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PART B

SI

THE APPROPRIATION ACT, 2004 (Act No. 2 of 2004)



I ASSENT

MSWATI III
King of Swaziland

11th May, 2004

AN ACT Entitled

AN ACT to provide for the appropriation of a certain sum of money for the financial year commencing on the 1st April 2004 and ending 31st March 2005.

ENACTED by the King and the Parliament of Swaziland.

Short title and commencement

1. This Act may be cited as the Appropriation Act, 2004 and shall come into force on The 1st April, 2004.

Charge to Consolidated Fund

2. The Consolidated Fund is charged with the sum of money not exceeding in the aggregate Four billion eight hundred and ninety-eight million six hundred and ninety-one thousand Emalangeni (4,898,691,000) as required for the services of the Government of the Kingdom of Swaziland during the financial year commencing on the 1st April 2004 and ending on the 31st March, 2005.

Application of sum appropriated

3. The sum appropriated by Section 2 shall be applied to the services set out in the first column of the Schedule and in the respective amounts appearing in the second and third columns in respect of each service.

SCHEDULE OF APPROPRIATIONS, 2004

HEAD	DESCRIPTION	RECURRENT EXPENDITURE	CAPITAL EXPENDITURE
02	PARLIAMENT	22,580	0
03	PRIVATE AND CABINET OFFICE	29,950	3,500
04	TOURISM AND COMMUNICATIONS	19,769	5,457
05	POLICE	203,384	44,127
06	DEPUTY PRIME MINISTER'S OFFICE	48,988	7,200
07	FOREIGN AFFAIRS	115,252	20,000
08	DEFENCE	240,873	17,461
10	NATURAL RESOURCES AND ENERGY	34,624	167,019
15	GEOLOGICAL SURVEY AND MINES	11,662	13,365
20	AGRICULTURE AND CO-OPERATIVES	141,627	23,757
23	ECONOMIC PLANNING AND DEVELOPMENT	21,904	202,734
24	HOUSING AND URBAN DEVELOPMENT	51,351	201,305
26	FIRE AND EMERGENCY SERVICES	30,219	1,600
28	ENTERPRISE AND EMPLOYMENT	29,672	9,118
30	EDUCATION	846,739	35,550
34	FINANCE	9,981	9,360
35	TREASURY AND STORES	13,386	2,800
36	INCOME TAX	13,789	0
37	GOVERNMENT COMPUTER SERVICES	16,468	9,732
39	CUSTOMS AND EXCISE	22,446	13,135
41	PUBLIC SERVICE	38,515	9,292
42	INFORMATION	22,824	4,640
45	HEALTH AND SOCIAL WELFARE	261,254	93,755
46	JUSTICE AND CONSTITUTIONAL AFFAIRS	34,887	15,000
47	ANTI-CORRUPTION COMMISSION	3,127	0
49	CORRECTIONAL SERVICES	93,640	4,623
50	HOME AFFAIRS	29,149	2,706
51	SWAZI NATIONAL TREASURY	52,311	0
53	PUBLIC WORKS AND TRANSPORT	229,044	378,986
58	AUDIT	3,374	0
60	CENTRAL TRANSFERS	790,680	119,000
	TOTAL APPROPRIATED EXPENDITURE	3,483,469	1,415,222
	GRAND APPROPRIATED TOTAL		4,898,691

SCHEDULE 1 OF APPROPRIATION

DESCRIPTION	REVENUE	EXPENDITURE
60 CENTRAL TRANSFERS	200,000	115,000
58 AID	0	0
57 PUBLIC WORKS AND TRANSPORT	200,000	378,950
56 SWAZI NATIONAL TRUSTEES	0	0
46 HOME AFFAIRS	200,000	1,000
45 CORRECTIONAL SERVICES	200,000	4,000
47 ANTI-CORRUPTION COMMISSION	0	0
46 JUSTICE AND CONSTITUTIONAL AFFAIRS	200,000	15,000
45 HEALTH AND SOCIAL SERVICES	200,000	90,750
44 EDUCATION	200,000	4,000
43 PUBLIC SERVICE	200,000	9,000
42 CUSTOMS AND EXCISE	200,000	17,100
41 GOVERNMENT COMPANIES	200,000	0
40 INCOME TAX	200,000	0
39 TREASURY AND STORES	200,000	1,000
38 FINANCE	200,000	0
37 EDUCATION	200,000	17,100
36 ENTERPRISE DEVELOPMENT	200,000	0
35 HUMAN RESOURCES DEVELOPMENT	200,000	1,000
34 HOUSING AND URBAN DEVELOPMENT	200,000	1,000
33 ECONOMIC PLANNING AND DEVELOPMENT	200,000	201,500
32 AGRICULTURE AND CO-OPERATION	200,000	201,500
31 GEOLOGICAL SURVEY AND MINING	200,000	0
30 NATURAL RESOURCES AND WILDLIFE	200,000	17,100
29 DEFENCE	200,000	0
28 FOREIGN AFFAIRS	200,000	0
27 DEPUTY PRIME MINISTER'S OFFICE	200,000	0
26 POLICE	200,000	0
25 TOURISM AND COMMUNICATIONS	200,000	0
24 PRIVATE AND CARPENTRY	200,000	0
23 PARLIAMENT	200,000	0
TOTAL APPROPRIATED EXPENDITURE	2,000,000	1,415,110
GRAND APPROPRIATED EXPENDITURE	2,000,000	1,415,110

