee.
- (2) The Working Party shall consist of
- (a) The Permanent Secretary in the Ministry for the time being responsible for Local Government and Rural and Urban Development, who shall be Chairman;
 - (b) The Principal Director who shall be secretary;
 - (c) The Permanent Secretaries in the Ministries for the time being responsible for the matters and areas specified in the Second Schedule;
- (2) The functions of the Working Party shall be—

- (a) To review the National Disaster Risk Management Strategy before submission to the Cabinet Committee;
- (b) To review periodic and annual reports inclusive of the related socio economic costs, on major emergencies, disasters and potential disasters and to make recommendations to the Cabinet Committee;
- (c) To manage a nuclear or massive radiation threat or incident; and
- (d) To generally service the Cabinet Committee.

8. Meetings and Procedures of the Working Party on Disaster Risk Management

- (1) The Working Party shall hold its first meeting on such a date and at such a place as the Minister shall fix and thereafter shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings, which shall not be less than three in a given year, as it deems fit.
- (2) If at a meeting of the Working Party, the chairperson is absent, members may choose one amongst themselves to act as Chairperson.
- (3) The Chairperson of the Working Party may at any time convene a meeting, and shall at the request of any member, convene a special meeting of the Working Party, which shall be convened not sooner than seven days nor later than thirty days after receipt of such request.
- (4) Members of the Working Party present at any meeting who are more than one half of the total membership of the Working Party shall form a quorum.
- (5) All acts, matters or things authorised or required to be done by the Working Party may be decided by consensus at a meeting of the Working Party at which a quorum is present.
- (6) Any proposal circulated among all members and agreed to in writing by a majority of all members shall be of the same effect as a resolution passed at a duly constituted meeting of the Working Party and shall be incorporated into the minutes of its next succeeding meeting.

Provided that, if a member requires that such proposal be placed before a meeting of the Working Party, this subsection shall not apply to such proposal.

9. National Disaster Risk Management Platform

- (1) There shall be established a National Disaster Risk Management Platform for the better functioning of the Working Party.

- (2) The Platform shall consist of
- (a) Hazard experts from Government Departments and parastatals specified in the Third Schedule;
 - (b) A representative of the Zimbabwe Republic Police;
 - (c) A representative of the Defence Forces;
 - (d) A representative of Civil Aviation Authority of Zimbabwe;
 - (e) A representative of Chief Fire Officers Forum
 - (f)) A representative of the Zimbabwe Red Cross Society;
 - (g) Representatives of United Nations Agencies and international humanitarian and relief agencies;
 - (h) The Secretary-General of the Zimbabwe Red Cross Society;
 - (i) Representatives of local authority associations and or forums
 - (j) Representatives of other disaster risk management stakeholders, which may include-
 - (i) Confederation of Zimbabwe Industries;
 - (ii) the Chamber of Mines;
 - (iii) labour unions;
 - (iv) the insurance industry, including pension funds;
 - (v) agricultural organisations;
 - (vi) religious, faith-based and welfare organisations;
 - (vii) medical, paramedical and hospital organisations;
 - (viii) organisations representing disaster management professions in Zimbabwe.
 - (ix) organisations and other relevant non-governmental and international organisations and humanitarian and relief agencies;
 - (x) statutory bodies regulating standards in various industries;
 - (xi) the Standards Association of Zimbabwe;
 - (xii) the Consumer Council of Zimbabwe;
 - (xiii) Research Council of Zimbabwe;
 - (xiv) Representatives of providers of ambulance and emergency services.

- (xiv) Universities and tertiary and institutions;
 - (xv) institutions that provide scientific and technological research, advice or support to disaster management;
 - (xvi) Special Interest groups;
 - (xvii) Mobile and Telecommunications companies;
- (k) Persons co-opted by the Platform for a specific period or specific discussions from special interest groups.
- (3) The Principal Director shall be the Chairperson of the Platform

10. Functions of the National Disaster Risk Management Platform

- (1) The functions of the Platform shall be to —
- (a) Act as an advisory body that co-ordinates national disaster risk management efforts;
 - (b) Make recommendations concerning the National Disaster Risk Management Strategy to the Working Party;
 - (c) Advise any organ of state, statutory bodies, non-governmental organisation or community or the private sector on any matter relating to disaster risk management;
 - (d) Provide a forum in which national, provincial, district and local authorities, disaster management stakeholders, UN Agencies, international humanitarian and relief organisations consult one another and co-ordinate their actions on matters relating to disaster risk management;
 - (e) Make recommendations on priority recovery priorities post a major incident or disaster to the working party;
 - (f) Mobilize and coordinate resources; and
 - (g) Carry out monitoring and evaluation activities.

11. Meetings and Procedures of the National Disaster Risk Management Platform

- (1) The Disaster Risk Management Platform shall hold its first meeting on such a date and at such a place as the Minister shall fix and thereafter shall meet for the dispatch of business and adjourn, close and otherwise regulate its meetings, which shall not be less than three in a given year, as it deems fit.
- (2) If at a meeting of the Platform, the chairperson is absent, members may choose one amongst themselves to act as Chairperson.

(3) The Chairperson of the Platform may at any time convene a meeting, and shall at the request of any member, convene a special meeting of the Platform, which shall be convened not sooner than seven days nor later than thirty days after receipt of such request.

(4) Where any member of the Platform referred to in subsection (2) of section 9 is unable to attend a meeting thereof, he or she may direct the person who normally deputizes for him/her to attend in his or her place and such deputy may exercise all the functions of the member concerned.

(5) Members of the Platform present at any meeting who are more than one half of the total membership of the Platform shall form a quorum.

(6) All acts, matters or things authorised or required to be done by the Platform may be decided by consensus at a meeting of the Platform at which a quorum is present.

(7) Any proposal circulated among all members and agreed to in writing by a majority of all members shall be of the same effect as a resolution passed at a duly constituted meeting of the Platform and shall be incorporated into the minutes of its next succeeding meeting.

Provided that, if a member requires that such proposal is placed before a meeting of the Platform, this subsection shall not apply to such proposal.

12. Subcommittees of the National Disaster Risk Management Platform

(1) To enhance the functioning of the Platform there shall be the following subcommittees-

(2) The Emergency Services Subcommittee whose membership shall be-

(a) a representative of the Zimbabwe Republic Police, who shall be the Chairperson of the subcommittee;

(b) a representative Chief Fire Officers Forum, who shall be the Vice-chairperson;

(c) Representatives of

(i) Ministry for the time being responsible for Health;

(ii) Ministry for the time being responsible for Transport;

(iii) Zimbabwe Defence Forces;

(iv) Chief Government Mining Engineer;

(v) The Radiation Authority of Zimbabwe;

- (vi) Department of Social Welfare;
- (vii) Department of Immigration;
- (viii) Zimbabwe National Water Authority;
- (ix) Environmental Management Agency;
- (x) Zimbabwe Electricity Supply Authority;
- (xi) Civil Aviation Authority of Zimbabwe;
- (xii) Parks and Wildlife Management Authority;
- (xiii) Traffic Safety Council;
- (xiv) Town Clerks' and Chief Executive Officers' Forum;
- (xv) Insurance Sector;
- (xvi) Ambulance Services; and
- (xvii) Other stakeholders co-opted by the Principal Director on the basis of their expertise

(d) Functions of the Emergency Services Subcommittee shall be-

- (i) To produce minimum standards for search and rescue on land, from the air, underground and in water in the following areas; operational procedures, related expertise and or grading system of professionals, training for search and rescue equipment, psychological trauma service
- (ii) To produce an operational plan to manage mass casualty situations inclusive of population displacement.

