

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

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THE DISASTER MANAGEMENT ACT, 2015

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THE UNITED REPUBLIC OF TANZANIA



NO.7 OF 2015

I ASSENT,
JAKAYA MRISHO KIKWETE
President
11th May, 2015

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

[.....]

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title and
commencement

1. This Act may be cited as the Disaster Management Act, 2015 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act, unless the context requires otherwise-

“Agency” means the Tanzania Disaster Management Agency established under section 4;

“authorised person” means any person authorised to undertake any activities as may be authorized by the Agency;

“Council” means the Tanzania Disaster Management Council established under section 7;

“Director-General” means the Director General of the Agency appointed under section 9 of the Act;

“disaster” means an occurrence or series of occurrences, whether natural or man-made calamity that causes or poses a significant disruption or threat to the disruption of the functioning of a community or caused widespread human, material, economic or environmental loss or impact which exceed the capacity of that community to cope with the disaster using its own resources;

“disaster area” means an area declared as a disaster area under this Act;

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

- (a) preventing the danger or threat of a disaster;
- (b) mitigating the severity or consequences of a disaster;
- (c) creating or enhancing disaster preparedness;
- (d) creating rapid and effective response to disaster; and

-
- (e) creating or enhancing mechanisms for post disaster recovery and rehabilitation;
- “disaster preparedness” means the state of readiness to deal with a threatening disaster situation, disaster and the effects thereof;
- “disaster prevention” means any measures designed to eliminate or prevent a natural or human adverse phenomenon from causing or resulting in a disaster;
- “disaster recovery” means measures to help restore the livelihoods, assets and production levels of emergency affected communities; to re-build essential infrastructure, productive capacities, institutions and services destroyed or rendered non-operational by a disaster and to help bring about sustainable development by facilitating necessary adjustments to the changes caused by the disaster or improving on the status quo;
- “disaster response” means any measure taken immediately prior to or following a disaster impact that is directed towards saving life, protecting property and the environment or dealing with the immediate damage and other effects caused by the disaster;
- “disaster risk reduction” means measures taken to reduce the probability of harmful consequences of disaster such as deaths, injuries, expected loss of property, livelihoods, disruption of economic activity or environmental damage resulting from interaction between natural or man-made hazards and vulnerable conditions;
- “District Committee” means District Disaster Management Committee established under this Act;

- “hazard” means a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and service, social and economic disruption or environmental damage;
- “Minister” means Minister responsible for disaster management;
- “mitigation” means measures aimed at reducing the risk, impact or effects of a disaster;
- “National Disaster Management Plan” means a plan which defines actions to be taken in dealing with a disaster, risk reduction and management;
- “natural disaster” means a disaster arising from the interaction of natural phenomena without the help or plan by man, and includes such occurrences as earthquakes, hurricanes, floods, droughts, fires or epidemics;
- “Platform” means the National Disaster Management Platform established under this Act.
- “Regional Committee” means the Regional Disaster Management Committee established under this Act;
- “Village Committee” means the Village Disaster Management Committee established under this Act;
- “vulnerability” means the degree to which the population is likely to be impacted or damaged by a disaster;
- “Ward Committee” means a Ward Disaster Management Committee established under this Act.

PART II
THE DISASTER MANAGEMENT AGENCY

Establishment of
the Agency

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

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

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

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

Cap. 5

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

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

Functions
of the
Agency

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

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

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

Powers of
the Agency

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

- (a) order evacuation of people from disaster areas or disaster prone areas;

- (b) suspend or limit sale, dispensing or transportation of alcohol, beverages, firearms, explosives, or such other products which it deems inappropriate in disaster areas; and
- (c) access and utilize available resources of Government including warehouses, equipment and such other facilities as may be reasonably necessary for emergency operations.

(2) The Agency shall exercise powers required to bring about compliance with any directive issued under its authority and take or cause to be taken such measures including bringing action in a court of law or tribunal.

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

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

Tanzania Disaster
Management
Council

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

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

- (a) Permanent Secretary in the Ministry responsible for disaster management who shall be the Chairman;
 - (b) Permanent Secretary from the Ministry responsible for Defense and National Services who shall be the Vice-Chairman;
 - (c) Deputy Attorney-General;
 - (d) Permanent Secretary from the Ministry responsible for regional and local Government Authorities;
 - (e) Permanent Secretary from the Ministry responsible for finance;
 - (f) Permanent Secretary from the Ministry responsible for health and social welfare;
 - (g) Permanent Secretary from the Ministry responsible for communications;
 - (h) Permanent Secretary from the Ministry responsible for Environment
 - (i) Permanent Secretary from the Ministry responsible for agriculture;
 - (j) Permanent Secretary of the Ministry responsible for waters;
 - (k) Permanent Secretary of the Ministry responsible for home affairs;
 - (l) The Permanent Secretary from the Ministry responsible for Geology; and
 - (m) The Director-General of the Tanzania Meteorological Agency.
- (3) The Director-General of the Agency shall be the Secretary to the Council.
- (4) The Council may co-opt any person during its meeting as the Council may consider necessary.

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

Functions of
Council

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

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

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

PART III ADMINISTRATION OF THE AGENCY

Director General

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

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

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

Powers of the
Director General

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

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

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

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

Directorates and
staff of the
Agency

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

Cap. 298

(2) The Agency may, with the approval of the Council and in accordance with the Public Service Act, appoint or employ such number of officers and other staff as may be necessary for the proper and efficient discharge of its functions under this Act.

Directories and
inventory

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

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

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

Regional disaster
management
committees
Cap.97

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

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

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

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

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

Functions of
Regional
Committee

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

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

District
committees

Caps. 287 and
288

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

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

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

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

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

Functions of
District
committees

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

Powers of
Regional and
District
Committees

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

Ward committees

Caps. 287

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

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

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

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

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

Functions of
ward committees

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

- (a) oversee and coordinate disaster risk management and emergency operations at ward level;

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

Village
committees

Caps. 287 and
288

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

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

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

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

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

Functions of
Village
committees

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

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

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

Reporting of
disaster
management
activities

22.-(1) Regional Disaster Management Committees and District Disaster Management Committees shall, on quarterly basis or where so directed, prepare and submit to their respective Security Committees comprehensive reports on the implementation disaster risk reduction and management in their jurisdiction.

(2) The Minister may make regulations prescribing the manner of preparing and submitting reports of implementations of disaster risk reduction and management at the level of village and ward Disaster Management Committees.

(3) For the purpose of this section, the term “Security Committees” means the Regional Security Committees and District Security Committees established under the National Security Council Act.

Committees
management
Guidelines

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

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

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

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

Regulation of
affairs of disaster
committees

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

PART IV CIVIL PROTECTION MEASURES

Civil protection
measures

25.-(1) The Agency shall put in place civil protection measures for local government authorities Government entities and multi-sectoral entities engaged in disaster management.

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

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

General
obligation

26.-(1) Every person shall be under general obligation to:

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

PART V

OPERATIONS DURING DISASTER AND STATE OF EMERGENCY

(a) Operations during disaster

Declaration of
disaster area

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

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

(b) State of Emergency

Emergency
situations
aggregating to
a disaster

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

(2) Where, upon satisfaction by the Minister that the emergency disaster warrants proclamation of state of emergency, the Minister shall, in accordance with the procedure provided for under section 4 of the Emergency Powers Act, inform the President of the occurrence of events and circumstances which may necessitate or lead to the declaration of a state of emergency in that area or locality.

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

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

PART VI

NATIONAL DISASTER MANAGEMENT PLAN

National
Disaster
Management
Plan

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

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

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

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

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

PART VII
DISASTER MANAGEMENT FUND

National
Disaster
Management
Fund

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

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

- (a) voluntary contribution to the fund by any person or organisation;
- (b) any monies made by way of donations or grants from within and outside the United Republic;
- (c) any monies accrued by way of sale of donated items; and
- (d) proceeds from fund-raising.

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

(4) The funds shall be used for-

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

Management
of collections
and donations

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

(2) Where, in response to an appeal by the Agency, an individual or organisation collecting property or raise funds shall be required to submit a report to the Agency detailing properties collected and funds raised and the

manner in which such properties and funds were distributed to disaster affected community.

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

PART VIII FINANCIAL PROVISIONS

Sources of
funds

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

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

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

Annual report
and accounts

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

(2) The Director General shall, at the end of each

financial year, prepare an annual implementation report on the activities undertaken by the Agency and submit to the Minister, after approval by the Council .

(3) The Director General shall, ensure that the annual financial statements are prepared and audited within three months after the end of financial year.

(4) The financial statements shall include-

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

Submission of
annual report

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

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

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

Management and
control of funds

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

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

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

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

(4) The Agency expenditure shall be subject to monitoring and review.