"hazard" means an event in the natural or human made environment that adversely affects human life, property, activity or the environment to the extent of causing a disaster;

"Minister" means the Minister responsible for disaster management;

"mitigation" refers to all activities aimed at reducing the threat from and impact of future disasters and the ultimate goal of mitigation is prevention, which implies elimination of the threat entirely;

"Plan" means the National Disaster Management Plan;

"preparedness" means pre-positioned plans, regulations and resources aimed at minimising losses from disasters once they have struck, through effective disaster response;

"prevention" means measures aimed at impeding the occurrence of a disaster or preventing the occurrence from having harmful effects on a community or population;

"relief" means the aid that is provided to the affected community or population to meet immediate needs and to alleviate life-threatening situations;

"resources" means any plant or part of a plant, tools, farming or other implement, vehicle, animal, boat, agricultural inputs, airplane, apparatus, earthmoving equipment, construction equipment, or other equipment of any kind, manpower or other requirement deemed necessary to counter the effects of a disaster;

"response" means a set of activities implemented once a disaster has struck, aimed firstly, at satisfying the immediate needs of the affected population, and subsequently at the rehabilitation and reconstruction of affected infrastructure, facilities and economic activity;

"risk" means the expected damage or loss caused by any hazard;

"reconstruction" means the actions taken to re-establish a community or population after rehabilitation, following a disaster;

"rehabilitation" means the operations and decisions taken after a disaster with a view to re-establishing an affected community to sustainable living conditions, while encouraging and facilitating the necessary adjustments to changes caused by the disaster;

"Secretariat" means the National Disaster Management Council Secretariat established in terms of section 8;

"sustainable development" means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations;

"this Act" includes the regulations and any notice issued under the Act;

"vulnerability" means the extent to which an individual, community, structure, service or geographical area is likely to be damaged, destroyed or disrupted by the impact of a particular hazard.

(2) Words derived from the word or terms defined, have corresponding meanings, unless the context indicates otherwise.

(3) A reasonable interpretation of a provision, which is consistent with the purpose of this Act shall be preferred over an alternative interpretation which is not consistent with the purpose of this Act.

Application

3. (1) This Act shall apply throughout the country.

(2) This Act does not apply to an occurrence falling within the definition of "disaster" in terms of section 2 -

(a) where that occurrence is an accident of a kind for which specific legislation has been enacted and that legislation is aimed at reducing the risk of such accident and addressing the consequence of an accident when it occurs; or

(b) if that occurrence is a civil disorder or industrial dispute.

PART II INTER-GOVERNMENTAL STRUCTURES

PART II (a) NATIONAL SUSTAINABLE DISASTER MANAGEMENT COUNCIL

Establishment and objective

4. (1) The National Sustainable Disaster Management Council is hereby established.

(2) The objective of the Council is to promote an integrated and co-ordinated system of disaster management in the country, focused on decreasing vulnerability and increasing preparedness and mitigation capacity.

Functions

5. (1) The functions of the Council shall include the following -

(a) making recommendations to the Cabinet concerning disaster management policy, programmes, procedures and legislation;

(b) establishing a National Disaster Management Plan for the country which the Minister shall submit to the Cabinet for approval and ensuring that the Plan -

(i) addresses the requirements for disaster management including mitigation, preparedness, response and recovery measures; and

(ii) is integrated with national and regional disaster management plans, programmes, and procedures and shall be supported by a Disaster Management Manual containing detailed responsibilities and procedures for disaster management and capacity building programmes aimed at decreasing vulnerability and increasing preparedness and mitigation capacity.

