

NATIONAL DISASTER RISK MANAGEMENT BILL 2024
(BILL NO. 6 OF 2024)

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BILL NO. 6 OF 2024

A BILL

FOR AN ACT TO REPEAL THE NATURAL DISASTER MANAGEMENT ACT 1998 AND TO PROVIDE FOR DISASTER RISK GOVERNANCE, DISASTER RISK REDUCTION, DISASTER RISK MANAGEMENT AND DISASTER MANAGEMENT, AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY

Short title and commencement

- 1.—(1) This Act may be cited as the National Disaster Risk Management Act 2024.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

Interpretation

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

“affected” means a person who is affected by a hazardous event either—

- (a) directly where the person has suffered injury, illness or other health condition, or has been evacuated, displaced, relocated or has suffered direct damage to his or her livelihood, economic, physical, social, cultural and environmental assets; or

(b) indirectly where the person has suffered consequences including social, health and psychological consequences over time, other than or in addition to direct effects due to disruption or changes in the economy, critical infrastructure, basic services, commerce or work;

“agency” means a Government ministry or department, a member of the Council, a statutory authority, municipality, community organisation, non-government organisation, private sector or person with a specific function or responsibility under this Act or the National Disaster Risk Management Plan;

“Agency Support Plan” means the procedures developed by the responsible agencies in conjunction with NDRMO outlining the processes to be followed by an agency for all phases of disaster risk management;

“Assisting Actor” means any Assisting International Actor and any Assisting Domestic Actor responding to a disaster in Fiji;

“Assisting Domestic Actor” means any not-for-profit entity or organisation established in Fiji that is responding to a disaster;

“Assisting International Actor” means any foreign state, entity, organisation or person responding to a disaster in Fiji or transiting through the territory of Fiji in order to respond to a disaster in another country;

“build back better” means the use of the recovery, rehabilitation and reconstruction phases after a disaster to increase the resilience of nations and communities through integrating disaster risk reduction measures into the restoration of physical infrastructure and societal systems, and into the revitalisation of livelihoods, economies and the environment;

“capacity” means the combination of all the strengths, attributes and resources available within an organisation, community or society to manage and reduce disaster risks and strengthen resilience;

“capacity building” means the process by which people, organisations and society systematically stimulate and develop their capacities over time to achieve social and economic goals and involves learning and various types of training, and continuous efforts to develop institutions, political awareness, financial resources, technology systems and the wider enabling environment;

“Council” means the National Disaster Risk Management Council continued under section 6;

“disaster” means a serious disruption of the functioning of a community or a society at any scale due to a hazardous event or events interacting with conditions of exposure, vulnerability and capacity, leading to human, material, economic or environmental loss and impact and does not include civil unrest, terrorism or war;

“disaster preparedness” means any measure taken to ensure the readiness and ability to—

- (a) forecast and take precautionary measures in advance of an imminent threat of disaster in cases where advance warnings are possible; and
- (b) respond to and cope with the effects of a disaster by organising and delivering timely and effective rescue, relief and other appropriate post-disaster assistance;

“disaster relief” means the goods, equipment, services including rescue services and donated funds provided to meet the immediate humanitarian needs of disaster-affected communities;

“disaster risk management” means—

- (a) the application of disaster risk reduction policies and strategies to prevent new disaster risk, reduce existing disaster risk and manage residual risk to strengthen resilience and reduction of disaster losses; and
- (b) the organisation, planning and application of measures preparing for, responding to and recovering from disasters;

“disaster risk reduction” means the prevention of any new disaster or reducing any existing disaster risk and managing residual risk in order to strengthen resilience and achieve sustainable development;

“Disaster Service Liaison Officer” means a person nominated by a Government agency under section 29;

“Eligible Actor” means an Assisting Actor that is eligible for legal facilities under this Act;

“emergency operation” means any action taken in response to a disaster under section 91 to minimise or contain the negative effects, and any action taken to preserve lives and provide basic services in the immediate aftermath of a disaster for as long as an emergency situation prevails;

“Emergency Operations Centre” means a suitably equipped and staffed area or room, from within which response operations are conducted either at the national or subnational level;

“emergency situation” means a situation in the whole of Fiji or in any part of Fiji, which results in a declared National State of Disaster under section 91;

“evacuation” means moving people and assets temporarily to safer places before, during or after the occurrence of a hazardous event for protection;

“exposure” means the situation of people, infrastructure, housing, production capacities or other assets located in hazard-prone areas;

- “hazard” means a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation;
- “International Actor” means any foreign state, organisation or person;
- “International Disaster Assistance” means disaster relief and initial recovery assistance that is provided by an Assisting International Actor, or imported or otherwise brought to Fiji by or on behalf of an Assisting Domestic Actor;
- “International Relief Period” means a period, as approved by Cabinet, in which a request for international assistance can be made;
- “legal facilities” means the special entitlements and exemptions that are made available under this Act;
- “loss and damage” means the adverse and unavoidable economic and non-economic impacts and/or projected risks of climate change as defined by the Intergovernmental Panel of Climate Change (IPCC);
- “Minister” means the Minister responsible for disaster risk management;
- “Ministry” means the Ministry responsible for disaster risk management;
- “National Controller” means the Permanent Secretary;
- “National Coordinator” means the Director of NDRMO;
- “NDRMO” means the National Disaster Risk Management Office;
- “Permanent Secretary” means the permanent secretary responsible for disaster risk management;
- “prevention” means any activity or measure taken to avoid any existing or new disaster risk;
- “recovery” means the restoring or improving of livelihoods and health, and the economic, physical, social, cultural and environmental assets, systems and activities of a disaster-affected community, aligning with the principles of sustainable development and “build back better”, to avoid or reduce future disaster risk;
- “response” means the actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected;
- “retrofitting” means reinforcement or upgrading of existing structures to become more resistant and resilient to the damaging effects of hazards;
- “Standard Operating Procedures” means procedures developed by the National Coordinator in conjunction with Divisional Commissioners, Provincial Administrators and District Officers for responding to an emergency situation and conducting an emergency operation;

“transport” means land, air or water vehicles operated by or on behalf of an Assisting Actor to transport personnel, goods and equipment across an international border for the purpose of providing disaster relief or initial recovery assistance;

“unsolicited bilateral donation” or “UBD” means donations of goods from non-Eligible Actors;

“vulnerable” in relation to an individual or a group means an individual or group of people at heightened risks and includes—

- (a) the disabled, women, children, youth, elderly, a person living in poverty, a person of diverse sexual orientation and gender identity and expression and sex characteristic, and the landless who are most severely affected due to pre-existing exclusion; or
- (b) a group that has the propensity or predisposition to be adversely affected, such as a household or community, and their situation, that influences the group’s capacity to anticipate, cope with, resist and recover from adverse pressure resulting from a disaster; and

“vulnerability” means the conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of a person, a community, assets or systems to the impacts of hazards.

Application

3.—(1) This Act binds the State.

(2) This Act applies to the whole of Fiji.

Objectives

4. The objectives of this Act are to—

- (a) establish the necessary institutions and mandates for effective disaster risk governance, disaster risk management, disaster risk reduction and disaster management at the national and subnational levels, and declarations of a National State of Disaster;
- (b) ensure the development and implementation of disaster risk reduction, disaster risk management and disaster management policies, strategies and plans at the national and subnational levels;
- (c) support a whole-of-society approach in support of national efforts in disaster risk management and risk assessment through education, training, awareness and capacity building;
- (d) support a whole-of-government approach to disaster risk management, integration of disaster risk reduction and support of climate change adaptation across the different sectors and through all levels of Government, through information-sharing, cooperation and joint planning, as appropriate;

- (e) support a unified Government strategy where all Government agencies collaborate to achieve shared disaster risk management goals;
- (f) ensure disaster response operations are coordinated effectively and in compliance with international humanitarian core principles;
- (g) facilitate the entry and coordination of international humanitarian assistance when required during disasters;
- (h) establish the Disaster Risk Management Fund;
- (i) ensure all Government agencies budget for disaster risk reduction, disaster risk management and disaster management activities; and
- (j) support coordination of a multiple hazards approach and multiple hazard early action early warning system.

Principles

5. The implementation of this Act is to be guided by the following principles—

- (a) when taking any action to address disaster risk management, disaster risk reductions, disaster management, disaster mitigation or multiple hazards coordination, the rights and freedoms recognised under the Constitution of the Republic of Fiji must be considered, respected and promoted;
- (b) recognition of the traditional owners of iTaukei lands and Rotuman lands, their respective cultures, customs, traditions and languages;
- (c) disaster management, disaster risk reduction and disaster risk management activities must be appropriate for Fiji’s specific conditions and integrated with climate change adaptation and resilient development and national development programmes, taking into account that resilient development is essential for adopting measures to address disaster risk management; and
- (d) all agencies that the NDRMO has set roles and responsibilities for in disaster and emergency response activities under this Act or the National Disaster Risk Management Plan must undertake those roles and responsibilities in accordance with the principles of humanity, neutrality and independence.

PART 2—NATIONAL ADMINISTRATION

Division 1— Disaster Risk Governance

Subdivision 1— National Disaster Risk Management Council

National Disaster Risk Management Council

6.—(1) The National Disaster Management Council established under section 4 of the Natural Disaster Management Act 1998 is continued under this Act as the National Disaster Risk Management Council.

(2) The Council comprises the following members—

- (a) the Minister as chairperson;
- (b) the Permanent Secretary as deputy chairperson;
- (c) all permanent secretaries; and
- (d) other members as set out in Schedule 1.

(3) The Director of NDRMO is the Secretary of the Council.

Functions of Council

7. The Council—

- (a) has overall responsibility for disaster risk management, disaster risk reduction, disaster management, supports coordination of a multiple hazards approach and multiple hazard early warning early action system;
- (b) approves suitable strategies and policies as submitted by the Disaster Risk Reduction Committee or the Emergency Committee for the following—
 - (i) disaster risk reduction;
 - (ii) disaster mitigation and preparedness;
 - (iii) training, management and public education on disaster risk management;
 - (iv) disaster risk management and emergency operations; and
 - (v) coordination of a multiple hazards approach and multiple hazard early warning early action system;
- (c) recommends disaster risk management policies, strategies and alternatives to Cabinet;
- (d) monitors and oversees the implementation of all disaster risk management related strategies and policies;
- (e) recommends resilient rehabilitation programmes pre and post disaster;
- (f) monitors the progress of rehabilitation programmes;
- (g) may form subcommittees to execute specific tasks within specific fields of competence;
- (h) ensures the inclusion of the vulnerable in the formulation and implementation of disaster risk management policies;
- (i) provides direction to the Disaster Risk Reduction Committee and the Emergency Committee;
- (j) on advice of the National Coordinator, may invite other agencies to a Council meeting; and
- (k) performs any other function requested by the Minister or the Permanent Secretary.

Meetings of Council

8.—(1) The Council must meet—

- (a) at least twice a year; and
- (b) as determined by the chairperson of the Council on the advice of the National Controller according to disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazards approach needs.

(2) The chairperson must preside over all meetings of the Council and the deputy chairperson may only preside over a meeting if the chairperson is absent.

(3) A Council member must attend all Council meetings and may not nominate a person to attend on his or her behalf unless he or she has prior approval of the chairperson.

(4) The Council may determine its own procedures.

Powers of chairperson of Council

9. The chairperson of the Council may—

- (a) call for members' attendance;
- (b) co-opt any person he or she considers may be of help to achieve disaster risk management objectives; or
- (c) delegate responsibility for the conduct of operational and emergency disaster risk management activities, disaster risk reduction, disaster management activities, coordination of a multiple hazards approach and multiple hazard early warning early action system, and early recovery to the National Controller.

*Subdivision 2— Disaster Risk Reduction Committee**Disaster Risk Reduction Committee*

10.—(1) This section establishes the Disaster Risk Reduction Committee.

(2) The Disaster Risk Reduction Committee consists of—

- (a) the National Controller as the chairperson; and
- (b) other members as listed in Schedule 2.

Powers of chairperson of Disaster Risk Reduction Committee

11. The chairperson on the advice of the National Coordinator, may—

- (a) invite other agencies to be a member of the Disaster Risk Reduction Committee;
- (b) set conditions for the participation of invited members; and
- (c) form technical working groups to advance and achieve the functions of the Disaster Risk Reduction Committee.

Functions of Disaster Risk Reduction Committee

12.—(1) The Disaster Risk Reduction Committee is guided by the Council.