Annual and
supplementary
budgets

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

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

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

Operational
principles

37.-(1) The Agency shall-

- (a) open and operate all sets of books of accounts, ledgers, journal, and other subsidiary books of accounts, in accordance with its accounting manual; and
- (b) review and change its documentation in order to facilitate the proper keeping of books of account as may be directed by the relevant authorities.

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

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

Powers to invest

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

PART XI OFFENCES AND PENALTIES

Offences and
penalties

39. A person who-

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

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

Offences by body
corporate

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

PART X MISCELLANEOUS PROVISIONS

National Disaster
Management
Platform

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

(2) The Platform shall consist of:

- (a) the Director General who shall be the Chairman;
- (b) heads of departments responsible for disaster management from the-
 - (i) Ministry responsible for agriculture and food security;
 - (ii) Ministry responsible for home affairs;
 - (iii) Ministry responsible for finance;
 - (iv) Ministry responsible for local government authorities;
 - (v) Ministry responsible for health and social welfare;
 - (vi) Ministry responsible for environment;

-
- (vii) Ministry responsible for energy and minerals;
 - (viii) Ministry responsible for foreign affairs;
 - (ix) Ministry responsible for communications;
 - (x) Ministry responsible for lands and housing;
 - (xi) Ministry responsible for transport;
 - (xii) the Ministry responsible for women, gender and children;
 - (xiii) the Ministry responsible for home affairs;
 - (xiv) the Ministry responsible for tourism and natural resources; and
 - (xv) Ministry responsible for matters relating to atomic energy;
 - (c) heads of the following institutions-
 - (i) the Tanzania Communication Regulatory Authority;
 - (ii) the Fire and Rescue Force;
 - (iii) the National Food Reserve Agency;
 - (iv) the National Environmental Management Council;
 - (v) the Tanzania Food and Nutrition Centre;
 - (vi) the Geological Survey of Tanzania; and
 - (vii) the Tanzania Food and Drugs Authority;
 - (d) a representative of the Tanzania Meteorological Agency;
 - (e) four persons representing recognized higher learning institutions;

- (f) a representative of the Tanzania Peoples Defence Forces;
- (g) a representative of the institution responsible for National Planning;
- (h) three representatives from an umbrella organ of civil society organizations;
- (i) representative from the Red Cross Tanzania;
- (j) two representative of an umbrella international organizations;
- (k) a representative of private organization engaged in disaster management;
- (l) a representative of organizations engaged in the provisions of humanitarian services;
- (m) a representative of media service providers; and
- (n) three representatives from religious organizations.

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

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

(5) The Platform may regulate its own proceedings.

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

Protection from
liability

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

execution of any duty as an employee of Agency.

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

(a) performing any disaster response service in terms of this Act; and

(b) making available for the purposes of a disaster, any land or other property.

Regulations

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

Repeal and savings
of Cap 242

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

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

SCHEDULE

(Made under section 7(5))

PROCEDURE AT MEETING OF THE COUNCIL AND OTHER MATTERS

- | | |
|--------------------------|--|
| Meetings of Council | <p>1.-(1) The Council shall meet for the transaction of its business at the times and at places determined by it, by the Council.</p> <p>(2) Ordinary meetings of the Council shall be once in every three months.</p> <p>(3) The Chairman or in his absence, the Vice-Chairman may at any time call a special meeting of the Council, upon a written request by a majority of the members in the Council.</p> <p>(4) The Chairman or in his absence, the Vice- Chairman shall preside at every meeting.</p> <p>(5) The Chairman or in his absence, the Vice-Chairman may invite any person who is not a member to attend any meeting of the Committee provided that such person shall not be entitled to vote.</p> |
| Quorum | <p>2. The quorum at any meeting of the Council shall be half of the members of the Council.</p> |
| Decisions of the Council | <p>3.-(1) Questions proposed at a meeting of the Council shall be decided by a majority of votes of members present and voting and in the event of equality of votes, the person presiding shall have casting vote.</p> <p>(2) Notwithstanding subparagraph (1), a decision may be made by the Council without a meeting by circulation of the relevant papers among the members, and the expression in writing of the views of the majority of the members.</p> |
| Minutes of meetings | <p>4.-(1) The Council shall cause minutes of the meetings to be recorded and kept and the minutes of each meeting of the Council shall be shared or amended and approved at the next meeting of the Council and signed by the person presiding at the meeting.</p> <p>(2) Any minutes purporting to be signed by the person presiding at a meeting of the Council shall, in the absence of proof of error, be deemed to be the correct record of the meeting.</p> |

Vacancies not
to invalidate
proceedings

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

Orders,
directions,
notices or
documents

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

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

Seal of the
Council

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

Council may
regulate
proceedings

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

Passed in the National Assembly on the 26th March, 2015

THOMAS D. KASHILILAH
Clerk of the National Assembly

SHERIA YA USIMAMIZI WA MAAFA, 2015

MPANGILIO WA VIFUNGU

SEHEMU YA KWANZA
MASHARTI YA **UTANGULIZI**

Kifungu *Kichwa cha habari*

1. Jina na tarehe ya kuanza kutumika.
2. Matumizi.
3. Tafsiri.

SEHEMU YA PILI
WAKALA WA USIMAMIZI WA MAAFA

4. Uanzishwaji wa Wakala.
5. Kazi za Wakala.
6. Mamlaka ya Wakala.
7. Baraza la Usimamizi wa Maafa Tanzania.
8. Kazi za Baraza.

SEHEMU YA TATU
USIMAMIZI WA WAKALA

9. Mkurugenzi Mkuu.
10. Mamlaka ya Mkurugenzi Mkuu.
11. Kurugenzi na Watumishi wa Wakala.
12. Kitabu cha Orodha na Vifaa.
13. Kamati za Mikoa za Usimamizi wa Maafa.
14. Kazi za Kamati ya Mkoa.
15. Kamati za Wilaya.
16. Kazi za Kamati za Wilaya.
17. Mamlaka ya Kamati za Mikoa na Wilaya.
18. Kamati za Kata.
19. Kazi za Kamati za Kata.
20. Kamati za vijiji.
21. Kazi za Kamati za vijiji.
22. Utoaji wa taarifa za shughuli za usimamizi wa maafa
23. Miongozo ya kamati za maafa.
24. Kanuni za shughuli za kamati za maafa.

SEHEMU YA NNE
UTARATIBU WA KULINDA RAIA

- 25. Utaratibu wa kulinda raia.
- 26. Wajibu wa jumla.

SEHEMU YA TANO
OPARESHENI WAKATI WA MAAFA NA HALI YA HATARI

- 27. Kutangaza eneo la maafa.
- 28. Hali ya dharura inayopelekea kusababisha maafa.

SEHEMU YA SITA
MPANGO WA TAIFA WA USIMAMIZI WA MAAFA

- 29. Mpango wa Taifa wa Usimamizi wa Maafa.

SEHEMU YA SABA
MFUKO WA USIMAMIZI WA MAAFA

- 30. Mfuko wa Taifa wa Usimamizi wa Maafa.
- 31. Usimamizi wa michango na misaada.

SEHEMU YA NANE
MASHARTI YA FEDHA

- 32. Vyanzo vya fedha
- 33. Taarifa ya mwaka ya mahesabu.
- 34. Uwasilishaji wa taarifa ya mwaka.
- 35. Usimamizi na udhibiti wa fedha.
- 36. Bajeti ya mwaka na ya nyongeza.
- 37. Kanuni za uendeshaji.
- 38. Uwezo wa kuwekeza.

SEHEMU YA TISA
MAKOSA NA ADHABU

- 39. Makosa na adhabu.
- 40. Makosa yanayofanyika na kampuni.

SEHEMU YA KUMI
MASHARTI MENGINEYO

- 41. Jukwaa la Taifa la Usimamizi wa Maafa.
- 42. Kinga dhidi ya mashtaka.
- 43. Kanuni.
- 44. Kufuta na kubakiza Sura.

—
JEDWALI
—

JAMHURI YA MUUNGANO WA TANZANIA



NA.7 YA 2015

NAKUBALI,

JAKAYA MRISHO KIKWETE

Rais

11 Mei, 2015

Sheria kwa ajili ya kuanzishwa kwa Wakala wa Usimamizi wa Maafa; usimamizi wa athari za maafa; mfumo wa uratibu wa kuzuia maafa, kupunguza maafa, utayari, muitikio na uokoaji na usimamizi wa Mfuko wa Usimamizi wa Maafa na mambo kuhusiana na hayo.

[.....]

IMETUNGWA na Bunge la Jamhuri ya Muungano wa Tanzania.