(3) The Food and Water, Sanitation and Hygiene (WASH) Subcommittee, whose membership shall be-

- (a) The Principal Director of the Agriculture Research and Extension Services, who shall be the chairperson;
- (b) A representative of Zimbabwe National Water Authority who shall be vice-chairperson;
- (c) Representatives of-
 - (i) Ministry for the time being responsible for Health;
 - (ii) Ministry for the time being responsible for Education;
 - (iii) Ministry for the time being responsible for Gender;

- (iv) Department of Veterinary Services;
 - (v) Department of Social Services;
 - (vi) Zimbabwe Republic Police;
 - (vii) Agricultural Rural Development Authority;
 - (viii) Zimbabwe Revenue Authority;
 - (ix) National AIDS Council;
 - (x) Grain Marketing Board;
 - (xi) Meteorological Services;
 - (xii) Food and Nutrition Council;
 - (xiii) National Early Warning Unit;
 - (xiv) Zimbabwe Red Cross Society; and
 - (xv) Other stakeholders co-opted by the Principal Director on the basis of their expertise
- (d) Functions of the Food and Water, Sanitation and Hygiene (WASH) Subcommittee shall be-
- (i) To maintain an early warning system for food and water security;
 - (ii) To ensure maintenance of strategic food and water supplies; and
 - (iii) To produce an operational plan to manage a major emergency or disaster brought about by a food and or water supply crisis.
- (4) The Epidemics and Zoonotics Crisis Subcommittee, whose membership shall be-
- (a) A representative of the Ministry for the time being responsible for Health, who shall be the Chairperson;
 - (b) A representative of the Department of Veterinary Services who shall be the Vice-chairperson;
 - (c) Representatives of –
 - (i) Ministry for the time being responsible for Transport;
 - (ii) Department of Immigration;
 - (iii) Zimbabwe Republic Police;
 - (iv) Zimbabwe Defence Forces;
 - (v) Agriculture Rural Extension Services;
 - (vi) Zimbabwe National Water Authority;
 - (vii) CMED;

(viii) National AIDS Council;

(ix) Zimbabwe Red Cross; and

(x) Other stakeholders co-opted by the Principal Director on the basis of their expertise

(d) Functions of the Epidemics and Zoonotics Subcommittee shall be-

(i) to maintain a surveillance and monitoring system for biological hazards;

(ii) to develop protocols for the management of epidemics and zoonotics;

(iii) to produce an plan which shall be implemented to manage a crisis brought about by disease outbreak affecting humans, animals or plants; and

(iv) to recommend for a declaration of a public health emergency as defined in the management protocols referred in subsection 4 (d) (ii) or recommend for a declaration of a state of disaster in terms of Section 14 of this Act.

(5) Resource Mobilisation Subcommittee, whose membership shall be-

(a) A representative of Ministry for the time being responsible for Foreign Affairs who shall be the Chairperson;

(b) A representative of the Ministry for the time being responsible for International Cooperation and Regional Integration who shall be the Vice Chair-person,;

(c) Other stakeholders who include-

(i) The Principal Director;

(ii) All Chairpersons and vice-Chairpersons of all subcommittees in the Platform;

(iii) A representative from the Department of Social Welfare;

(iv) Representatives from the Science and Academic Community;

(v) Other stakeholders co-opted on the basis of their expertise

(d) Functions of the Resource Mobilisation Subcommittee shall be-

(i) To mobilise financial and material resources to manage major disasters or calamities through national and international appeals.

(6) Ad Hoc Subcommittees may be set up by the respective Subcommittees from time to time to work on specific issues.

(7) The office of the Principal Director shall provide secretariat services to all the subcommittees

(8) The procedure of any Subcommittee of the platform shall be fixed by the Platform.

(10) The Chairperson of the Platform may at any time and place convene a meeting of a Subcommittee of the Platform.

13. Regulatory mechanisms for Subcommittees

(1) The Platform shall produce supplementary regulations on the functioning of subcommittees at national, provincial and district level with regard to-

(a) Organizational structure inclusive of roles and responsibilities of members to the subcommittees;

(b) Operational guidelines;

(c) Financing arrangements for the subcommittees

(d) Any other matter related to the functioning of the subcommittee

(2) The supplementary regulations shall be subject to approval by the Minister and shall be reviewed from time to time.

14. Declaration of State of Disaster

(1) If at any time it appears to the President that any disaster is of such a nature and extent that extraordinary measures are necessary to assist and protect the persons, flora, fauna, air, soil and river systems affected or likely to be affected by the disaster in any area or district within Zimbabwe, or that circumstances are likely to arise making such measures necessary, the President may in such manner as he or she considers fit declare that, with effect from a date specified by him or her in the declaration, a state of disaster exists within any area or district defined by him or her in the declaration. The declaration may authorize:

(a) The taking of all measures aimed at minimising the impacts of a progressive or sudden, widespread or localised, natural or human-caused occurrence which causes or threatens to cause death, injury or disease or damage to property, infrastructure or the environment; or disruption of the life of a community; and is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;

(b) The taking of all measures aimed at the maintenance of supplies and services essential to the life of the community; or

(b) The taking of all measures aimed at securing a sufficiency of supplies and services essential to the well-being of the community; or

(c) Generally, the taking all measures aimed at ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community; or

(d) The taking of all measures aimed at assisting the relief of suffering and the restoration and distribution of essential supplies and services in any part of Zimbabwe that is in grave distress as the result of disaster.

Provided that where such declaration has been made in any manner other than by statutory instrument, the President shall, as soon as possible after making it, cause it to be published in a statutory instrument.

(2) A state of disaster that has been declared in terms of subsection (1)-

(a) lapses three months after it has been declared;

(b) maybe terminated by the President by notice in the Gazette before it lapses in terms of paragraph (a); and

(c) may be extended by the President by notice in the Gazette for one month at a time before it lapses in terms of paragraph (a) or the existing extension is due to expire.

15. Communication to Parliament

Where a state of disaster has been declared in terms of section 14, the Minister shall communicate such declaration to Parliament on the day that it next sits after the declaration is made.

16. Regulations

(1) If a state of disaster has been declared in terms of section 14, the Minister may, subject to subsection (2), and after consulting the responsible Cabinet member, make regulations or issue directions or authorise the issue of directions concerning-

(a) The release of any available resources of the Government, including stores, equipment, vehicles and facilities;

(b) The release of personnel of a organ of State for the rendering of emergency services;

(c) The implementation of all or any of the provisions of a National Disaster Risk Management strategy 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 minimize the effects of the disaster; or
 - (o) Steps to facilitate international assistance and mobilize resources.
- (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 III

PROVINCIAL DISASTER RISK MANAGEMENT

17. Provincial Disaster Risk Management Co-ordinators

Subject to the law relating to the Public Service, the Minister shall appoint Provincial Administrators employed in the Ministry of Local Government and Urban and Rural Development as Provincial Disaster Risk Management Co-ordinator of each province, who shall be responsible for co-ordinating the Provincial Disaster Risk Management Platform

18. Provincial Disaster Risk Management Platform

(1) There shall be established in each province a provincial disaster management platform consisting of-

(a) The Provincial Disaster Risk Management Co-ordinator, who shall be the Chairperson;

(b) Hazard experts from Government Departments and parastatals specified in the Third Schedule;

(c) A representative of the Zimbabwe Republic Police;

(d) A representative of the Defence Forces;

(e) A representative of Civil Aviation Authority of Zimbabwe;

(f)) A representative of the Zimbabwe Red Cross Society;

(g) United Nations Agencies and International humanitarian and relief organisations;

(h) Representatives of other disaster risk management stakeholders in each province, which may include-

(i) Confederation of Zimbabwe Industries;

(ii) the Chamber of Mines;

(iii) labour unions;

(iv) the insurance sector, including pension funds;

(v) agricultural organisations;

(vi) religious, faith-based and welfare organisations;

(vii) medical, paramedical and hospital organisations;

(viii) organisations representing disaster risk management professions in Zimbabwe.

(ix) statutory bodies regulating standards in various industries;

(x) The Standard Association of Zimbabwe

(xi) The Consumer Council of Zimbabwe

- (xii) Research Council of Zimbabwe;
 - (xiv) Universities and tertiary and institutions;
 - (xv) institutions that provide scientific and technological research, advice or support to disaster risk management;
 - (xvi) Special Interest groups;
 - (xvii) Mobile and Telecommunications companies; and
 - (xviii) Print and Electronic Media
- (i) Persons co-opted by the Provincial Disaster Risk Management Platform for a specific period or specific issues.