(2) The Disaster Risk Reduction Committee is responsible for—

- (a) disaster risk reduction and disaster risk management awareness and training activities;
- (b) initiating, coordinating and monitoring the implementation of disaster risk reduction policies and disaster risk management activities;
- (c) mainstreaming disaster risk management and disaster risk reduction;
- (d) planning, promoting, implementing and coordination of programmes for disaster preparedness, coordination of a multiple hazard approach and multiple hazard early warning early action system; and
- (e) monitor and report all disaster risk reduction and disaster risk management activities to the Council.

(3) The Disaster Risk Reduction Committee is also responsible for the formulation, review and submission of policies and information papers to the Council for—

- (a) disaster risk reduction and disaster risk management;
- (b) preparedness, awareness, planning, promoting and implementing of disaster preparedness activities and programmes;
- (c) disaster mitigation and prevention;
- (d) disaster relief and rehabilitation;
- (e) coordination of a multiple hazard approach; and
- (f) multiple hazard early warning early action system.

Disaster mitigation and prevention

13. NDRMO in consultation with the Disaster Risk Reduction Committee, Divisional Commissioners, subnational Disaster Risk Management committees, Disaster Service Liaison Officers, Clusters and Government agencies, is responsible for the coordination and implementation of disaster mitigation and prevention policies approved by the Council.

Disaster preparedness and awareness

14. NDRMO in consultation with the Disaster Risk Reduction Committee, Divisional Commissioners and the subnational Disaster Risk Management committees, is responsible for the implementation and coordination of disaster preparedness and awareness activities at the national and subnational levels to support the coordination of a multiple hazard approach, multiple hazard early warning and early action system and disaster simulations and drills.

National Disaster Risk Management Awareness

15.—(1) The Disaster Risk Reduction Committee, with the support of NDRMO, must conduct an annual national disaster risk management awareness programme prior to the beginning of the cyclone season.

(2) NDRMO is responsible for the organisation of the programme and coordination of public awareness activities under subsection (1).

(3) The Disaster Risk Reduction Committee is responsible for planning public awareness activities for—

- (a) the coordination of a multiple hazard approach;
- (b) multiple hazard early action early warning system;
- (c) disaster risk reduction; and
- (d) disaster risk management.

Disaster training

16.—(1) NDRMO must implement training programmes for Government agencies and the public for—

- (a) the coordination of a multiple hazard approach;
- (b) multiple hazard early action early warning system;
- (c) disaster risk reduction; and
- (d) disaster risk management.

(2) Any person or organisation providing disaster training in Fiji must first obtain approval from NDRMO.

Subdivision 3—Emergency Committee

Emergency Committee

17.—(1) The Emergency Committee established under section 7 of the Natural Disaster Management Act 1998 is continued under this Act.

(2) The Emergency Committee consists of—

- (a) the National Controller as the chairperson;
- (b) the National Coordinator; and
- (c) other members as listed in Schedule 3.

Powers of chairperson of Emergency Committee

18. The chairperson of the Emergency Committee, on the advice of the National Coordinator, may—

- (a) invite other agencies to be a member of the Emergency Committee;
- (b) set conditions for participation of invited members; and
- (c) form technical working groups to advance the functions of the Emergency Committee.

Functions of Emergency Committee

19.—(1) The Emergency Committee is guided by the Council.

- (2) The Emergency Committee has central control during emergency operations.
- (3) The Emergency Committee must—
 - (a) ensure that personnel of the national and subnational Emergency Operations Centres are provided the relevant capacity building required to perform duties during emergency operations;
 - (b) ensure that the equipment in national and subnational Emergency Operations Centres are maintained in good working condition or replaced as needed;
 - (c) make available appropriate personnel and equipment to the National Coordinator to support operations of the National Emergency Operations Centre;
 - (d) develop and review standard operating procedures for the national and subnational Emergency Operations Centres;
 - (e) support the formulation and implementation of policies and activities carried out by the Disaster Risk Reduction Committee for the coordination of a multiple hazard approach and multiple hazard early action early warning system including drills and simulations; and
 - (f) any other function as directed by the Council.

Subdivision 4—National Controller and National Coordinator

National Controller

- 20.** The National Controller is the Permanent Secretary.

Functions, duties and powers of National Controller

- 21.—**(1) The National Controller must—
- (a) advise the Minister on all matters relating to disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (b) oversee the implementation of the Council’s decisions;
 - (c) make enquiries with and request reports from early warning agencies in relation to any obligation under this Act;
 - (d) facilitate the provision of adequate resources to NDRMO for effective performance of its functions;
 - (e) through the National Coordinator, advise and assist agencies on matters relating to risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system; and
 - (f) exercise the powers and perform any function and duty conferred on him or her in accordance with this Act.

- (2) The National Controller may also—
- (a) during an emergency situation or in anticipation of a potential emergency, coordinate and direct the use of all Government resources to address the emergency situation;
 - (b) through the National Coordinator, disseminate information and advice on matters relating to potential or actual emergency situations; and
 - (c) through the National Coordinator, promote, carry out or cause to be carried out, the training of personnel required under this Act.

Delegation by National Controller

22. The National Controller may delegate in writing with or without conditions, to the Deputy Secretary responsible for disaster risk management or the National Coordinator, any of his or her functions, duties or powers under this Act, except the power of delegation.

National Coordinator

23. The National Coordinator is the Director for NDRMO.

Functions of National Coordinator

- 24.—**(1) The functions of the National Coordinator are to—
- (a) manage, coordinate, supervise and implement policies of the Council;
 - (b) manage the duties and budgetary allocation and coordinate the functions of NDRMO in disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (c) advise the National Controller on all matters pertaining to disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (d) coordinate the planning and execution of activities related to disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (e) ensure there is readily available personnel, material and services adequate to carry out disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (f) directs and controls personnel, material and services available for disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;

- (g) through the Divisional Disaster Risk Management Office, liaise with, advise and coordinate with the subnational Disaster Risk Management committees at all levels on disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (h) coordinate and advise Disaster Service Liaison Officers, cluster leads and co-leads on disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (i) advise and assist all agencies including non-government organisations on all matters relating to disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (j) prepare and revise the National Disaster Risk Management Plan, Disaster Risk Management Support Plans and Hazard Support Plans;
 - (k) review and strengthen Agency Disaster Risk Management Support Plans;
 - (l) manage the acquisition and distribution of international assistance provided in response to an emergency situation; and
 - (m) perform any other function and duty as directed by the National Controller or conferred on him or her under this Act.
- (2) In the exercise of his or her functions, the National Coordinator may, under the direction of the National Controller—
- (a) lead with the overall responsibility for the National Emergency Operations Centre;
 - (b) disseminate information and advice on matters relating to potential or actual emergency situations; and
 - (c) promote, carry out or facilitate the training of personnel to support capacity building and simulation exercises to promote Government agency coordination, in relation to disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system.

Delegation by National Coordinator

25. The National Coordinator may delegate in writing with or without conditions, to any person or class of persons engaged in the administration of this Act, any of his or her functions, duties or powers except the power of delegation.

*Division 2—National Disaster Risk Management Office**National Disaster Risk Management Office*

26. The National Disaster Management Office established under the Natural Disaster Management Act 1998 is continued under this Act as the National Disaster Risk Management Office which is responsible for the day-to-day management and operations of disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system.

Director and staff of NDRMO

27. The National Controller with approval of the Minister appoints—

- (a) the Director of NDRMO;
- (b) Divisional Disaster Risk Management Officers for each Division;
- (c) a minimum of 4 principal disaster management officers; and
- (d) other staff necessary to administer the functions of NDRMO required under this Act.

Functions of NDRMO

28. The functions of NDRMO are to—

- (a) implement disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system policies introduced by the Council and approved by Cabinet;
- (b) advise the National Controller, the Council and other relevant bodies through the Director on disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system;
- (c) develop or facilitate policies to strengthen disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
- (d) provide secretariat support to the Council;
- (e) coordinate disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system at all levels;
- (f) coordinate disaster assessment and relief efforts during and after a disaster;
- (g) determine emergency warehousing needs and identify potential warehouses;
- (h) initiate and coordinate early recovery and the preparation of rehabilitation plans after disasters;

- (i) to carry out after action review or post action review of arrangements for disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
- (j) coordinate training, capacity building, simulations and public education in disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
- (k) prepare and submit the disaster operations and financial report after a disaster;
- (l) coordinate approval of the disaster risk reduction projects, programmes and activities and direct implementing partners to submit regular reports for coordination purposes;
- (m) coordinate with the Ministry responsible for health, Fiji Police Force and Ministry responsible for foreign affairs to facilitate international assistance where local systems and resources providing victim identification and mortuary services may be overwhelmed in an emergency situation; and
- (n) perform any other function as directed by the National Coordinator.

Division 3—Disaster Service Liaison Officer

Disaster Service Liaison Officer

29. A Government agency must nominate a senior officer from within its office a Disaster Service Liaison Officer.

Functions of Disaster Service Liaison Officer

30. The Disaster Service Liaison Officer —

- (a) is the focal contact point in the respective Government agency for disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system and emergency operations;
- (b) must liaise with NDRMO on—
 - (i) disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system for his or her office;
 - (ii) the implementation by his or her office of disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (iii) the implementation of the relevant parts of the National Disaster Risk Management Plan relevant to his or her office;

- (iv) awareness and capacity building in his or her office on the roles and responsibilities in disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system; and
- (v) updating the roles and responsibility of his or her office in the National Disaster Risk Management Plan;
- (c) reports to NDRMO on the progress of his or her office's Agency Support Plan implementation;
- (d) coordinates and implements disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system;
- (e) coordinates the preparation of his or her office's evacuation plan and Disaster Risk Management Plan;
- (f) attends meetings arranged by NDRMO; and
- (g) performs any other function or duty required, subject to the approval of the head of his or her office.

Division 4—Single Window International Facilitation Team

Single Window International Facilitation Team

31.—(1) The Council may establish a Single Window International Facilitation Team to be led by a focal point nominated by the Ministry responsible for trade in consultation with the National Coordinator.

(2) A Single Window International Facilitation Team includes —

- (a) a representative from the Ministry responsible for foreign affairs;
- (b) the Chief Executive Officer of the Fiji Revenue and Customs Service or nominee;
- (c) the Director of Immigration or his or her nominee;
- (d) the Director of the Biosecurity Authority of Fiji or his or her nominee;
- (e) the Chief Executive Officer of Airport Authority or his or her nominee;
- (f) the Chief Executive Officer of the Maritime Safety Authority of Fiji or his or her nominee;
- (g) the Chief Executive Officer of the Fiji Telecommunication Authority or his or her nominee; and
- (h) any other person invited by the Emergency Committee.

Functions of Single Window International Facilitation Team

32. The functions of a Single Window International Facilitation Team are to—

- (a) consolidate and expedite the legal requirements concerning the entry of incoming international personnel, goods, equipment and transport of international relief in case of a disaster, emergency or international initial recovery;
- (b) control and monitor UBDs; and
- (c) advise Ministers on available legal facilities.

Legal facilities

33. The Single Window International Facilitation Team must advise respective Ministers on legal facilities that may be made available—

- (a) expedited clearance of the disaster consignments by border agencies;
- (b) customs duty exemptions of disaster consignments, relief goods or equipment and prepositioned disaster supplies;
- (c) temporary waiver of licensing requirements, licensing or fees for the use of telecommunications equipment necessary for disaster relief operations;
- (d) grant of priority access to bandwidth, frequencies and satellite use for telecommunication and data transfer for disaster operations, except over security forces, ambulance services and other domestic responders;
- (e) importation of medication for direct use by International Assisting Actors medical professional personnel provided they are—
 - (i) requested and approved by the Ministry responsible or other relevant ministry;
 - (ii) legal for use in the country of origin in accordance to its laws and in accordance with the laws of Fiji;
 - (iii) transported and maintained by an Assisting Actor in appropriate condition to ensure quality; and
 - (iv) guarded against misappropriation and abuse;
- (f) waiver of quarantine requirements for search and rescue dogs, provided that the dogs comply with requirements approved by the Biosecurity Authority of Fiji;
- (g) expedited granting of local registration and temporary license plates for vehicles imported for assistance operations;
- (h) relief goods and equipment that have been dispatched before the termination of the Declaration of a National State of Disaster, but that have not yet reached Fiji may also be exempt from customs duties, taxes, tariffs, or governmental fees as well as a waiver of economic prohibitions, geographic and other restrictions, except as required for reasons of public health or security, regardless of whether it has reached Fiji;

- (i) provision for NDRMO to enter into agreements with an Eligible Actor to extend the legal facilities to prepositioning of stocks in Fiji in preparation for a disaster or after the issue of a disaster warning.