SEHEMU YA KWANZA

MASHARTI YA UTANGULIZI

Jina na tarehe
ya kuanza
kutumika

1. Sheria hii itaitwa Sheria ya Usimamizi wa Maafa ya mwaka, 2015 na itaanza kutumika katika tarehe ambayo Waziri atateua kupitia Tanguzo la Serikali litakalochapishwa kwenye *Gazeti la Serikali*.

Matumizi
Tafsiri

2. Sheria hii itatumika Tanzania Bara.

3. Katika sheria hii, isipokuwa kama muktadha utahitaji vinginevyo:

“Wakala” maana yake ni Wakala wa Usimamizi wa Maafa Tanzania unaoanzishwa chini ya kifungu cha 4;

“afisa muidhiniwa” maana yake ni mtu yeyote aliyeidhinishwa kutekeleza shughuli yeyote kama atakavyoelekezwa na Wakala;

- “Baraza” maana yake ni Baraza la Usimamizi wa Maafa Tanzania linaloanzishwa chini ya kifungu cha 7;
- “Mkurugenzi Mkuu” maana yake ni Mkurugenzi Mkuu wa Wakala anayeteuliwa chini ya kifungu cha 9 cha Sheria hii;
- “maafa” maana yake ni tukio au mfululizo wa matukio, ama ya asili au yanayosababishwa na shughuli za binadamu, yanayosababisha au kutishia kuathiri ama kuharibu mfumo wa jamii, na kusababisha madhara ya kibinadamu, kiuchumi au mazingira ambayo jamii iliyoathirika haiwezi kukabili kwa kutumia rasilimali zake;
- “eneo la maafa” maana yake ni eneo lililotangazwa kuwa eneo la maafa chini ya Sheria hii;
- “Usimamizi wa maafa” maana yake ni mchakato endelevu unaoshirikishi sekta mbalimbali katika kupanga na kutekelezaji mikakati inayolenga-
- (a) kuzuia hatari au tishio la maafa;
 - (b) kupunguza kiwango cha athari au matokeo ya maafa;
 - (c) kuanzisha au kuimarisha juhudi za kujiandaa dhidi ya maafa;
 - (d) kuanzisha njia za haraka na ufanisi za kukabiliana na maafa;
 - (e) kuanzisha au kuimarisha njia za kurejesha hali baada ya maafa.
- “kujiandaa na maafa” maana yake ni hali ya kuwa tayari kukabiliana na tishio la hali ya maafa, maafa na athari zake;
- “uzuiaji wa maafa” maana yake ni hatua zinazochukuliwa kuondoa au kuzuia matukio ya kibinadamu au ya asili yasisababishe kutokea kwa maafa;
- “kurejesha hali baada ya maafa” maana yake ni hatua zinazosaidia kurejesha hali ya mfumo wa maisha, mali na kiwango cha uzalishaji cha jamii zilizoathirika, kurejesha miundombinu muhimu, uwezo wa uzalishaji, taasisi na huduma zilizoharibiwa au kuonekana kutokufanya kazi kutokana na maafa na kusaidia kuleta maendeleo endelevu kwa kufanya marekebisho muhimu kwa mabadiliko yaliyosababishwa na maafa au kuboresha na kurudisha katika hali ya kawaida;
- “kukabiliana na maafa” maana yake ni hatua yoyote inayochukuliwa muda mfupi kabla au mara tu baada ya maafa inayochukuliwa kuokoa maisha, kulinda mali na mazingira au kushughulikia uharibifu uliotokea na madhara mengine yaliyosababishwa na maafa;

- “upunguzaji wa athari za maafa” maana yake ni hatua zinazochukuliwa kupunguza uwezekano wa matokeo yenye athari ya maafa kama vile vifo, majeruhi, uwezekano wa upotevu wa mali, mfumo wa maisha, kuathirika kwa shughuli za kiuchumi au uharibifu wa mazingira unaotokana na mwingiliano wa majanga ya asili au ya kibinadamu na mazingira hatarishi;
- “Kamati ya Wilaya” maana yake ni Kamati ya Wilaya ya Usimamizi wa Maafa iliyoanzishwa chini ya Sheria hii;
- “hatarishi” maana yake ni hali ya tukio la hatari, kitu au shughuli ya kibinadamu au hali ambayo inaweza kusababisha upotevu wa maisha, athari au madhara ya kiafya, uharibifu wa mali, upotevu wa riziki za maisha ya watu na huduma, na uharibifu wa kijamii na kiuchumi;
- “Waziri” maana yake ni Waziri mwenye dhamana ya Usimamizi wa maafa;
- “kupunguza” maana yake ni hatua zinazoelekezwa kupunguza athari au madhara ya maafa;
- “Mpango wa Taifa wa Usimamizi wa Maafa” maana yake ni mpango ambao unaelezea hatua zitakazochukuliwa katika kushughulikia maafa, kupunguza hatari na Usimamizi wa maafa;
- “maafa ya asilia” maana yake ni maafa yanayotokana na mwingiliano wa matukio ya asili bila kusababishwa na binadamu na inajumuisha matukio kama vile, tetemeko, kimbunga, mafuriko, ukame, moto au magonjwa ya mlipuko;
- “Jukwaa” maana yake ni Jukwaa la Taifa la Usimamizi wa Maafa lililoanzishwa chini ya Sheria hii;
- “Kamati ya Mkoa” maana yake ni Kamati ya Mkoa ya Usimamizi wa Maafa iliyoanzishwa chini ya Sheria hii;
- “Kamati ya Kijiji” maana yake Kamati ya Kijiji ya Usimamizi wa Maafa iliyoanzishwa chini ya Sheria hii;
- “uwezekano wa kuathirika” maana yake ni kiwango cha uwezekano wa watu kupatwa au kuathirika na maafa.
- “Kamati ya Kata” maana yake ni Kamati ya Usimamizi wa Maafa ya Kata iliyoanzishwa chini ya Sheria hii;

SEHEMU YA PILI

WAKALA WA USIMAMIZI WA MAAFA

4.-(1) Unaanzishwa wakala ambao utajulikana kama Wakala wa Usimamizi wa Maafa Tanzania.

(2) Wakala utakuwa ni kampuni hodhi, na kwa jina lake hodhi utakuwa na uwezo wa-

- (a) kushtaki na kushtakiwa;
- (b) kuingia katika mikataba, makubaliano, waraka wa makubaliano, hati na kutekeleza mipangilio mingine;
- (c) kumiliki mali inayohamishika na isiyohamishika; na
- (d) kuwa na muhuri wake.

(3) Mwanasheria Mkuu atakuwa na haki ya kuingilia kati shauri lolote au jambo lolote lililofunguliwa na au dhidi ya Wakala.

Sura ya 5

(4) Endapo, Mwanasheria Mkuu ataingilia kati shauri lolote, masharti ya Sheria ya Mwenendo wa Mashauri ya Serikali yatatumika, katika shauri au jambo hilo kama kwamba yamefunguliwa na au dhidi ya Serikali.

(5) Kwa madhumuni ya kifungu cha (3) na (4), Wakala utakuwa na wajibu wa kumfahamisha Mwanasheria Mkuu kuhusu shauri lolote ambalo liko mahakamani au kusudio la kufungua shauri au kupeleka suala kwa au dhidi ya Wakala.

Kazi za
Wakala

5.-(1) Wakala utakuwa ni kitovu cha taifa cha kuratibu upunguzaji wa hatari na Usimamizi wa maafa.

(2) Katika utekelezaji wa majukumu yake kwa mujibu masharti ya kifungu kidogo cha (1), Wakala-

- (a) utaandaa sera na mipango kuhusu shughuli zote zinazohusiana na usimamizi wa maafa Tanzania Bara;
- (b) utakuwa kituo kikuu cha kupanga, taasisi ya uratibu na ufuatiliaji katika kuzuia, kupunguza, kujiandaa, kukabilia na kurejesha hali kwa kuzingatia hatari zote za maafa zinazoweza kujitokeza;
- (c) utaratibu na kufuatilia wizara, sekta mbalimbali na kamati za kitaalam zenye dhamana ya Usimamizi wa maafa katika ngazi zote;
- (d) utaunda Kituo cha Dharura cha Usimamizi wa Maafa;
- (e) utaunda mfumo wa tahadhari ya awali utakaojumuisha sekta zote na kuwa kiungo kati ya asasi mbalimbali zinatoa huduma ya tahadhari;
- (f) utaendeleza elimu, maarifa na utumiaji wa teknolojia ya habari na mawasiliano katika Usimamizi wa maafa kwa ajili ya kutoa elimu kwa umma;

- (g) kutafuta rasilimali kwa ajili ya Usimamizi wa shughuli za maafa; na
- (h) kuhitaji kutoka taasisi yoyote, idara, mamlaka, mtu au watu, kuwasilisha taarifa inayohitajika kwa ajili ya shughuli za Usimamizi wa maafa kama Mkurugenzi atakavyoelekeza.