- (c) monitoring the implementation of the Plan and Manual and regularly reviewing such Plan and Manual and where necessary, making recommendations for the amendment of the Plan and Manual to the Cabinet;
 - (d) scrutinising and monitoring the implementation of national disaster management and cross-sectoral disaster management plans, programmes, and procedures and regularly reviewing such plans, programmes, and procedures and where necessary, make recommendations for the amendment of such plans, programmes and procedures;
 - (e) making recommendations to the Secretariat regarding the co-ordination of national disaster management and cross-sectoral disaster management plans, programmes and procedures;
 - (f) preparing budgets for disaster management and developing a framework for the financial contributions by government at all levels to the Disaster Management Fund for the funding of disaster management and the payment of compensation to those affected by a disaster and their dependents;
 - (g) co-ordinating needs and impact assessments in the event of a disaster occurrence;
 - (h) developing the framework for the operation of the National Sustainable Disaster Management Council Secretariat;
 - (i) supervising and monitoring disaster response, preparedness, mitigation and prevention programmes for the country;
 - (j) making recommendations to the Minister regarding compliance with international obligations and regional co-operation in disaster management with other Southern African states and the establishment of joint standards of practice;
 - (k) acting as the focal point for the dissemination of information concerning disaster threats and hazards; and
 - (l) dealing with any other matter that may be prescribed by the Minister.
- (2) The Minister may prescribe rules for the functioning of the Council.
- (3) The Minister shall, with the concurrence of the Cabinet, make funds available for the functioning of the Council from -
- (a) moneys appropriated by Parliament for this purpose; and
 - (b) funds obtained from donations or grants.

Composition

6. (1) The Council shall comprise -
- (a) the Minister or a person appointed by the Minister, who shall act as chairperson of the Council;
 - (b) the Principal Secretary or a person representing the Principal Secretary from the following Ministries -
 - (i) Natural Resources and Energy;

- (ii) Tourism, Environment and Communication;
- (iii) Economic Planning and Development;
- (iv) Health and Social Welfare;
- (v) Public Works and Transport;
- (vi) Agriculture and Co-operatives; and
- (vii) Deputy Prime Minister's office;
- (c) the Army Commander or a person appointed by the Commander;
- (d) the Commissioner of Police or a person appointed by the Commissioner;
- (e) every Regional Secretary;
- (f) the Chief Executive Officer of the National Sustainable Disaster Council Secretariat;
- (g) a representative from some of the following disaster management role players -
 - (i) organised labour;
 - (ii) organised business;
 - (iii) religious and welfare organisations;
 - (iv) medical and para-medical organisations;
 - (v) the Baphalali Swaziland Red Cross Society as established in terms of the Baphalali Swaziland Red Cross Society Act, 1970;
 - (vi) non-governmental organisations; and
 - (vii) community-based organisations and

(2) The Minister shall appoint the persons contemplated in subsection (1) (g) in a manner that the Minister may consider appropriate.

(3) The Minister may appoint such further representatives from appropriate United Nations Agencies, donor agencies, professional and scientific organisations and institutions, agricultural organisations and non-governmental organisations as the Minister may deem appropriate, to serve on the Council in an *ex-officio* capacity.

(4) Each member of the Council shall, with the concurrence of the Minister and necessary authority from the member's government, organisation or institution as the case may be, appoint an alternate member.

(5) The alternate member shall act in such member's absence or inability to act as member of the Council.

(6) The Chief Executive Office of the National Sustainable Disaster Management Council Secretariat shall serve as the Secretary of the meetings of the Council.

- (7) The Council may co-opt persons to assist it in carrying out its functions.
- (8) The Council may invite persons to attend its meetings and to assist it in carrying out its functions.
- (9) The Minister may appoint a replacement for a member who vacates his or her office in terms of section 7(3), and the Minister may invite nominations from the government, organisation or institution that nominated such member.
- (10) The replacement shall serve for the balance of the term of the person he or she replaces.

Conditions of appointment to Council

7. (1) A member of the Council shall hold office for a period not exceeding three years.
- (2) At the expiry of the member's term of office a member may be appointed for one further term.
- (3) A member of the Council shall vacate the member's office where -
- (a) the Minister, at any time, terminates such term of office for good reason;
 - (b) the member can no longer perform his or her duties on the Council;
 - (c) the member is convicted of a criminal offence involving dishonesty, and is sentenced to imprisonment without the option of a fine;
 - (d) the member is absent from more than three consecutive meetings of the Council without the leave of the chairperson; or
 - (e) the member resigns by way of written notice to the Minister.
- (4) where any member of the Council or the member's spouse has a direct or indirect financial interest in any matter before the Council, he or she shall disclose such interest and may not take part in any discussion regarding such matter.
- (5) A member of the Council shall be paid such allowances as shall be determined by the Minister in consultation with the Minister responsible for finance.

PART II (b)
NATIONAL SUSTAINABLE DISASTER MANAGEMENT
COUNCIL SECRETARIAT

Establishment

8. (1) The National Sustainable Disaster Management Council Secretariat is hereby established as an institution within the public service.
- (2) The Secretariat forms part of and functions within the office of the Minister.

Objective

9. The Secretariat shall be the principal interface for disaster management at the national level of government.

Director and functions of Secretariat

10. (1) The Civil Service Board, established in terms of the Civil Service Order, 1973, shall appoint a person to serve as the Director of the Secretariat who shall have the necessary experience, expertise and skills to enable the Secretariat to carry out its functions.