Division 5—Cluster System

Fiji Cluster System

34. This section establishes the Fiji Cluster System.

Objectives of Fiji Cluster System

35. The objectives of the Fiji Cluster System are to—

- (a) coordinate Humanitarian Actors within specified sectors from the national level to the community level;
- (b) solicit resources to support the implementation of priorities approved by the Council; and
- (c) strengthen disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system, through predictability, accountability and partnership.

Division 6—Humanitarian Actors

Humanitarian Actors Registry

36.—(1) This section establishes the Humanitarian Actors Registry.

(2) The Registry must be maintained by the National Coordinator.

Humanitarian Actors

37. A person must not carry out any humanitarian work in Fiji unless registered under this Act.

Application to be recognised Humanitarian Actor

38.—(1) Any person intending to register as a Humanitarian Actor must apply to the National Coordinator in the prescribed form.

(2) On receipt of an application under this section, the National Coordinator must consider whether the application satisfies the prescribed requirements and—

- (a) grant the application with or without conditions and enter the name of the Humanitarian Actor in the Humanitarian Actors Registry;
- (b) reject the application; or
- (c) request for more information.

(3) A decision under this section must be communicated to the applicant in writing.

Deregistration of Humanitarian Actor

39. A Humanitarian Actor may be removed from the Humanitarian Actors Registry by the National Coordinator —

- (a) voluntarily by notice to the National Coordinator; or

- (b) if in breach of any condition of its registration.

Division 7—Disaster Risk Management Volunteers

Volunteer Organisations Registry

40.—(1) This section establishes the Volunteer Organisations Registry which must be maintained by the National Coordinator.

(2) The Volunteer Organisation Registry must be maintain by the National Coordinator.

(3) An organisation that manages volunteer work or runs a volunteer scheme for disaster management activities must not carry out any disaster risk management activities unless registered under this section and empowered under this Act or any other written law.

(4) An organisation that intends to provide volunteer services in Fiji must apply to the National Coordinator to be registered in the Volunteer Organisations Registry.

(5) On receipt of an application, the National Coordinator must consider whether the application satisfies the prescribed requirements and—

- (a) grant the application with or without conditions, and enter the name of the organisation in the Volunteer Organisation Registry;
- (b) reject the application; or
- (c) request for more information.

(6) A decision under this section must be communicated to the head of the organisation in writing.

Deregistration of volunteer organisation

41. A volunteer organisation may be removed from the Volunteer Organisations Registry by the National Coordinator—

- (a) voluntarily by notice from the volunteer organisation to the National Coordinator; or
- (b) if in breach of any condition of its registration.

Standards for volunteer organisation

42. The National Coordinator in consultation with relevant stakeholders may set out standards for disaster risk management volunteer organisations.

Division 8—Eligible Actors

Eligible Actors

43.—(1) An Eligible Actor is an Assisting International Actor or Assisting Domestic Actor that may be entitled to legal facilities.

(2) An Eligible Actor includes—

- (a) a state or intergovernmental organisation whose offer of assistance is accepted by the Ministry responsible for foreign affairs under this Act; and

- (b) an international or domestic non-governmental organisation declared eligible by the National Controller, on the basis of its experience, reputation and capacity for providing effective relief.

Registry of Eligible Actors

- 44.** The National Coordinator must keep and update a Registry of Eligible Actors.

PART 3—SUBNATIONAL ADMINISTRATION

Division 1—Divisional Disaster Risk Management Office

Divisional Disaster Risk Management Office

- 45.—(1)** This section establishes a Divisional Disaster Risk Management Office in each Division.

(2) A Divisional Disaster Risk Management Office is a suboffice of NDRMO and is responsible at the divisional level for the day-to-day management and operations of disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system.

(3) A Divisional Disaster Risk Management Office must be managed by the Divisional Disaster Risk Management Officer under the under the direction of the National Coordinator.

Functions of Divisional Disaster Risk Management Officer

- 46.—(1)** The functions of the Divisional Disaster Risk Management Officer are to —

- (a) manage, coordinate and supervise divisional implementation of the Council's policies;
- (b) manage the duties and budgetary allocation and coordinate the functions of NDRMO at the national and subnational levels in disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system;
- (c) liaise with the National Coordinator in advising the Divisional Commissioners on all matters pertaining to disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system;
- (d) coordinate the planning and execution of divisional activities related to disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system;
- (e) consult with the National Coordinator and the Divisional Commissioners to ensure there is readily available adequate personnel, material and services to carry out disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system;

- (f) support the Divisional Commissioners on the direction and control of personnel, material and services available and at his or her disposal for disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system.
 - (g) in consultation with the National Coordinator and the Divisional Commissioners liaise with, advise and coordinate with the subnational Disaster Risk Management committees at all levels on disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (h) provide information and reports to the National Coordinator to support subnational coordination of activities of the Disaster Service Liaison Officers, Government agencies and clusters on disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system;
 - (i) advise and assist all Government agencies, non-government organisations and other agencies on matters relating to disaster risk management, disaster risk reduction, disaster management and coordination of a multiple hazard approach and multiple hazard early warning and early action system, at the divisional level;
 - (j) consult with the National Coordinator to support the preparation and revision of the National Disaster Risk Management Plan, subnational Disaster Risk Management Plans, subnational Disaster Risk Management Support Plans and subnational Hazard Support Plans;
 - (k) consult with the National Coordinator to support the review of and strengthen the subnational Agency Disaster Risk Management Support Plans;
 - (l) consult with the National Coordinator and the Divisional Commissioners to manage the acquisition and distribution of international assistance provided in response to an emergency situation; and
 - (m) perform any other function and duty as directed by the National Controller on the advice of the National Coordinator.
- (2) In the exercise of his or her functions, the Divisional Disaster Risk Management Officer has the power to—
- (a) under the direction of the Divisional Commissioner, support the supervision and management of the Divisional Emergency Operations Centre;

- (b) under the direction of the National Controller, report to the National Coordinator on information and advice on matters relating to potential or actual emergency situations at the subnational level; and
- (c) under the direction of the National Coordinator, promote, carry out or facilitate the training of personnel to support capacity building and simulation exercises to promote Government agency coordination, in respect to disaster risk management, disaster risk reduction, disaster management, multiple hazard coordination and multiple hazard early warning and early action, at the subnational level.

Division 2—Subnational Disaster Risk Management Committees

Divisional Disaster Risk Management Committee

47.—(1) Each Divisional Commissioner in consultation with the National Coordinator must establish a Divisional Disaster Risk Management Committee.

(2) The members of the Divisional Disaster Risk Management Committee are listed in Schedule 4.

Functions of Divisional Disaster Risk Management Committee

48. A Divisional Disaster Risk Management Committee must coordinate with the National Coordinator to—

- (a) implement of the Councils policies in respect to disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system, at the subnational level;
- (b) support NRDMO in conducting community based disaster risk management training capacity building and awareness for subnational Disaster Risk Management committees;
- (c) implement community Disaster Risk Management Plans;
- (d) support risk proofing of development initiatives at the subnational level;
- (e) establish a Divisional Emergency Operations Centre for the coordination of response and immediate relief for persons affected by disasters;
- (f) support the identification, management and planning of the upkeep of evacuation centres;
- (g) notify the owners of evacuation centres when required for use;
- (h) facilitate immediate relief assistance to any person affected by disasters or other emergencies;
- (i) organise damage assessments after a disaster and submit to the National Emergency Operations Centre; and
- (j) coordinate with the National Coordinator to oversee ongoing relief and rehabilitation efforts at the subnational level.

Establishment of other subnational Disaster Risk Management Committee

49. The National Coordinator in consultation with the responsible Divisional Commissioner must establish Disaster Risk Management committees—

- (a) at the provincial and district levels;
- (b) at the municipal level in consultation with the responsible special administrator or mayor of a municipality; and
- (c) at the community level in consultation with the responsible *Turaga ni koro* or District Advisory Councillor.

Membership of subnational Disaster Risk Management Committee

50. The members of a subnational Disaster Risk Management Committee for—

- (a) the provincial and district levels are listed in Schedule 5;
- (b) the municipal level are listed in Schedule 6; and
- (c) the community level are listed in Schedule 7.

Functions of subnational Disaster Risk Management Committee

51. A subnational Disaster Risk Management Committee must prepare and submit a list of functions aligned to the functions of the Council and the Divisional Disaster Risk Management Committee to the Divisional Commissioner and the National Coordinator for approval.

PART 4—FINANCIAL ARRANGEMENTS

Budget

52.—(1) The Permanent Secretary must ensure that an allocation is provided within the Ministry’s annual budgetary estimates to finance disaster risk management, including—

- (a) disaster risk reduction, preparedness, prevention and disaster mitigation;
- (b) emergency response;
- (c) rehabilitation, long-term recovery;
- (d) related activities;
- (e) running costs of NDRMO; and
- (f) running costs of disaster risk management councils committees and technical working groups established under this Act.

(2) The Minister must keep Cabinet informed on the status of allocations under subsection (1).

Disaster Risk Management Budget

53. The Minister responsible for finance must ensure that NDRMO is provided with an allocation within the Ministry’s annual budgetary estimates to ensure that NDRMO is able to meet the requirements for its disaster risk management roles and responsibilities, disaster risk reduction, disaster management, emergency response, coordination of a multiple hazard approach and multiple hazard early warning and early action system.

PART 5—DISASTER RISK MANAGEMENT FUND

Disaster Risk Management Fund

54.—(1) This section establishes the Disaster Risk Management Fund which consists of—

- (a) any amount appropriated by Parliament for the purposes of the Fund;
- (b) any grant, contribution or donation including any loss and damage grant, contribution or donation to the Fund; and
- (c) any interest accrued from money deposited in the Fund.

(2) No part of the Fund may be transferred or assigned to any person other than in accordance with this Part.

(3) The Trustee Act 1966 does not apply to the Fund.

Purpose of Fund

55. The purpose of the Fund is to—

- (a) receive monies from donors and any other source to finance disaster risk management, disaster risk reduction, coordination of a multiple hazard approach and multiple hazard early action early warning system, loss and damage initiatives;
- (b) disburse the monies received for the performance of Fiji’s disaster risk management initiatives, disaster risk reduction, coordination of a multiple hazard approach and multiple hazard early action early warning system, international deployment for disaster or emergency assistance;
- (c) facilitate Fiji’s participation in hosting and attending training and events related to disaster risk management, disaster risk reduction, coordination of a multiple hazard approach and multiple hazard early action early warning system;
- (d) assist programmes, projects and activities associated with disaster risk management activities, disaster risk reduction, coordination of a multiple hazard approach and multiple hazard early action early warning system; and
- (e) any other disaster risk management activity approved by the Council.

Application of Fund

56.—(1) The Ministry must only expend the monies of the Fund for the purposes provided under section 55.

(2) For the purpose of subsection (1), in expending the monies of the Fund,—

- (a) the Ministry may also pay for operating expenses of the Fund; and
- (b) reimburse any Government agency for any expenditure made in relation to the purposes of the Fund.

Procurement

57. Subject to regulations which may be prescribed under this Act, regulations made under the Financial Management Act 2004 in relation to procurement must be complied with in relation to the utilisation of the Fund.

Accounts and audit

58.—(1) NDRMO must keep accounts and records of transactions of the Fund and its activities and must prepare financial statements and accounts for each financial year.

(2) The accounts of the Fund must be audited annually by the Auditor General.

Annual report

59.—(1) NDRMO must prepare an annual report on the activities and expenditure of the Fund, including financial statements for the Fund, and submit the report to Cabinet within 6 months from the end of the financial year to which the report relates.

(2) The Minister must as soon as practicable table a copy of the annual report in Parliament following submission to Cabinet.

Income tax exemption

60. The income of the Fund is exempt from income tax.

PART 6—DISASTER RISK REDUCTION

Division 1—Warnings and Warning Systems

Establishment of a multiple hazard warning system

61. NDRMO must in liaison with agencies responsible for the monitoring of a hazard or assessment of the threat of a hazard developing into a disaster, establish and maintain a people centred hazard warning system setting out—

- (a) an integrated system of hazard monitoring, impact forecasting and prediction;
- (b) hazard impact mapping and disaster risk assessment;
- (c) communication, warning dissemination procedures and preparedness activities;
- (d) systems and processes that enables early or timely action to reduce disaster risk of the hazard, by individuals, communities, government, business and others;
- (e) pre agreed actions that may be taken to minimise impact of the hazard, in accordance to forecasted hazard impact; and;
- (f) any other requirement set by the Council.