Mamlaka ya
wakala

6.-(1) Kwa madhumuni ya kutekeleza majukumu yake, Wakala utakuwa na mamlaka ya-

- (a) kuamuru watu kuondoka katika meneo ya maafa au maeneo hatarishi;
- (b) kusimamisha au kuzuia uuzaji wa vileo, vinywaji, silaha, milipuko, au vitu vingine ambayo vitaonekana havipaswi kuwa kwenye maeneo ya maafa; na
- (c) kuchukua na kutumia rasilimali za Serikali ikijumuisha maghala, vifaa na nyenzo nyingine kama itaonekana ni muhimu kwa shughuli za dharura.

(2) Wakala utatekeleza mamlaka yanayohitajika ili kuhakikisha utekelezaji wa maelekezo yoyote yaliyotolewa chini ya mamlaka yake na kuchukua au kusababisha kuchukuliwa kwa hatua hizo ikijumuisha kupeleka shauri mahakamani au kwenye baraza.

(3) Wakala unaweza, baada ya kutoa taarifa kwa muda unaoridhisha ya kusudio lake la kuchukua hatua hizo, kuelekeza taasisi, idara, mamlaka, mtu au watu, kutekeleza, ndani ya muda utakaopangwa na kwa namna kama utakavyoelekeza, kazi yoyote au nyingine iliyowekwa na au chini ya Sheria hii au Sheria nyingine yoyote kuhusiana na usimamizi na utekelezaji wa Sheria.

(4) Endapo itatokea kushindwa kutekeleza maelekezo hayo, Wakala unaweza kufanya au kusababisha kufanyika kazi zinazotakiwa na gharama zitakazotumika zitarudishwa na Wakala kutoka kwenye taasisi, idara, mamlaka, mtu au watu hao kwa njia ya madai.

Baraza la
Usimamizi
wa Maafa
Tanzania

7.-(1) Kutakuwa na Baraza la Usimamizi wa Maafa Tanzania.

(2) Baraza litaundwa na wajumbe wafuatao-

- (a) Katibu Mkuu Wizara yenye dhamana ya Usimamizi wa maafa ambaye atakuwa Mwenyekiti;

- (b) Katibu Mkuu Wizara yenye dhamana ya Ulinzi na Jeshi la Kujenga Taifa ambaye atakuwa Makamu wa Mwenyekiti;
- (c) Naibu Mwanasheria Mkuu wa Serikali;
- (d) Katibu Mkuu Wizara yenye dhamana ya mamlaka ya tawala za mikoa na Serikali za Mitaa;
- (e) Katibu Mkuu Wizara yenye dhamana ya fedha;
- (f) Katibu Mkuu Wizara yenye dhamana ya afya na ustawi wa jamii;
- (g) Katibu Mkuu Wizara yenye dhamana ya mawasiliano;
- (h) Katibu Mkuu Wizara yenye dhamana ya Mazingira;
- (i) Katibu Mkuu Wizara yenye dhamana ya Kilimo;
- (j) Katibu Mkuu Wizara yenye dhamana ya Maji;
- (k) Katibu Mkuu Wizara yenye dhamana ya mambo ya ndani ya nchi;
- (l) Katibu Mkuu Wizara yenye dhamana ya mambo ya jiolojia; na
- (m)Mkurugenzi Mkuu WA Wakala wa Hali ya Hewa Tanzania.

(3) Mkurugenzi Mkuu wa Wakala atakuwa Katibu wa Baraza.

(4) Baraza linaweza kumualika mtu yeyote wakati wa Mkutano wake kadiri litakavyoona inafaa.

(5) Masharti ya Jedwali la Sheria hii yatahusu shughuli za Baraza na mambo mengine yanayohusiana nalo.

Kazi za
Baraza

8.-(1) Baraza litasimamia shughuli za Wakala.

(2) Katika utekelezaji wa majukumu yake, Baraza litakuwa na jukumu la-

- (a) kuhakikisha kwamba upunguzaji wa athari za maafa unajumuishwa katika taasisi stahiki za Serikali, sera za maendeleo, mikakati, program na mipango katika ngazi ya taifa, mkoa na mtaa;
- (b) kutoa msaada katika utafutaji wa rasilimali ili kuwa na ufanisi katika kupunguza athari za maafa;
- (c) kuhamasisha uandaaji wa mikakati ya kitaifaya upashaji wa taarifa na maarifa na uanzishaji wa mitandao ya wadau ya Usimamizi wa athari za maafa;
- (d) kupitia na kuboresha sera za Usimamizi wa maafa; na

(e) kumshauri Waziri kuhusiana na Usimamizi wa maafa na mambo yote yanayohusiana.

SEHEMU YA TATU
USIMAMIZI WA WAKALA

Mkurugenzi
Mkuu

9.-(1) Kutakuwa na Mkurugenzi Mkuu wa Wakala ambaye atateuliwa na Rais kutoka miongoni mwa watumishi wa umma wenye sifa husika.

(2) Mkurugenzi Mkuu atakuwa madarakani kwa kipindi cha miaka mitano na anaweza kuteuliwa tena.

(3) Mkurugenzi Mkuu atakuwa Mtendaji Mkuu na Afisa Masuhuli wa Wakala na atawajibika kwa Baraza.

Mamlaka ya
Mkurugenzi
Mkuu

10.-(1) Mkurugenzi Mkuu, anaweza, wakati wa hali ya hatari na baada ya kushauriana na Mwenyekiti wa Baraza kutoa maelekezo au amri ambayo ni muhimu katika kushughulikia jambo husika.

(2) Mkurugenzi Mkuu baada ya kushauriana na Mwenyekiti-

(a) atamfahamisha Waziri kuhusu hatua za dharura zilizochukuliwa ili kukabili hali iliyotokea;

(b) atashauri atashauri kifanyike kikao cha dharura cha Baraza ili kutoa maamuzi kuhusu hali iliyotokea.

Kurugenzi na
watumishi
wa Wakala

11.-(1) Wakala kwa idhini ya Mamlaka husika, unaweza kuanzisha kurugenzi, vitengo kwa kwa kuzingatia umuhimu kwa ajili ya utekelezaji wa kazi za Wakala.

Sura ya 298

(2) Wakala, kwa idhini ya Baraza na kwa mujibu wa Sheira ya Utumishi wa Umma, utateua au kuajiri idadi ya maofisa kadiri itakavyolazimu kwa ajili ya utekelezaji mzuri wa kazi chini ya sheria hii.

Kitabu cha
orodha na
vifaa

12.-(1) Mkurugenzi Mkuu atanzisha na kutunza kitabu cha orodha ya vitu kwa ajili ya misaada ya kibinadamu na miundombinu muhimukwa ajili ya shughuli za operesheni za maafa.

(2) Kitabu au orodha iliyoandaliwa na Wakala itakuwa ni nyaraka rasmi ya kiofisi kwa matumizi ya Wakala, na Wakala unaweza ukashirikisha taarifa zilizomo katika kitabu au orodha kwa mtu mwingine yeyote, idara au taasisi kama atakavyoona inafaa.

(3) “Miundombinu muhimu” kama ilivyotumika katika kifungu kidogo cha (1), maana yake ni michakato, mifumo, nyenzo, teknolojia, mitandao, rasilimali na huduma muhimu za afya, usalama, ulinzi au ustawi wa kiuchumi na ufanisi wa utekelezaji wa kazi za Serikali au jamii.

Kamati ya
Mkoa ya
Usimamizi
wa Maafa.
Sura ya 97

13.-(1) Sekretarieti ya Mkoa iliyoanishwa chini ya Sheria ya Tawala za Mikoa, itakuwa Kamati ya Mkoa ya Usimamizi wa Maafa katika mamlaka ya mipaka yake.

(2) Bila ya kuathiri masharti ya kifungu kidogo cha (1) na kifungu cha 10(2) cha Sheria ya Tawala za Mikoa, Kamati ya Mkoa pamoja na Wajumbe wa Sekretarieti ya Mkoa ikiwajumuisha wajumbe wafuatao waliochaguliwa na Katibu Tawala wa Mkoa-

- (a) mratibu wa Usimamizi wa maafa wa mkoa ,
- (b) mwakilishi kutoka jumuiya ya asasi zisizo za serikali za mkoa;
- (c) wawakilishi wawili kutoka sekta binafsi ndani ya mkoa;
- (d) mwakilishi wa Mkoa wa Chama cha Msalaba Mwekundu na asasi nyingine za kibinadamu na za kujitolela;
- (e) wawakilishi watatu kutoka taasisi za dini; na
- (f) watu wawili mashuhuri.