19. Functions of the Provincial Disaster Risk Management Platform

- (1) The functions of the Platform shall be to —
- (a) Act as an advisory body which co-ordinates provincial disaster risk management efforts;
 - (b) Advise any organ of state, statutory bodies, UN Agencies, international humanitarian and relief organisations, non-governmental organisation or community or the private sector on any matter relating to disaster risk management in the province;
 - (c) Provide a forum in which, provincial and other disaster risk management stakeholders and relief and humanitarian agencies consult one another and co-ordinate their actions on matters relating to disaster risk management;
 - (d) Operationalise the Disaster Risk Reduction Strategy at provincial level;
 - (e) Oversee functioning of District Disaster Risk Management Platforms;
 - (f) Resource mobilization and coordination; and
 - (g) Monitoring and evaluation.

20. Subcommittees of the Provincial Disaster Risk Management Platform

- (1) To enhance the functioning of the Provincial Disaster Risk Management Platform there shall be the following subcommittees-
- (2) The Provincial Emergency Services Subcommittee whose membership shall be-
- (a) a representative of the Zimbabwe Republic Police, who shall be the chairperson of the subcommittee;

- (b) a representative Chief Fire Officers Forum, who shall be the Vice-chairperson;
- (c) Representatives in the province of
 - (i) The Ministry for the time being responsible for Transport;
 - (i) Department of Social Welfare;
 - (ii) Zimbabwe Defence Forces;
 - (iii) Zimbabwe National Water Authority;
 - (iv) Chief Government Mining Engineer Office;
 - (v) Civil Aviation Authority of Zimbabwe;
 - (vi) Environmental Management Agency;
 - (vii) Ambulance Services;
 - (viii) Traffic Safety Council; and
 - (ix) Other stakeholders co-opted by the Provincial Disaster Risk Management Co-ordinator on the basis of their expertise

(d) Functions of the Provincial Emergency Services Subcommittee shall be-

To produce a provincial operational plan to manage emergencies of a mass casualty nature in line with the operational plan referred to in section 12(2)(d)(ii)

(3) Provincial Food, Water, Sanitation and Hygiene Subcommittee, whose membership shall be-

(a) the Provincial Director of the Agriculture Research and Extension Services, who shall be the Chairperson;

(b) A representative of Zimbabwe National Water Authority who shall be vice-chairperson;

(c) Representatives in the province of-

- (i) The Ministry for the time being responsible for Health;
- (ii) The Ministry for the time being responsible for Transport;
- (iii) The Department of Social Welfare;
- (iv) The Department of Veterinary Services;
- (v) Zimbabwe Republic Police;
- (vi) District Development Fund;
- (vii) Grain Marketing Board;

- (viii) Meteorological Services;
- (x) Zimbabwe Red Cross Society; and
- (xi) Other stakeholders co-opted by the Provincial Disaster Risk Management Co-ordinator on the basis of their expertise

(d) Functions of the Provincial Food and Water, Sanitation and Hygiene (WASH) Subcommittee shall be-

To produce a provincial plan to manage a major emergency or disaster brought about by a food and or water supply crisis in line with the operational plan referred to in section 12(3)(d)(iii).

(4) The Provincial Epidemics and Zoonotics Crisis Subcommittee, whose membership shall be-

- (a) A representative of the Ministry of Health, who shall be the Chairperson;
- (b) A representative of the Department of Veterinary Services who shall be the Vice-chairperson;

(c) Representatives in the province of –

- (i) The Ministry for the time being responsible for Transport;
 - (i) Department of Immigration;
 - (ii) Zimbabwe Republic Police;
 - (iii) Zimbabwe Defence Forces;
 - (iv) Zimbabwe National Water Authority;
 - (v) Agricultural Research and Extension Services (AGRITEX);
 - (vi) District Development Fund;
 - (vii) Zimbabwe Red Cross; and
 - (viii) Other stakeholders co-opted by the Provincial Disaster Risk Management Co-ordinator on the basis of their expertise

The functions of the Provincial Epidemics and Zoonotics Crisis Subcommittee shall be-

To produce a provincial plan to manage disasters brought about by disease outbreak affecting man, animals or plant in line with the operational plan referred to in section 12(4)(d)(iii).

- (5) Ad Hoc Subcommittees may be set up by the respective Subcommittees from time to time to work on specific issues.
- (6) The office of the Provincial Disaster Risk Management Co-ordinator shall provide secretariat services to the subcommittees
- (8) The Chairperson of the Provincial Disaster Risk Management Platform may at any time and place convene a meeting of a Subcommittee of the Platform.

PART IV

DISTRICT DISASTER RISK MANAGEMENT

21. District Disaster Risk Management Co-ordinators

- (1) Subject to the law relating to the Public Service, the Minister shall appoint the District Administrator employed in the Ministry of Local Government and Rural and Urban Development of each district as District Disaster Risk Management Co-ordinator.
- (2) The District Co-ordinator shall be responsible for co-ordinating the District Disaster Risk Management Platform

22. District Disaster Risk Management Platform

- (1) There shall be established in each district a District Disaster Risk Management Platform consisting of-
 - (a) the District Disaster Risk Management Co-ordinator, who shall be the Chairperson;
 - (b) representatives of local authorities in the District;
 - (c) Hazard experts from Government Departments and parastatals specified in the Third Schedule;
 - (d) A representative of the Zimbabwe Republic Police;
 - (e) A representative of the Defence Forces;
 - (f) A representative of Civil Aviation Authority of Zimbabwe; and
 - (g) A representative of fire brigades established by local authorities,

- (h) A representative of the Zimbabwe Red Cross Society;
- (i) United Agencies and international humanitarian and relief organisations;
- (j) Representatives of other disaster risk management stakeholders, which may include-
 - (i) Confederation of Zimbabwe Industries;
 - (ii) the Chamber of Mines;
 - (iii) labour unions;
 - (iv) the insurance industry, including pension funds;
 - (v) agricultural organisations;
 - (vi) religious, faith-based and welfare organisations;
 - (vii) medical, paramedical and hospital organisations;
 - (viii) organisations representing disaster risk management professions in Zimbabwe.
 - (ix) statutory bodies regulating standards in various industries;
 - (x) institutions of tertiary and higher education;
 - (xi) institutions that provide scientific and technological research, advice or support to disaster management;
 - (xii) Special Interest groups
 - (xiii) Mobile and Telecommunications companies

23. Functions of the District Disaster Risk Management Platform

- (1) The functions of the District Platform shall be to —
 - (a) Act as an advisory body that co-ordinates disaster risk management efforts in the District;
 - (b) Operationalise the Disaster Risk Reduction Strategy at district level;
 - (c) Advise any organ of state, statutory functionary, non-governmental organisation or community or the private sector on any matter relating to disaster risk management in the district;
 - (d) Provide a forum in which, district and local government, disaster risk management stakeholders, UN Agencies, international humanitarian and relief and humanitarian organisations consult one another and co-ordinate their actions on matters relating to disaster risk management;
 - (e) Resource mobilization and coordination; and
 - (f) Monitoring and evaluation

24. Subcommittees of the District Disaster Risk Management Platform

(1) To enhance the functioning of the District Disaster Risk Management Platform there shall be the following subcommittees-

(2) The District Emergency Services Subcommittee whose membership shall be-

(a) a representative of the Zimbabwe Republic Police, who shall be the chairman of the subcommittee;

(b) a representative Chief Fire Officers Forum, who shall be the Vice-chairperson

(c) Representatives in the District of

(i) Ministry of for the time being responsible for Transport;

(ii) Ministry for the time being responsible for information

(iii) Department of Social Welfare

(iv) Chief Government Mining Engineer's Office;

(v) Defence Forces Civil Aviation Authority of Zimbabwe;

(vi) Environmental Management Agency;

(vii) Zimbabwe National Water Authority;

(viii) Ambulance Services;

(ix) Traffic Safety Council;

(x) Local authorities within the district; and

(xi) Other stakeholders co-opted by the District Disaster Risk Management Co-ordinator on the basis of their expertise

(d) Functions of the District Emergency Services Subcommittee shall be-

To produce a district operational plan to manage emergencies of a mass casualty nature in line with the operational plan referred to in section 12(2)(d) (ii)

(3) District Food, Water, Sanitation and Hygiene Subcommittee, whose membership shall be-

(a) A representative of the Agriculture Research and Extension Services, who shall be the chairperson;

(b) A representative of Zimbabwe National Water Authority who shall be the vice chairperson;

(c) Representatives in the district of-

(i) Ministry of Health;

(ii) Department of Social Welfare;

- (iii) Department of Veterinary Services;
- (iv) Zimbabwe Republic Police;
- (v) Grain Marketing Board;
- (vi) District Development Fund;
- (vii) Local authorities;
- (viii) Zimbabwe Red Cross Society; and
- (ix) Other stakeholders co-opted by the District Disaster Risk Management Co-ordinator on the basis of their expertise

(d) Functions of the District Food and Water, Sanitation and Hygiene Subcommittee shall be-
To produce a district plan to manage a major emergency or disaster brought about by a food and or water supply crisis in line with the operational plan referred to in section 12(3)(d)(iii).