Agencies responsible for warnings

62. An agency that is responsible for monitoring a hazard or the assessment of the threat of a hazard developing into a disaster under section 91 must have a mandate to address a specific hazard or multiple hazards, and includes the agencies listed in Schedule 8.

Warning arrangement

63.—(1) Where an agency responsible for warnings determines that the threat of a hazard developing into a disaster is imminent, the agency must—

- (a) activate the warning system; and
- (b) issue a hazard warning and information immediately to the National Coordinator and to any head of organisation likely to be affected.

(2) A media broadcasting agency that is informed of a disaster warning by an agency responsible for issuing a warning must immediately and without charge, broadcast warning messages to the nation or to the areas of forecasted impact.

Communication system

64. NDRMO must coordinate with relevant agencies responsible for hazard warning and emergency management on the communication system to facilitate hazard warnings and emergency responses.

*Division 2—Evacuation Centres**Determination of evacuation centres*

65. The Council, on the advice of the National Coordinator, must—

- (a) determine a building to be used as an evacuation centre; or
- (b) approve the building of a purpose-built evacuation centre.

Requirement for evacuation centres

66.—(1) The National Coordinator must, in liaison with the relevant Ministries, prepare an assessment criteria for the suitability of—

- (a) a building as an evacuation centre; or
- (b) a site for building a purpose-built evacuation centre.

(2) In assessing the suitability of a building to be used as an evacuation centre, construction of a purpose-built evacuation centre or determination of a site for building a purpose-built evacuation centre, the following must be considered—

- (a) safe and accessible location;
- (b) structural requirements—
 - (i) universal build for purpose built evacuation centres; and
 - (ii) retrofitting of existing buildings for reasonable access;
- (c) capacity of building to be appropriate for the number of evacuees it is intended for;
- (d) adequate water, sanitation and hygiene;
- (e) safety and protection for evacuees;
- (f) cooking facilities;

- (g) electrical installation and emergency power supply;
- (h) communication; and
- (i) any other requirement as the Council may set.

Management of evacuation centres

67. The National Coordinator must, in consultation with the Divisional Commissioners and with relevant agencies and clusters, develop a management and operation guide for evacuation centres.

PART 7—DISASTER RISK MANAGEMENT PLANS

Division 1—National Disaster Risk Management Plan

National Disaster Risk Management Plan

68. The National Coordinator must formulate a National Disaster Risk Management Plan, in consultation with—

- (a) the Council;
- (b) agencies;
- (c) Fiji Cluster;
- (d) representatives of vulnerable groups;
- (e) non-government organisations;
- (f) the private sector; and
- (g) other relevant agencies and stakeholders.

Content of National Disaster Risk Management Plan

69. The National Disaster Risk Management Plan must include provisions for the following—

- (a) national disaster risk reduction, disaster risk management priorities including inclusivity, protection and accessibility for vulnerable groups;
- (b) implementation of the Council’s policies;
- (c) implementation of relevant national policies in disaster management, disaster risk reduction and disaster risk management;
- (d) a multiple hazard approach to hazards Fiji is vulnerable or exposed to;
- (e) the roles and responsibilities of agencies involved in disaster management, disaster risk reduction, disaster risk management and emergency operations;
- (f) the coordination of disaster management, disaster risk reduction, disaster risk management and emergency operation activities by all agencies in accordance with written laws and standards;
- (g) agency disaster risk management plans including support plans, evacuation plans and disaster response plans;

- (h) disaster risk management coordination with other national disaster risk management agencies or coordination of multiple hazard approach with hazard management agencies which include agencies responsible for warnings as listed in Schedule 8;
- (i) operationalising the coordination of international assistance; and
- (j) other hazard or disaster risk management matters.

Review of National Disaster Risk Management Plan

70. A review of the National Disaster Risk Management Plan—

- (a) must be carried out every 3 years; and
- (b) as the Council directs.

Agency Disaster Risk Management Plan

71.—(1) An agency that is responsible for the management of a risk or hazard must—

- (a) prepare a detailed Disaster Risk Management Plan relating to the risk or hazard it manages; and
- (b) submit the Disaster Risk Management Plan to the Council for vetting and adoption.

(2) The agencies responsible for developing a Disaster Risk Management Plan for specific hazards are set out in Schedule 9.

Division 2—Divisional Disaster Risk Management Plan

Divisional Disaster Risk Management Plan

72.—(1) The Divisional Commissioner must prepare a Divisional Disaster Risk Management Plan in consultation with the National Coordinator and Divisional Disaster Risk Management Committee.

(2) The Divisional Commissioner must submit the Divisional Disaster Risk Management Plan to the National Controller for review and inclusion in the National Disaster Risk Management Plan.

Contribution to Divisional Disaster Risk Management Plan

73. All agencies represented in a Division must prepare a Divisional Disaster Risk Management Plan for submission to the Divisional Commissioner for approval and inclusion in the Divisional Disaster Risk Management Plan.

Review of Divisional Disaster Risk Management Plan

74. A review of the Division Disaster Risk Management Plan—

- (a) must be carried out at least once every 3 years; and
- (b) as the Council directs.

Division 3—Provincial Disaster Risk Management Plan

Provincial Disaster Risk Management Plan

75.—(1) The Provincial Administrator must prepare a Provincial Disaster Risk Management Plan in consultation with—

- (a) the District Officers in the province; and
- (b) the Provincial Disaster Risk Management Committee.

(2) The Provincial Administrator must submit the Provincial Disaster Risk Management Plan to the Divisional Commissioner for review and inclusion in the Divisional Disaster Risk Management Plan.

Contribution to Provincial Disaster Risk Management Plan

76. An agency represented in a province must prepare a Disaster Risk Management Plan for its activities in the province and submit to the Provincial Administrator for approval and inclusion in the Provincial Disaster Risk Management Plan.

Review of Provincial Disaster Risk Management Plan

77. A review of the Provincial Disaster Risk Management Plan—

- (a) must be carried out every 3 years; and
- (b) as the Council directs.

Division 4—District Disaster Risk Management Plan

District Disaster Risk Management Plan

78.—(1) The District Officer must prepare a District Disaster Risk Management Plan in consultation with the Provincial Administrator and District Disaster Risk Management Committee.

(2) The District Officer must submit the District Disaster Risk Management plan to the Provincial Administrator for review and inclusion in the Provincial Disaster Risk Management Plan.

Contribution to District Disaster Risk Management Plan

79. An agency represented in a District including Municipal and Community Disaster Risk Management committees, must prepare a Disaster Risk Management Plan for its activities in the District and submit to the District Officer for approval and inclusion in the District Disaster Risk Management Plan.

Review of District Disaster Risk Management Plan

80. A review of the District Disaster Risk Management Plan—

- (a) must be carried out at least once every 3 years; and
- (b) as the Council directs.

PART 8—NATIONAL DISASTER RISK INFORMATION SYSTEM

National Disaster Risk Information System

81.—(1) The National Controller must establish a Disaster Risk Management Information System, in consultation with relevant agencies.

(2) The National Coordinator must keep a registry of the users of the National Disaster Risk Information System.

Functions of National Disaster Risk Information System

82. The functions of the Disaster Risk Management Information System are to assist informed decision making at the national and subnational level, for disaster risk reduction, disaster risk management, coordination of a multiple hazard approach, multiple hazard early warning and early action system, and accountability for resources through—

- (a) having a centralised data base for disaster risk information, hazard information or other relevant risk or disaster related information, which includes hydro-meteorological information, earthquake, tsunami and landslide information, environment hazard information, disaster damage information, de-segregated data that includes data on persons affected by disaster, vulnerable groups, and community exposure and vulnerability to risk;
- (b) an Information Communication Technology and Geospatial Integrated System for hazard monitoring, forecasting, assessment and prediction;
- (c) supporting the establishment of a multiple hazard warning system which allows for an integrated system which takes into account the hazards or risks that is managed by all sectors;
- (d) supporting the management and updating of registries established under this Act; and
- (e) other information related to its functions as set by the Council.

Obligation of agency to provide information

83. An agency that receives a request from the National Coordinator for risk related information for the purpose of gathering data for the National Disaster Risk Information System must supply the requested information in the form and by the date set out in the request.

Access and use of National Disaster Risk Information System

84. A person may not transmit to, receive information or view information from the National Disaster Risk Information System unless that person is an individual who is—

- (a) registered by the National Controller as a user of the system; or
- (b) has been given written permission by the National Controller to receive or view information.

Registered users

85.—(1) A person who intends to access the National Disaster Risk Information System must be a registered user.

(2) A person under subsection (1) must—

- (a) apply to the National Controller in the prescribed form; and

- (b) provide the prescribed information.

Grant or refusal of application

86.—(1) The National Controller—

- (a) may approve the application, with or without conditions;
- (b) refuse the application; or
- (c) request for more information before making a decision.

(2) The National Controller must inform an applicant of a decision under subsection (1) in writing.

Unique user identifier

87.—(1) The National Controller must allocate to a registered user a unique user identifier.

(2) The unique user identifier allocated under subsection (1) must be used by the registered user for transmitting information to or receiving information from the National Disaster Risk Information System.

(3) The National Controller may, by notice in writing, impose conditions on a particular registered user, or on registered users generally, on the use and security of the unique user identifiers.

Use of unique user identifier

88.—(1) If information is transmitted to the National Disaster Risk Information System using the unique user identifier of a registered user, the transmission of that information is, in the absence of proof to the contrary, evidence that the information was transmitted by the registered user.

(2) If the unique user identifier of a registered user is used by a person other than the registered user, subsection (1) does not apply if the registered user has, prior to the unauthorised use of his or her unique user identifier, notified the National Controller that the unique user identifier is no longer secure.

Conditions for use by registered users

89.—(1) The National Controller may impose conditions on a specified registered user or a class of registered users or on all registered users.

(2) A condition imposed under subsection (1) must—

- (a) be notified in writing to one or more registered users concerned; and
- (b) must be complied within—
 - (i) 20 working days after the date of notification of the imposition of the condition on the registered user’s registration; or
 - (ii) a later date specified by the National Controller.

Suspension or cancellation of registered user

90. The National Controller may suspend or cancel a user’s registration by giving 24 hours prior notice to a registered user of the suspension or cancellation and the grounds for the suspension or cancellation.

PART 9—EMERGENCY OPERATIONS

*Division 1—National Disaster Declaration**Declaration of National State of Disaster*

91.—(1) A National State of Disaster may be declared by the Cabinet on the advice of the Council before or after the impact of a disaster in respect of—

- (a) the whole of Fiji; or
- (b) a part or parts of Fiji.

(2) For the purpose of subsection (1)(b), an emergency situation at the divisional, provincial or district level must be communicated by the responsible Divisional Commissioner to the National Coordinator who will inform the National Controller.

(3) The National Controller must inform the Minister thereafter who must then convene a meeting of the Council for a decision before advising the Cabinet to declare a National State of Disaster.

(4) For the purpose of this section, if the Council is not able to hold a meeting, Cabinet must be advised by the Emergency Committee.

Public dissemination of declaration

92. The declaration of a National State of Disaster or revocation of a National State of Disaster by Cabinet must be—

- (a) announced by public broadcast on all media platforms; and
- (b) published in the Gazette.

Duration of declaration of National State of Disaster

93.—(1) The duration for a declaration of a National State of Disaster is for the time set out in the declaration which must not exceed 30 days.

(2) The Cabinet on the advice of the Council may—

- (a) revoke a declaration of a National State of Disaster; or
- (b) extend the duration for a declaration of National State of Disaster.

*Division 2—National Emergency Operations Centre**National Emergency Operations Centre*

94.—(1) This section establishes the National Emergency Operation Centre.

(2) The National Emergency Operations Centre must be activated by the National Controller on advice of the National Coordinator—

- (a) on receipt of a warning of imminent disaster from an agency responsible for managing a hazard;

- (b) when a threat of disaster develops; or
- (c) when a disaster occurs.

(3) The National Emergency Operations Centre must be manned on a 24-hour basis by staff of NDRMO and staff from Government agencies as authorised by the National Controller.

(4) The National Coordinator must supervise and has overall responsibility for the National Emergency Operations Centre in accordance with the National Emergency Operations Centre Standard Operating Procedures.