(3) Bila ya kujali masharti ya kifungu kidogo cha (2), kamati ya Mkoa inaweza, muwalika mtu yeyote ambaye si mjumbe wa kamati kushiriki katika kikao cha maamuzi kamati.

(4) Mratibu wa Usimamizi wa Maafa wa Mkoa, kwa madhumuni ya kifungu hiki, atakuwa Katibu wa Kamati ya Mkoa.

Kazi za
Kamati ya
Mkoa

14. Kazi za Kamati ya Mkoa zitakuwa-

- (a) kumshauri Mkuu wa Mkoa kuhusu masuala ya Usimamizi wa maafa na shughuli zinazofanywa mkoani na mambo mengine yoyote yatakayoletwa na Mkuu ya Mkoa;
- (b) kuangalia na kuratibu shughuli za upungazaji na Usimamizi wa athari za maafa na shughuli za dharura miongoni mwa taasisi za kissekta za Serikali, Serikali za mitaa, jamii na wadau wengine wanaojihusisha katika upunguzaji na Usimamizi wa athari za maafa;

- (c) kutafuta rasilimali kwa ajili ya Usimamizi wa maafa katika mikoa yao;
- (d) kufungamanisha mfumo wa tahadhari ya awali katika Mkoa na kuwezesha uanzishaji wa mfumo wa takwimu na taarifa za maafa za mkoa kwa kushirikiana na Wakala; na
- (e) kuratibu mipango ya Wilaya ya Usimamizi wa maafa iliyowasilishwa na Kamati ya Wilaya.

Kamati za
Wilaya

15.-(1) Kamati ya Usimamizi wa Halmashauri iliyoanzishwa chini ya Sheria ya Serikali za Mitaa (Mamlaka ya Miji) na Sheria ya Serikali ya Mtaa (Mamlaka za Wilaya) kwa madhumuni ya Sheria hii, zitakuwa Kamati za Wilaya za Usimamizi wa Maafa katika mamlaka ya Wilaya husika.

(2) Bila ya kuathiri kifungu akidogo cha (1) na masharti ya Sheria ya Serikali za Mitaa (Mamlaka za Miji) na Sheria ya Serikali ya Mtaa (Mamlaka za Wilaya) kuhusu kuanzishwa wa Usimamizi wa Halmashauri, Kamati za Wilaya zitajumuisha wajumbe wa Kamati ya Usimamizi wa Halmashauri pamoja na wajumbe walioteuliwa na Mkurugenzi Mtendaji wafuatao-

- (a) mratibu wa Usimamizi wa maafa wa Wilaya;
- (b) wawakilishi wawili wa sekta binafsi ndani ya Wilaya;
- (c) wawakilishi katoka jumuiya ya Wilaya ya Asasi zisizo za Serikali;
- (d) watu wawili mashuhuri;
- (e) mwakilishi wa Wilaya wa Chama cha Msalaba Mwekundu na taasisi nyingine za kibinadamu na za kujitolea;
- (f) wawakilishi watatu wa taasisi za dini;

(3) Bila kujali masharti ya kifungu kidogo cha (2), Mkurugenzi wa Halmashauri ikiwa ataona ni lazima, kumwalika kumwita mtu yeyote ambaye si mjumbe wa kamati kuhudhuria majadiliano ya kamati.

(4) Mratibu wa Usimamizi wa maafa wa Wilaya, kwa madhumuni ya kifungu hiki, atakuwa katibu wa kamati wa Wilaya;

Makujumu
ya Kamati za
Wilaya

16. Majukumu ya Kamati za Wilaya zitakuwa-

- (a) kumshauri Mkuu wa Wilaya kuhusu masuala ya Usimamizi wa maafa na kufanya shughuli zinazofanyika ndani ya wilaya na mambo mengine yaliyoelekezwa na Mkuu wa Wilaya;
- (b) kuangalia na kuratibu athari za Usimamizi wa maafa na shughuli za dharura katika ngazi ya wilaya;

(c) kutafuta rasilimali zinazohusiana na Usimamizi wa maafa.

Uwezo wa
kamati za
Mkoa na
Wilaya

17. Kamati za Usimamizi wa Maafa za Mkoa na Wilaya kwa kushirikiana na Wakala, zitakuwa na uwezo wa-

- (a) kuelekeza taasisi zote katika Mkoa na Wiaya kujiandaa, kuzuia au kupunguza maafa;
- (b) kuamuru watu kuondoka katika maeneo hatarishi au yaliyoathirika na maafa na kuwahamishia maeneo mengine;
- (c) kumuomba mtu yeyote au asasi ndani ya mkoa au wilaya kutoa usafiri, jengo lolote, vifaa, bidhaa muhimu na vitu vingine kwa ajili ya kusaidia jitihada za Usimamizi wa maafa katika wilaya;
- (d) kuanzisha kamati ndogo ndogo kwa ajili ya kuhakikisha utekelezaji mzuri wa kazi zake;
- (e) kufanya jambo lolote ambalo ni la lazima kufanywa kwa ajili utekelezaji wa kazi zake chini ya sheria hii kutegemeana na sera, mipango na taratibu;

Kamati za
kata

18.-(1) Vikundi vya usimamizi vya Kata vinavyoundwa chini ya sheria ya Serikali za mitaa (Mamlaka za Wilaya) kwa madhumuni ya sheria hii, zitakuwa kamati za Usimamizi wa maafa za Kata kutoka maeneo ya mamlaka zao.

(2) Bila ya kuathiri kifungu kidogo cha (1), na masharti ya Sheria ya Serikali za Mitaa (Mamlaka za Wilaya) kuhusu uundaji wa vikundi vya usimamizi vya kata, kamati za Kata kwa kujumuisha wajumbe wa vikundi vya usimamizi za kata, zitajumuisha wajumbe wafuatao ambao wameteuliwa na Mkurugenzi wa Halmashauri kwa kushauriana na Afisa Mtendaji wa Kata.

- (a) wawakilishi wawili kutoka sekta binafsi ndani ya Kata;
- (b) wawakilishi wa taasisi za kijamii ndani ya Kata;
- (c) watu wawili mashuhuri;
- (d) mwakilishi kutoka chama cha msalaba mwekundu na taasisi nyingine za kibinadamu na za kujitolea; na
- (e) wawakilishi watatu kutoka taasisi za dini.

(3) Afisa Mtendaji wa Kata anaweza, iwapo ataona kuna ulazima, kumjumuisha mtu yeyote ndani ya kata husika ambaye si mjumbe wa Kamati kuhudhuria kikao cha Kamati.

(4) Mkurugenzi wa Halmashauri kwa kushirikiana na Afisa Mtendaji wa Kata, anaweza kumteua afisa kilimo yeyote wa kata kuwa Katibu wa kamati ya Kata kwa madhumuni ya kifungu hiki.

Kazi za
Kamati za
Kata

19. Kazi za Kamati za Kata zitakuwa ni:

- (a) kusimamia na kuratibu usimamizi wa athari za maafa na operesheni ya shughuli za dharura katika ngazi ya Kata;
- (b) kutafuta rasilimali kwa ajili Usimamizi wa maafa;
- (c) kusaidia utekelezaji wa mipango ya Usimamizi wa maafa ya kata;
- (d) kuwa na muitikio katika namna iliyo iliyoratibiwa, katika ngazi ya kata.

Kamati za
Vijiji

20.-(1) Kamati ya Maendeleo ya kijiji iliyoanzishwa chini ya sheria ya Serikali za Mitaa (Mamlaka za Wilaya) kwa madhumuni ya sheria hii, itakuwa Kamati za Usimamizi wa Maafa ya Kijiji katika maeneo ya mamlaka yake.

(2) Bila ya kuathiri kifungu kidogo cha (1) na masharti ya sheria ya Serikali za Mitaa (Mamlaka za Wilaya) kuhusu uundaji wa Kamati za Maendeleo za Vijiji, kamati ya Kijiji kwa kujumuisha wajumbe wa Kamati ya maendeleo ya Kijiji. itajumuisha wajumbe wafuatao walioteuliwa na Mkurugezi wa Halmashauri kwa kushauriana na Afisa Mtendaji wa Kijiji:

- (a) wawakilishi wawili wa sekta binafsi zilizopo katika kijiji;
- (b) mwakilishi wa jumuiya za asasi zisizo za Serikali zilizopo katika kijiji;
- (c) watu wawili mashuhuri;
- (d) mwakilishi kutoka chama cha msalaba mwekundu na au hilal nyekundu na taasisi za kibinaadamu na za kujitolea; na
- (e) wawakilishi watatu kutoka taasisi za dini ndani ya Kijiji

(3) Bila ya kujali masharti ya kifungu kidogo (2), Afisa Mtendaji wa kijiji pale anapoona ni lazima, anaweza kumwita mtu yeyote kutoka ndani ya kijiji husika ambaye si mjumbe wa kamati kushiriki kikao cha Kamati.