(2) The Director shall be the Chief Executive Officer of the Secretariat.

(3) There shall be appointed, in the Public Service, such employees of the secretariat as may be necessary for the efficient discharge of the functions of the Secretariat.

(4) The function of the Secretariat shall include the following -

- (a) co-ordinate, facilitate and monitor the implementation of disaster management policies, plans, programmes, and procedures;
- (b) developing effective performance standards for disaster management;
- (c) analyzing data and disseminating information in order to support and facilitate the implementation of disaster management policy, programmes and procedures;
- (d) promoting and implementing public awareness programmes especially in respect of known hazards;
- (e) evaluating the effectiveness of disaster management planning and co-ordination in any post disaster situation;
- (f) developing guidelines for the integration of relevant aspects of disaster management into existing basic and continuing education programmes; and
- (g) developing guidelines for capacity building programmes aimed at decreasing vulnerability and increasing preparedness and mitigation capacity.

(5) The Director, with the concurrence of the Council, shall establish ad hoc or permanent working groups to assist the Secretariat in the performance of its functions, and ensure that -

(a) working groups are established to focus at least on the following -

- (i) water and sanitation;
- (ii) health and nutrition;
- (iii) emergency relief and logistics;
- (iv) education and public awareness;
- (v) training and capacity building;
- (vi) civil emergencies; and
- (vii) inter-country co-ordination,

(b) working groups consist of persons who have experience, expertise and skills to enable the Secretariat to carry out its functions;

(c) working groups to promote and carry out or cause to be carried out research and investigation into matters relating to disaster management, particularly, disaster prevention and mitigation and promote and carry out, or cause to be carried out, the dissemination of information forthcoming from such research and investigation.

(6) The Minister may make regulations regarding the terms of reference, composition and functioning of the working groups.

(7) The Minister, with the concurrence of the Cabinet, shall make funds available for the functioning of the Secretariat from -

(a) moneys appropriated by Parliament for this purpose; and

(b) funds obtained from donations or grants.

Reporting

11. (1) The Secretariat shall present an annual report to the Minister on its activities on the following -

(a) its work activities and the work plan for the next year;

(b) on any other matter relevant to the implementation and co-ordination of disaster management; and

(c) on any matter as may be prescribed by the Minister.

(2) The Minister shall present an annual report to the Cabinet on the work of the Secretariat including -

(a) the work plan for the next year;

(b) information submitted; and

(c) financial report and budget.

PART III

REGIONAL DISASTER MANAGEMENT COMMITTEE

Establishment and Objective

12. (1) Each Regional Administrator shall establish a Regional Disaster Management Committee for the respective region and each shall be chaired by the respective Regional Secretary or a person appointed by that Regional Secretary.

(2) The Committee shall be the principal interface for disaster management at regional, inkhundla and community level.

Functions

13. (1) The functions of the Committee shall include -

- (a) monitoring the implementation of national policy, programmes and procedures at regional, inkhundla and community levels;
 - (b) supervising the preparation of regional disaster management plans, programmes and procedures;
 - (c) facilitating the implementation of disaster management policies, programmes and procedures at regional, inkhundla and community levels;
 - (d) acting as a conduit of information to the Secretariat in order to support and facilitate the implementation of disaster management policies programmes and procedures;
 - (e) ensuring that mitigation and preparedness objectives are met;
 - (f) promoting and carrying out or cause to be carried out research and investigation into matters relating to disaster management particularly, disaster prevention and mitigation and promote and carry out, cause to be carried out, the dissemination of information forthcoming from such research and investigation;
 - (g) immediately when a disaster event is threatening -
 - (i) initiating efforts to assess the magnitude and severity or potential magnitude and severity of the threatening disaster;
 - (ii) informing the Council of the threatening disaster and its initial assessment of the potential magnitude and severity of the threatening disaster;
 - (iii) stepping up the provision of early warning and other information required for preparing for or dealing with a disaster;
 - (iv) through the Council, making recommendations to the Minister to direct and compel the evacuation of all or part of the population from any disaster threatened area if it is deemed that such action is necessary for the preservation of life and move them to temporary shelter elsewhere where adequate facilities exist;
 - (v) alerting disaster management role players that may be of assistance in the circumstances;
 - (vi) initiating the implementation of any disaster management, contingency plans and emergency procedures that may be applicable in the circumstances; and
 - (vii) taking necessary and reasonable measures in order to prevent, alleviate, contain and minimise the effects of the threatened disaster; and
 - (h) performing any function or duty as the Minister may prescribe.
- (2) The Regional Administrator may -
- (a) designate as many officers and employees as the Regional Administrator may deem necessary to assist the Committee in the performance of its work;
 - (b) engage persons on contract to assist the Committee in the performance of its work; and

- (c) establish *ad hoc* or permanent working groups to deal with specific hazards or geographical areas and to assist the Committee in the performance of its functions.