Functions of National Emergency Operations Centre

95. The National Emergency Operations Centre has the following functions—

- (a) coordinate activities for disaster monitoring, warning, early action and immediate post-disaster response including disaster relief work;
- (b) obtain regular situation reports from the Divisional and District Emergency Operations Centres;
- (c) coordinate requests for assistance during emergency situations;
- (d) prepare reports and compile other information for dissemination to partner agencies; and
- (e) other functions as directed by the Emergency Committee or Council.

Operational command and coordination during emergency operation

96.—(1) The National Controller—

- (a) has overall command when an emergency operation is initiated; and
- (b) must be assisted by all Government agencies including divisional, provincial, district, municipal, town and communal levels.

(2) All Government resources must be at the disposition of the National Controller during an emergency operation.

(3) All Government agencies are subordinate to the National Controller at their respective levels during an emergency operation.

Operational activities at national level

97.—(1) The National Emergency Operations Centre is the centre for all coordination and command at the national level during an emergency operation.

(2) The National Controller may employ Government, chartered or foreign aircraft to make aerial surveys and assessments of a disaster area.

(3) The National Controller may allocate personnel and equipment immediately to disaster areas.

*Division 3—Subnational Emergency Operations Centres**Establishment of subnational Emergency Operation Centres*

98. The Divisional Commissioner in consultation with the National Coordinator must establish subnational Emergency Operation Centres at the—

- (a) divisional level;
- (b) provincial level; and
- (c) district level.

Establishment of other subnational Emergency Operation Centres

99. Subnational Emergency Operations Centres may be established at the—

- (a) municipal level by special administrators in consultation with the Divisional Commissioner and the National Coordinator; or
- (b) community level by the responsible *Turaga ni koro* or Advisory Councillor in consultation with the Divisional Commissioner and the National Coordinator.

Functions of subnational Emergency Operations Centres

100. The Divisional Commissioner and National Coordinator must in consultation with the subnational Disaster Risk Management committees set out the functions, requirements for activation, funding and Standard Operating Procedures for subnational Emergency Operations Centres.

Operational activities at subnational level

101.—(1) The Divisional Emergency Operations Centre is the centre for all disaster coordination and command at the divisional level where—

- (a) all Government resources in a division, including at the provincial, district and municipal level is at the disposition of the Divisional Commissioner; and
- (b) all agencies and persons in a division, including provincial, district and municipal level, is subordinate to the Divisional Commissioner.

(2) Subject to subsection (1), the Provincial Emergency Operations Centre is the centre for disaster operations at the provincial level where—

- (a) all Government resources in the provincial level including district and municipal level must come under the disposition of the Provincial Administrator; and
- (b) all agencies and persons in the provincial level, including district and municipal level is subordinate to the Provincial Administrator.

(3) Subject to subsections (1) and (2) the District Emergency Operations Centre is the centre for disaster operations at the district level where—

- (a) all Government resources in the district level including municipal level is at the disposition of the District Officer; and

- (b) all agencies and persons in the district level including municipal level is subordinate to the District Officer.

PART 10—SPECIAL POWERS DURING DECLARATION OF NATIONAL STATE OF DISASTER

Power to direct Government agencies during an emergency situation

102.—(1) The National Controller is responsible for controlling and coordinating the activities of Government agencies, and the allocation of available resources from Government as he or she considers necessary for responding to an emergency situation.

(2) The National Controller may direct a Government agency to do or refrain from doing any act or to exercise or refrain from exercising any function during an emergency situation.

(3) A Government agency who is given a directive under subsection (2) must comply with the direction.

(4) A direction given under subsection (2) prevails over anything to the contrary in any written law.

PART 11—RELIEF AND EARLY RECOVERY

Relief assistance

103.—(1) The Minister through the National Controller, National Coordinator, Divisional Commissioners, Provincial Administrators, District Officers and Community Disaster Risk Management committees, is responsible for ongoing relief and assistance to communities affected by a disaster.

(2) The National Coordinator must provide a plan of action for ongoing relief assistance to the Minister and the Council.

(3) The Emergency Committee through NDRMO must coordinate Government sectors, the Fiji Cluster System and non-government organisations to provide disaster relief assistance during an emergency situation until the community has restored its self-reliance.

(4) The distribution of relief supplies must be in coordination by NDRMO in accordance with criteria and guidelines approved by the Council.

Immediate relief assistance

104.—(1) The Provincial Administrator or District Officer is responsible for immediate relief assistance to a person affected by a disaster and who is placed at a designated evacuation centre in a province or district.

(2) Relief assistance may also be provided where the National Controller has approved that relief items be dispersed to an affected person who is not placed at a designated evacuation centre in the province or district.

(3) The Provincial Administrator or District Officer must seek prior approval from his or her Divisional Commissioner for the distribution of immediate relief assistance.

(4) The Divisional Commissioner must inform the National Coordinator on the status of relief assistance in his or her respective division.

(5) The National Controller in consultation with the National Coordinator must advise the Minister of the status of relief assistance before convening a meeting of the Council.

Specific responsibilities in relation to urgent need

105.—(1) The Ministry responsible for infrastructure is responsible for the provision of access to safe water, emergency water supply operation, distribution of containers and other related matters during and for as long as required after, an emergency situation.

(2) The Ministry responsible for health must take appropriate measures to ensure that environmental conditions created by an emergency situation do not give rise to increased health risks during the situation.

(3) A ministry referred to in this section must work closely with the Provincial Administrator or District Officer in relation to its responsibilities in a province or district.

Ongoing relief assistance

106.—(1) Based on reports prepared by NDRMO, the Emergency Committee must decide on a strategy for ongoing relief assistance during an emergency situation.

(2) DRMO, through the Divisional Commissioners, Provincial Administrators and District Officers, must coordinate and implement disaster relief assistance required in divisions and districts after an emergency operation.

Early recovery

107.—(1) On completion of an emergency or response operation, NDRMO may prepare an early recovery plan.

(2) Based on the final report on an emergency or response operation, NDRMO must support the Ministry in national and subnational consultations for early recovery and compile a report to be presented to the Council within 6 months.

(3) Disaster Service Liaison Officers must contribute to the early recovery plan of the Government agencies for early recovery needs and resources.

(4) The Disaster Risk Reduction Committee must ensure that disaster risk reduction is integrated into all early recovery efforts and long term recovery activities through relevant Government agencies.

Disaster Risk Reduction integration into rehabilitation and reconstruction programme

108. The Council, through the National Controller and NDRMO, is responsible for the integration of disaster risk reduction in rehabilitation and reconstruction programmes.

Post-disaster review

109.—(1) NDRMO must carry out a post-disaster review or after-action review after an emergency situation.

(2) NDRMO must have free access to all information held by Government agencies and may request from other agencies and persons any information it deems necessary to review an emergency situation and the response to it.

(3) A report of a review under subsection (1) must be submitted to the Council for further action.

PART 12—INTERNATIONAL ASSISTANCE

Assessment of the need for international assistance

110.—(1) The National Coordinator must advise the National Controller whether the national capacity is sufficient to provide disaster relief for people affected by a disaster, after consultation with the Divisional Commissioners and the Fiji Cluster.

(2) Where the advice under subsection (1) provides that the national capacity is not sufficient, the National Coordinator must—

- (a) develop a list of goods, equipment, and services required; and
- (b) determine the duration for the assistance.

Requests for international assistance

111.—(1) The National Controller, on receipt of advice under section 110(2), must request the permanent secretary responsible for foreign affairs to call for—

- (a) specific international assistance from Pacific regional countries, Pacific regional organisations or International Actors; or
- (b) general international assistance from the international community.

(2) A registered Humanitarian Actor may request international assistance from their international organisations.

(3) A request for international assistance must be accompanied by—

- (a) a list of goods, equipment and services that is endorsed by the Council;
- (b) information on procedures for making an offer to provide international assistance; and
- (c) duration of the International Relief Period.

(4) A request for international assistance may be made without a declaration of a National State of Disaster.

Offers and acceptance of international disaster assistance

112.—(1) An offer of international assistance must be directed to the Ministry responsible for foreign affairs which after consultation with the National Controller, may reject the offer or accept the offer in whole or in part.

(2) A registered Humanitarian Actor may accept offers from its international organisation or members and must inform the National Coordinator of the offers it accepts.

Termination of international relief assistance or early recovery assistance

113. The National Coordinator must consult with an International Assisting Actor before the end of the International Relief Period on the handover of responsibilities and reduction of the negative impact of termination of the assistance.

Coordination of international disaster assistance

114.—(1) The National Coordinator is the focal point between the Fiji Government and—

- (a) any International Assisting Actors;
- (b) regional coordination mechanism for emergency or disaster response; or
- (c) international coordination mechanism for emergency or disaster response including the United Nations.

(2) The National Coordinator must maintain and make public an updated list of goods, services and equipment required for the disaster operation.

Responsibilities of Assisting International Actors

115.—(1) An Assisting International Actor must cooperate and coordinate in support of NDRMO and subnational Disaster Risk Management committees.

(2) An Assisting Actor must provide NDRMO and the subnational Disaster Risk Management committees with information available on—

- (a) the needs of the affected population, desegregated data on gender of the population, number of vulnerable persons; and
- (b) the location, type and extent of its disaster relief activities.

(3) An Assisting Actor must comply with national law, respect the culture, customs and traditions of the community it engages with or assists.

(4) An Assisting Actor must comply with the principles of this Act and must not—

- (i) engage in any adverse distinctions, exclusions or preferences based on status, nationality, race, ethnicity, religion, class, gender, sexual orientation, disability, age or political opinion;
- (ii) seek to further a particular political or religious standpoint or interfere in internal matters irrelevant to the disaster response;
- (iii) seek to obtain commercial gain from its assistance; or
- (iv) gather sensitive information of a political, economic or military nature that is irrelevant to disaster relief assistance.

(5) An Assisting Actor must ensure that all goods or equipment it imports for disaster assistance, which become unusable, and any other waste product it produces in the course of the disaster assistance, are destroyed, recycled or otherwise disposed of in a safe, environmentally sensitive and effective manner and in compliance with the Environment Management Act 2005.

(6) A non-governmental organisation that provides international assistance must comply with the principle of independence and must not act as instruments of the foreign policy of any government.

(7) An Assisting Actor that provides international assistance must respect the dignity of persons affected by a disaster and must consult with the beneficiaries of their assistance in the design, implementation, monitoring and evaluation of the disaster relief assistance it provides.

(8) An Assisting Actor must respect the privacy of persons affected by a disaster in its data management and must share personally-identifiable information about its beneficiaries only when essential to provide humanitarian assistance, avoid duplication in aid, or prevent fraud.

PART 13—INTERNATIONAL DEPLOYMENT

Division 1—National Emergency Response Team

National Emergency Response Team

116. This section establishes the National Emergency Response Team.

Objectives of National Emergency Response Team

117. The objectives of the National Emergency Response Team are to—

- (a) strengthen the capacity of Government in responding to disaster emergencies;
- (b) enhance coherence and inter-operability among different agencies at all levels;
- (c) establish a mechanism to deploy surge capacity for national and international disaster response; and
- (d) serve as a mechanism to deploy experts for preparedness response and recovery activities.

Division 2—International Deployment Plan

Development of International Deployment Plan

118. The National Coordinator in coordination with the Ministry responsible for foreign affairs must formulate an International Deployment Plan, in consultation with—

- (a) Ministry responsible for home affairs;
- (b) Ministry responsible for finance;
- (c) Ministry responsible for health; and
- (d) other relevant Government agencies or partners.

Content of International Deployment Plan

119. The International Deployment Plan must include provisions for—

- (a) capacity building and training for deployment;
- (b) a list of personnel with capacity to deploy;
- (c) a list of equipment available for deployment;

- (d) development of standard operating procedures for coordination of deployment; and
- (e) finance requirements for deployment.

Review of International Deployment Plan

120. A review of the International Deployment Plan must be—

- (a) carried out every 2 years;
- (b) at the completion of international deployment operations; or
- (c) as the Council directs.

Agency International Deployment Plan

121. An agency with the capacity to deploy personnel overseas must prepare a detailed Agency International Deployment Plan setting out—

- (a) a list of its deployable personnel and their accreditation;
- (b) a list of equipment to be used in deployment;
- (c) its focal point in country for the relevant sector (if any);
- (d) regional or international conventions, obligations or organisations affiliated to that may set standards for its deployment; and
- (e) a list of legal facilities it requires for its personnel and equipment.

PART 14—MISCELLANEOUS

Immunity from liability

122. A person performing a role or discharging a responsibility in accordance with the National Disaster Risk Management Plan, Agency Support Plan or any regulations which apply during an emergency situation is not liable for an injury or loss sustained by any other person, unless such loss or injury is caused by or arises from negligence or wilful default.