(4) Mkurugenzi wa Halmashauri kwa kushauriana na Afisa Mtendaji wa Kijiji atamteua afisa yeyote ndani ya kijiji kuwa Katibu wa Kamati ya Kijiji kwa madhumuni ya kifungu hiki.

Kazi za
Kamati za
vijiji

21.-(1) Kazi za Kamati ya Kijiji zitakuwa ni-

- (a) kusimamia na kuratibu Usimamizi wa athari za maafa na operesheni ya shughuli za dharura katika ngazi ya kijiji;
- (b) kuchukua nafasi ya chombo cha taarifa kuhusiana na utoaji tahadhari ya awali katika kijiji;
- (c) kutafuta rasilimali kwa ajili ya usimamizi wa shughuli za maafa;
- (d) kutekeleza mipango ya utoaji taarifa na kujenga uelewa katika vijiji; na
- (e) kukabili dharura katika utaratibu ulioratibiwa katika ngazi ya kijiji.

(2) Katika utekelezaji wa majukumu yake, kamati ya kijiji kadiri itakavyowezekana itatumia sheria za kimila, taratibu za kimila na mbinu za kiasili za tahadhari na mawasiliano.

Utoaji
taarifa za
usimamizi
wa maafa

22.- (1) Kamati za Usimamizi wa Maafa za Mkoa na Kamati za Usimamizi wa Maafa za Wilaya, katika kila robo mwaka au kwa kadiri zitakavyoelekezwa, zitaanda na kuwasilisha katika Kamati za Usalama husika taarifa za kina kuhusu utekelezaji wa upunguzaji wa athari za maafa na usimamizi wake katika mamlaka zake husika.

(2) Waziri anaweza kutunga kanuni zitakazo ainisha namna ya uandaaji na uwasilishwaji wa taarifa za utekelezaji wa upunguzaji wa athari za maafa na usimamizi wake katika ngazi ya Kamati za Usimaizi wa Maafa za vijiji na kata.

Sura ya 61.

(3) Kwa madhumuni ya kifungu hiki, maneno “Kamati za Usalama” maana yake ni Kamati za Usalama za Mikoa na Kamati za Usalama za Wilaya zilizoanzishwa chini ya Sheria ya Baraza la Usalama la Taifa.

Miongozo ya
utendaji kazi
wa Kamati

23.-(1) Waziri anaweza kutengeneza miongozo kwa ajili ya usimamizi mzuri wa kamati za Mikoa, Wilaya, Kata na Vijiji.

- (2) Miongozo iliyotengenezwa chini ya kifungu hiki itaelezea-
 - (a) utayarishaji wa mipango katika ngazi mbalimbali za Kamati;
 - (b) njia za mawasiliano na usambazaji wa taarifa zinazohusu upunguzaji na Usimamizi wa athari za maafa ;
 - (c) usambazaji wa taarifa zinazohusu tahadhari ya awali;
 - (d) uendeshaji wa shughuli za Kamati.

(3) Waziri anaweza kutunga miongozo maalum kwa kamati mojawapo ya zilizoainishwa.

Udhibiti wa
masuala ya
kamati za
maafa

24. Kamati za Mkoa, Wilaya, Kata na vijiji zitadhibiti mambo yao katika mamlaka zao husika.

SEHEMU YA NNE
UTARATIBU WA KULINDA RAIA

Utaratibu wa
kulinda raia

25.-(1) Wakala utaweka taratibu za kulinda raia kwa mamlaka za serikali za mitaa, taasisi za Serikali, na asasi za Sekta mbalimbali zinazojihusisha na Usimamizi wa maafa.

(2) Kwa madhumuni ya kifungu kidogo cha (1) wakala utachukua hatua ambazo ni za lazima ili kuendeleza programu za kujenga uwezo kwa Kamati za Mkoa na Wilaya, taasisi za serikali na taasisi za sekta mbalimbali kwa ajili ya kutoa huduma za lazima na za taratibu za kufuatwa katika kukabili maafa na kurejesha hali.

(3) “Ulinzi wa raia” kama ilivyotumika katika kifungu hiki, ina maana ya juhudi za pamoja za vitengo tofauti vya dharura katika kuandaa jamii kujilinda na majanga yanayoelekea kusababisha maafa.

Wajibu wa
jumla

26. Kila mtu ana wajibu wa -

- (a) kuweka mpangilio wa ustawi wa jamii na kutunza amani na mapatano;
- (b) kuwa na mienendo ambayo itapunguza athari za maafa; na
- (c) oneshwa utayari na kuridhia kushiriki katika shughuhuli za Usimamizi wa maafa.

SEHEMU YA TANO
OPERESHENI WAKATI WA MAAFA NA HALI YA HATARI

Kutangaza
maafa

27.-(1) Endapo wakala utakaporidhika kwamba hali ya dharura inayopelekea kuwepo kwa maafa katika eneo, utahuisha Mpango wa Taifa wa Kujiandaa Kukabiliana na Maafa kutumika katika eneo hilo kwa kipindi cha miezi mitatu.

(2) Endapo Mpango wa Taifa wa Kujiandaa Kukabiliana na Maafa umehuishwa katika eneo, Waziri atatoa amri kwenye Gazeti la Serikali, kuweka utaratibu wa shughuli ambazo zitatumika katika eneo hilo.

(c) Hali ya Hatari

Hali ya
dharura
inayopelekea
kusababisha
maafa

28.-(1) Endapo hali ya dharura inapoongezeka na kupelekea kusababisha maafa ambayo kwa uhalisia wake na ukubwa wake itahitajika kuchukua hatua za kipekee, Baraza litapendekeza kwa Waziri kwamba hali ya hatari itangazwe katika eneo la maafa au kwa Tanzania Bara yote.

(2) Endapo Waziri ataridhika kwamba hali ya maafa inalazimu kutolewa kwa tamko la hali ya hatari, Waziri, kwa mujibu wa utaratibu ulioainishwa katika kifungu cha 4 cha sheria ya Mamlaka ya Hali ya Hatari atamtaarifu Rais juu ya matukio mbalimbali yanayolazimu au kupelekea kutolewa kwa tamko la hali ya hatari katika eneo husika.

(3) Tamko la hali ya Hatari litajumuisha na kueleza hatua za haraka ambazo zitakazochukuliwa ikijumuisha-

- (a) kuwahamisha au kuwaondoa watu na mali zao;
- (b) kutumia msaada wa Jeshi;
- (c) kupata msaada wa kimataifa;
- (d) hatua nyingine kama itakavyokuwa lazima kulingana na hali halisi ya mazingira.

SEHEMU YA SITA

MPANGO WA TAIFA USIMAMIZI WA MAAFA

Mpango wa
Taifa wa
Usimamizi
wa Maafa

29.-(1) Wakala kwa kibali cha Waziri, utatayarisha na kutunza mpango wa Taifa wa Usimamizi wa maafa.

(2) Mpango wa Taifa wa usimamizi wa maafa utaunganishwa katika mpango wa maendeleo wa Taifa wa mwaka na utakuwa unahuishwa na kutengenezwa kama ni lazima.

(3) Mpango wa Taifa wa Usimamizi wa maafa utawezesha kuingiza masuala ya upunguzaji wa athari za maafa na katika mipango ya maendeleo na kisekta na itatumiwa na Wakala, Kamati za Mkoa na Wilaya na Serikali na asasi mbalimbali katika Usimamizi wa maafa.

(4) Kwa madhumuni ya kifungu kidogo cha (3) Kila Wakala, Kamati za Mkoa na Wilaya, Serikali na asasi mbalimbali za kisekta zitaandaa na kuwasilisha taarifa ya mwaka kwenye Jukwaa la Taifa la Usimamizi wa Maafa kwa majadiliano na kupeana uzoefu.

(5) Waziri, kwa kanuni atatoa tamko kwa mambo ambayo yatajumuishwa katika mpango wa Taifa wa Usimamizi wa maafa.

SEHEMU YA SABA
MFUKO WA USIMAMIZI WA MAAFA

Mfuko wa
Taifa wa
Usimamizi
wa maafa

30.-(1) Kutakuwa na Mfuko wa Taifa wa Usimamizi wa maafa.