- (4) The District Epidemics and Zoonotics Subcommittee, whose membership shall be-
- (a) A representative of the Ministry of Health, who shall be the Chairperson;
 - (b) A representative of the Department of Veterinary Services who shall be the Vice-Chairperson;
 - (c) Representatives in the district of –
 - (i) Ministry for the time being responsible for Information;
 - (ii) Ministry for the time being responsible for Transport;
 - (iii) Department of Immigration;
 - (iv) Zimbabwe Republic Police;
 - (v) Zimbabwe Defence Forces;
 - (vi) Local authorities;
 - (vii) Agriculture Rural Extension Services;
 - (viii) Zimbabwe National Water Authority;
 - (ix) District Development Fund;
 - (x) Zimbabwe Red Cross; and
 - (xi) Other stakeholders co-opted by the Principal Director General on the basis of their expertise

(d) Functions of the District Epidemics and Zoonotics Subcommittee shall be-
To produce a district plan brought about by disease outbreak affecting man, animals or plant in line with the operational plan referred to in section 12(4)(d)(iii).

(5) Ad Hoc Subcommittees may be set up by the respective Subcommittees from time to time to work on specific issues.

(6) The office of the District Disaster Risk Management Co-ordinator shall provide secretariat services to the subcommittees

(7) The Chairperson of the District Disaster Risk Management Platform may at any time and place convene a meeting of a Subcommittee of the Disaster Risk Management Platform.

PART V

LOCAL AUTHORITY DISASTER RISK MANAGEMENT

25. Local Authority Disaster Risk Management Co-ordinators

(1) Subject to the regulations relating to employees of local authorities, the highest ranking executives of local authorities shall be Local Authority Disaster Risk Management Co-ordinators.

26. Functions of Local Authority Disaster Risk Management Co-ordinators

(1) The Local Authority Disaster Risk Management Co-ordinator shall be responsible for the overall coordination of disaster prevention, mitigation, preparedness, response, recovery and rehabilitation efforts in the local authority and specifically-

(a) The establishment, maintenance and command of a disaster risk management department within the local authority. In the event that the local authority does not have expertise to address disaster risk management issues, it shall consult relevant government departments;

(b) Make provision for

(i) Emergency services at the local authority level;

(ii) Management of a food, water, sanitation and hygiene crisis at the local authority level;

- (iii) Management of an epidemics and zoonotic emergency at the local authority level;
 - (iv) Matters related to the efficient functioning of these services based on guidance from national platforms;
- (d) Preparation of a budget for disaster risk management; and establishment of a system to collect revenue to ensure the efficient functioning of these services;
 - (e) The local authority shall open an account for purposes of local disaster risk management and shall apply to the Minister in case a need arises to virement the funds for other purposes;
 - (f) Giving orders and taking such measures, during a declared state of disaster as are in his or her opinion necessary in order to deal with such state of disaster;
 - (g) Co-ordinating the use of materials, equipment and services made available by Government Ministries, other local authorities, statutory bodies and other organisations during a state of disaster and or major emergency; and
 - (h) The preparation of reports generally on emergency preparedness and disaster risk management by his or her local authority whenever he or she is required to do so by the District Disaster Risk Management Co-ordinator.
- (2) In the exercise of its functions a local authority co-ordinator may-
- (a) Enter into arrangements with any person whereby that person makes available or undertakes to make available his or her services or those of his or her staff, whether individually or in units under the control of that person, for the purpose of carrying out such mitigation, risk reduction and preparedness measures as may be agreed upon;
 - (b) Consult other relevant government departments with expertise in disaster risk management;
 - (c) Cause to be trained for disaster risk management communities within the local authority's jurisdiction; and
 - (d) Collect and disseminate information and advice on matters relating to disaster risk management,
- (3) Whenever it is possible to do so, a Local Authority Disaster Risk Management Co-ordinator shall exercise its powers in terms of this Act in consultation and with the co-operation of the Provincial Disaster Risk Management Co-ordinator and District Disaster Risk Management Co-ordinator.

27. Fire and Related Emergency Services: Duties of Local Authorities

(1) It shall be the duty of every local authority in Zimbabwe to make provision for

- (a) Fire Fighting and Rescue Services;
- (b) Emergency Ambulance Services; and
- (c) Matters related to the efficient functioning of these services based on regulations by the national emergency services subcommittee and related central government guidelines.

28. Arrangements for mutual assistance

(1) It shall be the duty of a local authority, in so far as is practicable, to join in the making of schemes (hereinafter referred to as “reinforcement schemes”) for securing the rendering of mutual assistance for the purpose of dealing with fires and other emergencies in the local authorities participating in a reinforcement scheme where either-

- (a) It is necessary to supplement the services specified in subsection (1) of section *twenty-seven* by the local authorities in whose area the fire or emergency occurs; or
- (b) Reinforcements at any fire or emergency can be more readily obtained from the resources of the other local authority participating in the scheme, than from those in whose area the fire or emergency occurs.

(2) Any reinforcement scheme made under subsection (1) shall be notified to the Principal Director who may consult the National Emergency Services subcommittee and thereafter give his or her assent to the scheme with or without modifications.

(3) Where a reinforcement scheme is necessary but no scheme has been proposed, the Principal Director may direct the local authority concerned to form the scheme.

(4) A reinforcement scheme shall make provision for the apportioning between the local authority concerned, in such proportions as may be specified by or under the scheme, expenses incurred in taking measures to ensure the efficient operation of the scheme.

(5) A reinforcement scheme shall contain such provisions requiring uniformity of equipment as appears to the Principal Director to be necessary for the purposes of ensuring that the fire

brigades and emergency ambulance services concerned will be able to render efficient assistance in the pursuance of the scheme.

(6) Where a reinforcement scheme has come into operation, it shall be the duty of the local authority concerned to carry it into effect.

(7) Any reinforcement may be varied by a subsequent scheme, made in the same manner and subject to the same provisions.

(8) A local authority may enter into any arrangements with persons, other than other local authorities, who maintain fire brigades or emergency ambulance services or other emergency services to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the provision by those persons of assistance for the purpose of dealing with fires or emergencies in the local authority, where either –

(a) it is necessary to supplement the services provided by the local authority in whose area the fire or emergency occurs; or

(b) reinforcements at any fire or emergency can be more readily obtained from the resources of the other persons participating in the scheme, than from the local authority concerned.

29. Arrangements for combination schemes

(1) It appears to two or more local authority that it is expedient that they combine their fire and emergency ambulance services they shall submit a proposal to the Principal Director on that scheme (hereinafter referred to as “a combination”).

(2) Where in that case the Minister considers it expedient in the interest of efficiency that a combination scheme should be made but no such scheme has been proposed, the Principal Director may order the local authority concerned to form a combination scheme.

(3) Combination schemes shall consist of such representatives of each constituent member prescribed by the scheme and the combination scheme shall be a body corporate by such name as may be prescribed by the scheme.