Regulations

123.—(1) The Minister may make Regulations prescribing matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Minister may make Regulations—

- (a) for the Humanitarian Actors Registry setting out—
 - (i) procedures for registration application process;
 - (ii) requirements and conditions for registration;
 - (iii) revocation and suspension of registration;
 - (iv) removal from registry; and
 - (v) benefits for registered organisations;

- (b) for the Volunteer Organisations Registry setting out—
 - (i) procedures for the registration application process;
 - (ii) requirements and conditions for registration;
 - (iii) suspension and revocation of registration;
 - (iv) removal from registry; and
 - (v) benefits for registered organisations;
- (c) for the Disaster Risk Information System setting out—
 - (i) procedures for registration application process;
 - (ii) conditions for access and use of the system;
 - (iii) suspension or revocation of registration; and
 - (iv) request for risk information;
- (d) for special powers including during a declared National State of Disaster setting out—
 - (i) the evacuation of people or in order to facilitate the necessary operations of the police or military personnel;
 - (ii) the temporary acquisition or control of any property, undertaking or land;
 - (iii) the entering and search of any premises;
 - (iv) the supply and distribution of essential relief supplies, medical assistance, shelter and other resources;
 - (v) the maintenance of a means of transport and the control of the transport of persons and resources;
 - (vi) the payment of compensation and remuneration to persons affected by Government action or under special powers; and
 - (vii) curfews, restriction or directing the movements of people for safety;
- (e) setting out the framework for the Fiji Cluster System including—
 - (i) the creation and removal of a cluster;
 - (ii) the functions, roles and responsibilities of a cluster;
 - (iii) coordination of the Fiji Cluster System at the national, divisional, district and community level;
 - (iv) the activation and deactivation of a cluster; and
 - (v) the appointment and powers of a cluster lead;

- (f) prescribing fees and forms; and
- (h) prescribing offences and penalties not exceeding a fine of \$50,000 or imprisonment for a term of 12 months or both.

Saving for state of emergency

124. Nothing in this Act affects the power of the Prime Minister to proclaim a state of emergency in accordance with the Constitution of the Republic of Fiji.

Repeal

125. The Natural Disaster Management Act 1998 is repealed.

Consequential amendment

126.—(1) The Income Tax (Exempt Income) Regulations is amended in the Schedule in Part 1 after paragraph (12) by inserting the following new paragraph—

“(13) The income of the Disaster Risk Management Fund.”.

(2) All written laws and all State documents of any nature whatsoever are amended by deleting—

- (a) “Natural Disaster Management Act 1998” wherever it appears and substituting “National Disaster Risk Management Act 2024”;
- (b) “National Disaster Management Council” wherever it appears and substituting “National Disaster Risk Management Council”; and
- (c) “National Disaster Management Office” wherever it appears and substituting “National Disaster Risk Management Office”,

unless the context otherwise requires.

SCHEDULE 1

(Section 6)

OTHER MEMBERS OF THE NATIONAL DISASTER RISK MANAGEMENT
COUNCIL

The other members of the Council are as follows—

- (a) Solicitor General;
- (b) Commander, Republic of Fiji Military Forces;
- (c) Commissioner of Police;
- (d) Director, Meteorological and Hydrological Services;
- (e) Director-General, Fiji Red Cross Society;
- (f) Director, Fiji Council of Social Services; and
- (g) Chief Executive Officer, National Fire Authority.

SCHEDULE 2

(Section 10)

MEMBERSHIP OF DISASTER RISK REDUCTION COMMITTEE

The members of the Disaster Risk Reduction Committee are as follows—

- (a) Permanent Secretary responsible for each ministry;
- (b) Director responsible for women;
- (c) Director, Meteorological and Hydrological Services;
- (d) Director-General, Fiji Red Cross Society;
- (e) Director, Fiji Council of Social Services;
- (f) Chair of the Fiji Business Disaster Resilience Council;
- (g) Chief Executive Officer, Fiji Telecommunications Authority;
- (h) Chief Executive Officer, Electricity Fiji Limited;
- (i) Chief Executive Officer, Water Authority of Fiji;
- (j) Chief Executive Officer Fiji Roads Authority; and
- (k) Chief Executive Officer, National Fire Authority.

SCHEDULE 3

(Section 17)

MEMBERSHIP OF THE EMERGENCY COMMITTEE

The other members of the Committee are as follows—

- (a) Permanent Secretary responsible for rural maritime development;
- (b) Permanent Secretary responsible for iTaukei affairs;
- (c) Permanent Secretary responsible for agriculture;
- (d) Permanent Secretary responsible for health and medical services;
- (e) Permanent Secretary responsible for home affairs;
- (f) Permanent Secretary responsible for infrastructure;
- (g) Permanent Secretary responsible for transport;
- (h) Permanent Secretary responsible for waterways;
- (i) Permanent Secretary responsible for finance;
- (j) Commissioner, Fiji Police Force;
- (k) Commander, Fiji Military Forces;
- (l) Chief Executive Officer, National Fire Authority;
- (m) Director-General, Fiji Red Cross Society;
- (n) Director, Fiji Council of Social Services; and
- (o) Director, Meteorological and Hydrological Services.

SCHEDULE 4

(Section 47)

MEMBERSHIP OF DIVISIONAL DISASTER RISK MANAGEMENT COMMITTEE

The members of Divisional Disaster Risk Management Committee are as follows—

- (a) Divisional Commissioner-chairperson;
- (b) Divisional Planning Officer-deputy chairperson
- (c) Divisional Disaster Risk Management Officer – secretary;
- (d) all Divisional Heads of Government Departments;
- (e) representative of the municipalities;
- (f) representative of the Fiji Red Cross;
- (g) representative of the Divisional Council of Social Services; and
- (h) representatives of vulnerable groups.

SCHEDULE 5

(Section 50)

MEMBERSHIP OF PROVINCIAL AND DISTRICT DISASTER RISK
MANAGEMENT COMMITTEE

The members of Provincial or District Disaster Risk Management committees are as follows—

- (a) Provincial Administrators or District Officer - chairperson of the Provincial Committee and the District Officer is to chair the District Committee;
- (b) *Roko Tui* - deputy chairperson of the Provincial Committee;
- (c) all Heads of Government departments;
- (d) chairperson of the District Advisory Councillors;
- (e) representative of the Fiji Red Cross;
- (f) representative of the Fiji Council of Social Services;
- (g) representative of the municipalities; and
- (h) representatives of vulnerable groups.

SCHEDULE 6

(Section 50)

MEMBERSHIP OF MUNICIPAL DISASTER RISK MANAGEMENT COMMITTEE

The members of the Municipal Disaster Risk Management Committee are as follows—

- (a) head of the municipal council-chairperson;
- (b) representative of the Business Houses;
- (c) representative of the Fiji Red Cross;
- (d) representative of the non-government organisation; and
- (e) representatives of vulnerable groups.

SCHEDULE 7
(Section 50)

MEMBERSHIP OF COMMUNITY DISASTER RISK MANAGEMENT
COMMITTEE

The members of the Community Disaster Risk Management Committee are as follows—

- (a) *Turaga ni koro* - chairperson in the iTaukei communities;
- (b) Advisory Councillor - chairperson in the other communities;
- (c) Community health worker;
- (d) representative of women;
- (e) representative of the youth; and
- (f) representatives of vulnerable groups.

SCHEDULE 8
(Section 62)

AGENCIES RESPONSIBLE FOR WARNINGS

- (a) Ministry responsible for the assessment of earthquakes, tsunamis and landslides;
- (b) Ministry responsible for implementing programmes to reduce the vulnerability of the agricultural sector, including vulnerability to bio-hazards to animal and plants;
- (c) Ministry responsible for agriculture in liaison with the Ministry responsible for flood control and watershed management programmes;
- (d) Ministry responsible for health for disease outbreaks, epidemics and pandemics;
- (e) Ministry responsible for environment for landslides and toxic waste spills;
- (f) Civil Aviation Authority of Fiji for aviation emergency;
- (g) Maritime Safety Authority of Fiji for maritime accidents;
- (h) Ministry responsible for information, communication or telecommunication hazards;
- (i) Meteorological and Hydrological Services for hydro-meteorological hazards;
- (j) Ministry responsible for search and rescue;
- (k) National Fire Authority for fire hazards and land based search and rescue; and
- (l) any other agency responsible for monitoring of a hazard.

SCHEDULE 9
(Section 71)

AGENCIES RESPONSIBLE FOR DISASTER RISK MANAGEMENT PLANS

- (a) NDRMO supported by all other agencies as directed by the Council in relation to all natural hazards;
- (b) Ministry responsible for agriculture and the Biosecurity Authority of Fiji in implementing programmes to reduce the vulnerability of the agricultural sector, including vulnerability to bio-hazards to animal and plants;
- (c) Ministry responsible for health for disease outbreaks, epidemics and pandemics;
- (d) Ministry responsible for environment for toxic waste spills;
- (e) Civil Aviation Authority of Fiji for aviation emergency;
- (f) Maritime Safety Authority of Fiji for maritime accidents;
- (g) Ministry responsible for information, communication and telecommunication hazards;
- (h) Ministry responsible for search and rescue; and
- (i) National Fire Authority for fire hazards and land based search and rescue.

May 2024

NATIONAL DISASTER RISK MANAGEMENT BILL 2024

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

1.1 The National Disaster Risk Management Bill 2024 (**‘Bill’**) seeks to repeal the Natural Disaster Management Act 1998 and to make provision for disaster risk management governance arrangements to ensure clarity and efficiency in response to new hazards and disasters.

2.0 CLAUSES

2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the new legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.

2.2 Clause 2 of the Bill provides for the definition of key terms used in the new legislation.

2.3 Clause 3 of the Bill provides for the application of the new legislation to Fiji in its entirety.

2.4 Clause 4 of the Bill provides the objectives of the new legislation to establish the relevant institutions and mandates required for effective disaster risk governance and management, including declarations of disasters at the national and subnational levels. The objectives also provide for the development and implementation of the relevant policies, strategies and plans and promotes a whole of society approach for national efforts in disaster risk management and risk assessment such as training, awareness and capacity building programmes, climate change adaptation across different sectors, information sharing and cooperation and joint planning. Further, the objectives of the new legislation provide for response operations, compliance international humanitarian principles, facilitation of assistance, establishment of the Disaster Risk Management Fund and the necessary budget.

- 2.5 Clause 5 of the Bill provides for the principles to guide the implementation of the new legislation and includes the recognition and promotion of rights provided under the Constitution of the Republic of Fiji, and traditional land ownership, culture, customs, traditions and languages. The principles also provide for customised activities and programmes that appropriate for Fiji's specific conditions and for all relevant agencies to carry out responsibilities in accordance with principles of humanity, neutrality and independence.
- 2.6 Clause 6 of the Bill provides for the continuation of the National Disaster Management Council as the National Disaster Risk Management Council (**'Council'**). Clause 6 of the Bill provides for the composition of the Council which includes the Minister responsible for disaster management, all permanent secretaries and any other member as listed in Schedule 1 to the new legislation, with the Director of the National Disaster Risk Management Office (**'Director'**) as the Secretary of the Council.
- 2.7 Clause 7 of the Bill provides the functions of the Council.
- 2.8 Clause 8 of the Bill provides that the Council must meet at least twice a year and when determined by the chairperson of the Council on the advice of the National Controller. A Council meeting must be presided over by its chairperson or deputy chairperson where the chairperson is absent. Clause 8 of the Bill emphasises that it is mandatory for all Council members to attend. It is only on the prior approval of the chairperson of the Council when a Council member may nominate a person to attend on his or her behalf.
- 2.9 Clause 9 of the Bill provides for powers of the chairperson of the Council.
- 2.10 Clause 10 of the Bill establishes the Disaster Risk Reduction Committee. This Committee performs the functions of both the Preparedness Committee and the Mitigation and Prevention Committee established under the Natural Disaster Management Act 1998. Clause 10 of the Bill also specifies that the National Controller is the chairperson of this committee with the other members listed in Schedule 2 to the Bill.
- 2.11 Clause 11 of the Bill provides powers of the chairperson of the Disaster Risk Reduction Committee.
- 2.12 Clause 12 of the Bill provides the functions of the Disaster Risk Reduction Committee as guided by the Council. The Disaster Risk Reduction Committee is responsible for disaster risk reduction and disaster risk management awareness and training, planning implementing and coordination of programmes for disaster preparedness, multiple hazard approaches and early warning early action systems. This committee is also responsible for the formulation of policies and information papers on its specific area and related matters that are submitted to the Council.