(2) Vyanzo vya fedha vya Mfuko vitakuwa-

- (a) kiasi cha fedha ambacho kitadhiniswa na Bunge kwa madhumuni ya Usimamizi wa maafa;
- (b) mchango wa hiari kwa Mfuko kutoka kwa mtu yeyote au taasisi;
- (c) fedha yoyote ambayo imetolewa kwa njia kya msaada au mkopo kutoka ndani na nje ya Jamhuri ya Muungano.
- (d) fedha yoyote iliyopatikana kwa njaa mauzo ya vitu vilivyotolewa kama msaada; na
- (e) kutokana na harambee;

(3) Mfuko utasimamiwa na Wakala na Mkurugenzi Mkuu atakuwa ndiye Afisa Masuhuli.

(4) Fedhda zitatumika kwa-

- (a) kutoa bidhaa muhimu na misaada mingine kwa waathirika wa maafa yoyote, janga au dharura; na
- (b) kuzuia, kupunguza athari, kujiandaa, kukabili na kurudisha hali katika maafa na shughuli nyingine zinazohusu usimamizi wa maafa.

Usimamizi
wa
makusanyo
na misaada

31.-(1) Wakala unaweza kuendesha mchango maalum au wa jumla kwa jamii kuchangia vitu au fedha kwa madhumuni ya kuokoa maisha, mali, kupunguza uharibifu au kurejesha mfumo maisha ya jamii iliyoathirika na maafa.

(2) Endapo kuna mantiki kwa ombi la wakala, mtu yeyote au taasisi inayokusanya vitu au fedha, itatakiwa kuwasilisha taarifa kwa wakala, kuelezea vitu vilivyokusanywa na fedha ambayo vitu hivyo au fedha ziligawiwa kwa jamii iliyoathirika na maafa.

(3) Kwa madhumuni ya kifungu kidogo cha (2), misaada kwa jamii iliyoathirika na maafa itapelekwa moja kwa moja kwa jamii husika au kupitia kamati za Mkoa au Wilaya, Wakala au viongozi wa Kitaifa.

SEHEMU YA NANE
MASHARTI YA FEDHA

Vyanzo vya
fedha

- 32.-(1)** Vyanzo vya fedha za Wakala vitajumuisha-
- (a) fedha kama zitakavyotengwa na Bunge ;
 - (b) fedha zozote au rasilimali ambazo zinaweza kuwekwa au kupatikana kutoka kwenye vyanzo vingine;
 - (c) ada zilizowekwa na malipo mengineyanayokusanywa kutoka katika huduma zilizotolewa.
 - (d) zawadi, mikopo na michango;
 - (e) fedha zinazopatikana kutokana na mauzo ya rasilimali za wakala; na
 - (f) fedha nyingine yoyote, iliyokopwa, kupokelewa na, au iliyoapatikana kwa ajili ya kazi za Wakala.

(2) Ada na malipo yanayolipwa chini ya Sheria hii yataainishwa kwenye kanuni.

Taarifa ya
mwaka na
mahesabu

33.-(1) Katika sheria “mwaka wa fedha” maana yake ni mwaka wa fedha wa Serikali.

(2) Mkurugenzi Mkuu, mwishoni mwa kila “mwaka wa fedha” atatayarisha taarifa ya utekelezaji ya mwakakuhusu shughuli zilizotekelezwa na wakala na kuwasilishwa kwa Waziri baada ya kuidhinishwa na Bodi.

(3) Mkurugenzi Mkuu atahakikisha kwamba, taarifa ya fedha ya mwaka inaandaliwa na kukaguliwa ndani ya miezi mitatu baada ya mwaka wa fedha.

- (4) Taarifa ya fedha itajumuisha-
- (a) taarifa ya utendaji wa fedha;
 - (b) taarifa ya hali ya fedha;
 - (c) taarifa ya mtiririko wa fedha;
 - (d) taarifa ya mabadiliko ya mtaji; na
 - (e) tangazo la taarifa ya fedha.

Uwasilishaji
wa tarifa ya
mwaka

34.-(1) Mkurugenzi Mkuu atawasilisha kwa Waziri taarifa ya fedha zilizokaguliwa pamoja na taarifa ya ukaguzi wa hesabu hizo miezi mitatu baada ya mwisho wa mwaka wa fedha wa kila mwaka.

(2) Mkurugenzi Mkuu atatarisha na kuwasilisha kwenye baraza makadirio ya mapato na matumizi ya wakala miezi mitatu kabla ya mwisho wa mwaka unaoisha.

(3) Hakuna matumizi ya fedha za Wakala yatakayofanywa kutokana na fedha za Wakala isipokuwa kama yameidhinishwa na Mkurugenzi katika mwaka huo wa fedha.

Usimamizi
na udhibiti
wa fedha

35.-(1) Wakala utatunza vitabu vya mahesabu na kuweka kumbukumbu za shughuli zake kulingana na viwango vya mahesabu ya Kitaifa.

(2) Wakala atasababisha kutayarishwa na kutunzwa vizuri vitabu vya mahesabu na kumbukumbu kufuatana na-

- (a) rasilimali na madeni;
- (b) mapato na matumizi ya fedha na miamala mingine ya fedha;
- (c) taarifa ya hali ya fedha na taarifa ya utendaji wa fedha itakaotayarishwa kila mwaka wa fedha;

(3) Fedha na rasilimali za Wakala zitatumika kwa ajili ya utekelezaji mzuri wa malengo ya Sheria hii.

(4) Matumizi ya Wakala yatawajibika kusimamiwa na kufanyiwa mapitio.

Bajeti ya
mwaka na ya
nyongeza

36.-(1) Baraza litaidhinisha bajeti ya mwaka ya kiasi kinachotarajiwa kupokelewa na kulipwa kwa kipindi cha mwaka huo wa fedha, si chini ya mwezi mmoja kabla ya kuanza kwa mwaka wa fedha wowote.

(2) Endapo katika mwaka wowote wa fedha, Wakala inataka kufanya malipo yoyote ambayo hayakutolewa au kiasi chochote kinachozidi kiasi ambacho kiliwekwa katika bajeti ya mwaka huo, Baraza itaidhinisha bajeti ya nyongeza inayoelezea malipo hayo.

(3) Bajeti ya Mwaka na kila bajeti ya nyongeza itakuwa katika fomu na itajumuisha maelezo kama yatakavyotakiwa na sheria.

Kanuni za
uendeshaji

37. Wakala-

- (a) utafungua na kuendesha vitabu vyote vya mahesabu, leja, jarada na vitabu vingine vya mahesabu kufuatana na kitabu cha mwongozo wa mahesabu;

(b) utapitia na kubadili nyaraka zake kwa ajili ya kuwezesha uwekaji mzuri wa vitabu vya mahesabu kama itakavyoelekezwa na mamlaka husika.

(2) Fedha zote zilizopokelewa zitawekwa katika akaunti ya mapato na malipo yatafanywa kutoka katika akaunti ya matumizi

(3) Hakuna matumizi yoyote yatakayofanyika kutoka katika fedha za Wakala, vinginevyo matumizi hayo yawe ni sehemu ya matumizi yaliyoidhinishwa na Baraza.

Uwezo wa kuwekeza

38. Wakala kwa idhini ya Waziri mwenye dhamana ya mambo ya fedha, unaweza kuwekeza fedha yoyote katika namna ambayo itaona inafaa.

SEHEMU YA TISA MAKOSA NA ADHABU

Makosa na adhabu

39. Mtu ambaye-

- (a) anachelewesha au kumzuia afisa yeyote kutekeleza kazi zake chini ya Sheria hii.
- (b) anakataa kutoa ushirikiano unaofaa kwa afisa yeyote kama atakavyoombwa na afisa kwa madhumuni ya kutekeleza kazi zake chini ya sheria hii.
- (c) anatoa taarifa za uongo au za kupotosha kwa makusudi wakati akijibu maswali ya afisa, anatenda kosa na akitiwa hatiani atalipa faini ya fedha zisizopungua shilingi milioni moja au kifungo kwa kipindi kisichozidi miaka miwili au vyote viwili.

anatenda kosa na atawajibika, iwapo atatiwa hatiani, kulipa faini isiyopzidi shilingi milioni moja au kutumikia kifungo kwa kipindi kisichozidi miaka miwili au vyote kwa pamoja.

Makosa yanayosababi shwa na mashirika

40. Endapo kosa linapokuwa limetendwa au watu au kampuni, mtu yeyote ambaye wakati wa muda wa kutenda kosa alikuwa kwenye usimamizi wa shughuli za kundi la watu au kampuni hodhi, litachulikuwa kuwa kosa limetendwa.