(3) The Minister may make regulations concerning the terms of reference, composition and functioning of working groups.

(4) The Minister, with the concurrence of the Cabinet, shall make funds available for the functioning of the Committee from -

- (a) moneys appropriated from Parliament for this purpose; and
- (b) funds obtained from donations and grants.

Composition

14. (1) The Committee shall comprise -

- (a) the head of each of the sectoral departments at regional level;
- (b) the Commanding Officer of the Umbutfo Defence Force in the respective region or a person appointed by him or her;
- (c) the Regional Commander of the Royal Swaziland Police;
- (d) a representative from each inkhundla in the region nominated by the Regional Administrator;
- (e) a representative from some of the following disaster management role players -
 - (i) organised labour;
 - (ii) organised business;
 - (iii) religious and welfare organisations;
 - (iv) medical and para-medical organisations;
 - (v) non-governmental organisations
 - (vi) community-based organisations;
 - (vii) the Baphalali Swaziland Red Cross Society as established in terms of Baphalali Swaziland Red Cross Society Act, 1970 Act; and
 - (viii) relevant professional and scientific organisations and institutions.

(2) The Minister shall appoint the persons contemplated in subsection (1) (e) in a manner that the Minister may consider appropriate.

(3) Each member of the Committee shall, with the concurrence of the Regional Administrator and necessary authority from the member's government, organisation or institution as the case may be, appoint an alternate member.

(4) The alternate member shall act in such member's absence or inability to act as member of the Committee.

- (5) The Committee may co-opt persons to assist it in carrying out its functions.
- (6) The Committee may invite persons to attend its meetings and to assist it in carrying out its functions.
- (7) The Regional Administrator may appoint a replacement for a member who vacates his or her office in terms of section 15(3), and the Regional Administrator may invite nominations from the government, organisation or institution that nominated such member.
- (8) The replacement shall serve for the balance of the term of the person he or she replaces.

Conditions of appointment to Committee

- 15. (1) A member of the Committee shall hold office for a period not exceeding three years.
- (2) At the expiry of the member's term of office, a member may be appointed for one further term.
- (3) A member of the Committee shall vacate office where -
 - (a) the Regional Administrator at any time terminates such term of office for good reason;
 - (b) the member can no longer perform his or her duties on the Committee;
 - (c) the member is convicted of a criminal offence involving dishonesty, and is sentenced to imprisonment without the option of a fine;
 - (d) the member is absent from more than three consecutive meetings of the Committee without the leave of the chairperson;
 - (e) the member resigns by way of written notice to the Regional Administrator; or
 - (f) the member who was appointed by virtue of the office the member held or the organization the member represented such person ceases to hold the office or ceases to be a member of the organization.

(4) Where any member of the Committee or his or her spouse has a direct or indirect financial interest in any matter before the Committee, the member shall disclose such interest and may not take part in any discussion regarding such matter.

(5) A member of the Committee shall be paid such allowances as shall be determined by the Minister in consultation with the Minister responsible for finance.

Reporting

- 16. (1) The Committee shall present an annual report on its activities to the Council, including on the following -
 - (a) its work activities during the year;
 - (b) its work plan for the next year;

- (c) emergencies and disasters that occurred during the year in its region and their impacts and effects;
- (d) Particular problems experienced;
- (e) any matter relevant to the implementation of disaster management policies, plans, programmes and plans; and
- (f) any matter that the Minister may require.

(2) The Minister shall present an annual report to Cabinet on the work of the Committee, including -

- (a) the work plan for the next year;
- (b) information submitted; and
- (c) financial report and budget.

PART IV EMERGENCY MANAGEMENT STRUCTURES

Establishment of National Emergency Management Secretariat

17. (1) When a national disaster is declared in terms of this Act, the Minister may, under the authority of Cabinet, establish the National Emergency Management Secretariat.

(2) A sub-committee of the National Sustainable Disaster Management Council shall constitute the National Emergency Management Secretariat.

(3) The Minister shall be the head of the National Emergency Management Secretariat.

Establishment of Regional Emergency Management Committee

18. (1) When a national disaster is declared or when a regional disaster is declared in terms of this Act, the relevant Regional Administrator shall establish a Regional Emergency Management Committee.

(2) A sub-committee of the Regional Disaster Management Committee shall constitute the Regional Emergency Management Committee.

(3) The Regional Administrator shall be the head of the Regional Emergency Management Committee.