- 2.13 Clause 13 of the Bill specifies that the National Disaster Risk Management Office (**'NDRMO'**) coordinates and implements disaster mitigation and prevention policies that are approved by the Council. The NDRMO must consult the Disaster Risk Reduction Committee, Divisional Commissioner, subnational disaster risk management committees, agencies and liaison officers for this purpose.
- 2.14 Clause 14 of the Bill specifies that the NDRMO coordinates and implements disaster preparedness and awareness activities at the national and subnational level to support coordination of the multiple hazards approach, multiple hazard early warning and early actions, and disaster simulations and drills.
- 2.15 Clause 15 of the Bill provides for an annual national disaster risk management awareness programme to be conducted by the Disaster Risk Reduction Committee with the support of NDRMO which must organise and coordinate the activities planned for the week. The annual programme is to be conducted prior to the beginning of the cyclone season.
- 2.16 Clause 16 of the Bill provides that the NDRMO must implement training programmes for the public as well as for Government agencies. Clause 16 of the Bill also requires any person or organisation to seek approval from NDRMO before providing any disaster training in Fiji.
- 2.17 Clause 17 of the Bill provides for the continuation of the Emergency Committee established under section 7 of the Natural Disaster Management Act 1998. Clause 17 of the Bill also provides for the composition of this committee which consists of the National Controller as chairperson, National Controller and other members as listed under Schedule 3 to the Bill.
- 2.18 Clause 18 of the Bill provides the powers of the chairperson of the Emergency Committee.
- 2.19 Clause 19 of the Bill provides the functions of the Emergency Committee. The Emergency Committee is guided by the Council and has central control during an emergency operation.
- 2.20 Clause 20 of the Bill provides that the National Controller is the Permanent Secretary responsible for disaster management.
- 2.21 Clause 21 of the Bill provides the functions, duties and powers of the National Controller whose main responsibilities include advising the Minister, facilitate adequate resource to NDRMO and overseeing the implementation of the Council's decisions.
- 2.22 Clause 22 of the Bill allows the National Controller to delegate any of his or her functions, duties or powers under the Bill to the Deputy Secretary responsible for disaster risk management except the power to further delegate. Any delegation made by the National Controller must be made in writing and may be accompanied with conditions.

- 2.23 Clause 23 of the Bill provides for the role of the National Coordinator who is the Director of NDRMO.
- 2.24 Clause 24 of the Bill provides the functions of the National Coordinator which includes managing and coordinating the Council's policies, budgetary allocation provided for NDRMO and the personnel, material and services available. The National Coordinator *inter alia* also advises the National Controller on all matters pertaining to disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system.
- 2.25 Clause 25 of the Bill allows the National Coordinator to delegate any of his or her functions, duties or powers under the new legislation to any person engaged in the administration of the new legislation except the power to further delegate. Any delegation made by the National Coordinator must be made in writing and may be accompanied with conditions.
- 2.26 Clause 26 of the Bill provides for the continuation of the National Disaster Management Office established under the Natural Disaster Management Act 1998 as 'National Disaster Risk Management Office'. The NDRMO is responsible for the daily operations of disaster risk management, disaster risk reduction, disaster management, coordination of a multiple hazard approach and multiple hazard early warning and early action system.
- 2.27 Clause 27 of the Bill provides for the appointment of the Director of NDRMO and required staff for NDRMO appointed by the National Controller with the approval of the Minister responsible for disaster risk management.
- 2.28 Clause 28 of the Bill provides the functions of NDRMO which *inter alia* supports the functions of the National Coordinator and committees under the new legislation.
- 2.29 Clause 29 of the Bill requires a Government agency to nominate a Disaster Service Liaison Officer from within its office.
- 2.30 Clause 30 of the Bill provides the functions of the Disaster Service Liaison Officer who is the focal contact point for his or her office for any disaster risk management activity including reporting.
- 2.31 Clause 31 of the Bill allows the Council to establish a Single Window International Facilitation Team to be led by a focal point contact from the Ministry responsible for trade in consultation with the National Coordinator. Clause 31 of the Bill also provides the composition of the team.

- 2.32 Clause 32 of the Bill provides the functions of a Single Window International Facilitation Team which is responsible for expeditiously facilitating incoming personnel, goods, equipment and transport of international relief in case of a disaster, emergency or initial recovery. The team is also responsible for advising respective Ministers on possible legal facilities available.
- 2.33 Clause 33 of the Bill provides for legal facilities.
- 2.34 Clause 34 of the Bill establishes the Fiji Cluster System.
- 2.35 Clause 35 of the Bill provides the objectives of the Fiji Cluster System which include coordination of the work of Humanitarian Actors at all levels and provision of resources to support the implementation of approved priorities.
- 2.36 Clause 36 of the Bill establishes the Humanitarian Actors Registry which must be maintained by the National Coordinator.
- 2.37 Clause 37 of the Bill requires any person or organisation to register under the new legislation in order to provide or carry out any humanitarian work.
- 2.38 Clause 38 of the Bill requires any person or organisation under clause 37 of the Bill to make an application to the National Coordinator who must then assess the application before granting or rejecting the application, or requesting more information.
- 2.39 Clause 39 of the Bill provides the manner in which a Humanitarian Actor may be deregistered, that is, either voluntarily by notice to the National Coordinator or if in breach of registration conditions.
- 2.40 Clause 40 of the Bill establishes the Volunteer Organisations Registry which must be maintained by the National Coordinator. Clause 40 of the Bill also requires any organisation that manages volunteer work or runs a volunteer scheme for disaster management activities to be registered under the new legislation. In order to be registered, the organisation must make an application to the National Coordinator who must then assess the application before granting or rejecting the application, or requesting more information.
- 2.41 Clause 41 of the Bill provides the manner in which a registered volunteer organisation may be deregistered, that is, either voluntarily by notice to the National Coordinator or if in breach of registration conditions.
- 2.42 Clause 42 of the Bill provides that the National Coordinator may set standards for volunteer organisations that carry out disaster management activities. The National Coordinator must consult with relevant stakeholders when doing setting standards.

- 2.43 Clause 43 of the Bill lists who an Eligible Actor may be i.e. a state or intergovernmental organisation and international or domestic non-government organisation.
- 2.44 Clause 44 of the Bill requires the National Coordinator to keep and maintain a Registry of Eligible Actors.
- 2.45 Clause 45 of the Bill establishes a Divisional Disaster Risk Management Office for each Division. The Divisional Disaster Risk Management Office is a branch of the NDRMO responsible for the day-to-day management and implementation of the functions of NDRMO at the divisional level, managed by the Divisional Disaster Risk Management Officer.
- 2.46 Clause 46 of the Bill provides the function of the Divisional Disaster Risk Management Officer.
- 2.47 Clause 47 of the Bill requires the Divisional Commissioners in consultation with the National Coordinator to establish a Divisional Disaster Risk Committee, the members of whom are listed under Schedule 4 to the Bill.
- 2.48 Clause 48 of the Bill requires a Divisional Disaster Risk Management Committee to coordinate with the National Coordinator when carrying out its functions. Clause 48 of the Bill also sets out the functions of the Divisional Disaster Risk Management Committee.
- 2.49 Clause 49 of the Bill requires the National Coordinator to establish Disaster Risk Management committees at the provincial, district, municipal and community level, in consultation with the responsible Divisional Commissioner. Clause 49 of the Bill also requires the National Coordinator to consult the relevant special administrator, or mayor (municipal level) and District Advisory Councillor or the *Turaga ni koro* (community level).
- 2.50 Clause 50 of the Bill refers to Schedule 5, Schedule 6 and Schedule 7 to the Bill which lists the members for the subnational Disaster Risk Management Committees.
- 2.51 Clause 51 of the Bill requires a subnational Disaster Risk Management Committee to prepare a list of functions to the Divisional Commissioner and the National Coordinator for approval. The list of functions submitted must be aligned to those of the Council and the Divisional Disaster Risk Management Committee.
- 2.52 Clause 52 of the Bill requires the Permanent Secretary responsible for disaster risk management (**‘Permanent Secretary’**) to ensure that an allocation for financing disaster risk management is provided for in the annual budget estimates for the Ministry responsible for disaster risk management included running costs of NDRMO, Disaster Risk Management committee and technical working groups

established under the new legislation. The Minister responsible for finance is also required to keep Cabinet informed on the status of the budget allocations for these specific purposes.

- 2.53 Clause 53 of the Bill provides that the Minister responsible for finance must ensure that NDRMO is provided with an allocation for disaster risk reduction and disaster risk management in its annual budget estimate.
- 2.54 Clause 54 of the Bill provides for the establishment of the Disaster Risk Management Fund (**'Fund'**) which consists of any amount appropriated by Parliament for the purposes of the Fund, any grant, contribution or donation including any loss and damage grant, contribution or donation to the Fund, and any interest accrued from money deposited in the Fund. Clause 54 of the Bill further provides that no part of the Fund may be transferred or assigned to any person other than in accordance with Part 5 of the new legislation and that the Trustee Act 1966 does not apply to the Fund.
- 2.55 Clause 55 of the Bill provides for the purpose of the Fund established under clause 54 of the Bill. The Fund is established to receive monies, disburse the monies received, and facilitate Fiji's participation in hosting and attending trainings and assist programmes related to disaster risk management activities approved by the Council.
- 2.56 Clause 56 of the Bill provides that the Ministry must only expend the monies in the Fund for the purposes of clause 55 of the Bill.
- 2.57 Clause 57 of the Bill provides that the regulations made under the Financial Management Act 2004 must be complied with in relation to procurement in the utilisation of the Fund.
- 2.58 Clause 58 of the Bill provides that NDRMO must keep accounts and records of transactions of the Fund and prepare financial statements and accounts for each financial year. Clause 58 of the Bill further provides that the accounts of the Fund must be audited annually by the Auditor-General.
- 2.59 Clause 59 of the Bill provides that NDRMO must prepare an annual report on activities and expenditure of the Fund and that the Minister must, as soon as practicable, table a copy of the annual report in Parliament following submission to Cabinet.
- 2.60 Clause 60 of the Bill provides that the income of the Fund is exempt from income tax.
- 2.61 Clause 61 of the Bill provides that NDRMO must liaise with agencies responsible for monitoring of a hazard or assessment of the threat of a hazard developing into a disaster to establish and maintain a people centred hazard warning system.

- 2.62 Clause 62 of the Bill provides that an agency that is responsible for monitoring a hazard or assessment of the threat of a hazard developing into a national disaster must have the mandate to address a specific hazard or multiple hazard.
- 2.63 Clause 63 of the Bill provides that an agency responsible for warnings determines that the threat of a hazard developing into a disaster is imminent, the agency must activate the warning system and issue a hazard warning and information immediately. Clause 63 of the Bill also provides that a media broadcasting agency that is informed of the disaster warning by the agency must immediately and without charge broadcast warning messages.
- 2.64 Clause 64 of the Bill provides that NDRMO must coordinate with relevant agencies responsible for hazard warning and emergency management on the communication system to facilitate hazard warning and emergency response.
- 2.65 Clause 65 of the Bill provides that on the advice of the National Coordinator, the Council must determine a building to be used as an evacuation centre or approve a building of purpose-built evacuation centres.
- 2.66 Clause 66 of the Bill provides for the requirement of evacuation centres where the National Coordinator must in liaison with the relevant Ministry, prepare an assessment criteria for suitable building as an evacuation centre.
- 2.67 Clause 67 of the Bill provides that the National Coordinator must develop a management and operation guide for evacuation centres in consultation with the Divisional Commissioners and with relevant agencies.
- 2.68 Clause 68 of the Bill provides that the National Coordinator must formulate a National Disaster Risk Management Plan in consultations with the agencies listed.
- 2.69 Clause 69 of the Bill provides for the content to be included in the National Disaster Risk Management Plan.
- 2.70 Clause 70 of the Bill provides that the National Disaster Risk Management Plan must be reviewed every 3 years and as the Council directs.
- 2.71 Clause 71 of the Bill provides that the agency that is responsible for the management of a risk or hazard must prepare a detailed Disaster Risk Management Plan relating to the risk or hazard it manages and submit the Disaster Risk Management Plan to the Council for vetting and adoption.
- 2.72 Clause 72 of the Bill provides that a Divisional Disaster Risk Management Plan must be prepared by the Divisional Commissioner in consultation with the National Coordinator and Divisional Disaster Risk Management Committee.