SEHEMU YA KUMI
MASHARTI YA MCHANGANYIKO

Jukwaa la
Menejimenti
wa Maafa

41.-(1) Kutokuwa na Jukwaa la Taifa la Usimamizi wa Maafa ambalo litatoa nafasi ya wadau kukutana na kujadili mikakati inayohusu Usimamizi wa maafa na kuishauri Serikali kikamilifu.

(2) Jukwaa litaundwa na-

(a) Mkurugenzi Mkuu ambaye atakuwa ni mwenyekiti;

(b) Wakuu wa Idara yenye dhamana na usimamizi wa maafa kutoka:

(i) Wizara yenye dhamana na Kilimo na Chakula;

(ii) Wizara yenye dhamana na Mambo ya Ndani ya Nchi;

(iii) Wizara yenye dhamana na Fedha;

(iv) Wizara yenye dhamana na Serikali za Mitaa;

(v) Wizara yenye dhamana na Afya na Ustawi wa Jamii;

(vi) Wizara yenye dhamana na Mazingira

(vii) Wizara yenye dhamana na Nishati na Madini;

(viii) Wizara yenye dhamana na Mambo ya Nje;

(ix) Wizara yenye dhamana na Mawasiliano na Habari;

(x) Wizara yenye dhamana na Ardhi na Nyumba;

(xi) Wizara yenye dhamana na Usafiri;

(xii) Wizara yenye dhamana na Wanawake, Jinsia na Watoto;

(xiii) Wizara yenye dhamana na Ulinzi na Jeshi la Kujenga Taifa;

(xiv) Wizara yenye dhamana na Maliasili na Utalii; na

(xv) Wizara yenye dhamana na mambo yanayohusiana na nguvu za atomu;

(c) Wakuu wa taasisi zifuatazo:

(i) Mamlaka ya Udhibiti wa Mawasiliano Tanzania;

(ii) Kikosi cha zimamoto;

(iii) wakala wa taifa wa akiba ya chakula;

(iv) Baraza la Taifa la Usimamizi wa Mazingira

(v) Kituo cha Chakula na Lishe Tanzania

(vi) Ofisi ya Upimaji wa Jeologia Tanzania;

(vii) Mamlaka ya Chakula na Dawa Tanzania;

(d) mwakilishi wa wakala wa Hali ya hewa;

(e) watu wane wanaowakilisha taasisi za elimu ya zinazotambulika;

(f) mwakilishi wa jeshi la wananchi Tanzania;

- (g) mwakilishi wa taasisi yenye dhamana na Mipango ya Taifa;
- (h) wawakilishi watatu walioko chini ya mwamvuli wa asasi za kiraia;
- (i) Mwakilishi wa Chama cha Msalaba Mwekundu Tanzania;
- (j) wawakilishi wawili walioko chini ya mwamvuli wa mashirika ya kimataifa;
- (k) mwakilishi wa Sekta Binafsi inayoshughulikia masuala ya maafa;
- (l) mwakilishi wa mashirika yanayoshughulika na utoaji wa huduma za kibinadamu;
- (m)mwakilishi wa watoa huduma ya habari;
- (n) wawakilishi watatu kutoka taasisi za dini;
- (3) Jukwaa linaweza kumualika mtu mwingine yeyote kama itakuwa ni lazima.

(4) Jukwaa litakutana angalau mara mbili kwa mwaka lakini linaweza kukutana wakati mwingine wowote kama kutakuwa na suala ambalo linahitaji kujadiliwa haraka.

(5) Jukwaa litaweka taratibu za kuendesha vikao vyake.

(6) Jukwaa laweza kuunda kamati ambazo wajumbe wake watateuliwa kutoka miongoni mwa wajumbe wa Jukwaa.

Kinga dhidi
ya mashtaka

42.-(1) Mwajiriwa yeyote wa Wakala hatastakiwa binafsi kwa jambo lolote alilolitenda au kuacha kutenda kwa nia njema akitekeleza au kuchukuliwa kutotekeleza kazi yoyote akiwa kama mwajiriwa wa wakala.

(2) Wakala itamlipa na kumrudishia kwa kiwango cha namna kama itakavyoelezwa mtu anayejitolea na mtu mwingine aliyeshughulika na usimamizi wa maafa gharama za msingi alizolingia ikiwa ni matokeo ya-

- (a) kutekeleza mwitikio wa kutoa huduma za maafa kwa mujibu wa sheria hii;
- (b) kupatikana kwa ajali ya maafa, ardhi , yoyote au vituo.

Kanuni

43. Waziri atatunga Kanuni kuhusu jambo lolote litakalohitajika kwa madhumuni ya utekelezaji au wa kuipa nguvu utekelezaji wa sheria hii.

Kufuta na
kubakiza
Sura 242

44.-(1) Sheria ya Uratibu wa Misaada ya Maafa inafutwa.

(2) Bila ya kujali kufutwa huko kwa sheria, kanuni, amri, au matangazo ya serikali, yaliyotolewa chini ya Sheria ya Uratibu wa Maafa na ambayo bado yananguvu mara kabla ya Sheria hii kuanza kutumika kwa Sheria hii, yataendelea kuwa na nguvu kana kwamba yametolewa chini ya Sheria hii.

JEDWALI

(Imetengenezwa chini ya kifungu cha 7(5))

UTARATIBU WA MIKUTANO YA BARAZA NA MAMBO MENGINE

Mikutano ya
Baraza

1.-(1) Baraza litakutana kwa kuendesha shughuli zake katika muda na sehemu itakayoamuliwa na Baraza.

(2) Mikutano ya kawaida ya Baraza itafanyika mara moja kwa kila miezi mitatu.

(3) Mwenyekiti au ikiwa kama hayupo Makamu Mwenyekiti anaweza katika wakati wowote kuitisha kikao cha dharura cha Baraza, baada ya kupokea ombi la kimaandishi kutoka kwa wajumbe wengi wa Baraza.

(4) Mwenyekiti au kama hayupo, Makamu mwenyekiti ataongoza mikutano ya Baraza.

(5) Mwenyekiti au kama hayupo, Makamu Mwenyekiti anaweza kumwalika mtu mwingine ambaye si mjumbe kuhudhuria mkutano wowote wa kamati isipokuwa kupiga kura.

Akidi

2. Akidi ya mkutano wowote wa Baraza itakuwa ni nusu ya wajumbe wa Baraza.

Uamuzi wa
Baraza

3.-(1) Swala linaloletwa katika Baraza litaamuliwa kwa wingi wa kura za wajumbe waliohudhuria wakati wa upigaji kura na kama kura zitakuwa sawa, mtu anayeongoza kikao atakuwa na kura ya uamuzi.

(2) Bila ya kujali kifungu kidogo cha (1), uamuzi wa Baraza unaweza kufanywa bila ya Mkutano kwa njia ya mzunguko wa hati husika miongoni mwa wajumbe na mwelekeo wa maandishi wa maoni ya wengi ya wajumbe ndio utakaokuwa uamuzi wa wengi.

Kumbukumbu
u za kikao

4.-(1) Baraza litahakikisha kumbukumbu za mkutano zinachukuliwa na kutunzwa na kumbukumbu zitatumwa au kurekebisha na kuidhinishwa katika mkutano wa Baraza na kusainiwa na mtu anayeongoza kikao.

(2) Kumbukumbu zitasainiwa na mtu anayeongoza kikao cha Baraza kwa uthibitisho wa kutokuwepo kwa makosa, zitachukuliwa kuwa kumbukumbu sahihi za kikao.

Kutokuhudh
uria
hakutaharami
sha kikao

5. Uhalali wa kikao au jambo lolote la Baraza halitaathiriwa kwa sababu ya kutokuwepo kwa mmoja kati ya wajumbe au kosa lolote la uteuzi wa mmoja wao.

Amri,
maelekezo,
matangazo
au hati

6. Amri, maelekezo, matangazo au hati zilizoandaliwa au kutolewa kwa niaba ya Baraza zitasainiwa na-

(a) Mwenyekiti; au

(b) Mkurugenzi Mkuu au Ofisa mwingine yeyote wa Wakala aliyeidhinishwa kwa maandishi kwa niaba ya Mkurugenzi Mkuu.

Lakili ya
Baraza

7. Lakili ya Baraza na haitawekwa kwenye hati yoyote isipokuwa mbele ya Mwenyekiti, Makamu Mwenyekiti au Mkurugenzi Mkuu.

Baraza
kuweka
taratibu zake

8. Kwa mujibu wa masharti ya Jedwali hili, Baraza linaweza kuweka namna ya kuendesha taratibu zake.

Imepitishwa na Bunge tarehe 26 Machi, 2015

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Katibu wa Bunge