Functions of National Emergency Management Secretariat and Regional Emergency Management Committee

19. (1) The functions and duties of the National Emergency Management Secretariat and Regional Emergency Management Committee shall include -

- (a) implementing national and regional emergency plans and procedures;
- (b) co-ordinating disaster response and relief activity;

- (c) establishing and directing the policy of the National Emergency Management Secretariat and Regional Emergency Management Committee with respect to planning, organisation, equipment, training, administration and operations;
- (d) prior to, during, or subsequent to, the occurrence of a disaster, enlisting suitable persons to be volunteers;
- (e) inspecting, at regular intervals, resources for disaster preparedness, response and relief activity; and
- (f) mounting such multi-organisational exercises as may be necessary to test emergency plans and procedures.

PART V DECLARATION OF DISASTERS

Classification and declaration of disasters

20 (1) When a disaster event is threatening, the Prime Minister may, on the advice of the Minister and in consultation with the Council, determine whether the event qualifies as a disaster in terms of this Act, and if it does so qualify, the Prime Minister in consultation with the Minister shall -

- (a) assess the magnitude and severity or potential magnitude and severity of the disaster; and
- (b) classify and declare the disaster as a national or regional disaster in accordance with subsections (4) and (5)

(2) When assessing the magnitude and severity or potential magnitude and severity of a disaster, the Prime Minister may enlist the assistance of an independent assessor to evaluate the disaster on site.

(3) A disaster classified in terms of subsection (1) (b) as a national or regional disaster may at any time be reclassified by the Prime Minister if the magnitude and severity or potential magnitude and severity of the disaster is greater or lesser than the initial assessment.

(4) A disaster is a regional disaster if it affects any region and the region concerned is able to deal with it effectively

(5) A disaster is a national disaster where -

- (a) it affects more than one region; and
- (b) the regions concerned are unable to deal with it effectively.

(6) A declaration of a national disaster shall come into force immediately the declaration is made and, unless earlier revoked, shall continue in force for a period specified in the declaration, not exceeding two months.

(7) The duration of a national disaster may be extended by declaration under subsection (1) for further period not exceeding two months in each case.

(8) A declaration of a regional disaster shall come into force immediately the declaration is made unless earlier revoked, shall continue in force for a period specified in the declaration not exceeding one month.

(9) The duration of a regional disaster may be extended by declaration under subsection (8) for further periods not exceeding one month each.

Duties upon declaration of a disaster

21. (1) Upon the declaration of a national disaster, the Minister, and upon the declaration of a regional disaster, the Regional Administrator, shall institute whatever measures he or she considers appropriate to deal with the disaster including -

- (a) taking such action as required by the relevant emergency management plans and procedures;
- (b) step up the provision of early warning and other information required for preparing for or dealing with a disaster;
- (c) taking immediate action to use, direct, and co-ordinate all available resources so as to counter the effects or the likely effects of the disaster occurrence or impending occurrence that led to the declaration;
- (d) immediately they become available, use, direct and co-ordinate all additional resources; and
- (e) alerting disaster management role players that may be of assistance in the circumstances.

Powers upon declaration of a disaster

22. Upon the declaration of a disaster, the Prime Minister may -

- (a) direct that the resources of the country and other resources that the Prime Minister considers necessary, be made available to relieve the effect of the disaster;
- (b) utilise all available resources of the government as may be reasonably necessary;
- (c) take such other action as the Prime Minister considers necessary and appropriate to counter the effects of the disaster;
- (d) authorise the expenditure of such sums to relieve personal distress and implementation of measures to prevent, mitigate or overcome the effect of the disaster;
- (e) transfer personnel or functions of government departments for the purpose of performing or facilitating emergency response and relief efforts; and
- (f) have access to and utilisation of the Umtsofo Swaziland Defence Force and Royal Swaziland Police personnel, resources, radio communication and other necessary equipment.

Special powers with respect to the public

23 (1) Upon the declaration of a disaster, the Minister may, if the Minister is of the opinion that such action is necessary for the preservation of human life and without authority other than this provision -

- (a) direct and compel the evacuation of all or part of the population from any disaster-stricken area if the Minister deems that such action is necessary for the preservation of life and move them to temporary shelter elsewhere where adequate facilities exist;
- (b) direct or prohibit the movement of people and resources in the disaster area;
- (c) direct the termination of supply of fuel, gas, electricity, water or drainage facility in the disaster area;
- (d) impose and enforce restrictions on the supply and usage of water in circumstances of severe or prolonged draughts;
- (e) direct the taking of any other reasonable measure as the Minister may deem fit in order to prevent, alleviate, contain and minimise the effects of a disaster.

(2) Upon the declaration of a disaster, a police officer, a member of the army or a member of the Fire and Emergency Service and any other authorised person may, without any authority other than this provision -

- (a) require the owner or person for the time being in charge of property or resources in a disaster area to surrender such property and resources;
- (b) enter, by force if necessary, any place which he or she reasonably believes is necessary for the saving of life or the prevention of injury to persons or for the rescue of injured or people in danger or for facilitating the carrying out of other urgent measures with respect to the relief of suffering and distress;
- (c) close to traffic any road, street, private way, service lane or access way or close any public place; and
- (d) remove from any place a vehicle that is impeding response and relief efforts and to in order to facilitate its removal, may use such force as is reasonably necessary to break into the vehicle.