(4) Subject to the provisions of this Act, a combination scheme shall make provision for the selection of a zone centre whose functions shall be to –

(a) Serve as the administrative centre for the combination scheme;

(b) Serve as the focal point for all operations relating to local authority and disaster risk management;

(c) Assist in building the capacity of the members to effectively manage emergencies; and

(d) Perform any other function subject to supplementary regulations on combination schemes.

(5) In selecting the zone centre the combination scheme shall ensure that –

(a) The zone centre is relatively central and easily accessible to the other members; and

(b) the zone centre has a relatively larger resource base than the other local authority in terms of manpower, expertise as well as equipment for emergency management

(6) A combination scheme approved or made under this section may be amended or revoked

30. Regulatory mechanisms for combination schemes

(1) The national emergency services subcommittee shall produce supplementary regulations on the functioning of combination schemes with regard to-

(a) Organisational structure inclusive of roles and responsibilities of members to the scheme;

(b) Operational guidelines;

(c) Financing arrangements of the scheme; and

(d) Any other matter related to the functioning of the scheme.

(2) The Supplementary Regulations shall be subject to approval by the Minister and shall be reviewed from time to time.

31. Supply of water for fire fighting

(1) A local authority shall take all reasonable measures for securing the provision of an adequate supply of water and for ensuring that it will be available for use in the case of a fire.

(2) A local authority, for the purpose of subsection (1), may

(a) enter into any agreement to secure the use, in the case of fire, of water under the control of any person other than a local authority; or

(b) cause the laying of and maintenance of pipes and carry out other works in connection with the use of such water in the case of fire.

(3) Subject to any agreement made in terms of paragraph (a) of subsection (1) a local authority may use, for fire-fighting purposes, any suitable and convenient water, but shall be liable to pay reasonable compensation.

32. Special powers of fire brigades

(1) A fire brigade may for the purpose of dealing with a fire or any other emergency enter into any property or premises and may pull down any moveable or immovable property for the purpose of mitigating the emergency.

(2) A fire brigade may move or cause to be moved from the vicinity of any fire or other emergency, any person or persons hindering or interfering or potentially hindering or interfering with the operations of the fire brigade.

(3) A fire brigade may, for the purpose of dealing with any fire or other emergency commandeer any resources or equipment considered necessary for the protection and salvage of life and property.

(4) The owner of the resource or property specified in subsection (3) shall be entitled to reasonable compensation and if such compensation is not paid, shall be entitled to seek redress in the Administrative Court.

(5) A local authority shall establish and maintain a fire prevention unit for the inspection of property in the local authority and the enforcement of building by-laws pertaining to fire safety and the transportation, storage and use of hazardous materials and flammable liquids.

33. Fire prevention in Government buildings

(1) The Principal Director shall produce supplementary regulations with regards to State property and buildings which regulations shall make provision for State property and buildings to conform to model building by-laws with specific reference to-

(a) design and building plans;

(b) inspection;

(c) fire safety; and

(d) payment of services by the State to respective local authorities.

34. Provision of emergency ambulance services

(1) A local authority shall provide an emergency ambulance service system for the community it serves which shall have suitably trained personnel, registered with the Allied Health Professions Council in terms of the Health Professions Act (*Chapter 27:19*), vehicles and equipment appropriate for the area covered and an effective communication system.

(2) The Emergency Ambulance Service shall respond to emergencies, accidents and incidents involving a threat to life within the designated area promptly render aid to patients at the scene and convey patients to appropriate receiving facilities.

(3) The fire brigade shall have attached to its unit, an ambulance service.

35. Special powers of emergency ambulance services

(1) An emergency ambulance service shall, upon their arrival at any incident, assume command of all medical operations at that incident.

(2) An emergency ambulance service may, for the purposes of dealing with an emergency, enter onto, by force or otherwise, any property or premises for the purpose of mitigating the emergency.

(3) An emergency ambulance service may remove, or caused to be removed from the vicinity of any fire or other emergency, any person or persons hindering or interfering or potentially hindering or interfering with the operations of the emergency ambulance service.

(4) The owner of the resource or property specified in subsection (2) shall be entitled to reasonable compensation and if such compensation is not paid, shall be entitled to seek redress in the Administrative Court.

36. Procedures and qualifications for appointments

(1) The Minister shall approve standardized systems and procedures on the advice of the Principal Director on the following matter-

(a) the method of appointment of chief fire officers of fire brigades and heads of emergency ambulance services;

(b) the establishment of a grading system of firemen and emergency ambulance personnel; and

(c) the establishment of varying grades of fire stations and the requisite equipment to be maintained by a local authority.

(2) The Chief Fire Officer and head of emergency ambulance service shall be directly responsible to the local authority maintaining the fire brigade or emergency ambulance service.

37. Training and equipment

(1) The Principal Director may, after consultation with the Emergency Services Subcommittee establish and maintain a national training institution for the training of firemen and related emergency service personnel.

(2) The Minister shall make such regulations providing for the legal capacity, objects, autonomy and administration of such an institution.

(3) A local authority may establish and maintain a local training facility, or may enter into an agreement with another local authority to combine or share a training facility and maintain linkages with the national institution.

(4) The Principal Director shall, in accordance with arrangements approved by the Treasury, provide for the purchase of any equipment required by any local authority in the discharge of any of its functions under this Act.

38. Inspectors of fire brigades and emergency ambulance services

(1) The Principal Director, may after consultation with the National Emergency Services Subcommittee, appoint inspectors for the purposes of obtaining information as to the manner in which the local authority, fire brigades and emergency ambulance services are performing their functions and the technical matters relating to those functions.

(2) The Principal Director may pay to such persons appointed in terms of subsection (i) such remuneration as he or she may, with the approval of the Treasury, determine

(3) Acting on the information gathered by the inspectors, the Principal Director may, in consultation with the local authority concerned, and the National Emergency Services Subcommittee, direct that operational or administrative changes be made.

PART VI

GENERAL DUTIES OF DISASTER RISK MANAGEMENT CO-ORDINATORS

39. Interpretation in Part VI

In this Part-

“Disaster Risk Management Co-ordinator” refers to the Principal Director, Provincial Disaster Risk Management Coordinator, District Disaster Risk Management Co-coordinator and Local Authority Disaster Risk Management Coordinator.

40. Orders by Disaster Risk Management Co-ordinators

(1) Subject to this Act, a Disaster Risk Management Coordinator may, by order in writing, direct any person-

- (a) To supply him or her with information relating to the existence and availability of any service, facility or thing whatsoever which may be used for or in connection with emergency preparedness and disaster risk management and which is under the control or in the possession of such person;
- (b) To maintain such specified stocks of fuel, food, water or medical supplies for use during a state of disaster as he or she may be reasonably expected to maintain;
- (c) During a state of disaster, to perform any work or render any service which, as a result of the disaster, is reasonably necessary for the purpose of dealing with the situation.
- (2) Every Disaster Risk Management Co-ordinator and every person employed by him or her shall keep secret and aid in keeping secret any information supplied in compliance with an order given in terms of paragraph (a) of subsection(1).
- (3) A disaster risk management co-ordinator or person employed by him who contravenes subsection (2) shall be guilty of an offence and be liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.
- (4) Any person aggrieved by an order given in terms of paragraph (a), (b) or (c) of subsection (1) may appeal in writing against it to the Administrative Court.
- (5) In an appeal in terms of subsection (4), the Administrative Court, after inviting the Disaster Risk Management Co-ordinator concerned to submit written submissions on the matter and considering any representations so submitted, may confirm, vary or set aside the order appealed against or give such other directions in the matter as it thinks appropriate.
- (6) Disaster Risk Management Co-ordinators shall adhere to the provision of the Official Secrets Act [Chapter 11:09] in their activities.