- 2.73 Clause 73 of the Bill provides that a Divisional Disaster Risk Management Plan must be prepared by all agencies represented in a Division for submission to the Divisional Commissioner for approval and inclusion in the Divisional Disaster Risk Management Plan.
- 2.74 Clause 74 of the Bill provides that the Divisional Disaster Risk Management Plan must be reviewed every 3 years and as the Council directs.
- 2.75 Clause 75 of the Bill provides that a Provisional Disaster Risk Management Plan must be prepared by the Provisional Administrator in consultation with the District Officers in the province and the Provincial Disaster Risk Management Committee.
- 2.76 Clause 76 of the Bill provides an agency represented in a province must prepare a Disaster Risk Management Plan for its activities in the province and submit to the Provincial Administrator for approval and inclusion in the Provincial Disaster Risk Management Plan.
- 2.77 Clause 77 of the Bill provides that a review of the Provincial Disaster Risk Management Plan must be carried out every 3 years and as the Council directs.
- 2.78 Clause 78 of the Bill provides that the District Officer must prepare a District Disaster Risk Management Plan in consultation with the Provincial Administrator and District Disaster Risk Management Committee.
- 2.79 Clause 79 of the Bill provides that a Disaster Risk Management Plan must be prepared by an agency represented in a District including Municipal and Community Disaster Risk Management committees and submit to the District Officer for approval and inclusion in the District Disaster Risk Management Plan.
- 2.80 Clause 80 of the Bill provides that a review of the District Disaster Risk Management Plan must be carried out every 3 years and as the Council directs.
- 2.81 Clause 81 of the Bill provides that the National Controller must establish a Disaster Risk Management Information System, in consultation with relevant agencies. The National Coordinator must keep a registry of the users of the National Risk Information System.
- 2.82 Clause 82 of the Bill provides that the function of the Disaster Risk Management Information System is to assist informed decision making at the national and subnational level, for disaster risk reduction, disaster risk management, multiple hazard coordination, early warning and early action and accountability for resources.

- 2.83 Clause 83 of the Bill provides that a Government agency that receives a request from the National Coordinator for risk related information for the purposes of gathering data for the National Disaster Risk Information System must supply the requested information in the form and by the date set out in the request.
- 2.84 Clause 84 of the Bill provides that a person who is registered by the National Controller as a user of the system or has been given written permission by the National Controller may receive or review information from the National Disaster Risk Information System.
- 2.85 Clause 85 of the Bill provides that a person who intends to access the National Disaster Risk Information System must be a registered user.
- 2.86 Clause 86 of the Bill provides that the National Controller may approve the application with or without conditions, refuse the application or request for more information before making a decision.
- 2.87 Clause 87 of the Bill provides that the National Controller must allocate to a registered user a unique user identifier to be used by the registered user for transmitting information to or receiving information from the National Disaster Risk Information System and the National Controller may impose conditions on a registered user.
- 2.88 Clause 88 of the Bill provides that if information is transmitted to the National Disaster Risk Information System using the unique user identifier of a registered user, the transmission of that information is evidence that the information was transmitted by the registered user. Clause 88(2) of the Bill further provides that if the registered user notifies the National Controller that the unique user identifier is no longer secure and a person other than the registered user uses the unique user identifier, then clause 88(1) of the Bill will not apply to the registered user.
- 2.89 Clause 89 of the Bill provides that the National Controller may impose conditions on a specified registered user or a class of registered user or on all registered users.
- 2.90 Clause 90 of the Bill provides that the National Controller may suspend or cancel a user's registration by giving 24 hours prior notice to the registered user of the suspension or cancellation and the grounds for the cancellation.
- 2.91 Clause 91 of the Bill provides that Cabinet may declare a National State of Disaster before or after the impact of a disaster on the advice of the Council in respect of the whole of Fiji or a part or parts of Fiji. Clause 91 of the Bill also provides that if the Council is not able to hold a meeting, Cabinet must be advised by the Emergency Response Committee.

- 2.92 Clause 92 of the Bill provides that the declaration of a National State of Disaster or revocation of a National State of Disaster by Cabinet must be announced by public broadcast on all media platforms and published in the Gazette.
- 2.93 Clause 93 of the Bill provides that the duration of a Declaration of National State of Disaster is for the time set out in the declaration which must not exceed 30 days. Clause 93(2) of the Bill further provides that Cabinet may revoke a declaration of National State of Disaster or extend the duration for a declaration of National State of Disaster on the advice of the Council.
- 2.94 Clause 94 of the Bill provides for the establishment of the National Emergency Operations Centre which is to be activated by the National Controller on advice of the National Coordinator and be manned on a 24-hour basis by staff of NDRMO and staff from Government agencies as authorised by the National Controller.
- 2.95 Clause 95 of the Bill provides for the functions of the National Emergency Operations Centre to coordinate activities for disaster monitoring, obtain regular situation reports, coordinate requests, prepare reports and perform other functions as directed by the Emergency Committee or the Council.
- 2.96 Clause 96 of the Bill provides for the operational command and coordination of the National Controller during emergency operations. Clause 96(3) of the Bill provides that all Government agencies are subordinate to the National Controller at their respective levels during an emergency operation.
- 2.97 Clause 97 of the Bill provides that the National Emergency Operations Centre is the centre for all coordination and command at the national level during an emergency operation and the National Controller may employ Government, chartered or foreign aircraft to make aerial surveys and assessments of a disaster area and may allocate personal and equipment immediately to disaster areas.
- 2.98 Clause 98 of the Bill provides that the Divisional Commissioner must establish subnational Emergency Operations Centres in consultation with the National Coordinator at the divisional, provincial and district levels.
- 2.99 Clause 99 of the Bill provides that the subnational Emergency Operations Centres may be established at the municipal level by special administration in consultation with the Divisional Commissioner and the National Coordinator or established at community level by the responsible *Turaga ni koro* or Advisory Councillor in consultation with the Divisional Commissioner and the National Coordinator.
- 2.100 Clause 100 of the Bill provides that the Divisional Commissioner and National Coordinator must in consultation with the subnational Disaster Risk Management Committees set out the functions, requirement for activation, funding and standard operating procedures for subnational Emergency Operation Centres.

- 2.101 Clause 101 of the Bill provides that the Divisional Emergency Operations Centre is the centre for all disaster coordination and command at the divisional level, the Provisional Administration Emergency Operations Centre is the centre for disaster operations at the provisional level and the District Emergency Operations Centre is the centre for disaster operations at the district level.
- 2.102 Clause 102 of the Bill provides that the National Controller is responsible for controlling and coordinating the activities of Government agencies, and the allocation of available resources from Government as he or she considers necessary for responding to an emergency situation. Clause 102(2) of the Bill further provides that the National Controller may direct a Government agency to do or refrain from doing any act or to exercise or refrain from exercising any function during an emergency.
- 2.103 Clause 103 of the Bill provides that in terms of relief assistance, the Minister is responsible for ongoing relief assistance to communities affected by a disaster, the National Coordinator must provide a plan of action for ongoing relief assistance to the Minister and the Council, the Emergency Response Committee must coordinate through NDRMO and the distribution of relief supplies must be in coordination by NDRMO.
- 2.104 Clause 104 of the Bill provides that for immediate relief assistance, the Provincial Administrator or District Officer is responsible for immediate relief assistance to a person affected by a disaster.
- 2.105 Clause 105 of the Bill provides that the Ministry responsible for infrastructure is responsible for provision of access to safe water, emergency water supply operation, distribution of containers and other related matters during and for as long as required after, an emergency situation. Clause 105 of the Bill further provides that the Ministry responsible for health must take appropriate measures to ensure that environmental conditions created by an emergency situation do not give rise to increased health risks during the situation.
- 2.106 Clause 106 of the Bill provides that based on reports prepared by NDRMO, the Emergency Committee must decide on a strategy for ongoing relief assistance during an emergency situation. Clause 106 of the Bill also provides that NDRMO, through the Divisional Commissioners, Provincial Administration and District Officers, must coordinate and implement disaster relief assistance required in divisions and districts after an emergency operation.
- 2.107 Clause 107 of the Bill provides that on completion of an emergency or response operation, NDRMO may prepare an early recovery plan.
- 2.108 Clause 108 of the Bill provides that the Council, through the National Controller and NDRMO, is responsible for the integration of disaster risk reduction in rehabilitation and reconstruction programme.

- 2.109 Clause 109 of the Bill provides that NDRMO must carry out a post-disaster review or after-action review after an emergency and NDRMO must have free access to all information held by the Government agencies and a report of the review must be submitted to the Council for further action.
- 2.110 Clause 110 of the Bill provides for the assessment of the need for international assistance where the National Coordinator must advise the National Controller whether the national capacity is sufficient to provide disaster relief for people affected by a disaster. Once the National Controller on receipt of advice that the national capacity is not sufficient to provide disaster relief for people affected by a disaster, the National Coordinator must develop a list of goods, equipment and services required and determined the duration for the assistance.
- 2.111 Clause 111 of the Bill provides for the procedures the National Controller, on the advice of the National Coordinator, needs to follow in requesting for international assistance.
- 2.112 Clause 112 of the Bill provides that international assistance must be directed to the Ministry responsible for foreign affairs.
- 2.113 Clause 113 of the Bill provides that the National Coordinator must consult with the International Assisting Actor before the end of the International Relief Period on handover of responsibilities and reduction of the negative impact of termination of the assistance.
- 2.114 Clause 114 of the Bill provides that the National Coordinator is the focal point between the Fiji Government and international agencies offering assistance to Fiji and the National Coordinator must maintain and make public an updated list of goods, services and equipment required for the disaster operation.
- 2.115 Clause 115 of the Bill provides that Assisting International Actors must cooperate and coordinate in support of NDRMO and subnational Disaster Risk Management committees. Clause 115 of the Bill also provides that Assisting Actors must provide NDRMO and the subnational Disaster Risk Management committees with information, comply with national laws, respect the culture, customs and traditions of the community and comply with the principles of the new legislation.
- 2.116 Clause 116 of the Bill provides for the establishment of the National Emergency Response Team.
- 2.117 Clause 117 of the Bill provides for the objectives of the National Emergency Response Team.
- 2.118 Clause 118 of the Bill provides that the National Coordinator in coordination with the Ministry responsible with foreign affairs must formulate an International Deployment Plan in consultation with the respective ministries.

- 2.119 Clause 119 of the Bill provides the content of the International Deployment Plan.
- 2.120 Clause 120 of the Bill provides that the International Deployment Plan must be reviewed every 2 years, at the completion of international deployment operations or as the Council directs.
- 2.121 Clause 121 of the Bill provides that all agencies with the capacities to deploy personal overseas must prepare a detailed Agency International Deployment Plan.
- 2.122 Clause 122 of the Bill provides for the immunity from liability for a person performing a role or discharging a responsibility in accordance with the National Disaster risk management Plan, Agency Support Plan or any regulations which apply during an emergency situation.
- 2.123 Clause 123 of the Bill provides for powers of the Minister to make regulations prescribing matters that are required or permitted by the new legislation.
- 2.124 Clause 124 of the Bill provides that nothing in the new legislation affects the power of the Prime Minister to proclaim a state of emergency in accordance with the Constitution of the Republic of Fiji.
- 2.125 Clause 125 of the Bill provides that the Natural Disaster Management Act 1998 is repealed.
- 2.126 Clause 126 of the Bill provides for the consequential amendments.
- 2.127 Schedule 1 to the Bill lists the other members of the Council.
- 2.128 Schedule 2 to the Bill lists the members of the Disaster Risk Reduction Committee established under clause 10 of the Bill, other than the National Controller.
- 2.129 Schedule 3 to the Bill lists the other members of the Emergency Committee.
- 2.130 Schedule 4 to the Bill lists the members of a Divisional Disaster Risk Management Committee.
- 2.131 Schedule 5 to the Bill lists the members of a subnational Disaster Risk Management Committee at the provincial and district level.
- 2.132 Schedule 6 to the Bill lists the members of a subnational Disaster Risk Management Committee at the municipal level.
- 2.133 Schedule 7 to the Bill lists the members of a subnational Disaster Risk Management Committee at the community level.
- 2.134 Schedule 8 to the Bill lists the agencies responsible for warnings.

2.135 Schedule 9 to the Bill lists the agencies responsible for Disaster Management Risk Plans.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The new legislation comes under the responsibility of the Minister responsible for disaster risk management.

S. D. TURAGA
Attorney-General