(3) The powers conferred upon the Minister by subsection (1) may be exercised also by a police officer, a member of the army or a member of the Fire and Emergency Service and any other authorised person.

(4) For the purpose of this section, authorised person means any person to whom powers are delegated by the Minister or Regional Administrator.

PART VI

DISASTER MANAGEMENT RESPONSIBILITIES OF GOVERNMENT AT NATIONAL AND REGIONAL LEVELS

Duties of Ministries

24. (1) The following Ministries -

- (i) Ministry of Natural Resources and Energy;
- (ii) Ministry of Tourism, Environment and Communication;
- (iii) Ministry of Economic Planning and Development;

- (iv) Ministry of Health and Social Welfare;
- (v) Ministry of Public Works and Transport;
- (vi) Ministry of Agriculture and Co-operatives; and
- (vii) Deputy Prime Minister's office

shall-

- (a) prepare disaster management and emergency management plans within one year of the coming into force of this Act and at least every four years thereafter setting out -
 - (i) the way in which the measures for the different phases of disaster management is to be applied in its functional area;
 - (ii) assessment of disaster risk and analysis of vulnerabilities undertaken or to be undertaken;
 - (iii) identification of priority developmental programmes that address vulnerabilities and exposure by communities to risk and repeated threats or losses;
 - (iv) details concerning the installation and implementation of early warning systems;
 - (v) proposals regarding the investment in disaster resistant services and infrastructure to minimise loss;
 - (vi) its role and responsibilities in terms of the National Disaster Management Plan;
 - (vii) its role and responsibilities regarding emergency response and relief and post-disaster recovery and rehabilitation;
 - (viii) its capacity to fulfill its role and responsibilities;
 - (ix) particulars of its disaster management programmes and procedures; and
 - (x) contingency strategies and emergency procedures in the event of a disaster occurrence, including measures to finance these strategies and procedures.
- (b) co-ordinate and align the implementation of its plans, programmes and procedures with those of other government and institutional role players;
- (c) take necessary and appropriate measures to implement disaster management policies, plans, programmes and procedures;
- (d) where appropriate, develop guidelines for the inclusion of disaster impact assessments into development planning and project approval mechanisms;
- (e) develop effective performance standards for disaster management;
- (f) monitor the preparation of regional disaster management and emergency management plans and ensuring that plans are consistent with community priorities and objectives;
- (g) analyse data and disseminate information in order to support and facilitate the implementation of disaster management policy, programmes and procedures;

- (h) promote and implement public awareness programmes especially in respect to know hazards;
- (i) mobilise national resources for disaster management in order to support regional and if necessary, local resources;
- (j) raise funds for disaster management in collaboration with the Minister of Foreign Affairs;
- (k) evaluate the effectiveness of disaster management planning and co-ordination in any post-disaster situation;
- (l) develop guidelines for the integration of relevant aspects of disaster management into existing basic and continuing education programmes; and
- (m) perform any other function or duty as the Minister may prescribe.

(2) A Ministry referred to in subsection (1) shall submit copies of disaster management and any amendment to such plans, to the Minister for approval.

Duties of Regions

25. (1) Every region shall -

- (a) prepare regional disaster management plans within one year of the promulgation of this Act and at least every four years thereafter setting out -
 - (i) the measures to be taken for the different phases of disaster management;
 - (ii) assessment of disaster risk and analysis of vulnerabilities undertaken or to be undertaken;
 - (iii) identification of priority developmental strategies that address vulnerabilities and exposure by communities to risk and repeated threats or losses;
 - (iv) details regarding the installation and implementation of early warning systems;
 - (v) proposals for the investment in disaster resistant services and infrastructure to minimise loss;
 - (vi) its role and responsibilities in terms of the National Disaster Management Plan;
 - (vii) its capacity to fulfill its role and responsibilities;
 - (viii) particulars of its disaster management programmes and procedures;
 - (ix) contingency strategies and emergency procedures in the event of a disaster occurrence, including measures to finance its strategies;
- (b) ensure the implementation of disaster management policy, plans, programmes and procedures at regional, inkhundla and community level and monitor such arrangements;
- (c) act as a repository and conduit of information from the inkhundla and communities and development planning and programming processes;

- (d) mobilise regional resources for disaster management, in support of resources at inkhundla and community level;
 - (e) establish and sustain structures and processes for promoting and implementing disaster management training at regional, Inkhundla and community level;
 - (f) promote public information and awareness programmes at regional, Inkhundla and community level;
 - (g) collect and disseminate data and information on regional disaster management issues; and
 - (h) perform any other function or duty as the Minister may prescribe.
- (2) Every region shall submit copies of disaster management and emergency plans, and any amendment to such plans, to the Council for approval.