41. Power of Disaster Risk Management Co-ordinators to requisition land and property

- (1) Subject to this section, a Disaster Risk Management Co-ordinator may while a declaration of a state of disaster is in force in terms of section 14, take possession or control of any land or other property whatsoever for the purpose of dealing with the situation.
- (2) As soon as possible after taking possession or control of any land or property in terms of subsection (1), a Disaster Risk Management Co-ordinator shall cause written notice of such taking to be served on any person owning or possessing such land or property:

Provided that, if it is expedient to do so, the Disaster Risk Management Co-ordinator shall cause such notice to be served before taking possession or control of the land or property concerned.

(3) Any person from whom possession or control of any land or property has been or is about to be taken in terms of this section may, if he objects to such taking, notify the disaster risk management co-ordinator concerned accordingly.

(4) Where a Disaster Risk Management Co-ordinator is notified in terms of subsection (3), he shall, within thirty days thereafter, apply to the Administrative Court for a determination of his entitlement to exercise his powers in terms of subsection (1).

(5) On an application in terms of subsection (4) the Administrative Court shall, unless it is satisfied that the exercise of the power by the Disaster Risk Management Co-ordinator concerned in terms of subsection (1) was reasonably justifiable, in the circumstances of the situation arising or existing as a result of the disaster concerned or giving rise to the declaration of the state of disaster, for the purpose of dealing with that situation, order the disaster risk management co-ordinator to return any land or property which he has taken into his possession or control or to cancel his notice of intention to take possession or control thereof, as the case may be.

(6) When the continued possession or control by a Disaster Risk Management Co-ordinator of any land or property taken in terms of subsection (1) is no longer reasonably justifiable as referred to in subsection (5), that land or property shall, wherever possible, be promptly returned in the condition in which it was at the time of such taking of possession or control.

(7) Adequate compensation shall be paid promptly for—

(a) The taking of possession or control of any land or property in terms of subsection (1); and

(b) Where appropriate, any failure to return any land or property in accordance with subsection (5) or (6); and

(c) Any damage to any land or property taken in terms of this section.

(8) The owner or any other person entitled to the return of any land or property in terms of subsection (6) or entitled to compensation in terms of subsection (7) may apply to the Administrative Court for the return of the land or property or for the determination of his right to or the amount of such compensation, as the case may be, and the Administrative Court shall make such order in respect thereof as it thinks fit.

(9) Parts V and VIII of the Land Acquisition Act [*Chapter 20:10*], shall apply, *mutatis mutandis*, in respect of a claim for compensation in terms of subsection (8):

Provided that—

(i) a claim for compensation made in terms of section 22 of that Act shall be submitted not later than thirty days before the hearing of the application in terms of subsection (8) for the determination of the amount of compensation;

(ii) the Administrative Court, and the Supreme Court in any appeal from a decision of the Administrative Court, may make such order as to costs as it thinks fit.

(10) No land or other property owned or possessed by the State shall be taken in terms of this section without the consent of the Minister responsible for the land or property.

42. Drivers' permits

(1) Subject to this Act, a Disaster Risk Management Co-ordinator may issue a drivers permit in the form prescribed to any person who is licensed in terms of the Road Traffic Act [*Chapter 13:11*] to drive a passenger motor vehicle having seating accommodation for not more than seven passengers.

(2) Notwithstanding any other enactment, a person to whom a drivers' permit has been issued in terms of subsection (1) may, when performing any duty assigned to him by a Disaster Risk Management Co-ordinator, drive any vehicle of a class specified in the drivers permit.

PART VII

FUNDING OF DISASTER RISK MANAGEMENT ACTIVITIES

DISASTER RISK MANAGEMENT FUND

43. Establishment of a Fund

(1) There is hereby established a fund to be known as the Disaster Risk Management Fund

(2) The fund shall consist of-

- (a) A minimum of 1% of the national budget appropriated by Parliament for the purposes of addressing disaster risk management.
 - (b) a levy instituted for this purpose
 - (c) Contributions from UN Agencies, SADC and international humanitarian and relief organisations.
 - (d) advances made to the fund in terms of section 45;
 - (e) any other moneys to which the Fund maybe lawfully entitled including gifts from any person;
- (3) The Fund shall be vested in the office of the Principal Director and subject to this Act, requisite financial regulations shall be produced
- .

44. Disaster Risk Management Levy

(1) The Minister, in consultation with the Working Party and with the approval of the Minister for the time being responsible for Finance, may by notice in a statutory instrument, impose a Disaster Risk Management Levy on any person or class of persons whose activities are a potential hazard that include buildings, roads (tollgate fees), insurance, fire, fuel, carbon tax and tourism.

2) In prescribing Disaster Risk Management Levy in terms of subsection (1), the Minister shall prescribe —

- (a) the persons responsible for the payment, collection and remittal of the levy; and
- (b) the manner in which and the times at which the levy shall be paid, collected and remitted; and
- (c) the basis upon which the levy shall be calculated; and
- (d) surcharges, interest and other amounts payable by way of penalty for non-payment or late payment of the levy; and
- (e) the date from which it shall be collected:

Provided that such date shall not be earlier than the date of publication of the statutory instrument in the Gazette.

(3) The Minister shall, on the next sitting day of Parliament after he makes a statutory instrument in terms of subsection (1), lay it before Parliament, where it may be subject to annulment in pursuance of a resolution of Parliament made within thirty days after the date on which it was laid before it:

Provided that the annulment of the statutory instrument shall not affect the validity of anything done under it in the interval between the date when it came into operation and the date of its annulment.

(4) The Minister may, by proceedings in a competent court, recover the amount of any Disaster Risk Management Levy which is due in terms of this section from any person required to pay the levy or to collect or remit the levy.

(5) All amounts remitted or collected by way of Disaster Risk Management Levy, together with any surcharges, interest and other amounts payable in connection with such a levy, shall be paid into the Fund.

45. Advances to Fund

(1) If in any financial year the income of the fund together with any surplus income brought forward from a previous year is insufficient to meet the actual or estimated liabilities of the fund, the Minister responsible for finance may make advances to the Fund out of moneys appropriated to the purpose by Act of Parliament in order to meet the deficiency.

(2) An advance in terms of subsection (1) of this section shall be made on such terms and conditions, whether as to repayment or otherwise, as the Minister for the time being responsible for finance may determine.

46. Objects of the Fund

(1) The object for which the Fund is shall be implementation of the National Disaster Management Strategy, preparedness, response and early recovery priorities

(2) Without derogation from the generality of subsection (1), the Fund shall be applied to-

(a) Promote or contribute towards research and development in the field of disaster risk management services;

- (b) Promote research and training of personnel which is calculated to promote disaster risk management, risk assessment and reduction and risk and hazard mapping;
- (c) Promote the quality of human resilience, security and sustainable livelihoods to communities affected by disasters, including migrant and displaced populations;
- (d) Facilitate, exchange and support for multi-sectoral emergency preparedness and response planning;
- (e) Contribute knowledge towards the role of emergency preparedness, relief, rehabilitation, reconstruction and sustainable development in promoting disaster resilience;
- (f) Educate and raise awareness of disaster risk reduction, mitigation, prevention, preparedness and early warning activities;
- (g) The acquisition of land; equipment, materials and other assets and the construction of buildings in order to promote the objects of the fund;
- (h) Annual grants to local authorities and or combination schemes based on a proportional methodology that shall take into account efforts by the local authorities to raise resources for emergency management;
- (i) Any purpose which the Principal Director considers to be in the interests of the development and promotion of disaster risk management.

47. Estimates of expenditure

(1) The Principal Director shall prepare a statement showing in respect of each financial year the estimated –

- (a) Receipts and accruals of the Fund; and
- (b) Expenditure of the fund, the purpose for which such expenditure is to be made and the estimated amount that will be spent on each such purpose; and
- (c) Balance of the fund at the close of such financial year

(2) The Minister shall, as soon as possible after the preparation of the statement referred to in subsection (1), lay copies thereof before Parliament.

48. Limits on expenditure from Fund

(1) Subject to this section, the expenditure incurred by the fund in any financial year shall not exceed such amount as Parliament may by resolution have approved for that financial year and the amount of expenditure on any purpose shall not exceed the amount so approved by parliament to that purpose.

Provided that the Principal Director may, with approval of the Minister for the time being responsible for Finance, authorize any expenditure on any purpose so approved by Parliament to be expended to meet excess expenditure on any other such purpose.

(2) Until Parliament has approved the expenditure for a financial year, the Principal Director may, in anticipation of approval by Parliament, expend such amount as the President may authorize, not exceeding twenty-five *per centum* of the estimated expenditure for that financial year, on purposes approved by Parliament for the previous financial year.

(3) If at any time it appears to the President to be necessary-

(a) on any purpose to incur unforeseen expenditure of a special character which has not been approved by Parliament and which cannot, without seriously prejudicing the achievement of the objects of the fund, be postponed until Parliament has approved it; or

(b) to incur expenditure in excess of the amount already approved by Parliament on particular purpose;

(c) the President may authorize the Minister, in anticipation of the approval of Parliament, to expend such funds as may be required from time to time to meet the expenditure on such purpose

Provided that –

(i) the total so authorized shall not at any time exceed ten *per centum* of the total expenditure already approved by Parliament for that financial year; and

- (ii) the sums expended in terms of this subsection shall be submitted for approval by Parliament not later than during its next sitting.

49. Accounts and audit of Fund

(1) The Principal Director shall-

(a) keep proper accounts and other records relating thereto, in which he or she shall record all the financial transactions of the Fund; and

(b) in respect of each financial year prepare –

- (i) a balance sheet; and
- (ii) a statement of transactions referred to in paragraph (a)

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General who shall have all the powers conferred upon him or her by section 9 of the Audit and Exchequer Act [*chapter 22:03*] as though the assets of the Fund were public moneys or State property.

50. Holding of the fund

(1) All moneys received on behalf of the Fund shall be paid into a banking account

(2) Any part of the Fund not immediately required for the purposes of the Fund may be invested in such manner as the Principal Director, may determine,

51. Financial Year

The financial year of the Fund shall be the period of twelve months consistent with Parliamentary procedure

52. Local Authority Disaster Risk Management Fund and its Application

(1) There is hereby established a Local Authority Disaster Risk Management Fund by every local authority which shall consist of not less than one percent of the estimated revenue from regular sources of a local authority and annual grants stipulated in 46(2)(h).

(2) The local fund shall be used to support disaster risk management activities such as, but not limited to-

- (a) Pre-disaster preparedness programs including training of communities and mapping of hazards;
- (b) Purchasing of life-saving rescue equipment, supplies, fire and emergency ambulance services and related schemes,
- (c) Payment of insurance premiums and claims linked to disaster;
- (d) Relief, recovery, reconstruction and other work or services in connection with natural or human-induced disasters
- (e) Meeting any expenses arising from the establishment and maintenance of the Fund; and
- (f) Setting up of depots and warehouses for food and equipment for disaster risk management.

53. Accruals of Fund

(1) Any amount of the local fund which remains unexpended at the end of the local fund's financial year shall accrue to a special trust fund solely for the purpose of supporting disaster risk reduction and management activities of the local disaster risk management centres within the next five years.

(2) Any such amount still not fully utilized after five years shall revert back to the general fund and will be available for other social protection services to be identified by the local authority.

54. Incentives for disaster risk management for provinces, districts and local authorities

(1) The Minister, on the recommendation of the Working Party and in consultation with the Minister for the time being responsible for Finance, shall determine such fiscal, economic or social incentives as are necessary –

- (a) for promoting of disaster risk management; and
- (b) minimization of sudden, widespread or localised, natural or human-caused occurrence which causes or threatens to cause death, injury or disease or damage to property, infrastructure or the environment; or disruption of the life of a community.

55. Financial year of the Local Fund

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

PART VIII

COMMUNITY BASED DISASTER RISK MANAGEMENT

57. Interpretation in Part VIII

In this Part

“**Community**” means a community of persons who, according to customary law, fall under the jurisdiction of a chief;

“**Province**” means a province declared in terms of section 3 of the Provincial Councils and Administration Act [Chapter 29:11] ;

“**Ward assembly**” means assembly of all headmen, village heads and the councillor of the ward for every communal and resettlement ward of a rural district council area;

“**Village development committee**” means a village development committee appointed or formed under the Rural District Councils Act [Chapter 29:13];

“**Ward Disaster Risk Management Committee**” means a Ward Assembly

“**Ward Disaster Risk Manager**” means the Councillor appointed to chair the Ward Assembly in terms of the Rural District Councils’ Act

“**Village Disaster Risk Management Committee**” means a Village Assembly

“**Village Disaster Risk Manager**” means the village head appointed by the Minister under the Traditional Leader’s Act.

58. Ward Disaster Risk Management Committee

(1) There shall be established a Ward Disaster Risk Management Committee in each ward which shall be chaired by a Ward Disaster Risk Coordinator.

(2) The Ward Disaster Risk Management Committee shall consist of-

(a) Ward Development Committee;

(b) Chief who sits in this committee as an ex- official member;

- (c) Government officials and local authority officials operating at that level
- (d) Traditional leadership at that level

59. Functions of Ward Disaster Risk Management Committee

The Ward Disaster Risk Management Committee shall be responsible for the consolidation of village disaster risk management plans and priorities and representation at rural district council level.

60. Village Disaster Risk Management Committee

(1) There shall be established a Village Disaster Risk Management Committee in each village which shall be chaired by a Village Disaster Risk Coordinator.

(2) The Village Disaster Risk Management Committee shall consist of-

- (a) Village Development Committee;
- (c) Village population; and
- (d) Interest groups.

61. Functions of Village Disaster Risk Management Committee

The Village Disaster Risk Management Committee shall be responsible for:

(1) Giving advice and guidance for disaster risk management, preparedness and response to disasters.

(2) Facilitating the formulation of development plans in disaster risk management which provide for-

- (a) Identification of hazards and mainstreaming disaster risk management in all development plans;
- (b) Implementation and monitoring of plans to minimize vulnerability to natural, human-made or technological hazards;
- (c) Dissemination of information to the population and to the district stakeholders on disaster risk management specific to the community;
- (d) Providing feedback on threats of hazards;
- (e) Local resource mobilization for disaster risk management;

- (f) Awareness raising to relevant stakeholders on hazard profile of community;
- (g) Documentation of indigenous knowledge on early warning signs, local disaster risk management practices;
- (h) Documentation and sharing of lessons learnt;
- (i) Develop and ensure disaster risk management plans at village level, including effective communication system in preparedness for a response; and
- (j) Participation in all processes of disaster risk management including vulnerable groups such as children, the elderly, people with disability, people living with HIV, pregnant and lactating women.

PART IX

DISASTER RISK MANAGEMENT VOLUNTEERS

62. National Disaster Risk Management Volunteers

- (1) The Directorate of Disaster Risk Management shall establish guidelines on maintenance of registers of volunteers to participate in preparedness and response to major emergencies and disasters.
- (2) Any person that meets the prescribed minimum requirements may apply to enrol as a volunteer

PART X

GENERAL

66. Minister's directions to Principal Director

The Minister may at any time direct the Principal Director—

- (a) To evaluate from time to time the preparedness of provinces, districts, local authorities and communities in matters relating to disaster risk management and to report thereon to the Minister; and
- (b) To advise disaster risk management provinces, districts, local authorities and communities on matters relating to disaster risk management; and
- (c) In collaboration with the Provincial Disaster Risk Management Co-ordinator, District Disaster Risk Management Co-ordinator and Local Disaster Risk Management Co-ordinator concerned, to activate disaster risk management within any province, district, local authority and community; and to co-ordinate all activities connected with disaster risk management therein; and the Principal Director shall take all necessary steps to comply with any such direction.