PART VII DISASTER MANAGEMENT FUND

Establishment

26. (1) The Minister responsible for finance shall establish a fund to be known as the Disaster Management Fund.
- (2) The Director shall maintain a separate account of the Fund in which he shall record the receipts and disbursements referred to in sections 27 and 28.
- (3) The Director shall maintain accounts in which shall be recorded receipts into the Fund and disbursements from the Fund.
- (4) In maintaining the accounts referred to in subsection (3), the Director shall observe the provisions of other applicable laws governing the receipt, control and disbursements of public funds.

Receipts

27. (1) There shall be paid into the Fund -
- (a) moneys donated from any source for the purpose of disaster management;
 - (b) moneys appropriated from Parliament for this purpose; and
 - (c) Interest arising out of any investment of the fund.

Disbursements

28. There shall be paid out of the Fund any expenses as may be approved by the Minister.

Donations

29. (1) Donations shall be taken on charge and accounted for in accordance with any other applicable law governing the receipt, issue and control of public resources and related matters.

(2) Donations shall, wherever possible, only be used for the purpose for which they have been donated provided that where no conditions are attached, they may be used for the purposes of implementing disaster management programmes.

Financial year

30. The financial year shall be the period from the first day of April to the thirty first day of March of the succeeding year, inclusive of both days.

Annual budget

31. The Council shall prepare and present to the Cabinet for approval, in advance of each financial year, a budget for that year, indicating anticipated revenues, allocation of the revenues and expenditure.

Audit

32. (1) The accounts of the Director shall be audited by the Auditor General or auditors appointed by him or her.

(2) The auditors shall complete their audit of accounts of the Fund within three months of the end of each financial year and shall include, in the report, assessments relating to the effectiveness and the administration of the Fund.

(3) The Director shall submit the auditor's report with comments to the Minister within one month from the date of its completion.

Reports

33. (1) As soon as possible after the close of the financial year, but no later than three months thereafter, the Director shall present to the Minister an annual report and audited accounts of the fund comprising-

(a) a balance sheet showing the assets and liabilities of the Fund at the close of the financial year; and

(b) a statement showing the receipt and disposal of any moneys donated.

(2) The Minister shall submit a copy of the annual report and audited accounts to the Cabinet of Ministers.

PART VIII MISCELLANEOUS

Regulations

34. The Minister may make regulations, not inconsistent with this Act, concerning any matter that -

(a) may be prescribed in terms of a provision of this Act; or

- (b) in the opinion of the Minister is necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Act.

Delegation of powers

35. (1) The Minister or Regional Administrator may delegate a power, function or duty vested in him or her to any person in the public service.

(2) The Minister or Regional Administrator may permit a person to whom a power, function or duty has been delegated to further delegate that power, function or duty.

(3) A delegation -

- (a) shall be in writing;
- (b) may be made subject to conditions;
- (c) may not prevent the exercise of the power, function or duty by the Minister or Regional Administrator himself or herself as the case may be; and
- (d) may be withdrawn by the Minister or Regional Administrator as the case may be.

Offence

36. (1) A person commits an offence where the person fails to comply with a request made by a person contemplated in terms of section 24.

(2) A person convicted of an offence mentioned in subsection (1) is liable to a fine of one thousand Emalangeni or to imprisonment not exceeding three months or both.

Indemnity

37. The Minister or any other person performing a function or exercise a power in terms of this Act is not liable for anything done in good faith in terms of this Act or in furthering the objects of this Act.

(b) in the opinion of the Minister it is necessary or expedient for the effective carrying out or
fulfilment of the provisions of this Act.

Delegation of powers

(1) The Minister or Regional Administrator may delegate a power, function or duty vested
in him or her to any person in the public service.

(2) The Minister or Regional Administrator may appoint a person to whom power, function or duty
has been delegated to further delegate that power, function or duty.

(3) A delegation

(a) shall not be subject to

(b) may be made subject to conditions

(c) may not be given the exercise of the power, function or duty by the Minister or Regional
Administrator himself or herself as the case may be; and

(d) may be withdrawn by the Minister or Regional Administrator as the case may be.

Offences

(1) A person commits an offence if he or she, where the person fails to comply with a request made by a
person in connection with the exercise of a power, function or duty.

(2) A person commits an offence if an officer concerned in subsection (1) is liable to a fine of one
thousand pounds for failing to report the offence to the appropriate authority.

Interpretation

(1) The Minister or Regional Administrator may, by writing, appoint or create a person in connection with this Act
to be responsible for any matter in connection with the exercise of the powers, functions or duties of this
Act.