67. Recovery of expenses incurred by State

- (1) The Minister may recover the whole or any part of any expenses incurred as a result of providing any disaster risk management for any person from such person by action in any court of competent jurisdiction.
- (2) In any action referred to in subsection (1), a certificate purporting to be signed by a disaster risk management co-ordinator and setting forth the amount of the expense which is sought to be recovered and the circumstances in which the expense was incurred shall, on its production by any person, be *prima facie* proof of the facts so stated.
- (3) In any proceedings for the recovery of an expense referred to in subsection (1), the court may reduce the amount awarded to the Minister in respect of the provision of any disaster risk management if, after taking into account—
 - (a) The necessity for the disaster risk management and the cost of providing it; and
 - (b) The extent to which the person for whom the disaster risk management was provided has been enriched as a result of such protection; and
 - (c) The ability of the person for whom the disaster risk management was provided to pay for it; the court considers that it is just to do so.

68. Indemnity

Without prejudice to any defence or limitation which may be available in terms of any law, but subject to sections 40 and 41, no claim shall be made and no set-off shall operate against—

- (a) The Minister;

- (b) A disaster risk management co-ordinator as defined in Part VI;
- (c) A volunteer; and
- (d) Members of the community involved in disaster risk management.

69. Reimbursement and indemnification of persons employed in disaster risk management

The Fund shall reimburse and indemnify, to such extent and in such manner as may be prescribed, every volunteer and other person employed in the Directorate for Disaster Risk Management established and maintained in terms of this Act for any reasonable expense or liability incurred by such volunteer or other person as a result of—

- (a) Carrying out any order or performing any disaster risk management in terms of this Act; or
- (b) Making available for the purposes of disaster risk management on any land or other property.

70. Disability benefits

(1) Any enactment relating to the payment of compensation on death of or injury to officers in the Public Service shall apply, *mutatis mutandis*, in relation to a volunteer or other person performing any duty in terms of this Act as though he were an officer in the Public Service.

(2) Any compensation payable in terms of subsection (1) shall be paid from the Consolidated Revenue Fund, which is hereby appropriated to the purpose.

71. Burials during disasters

Where the Minister, after consulting the Secretary of the Ministry responsible for health is satisfied that persons have died as a result of any disaster, he may, if he considers that it is necessary or expedient to do so, give directions and make such arrangements as he considers appropriate in respect of—

- (a) The removal, safe custody, examination, burial or cremation of the remains of the persons concerned;
- (b) The issue of certificates in respect of the deaths or causes of death of the persons concerned;
- (c) Any other related matters; and any such directions or arrangements shall be given effect to or shall have effect, as the case may be, notwithstanding any enactment to the contrary.

72. Regulations

(1) The Minister may, by regulation, provide for all matters which by this Act are required or permitted to be prescribed or which, in his or her opinion, are necessary or convenient to be provided for in order to give effect to this Act.

(2) Regulations made in terms of subsection (1) may prescribe penalties for contraventions thereof, but no such penalty shall exceed a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment.

73. Offences and Penalties

(1) A person is guilty of an offence if that person commits any of the following prohibited acts:

(a) Preventing the entry and distribution of relief goods in disaster-stricken areas, including appropriate technology, tools, equipment, accessories, disaster risk management teams/experts;

(b) Buying, for consumption or resale, from disaster relief agencies any relief goods, equipment or other aid commodities which are intended for distribution to disaster affected communities;

(c) Buying, for consumption or resale, from the recipient disaster affected persons any relief goods, equipment or other aid commodities received by them; or

(d) Selling of relief goods, equipment or other aid commodities which are intended for distribution to disaster victim.

(2) A person convicted of an offence referred to in subsection (1) shall be liable on conviction to a fine not exceeding level seven or to imprisonment not exceeding six months or to both such fine and imprisonment.

(3) A person is guilty of an offence if that person-

(a) Forcibly seizes relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;

(b) Tampers with or steals hazard monitoring and disaster preparedness equipment and paraphernalia.

(4) A person convicted of an offence referred to in subsection (3) shall be liable on conviction to a fine not exceeding level eight or to imprisonment not exceeding one year or to both such fine and imprisonment.

(5) A person is guilty of an offence if that person accepts, possesses, uses or disposes relief goods, equipment or other aid commodities not intended for nor consigned to him or her.

(6) A person convicted of an offence referred to in subsection (5) shall be liable on conviction to a fine not exceeding level four.

74. Repeal of Act 5 of 1989

(1) The Civil Protection Act [Chapter10:06] (Act No.5 of 1989) is hereby repealed.

FIRST SCHEDULE

HAZARDS

Natural Hazards

1. Hydro meteorological hazards
 - (a) Drought
 - (b) Floods
 - (c) Lightning, thunderstorms and hailstorms
 - (d) Cyclones and tropical depressions
 - (e) Freak weather conditions such as heat waves or unusual cold spells
 - (f) Frost and mist
2. Geological Hazards
 - (a) Earthquakes and meteorites
 - (b) Landslides, mudslides, rock fall, subsidence, surface collapse
3. Biological Hazards
 - (a) Epidemics
 - (b) Pandemics
 - (c) Zoonotics
 - (c) Armyworm, locusts and other pest infestation
 - (d) Other biological threat to well-being of human beings, wildlife, livestock, and plants,
4. Technological / Anthropogenic Hazards
 - (1) Industry -related hazards
 - (a) Hazardous substances and their resultant chemical spills, gas leaks and poisoning
 - (b) Toxic waste
 - (c) Radiation or nuclear fall out
 - (d) Fires and explosions
 - (e) Water, soil and air contamination
 - (2).Traffic accidents
 - (a) Road;
 - (b) Rail;
 - (c) Air; and

(d) Water.

(3) Electrical hazards

(4) Mining-related hazards

(a) Mine collapse;

(b) Explosions and fires;

(c) Water, air and soil contamination

5. Other human-made/ induced hazards

(a) Stampedes;

(b) Riots;

(c) Bomb threats;

(d) Terrorism;

(e) Mass hysteria;

(f) Structural collapse or failure of infrastructure;

(g) Food poisoning;

(h) Displacement of populations / forced migration;

(i) Scarcity of essential services or supplies;

(j) Fires;

(i) Landmines

6. Environmental degradation

(a) Deforestation

(b) Pollution

(c) land degradation

(d) desertification

(e) ozone depletion and climate change

SECOND SCHEDULE

MINISTRIES REPRESENTED IN CABINET COMMITTEE ON DISASTER RISK MANAGEMENT

Ministries for the time being responsible for the following areas:

Health

Environment

Finance

Immigration

Security

Local Government

Water

Mines

Energy

Information

Agriculture

Social Welfare

Meteorological services

Transport

Communications

Education primary and Tertiary,

Regional Integration

Radiation

Industry

Veterinary

Labor

Housing

Public construction

THIRD SCHEDULE

GOVERNMENT DEPARTMENTS, PARASTATALS AND OTHER STAKEHOLDERS REPRESENTED IN DISASTER RISK MANAGEMENT PLATFORMS

Physical Planning
Immigration
Veterinary Services
Agricultural extension Services
Social Welfare
Water
Disease control - health
Curative Services - health
Environmental Health - health
Nutrition Council
State Roads
Vehicle Inspection
Traffic Safety
Dam Safety
Information
Air Force
Zimbabwe National Army
Zimbabwe Republic Police, operations, sub aqua, traffic
Zimbabwe Prison Services
Civil Aviation Authority of Zimbabwe
District Development Fund (DDF)
Meteorological Services
Foreign Affairs

Regional Integration
Education primary and tertiary,
Chief Government Engineer's offices/ Mines Inspectorate
Housing
Public Construction
Tourism
Local Authority Forum Representatives
CMED
National Social Security Authority
Zimbabwe Revenue Authority (ZIMRA)
Environmental Management Agency (EMA)
Grain Marketing Board (GMB)
Surveyor General
Zimbabwe National Road Authority (ZINARA)
National AIDS Council (NAC)
Parks and Wildlife Management Authority
Radiation Authority of Zimbabwe
ZIMStats Agency
Consumer Council of Zimbabwe
Research Council of Zimbabwe
The Standards Association of Zimbabwe
National Railways
Mobile phone operators and PORTRAZ
Industry Representatives
Mining Industry Representatives
Agriculture Associations
Private hospital Representatives
Zimbabwe Red Cross and NGOs with a mandate in the subcommittees
Religious Representatives
UN Agencies
International/ local humanitarian and relief organizations