

SPC TECHSEC: 213

26 August 2024

Honourable Minister Ratu Rakuita Vakalalabure
The Chair
Standing Committee on Justice, Law and Human Rights
Parliament of the Republic of Fiji

Dear Honourable Minister Vakalalabure

Re: Written submission on the National Disaster Risk Management Bill (Bill No. 6 of 2024)

Greetings from the Pacific Community.

Thank you very much for the opportunity to provide the Secretariat's comments and view on the National Disaster National Disaster Risk Management Bill. Please find attached our review for consideration.

Yours sincerely,



Dr. Paula Vivili
Deputy Director-General, Science and Capability

Enclosed as stated

c.c. Mr Jackson Cakacaka, Email: jackson.cakacaka@legislature.gov.fj;
jackson_cakacaka@yahoo.com

Ms Alumita Cabealawa, Email: alumita.cabealawa@legislature.gov.fj

SPC Review of the National Disaster Risk Management Bill 2024 (Bill No. 6 of 2024)

Clause	Comments/Feedback
General Feedback	<ul style="list-style-type: none"> • On the establishment of the Fund, there needs to be recognition of other related pieces of work such as the development of the DRF Policy (work in progress) and vice versa. The policy will act as the enabler for Fiji's disaster-related funding. • Communities are critical players/partners/stakeholder in disaster risk management. Suggest that the act must re-enforce any provisions and or clearly establish community disaster risk management committees with expected functions and their linkages to provincial and national arrangements. • Recommend updating names of ministries and organisations. Some of the names are out of date. • Check Definition, and if possible amended and ensure terms and language are consistent throughout the document. • Needs conceptional clarity on the use of disaster risk reduction, disaster risk management and Disaster Management. These terms are used interchangeably. • Part 6 – The disaster risk reduction needs to be properly aligned with the existing National Disaster Risk Reduction Policy 2018 – 2030. • Suggest extending consultation to organisation of people with disability such as the Fiji Disability People's Federation, Pacific Disability Forum to provide inputs around inclusivity. • The Bill is very prescriptive around roles. An elevation of the responsibilities in the Bill and move the specifics to either the regulation or plan. This way any changes to the function of the NDRMO can be accommodated without a review of the Act. • How does this Bill relate to the functions of the agencies that regulate and enforce provisions that address underlying risk, for instance, development consent, urban planning, infrastructure design and investment, sector interventions? • It seems that the function of the NDRMO is encapsulated as the responsibilities of the National Coordinator. If this is the case, suggest that this should not be prescriptive to allow the functions to be scalable as needed.
Part 1 - Preliminary	

2	<ul style="list-style-type: none"> • Propose to include a definition of ‘disaster risk’. • Suggest a better definition of ‘disaster risk reduction’ as it does not include ‘the prevention of any new disaster’ as stated. Rather, it is about preventing new and reducing existing disaster risk, managing residual risk, and strengthening economic, social, health and environmental resilience. • Definition of ‘vulnerable’: can the phrase: ‘a person of diverse sexual orientation and gender identity and expression and sex characteristic’ not be shortened? What does ‘sex characteristic’, mean? Suggest shortening to: ‘a person of diverse sexual orientation and gender identity’. • Definitions of ‘vulnerable’ and ‘vulnerability’ do not appear to align very well. People living in a flood prone area are considered vulnerable to floods – yet this is not covered in in the current definitions of ‘vulnerable’. • Suggest adding climate change adaptation to definition list and explain overlap and differences with DRR. • Suggest mentioning various kinds of hazards and explain the impact of climate change on hazard profiles. • Suggest definition for ‘risk assessment’.
4	<p>a) ‘disaster management’ has not been defined above</p> <p>b) how is a ‘disaster risk management policy/plan different from a ‘disaster management policy/plan?</p> <p>c) i) risk assessment mentioned but not included in definitions.</p> <p>c) ii) define whole-of-society approach) define whole-of-government approach’. Define ‘climate change adaptation’.</p> <p>i) what is the difference between DRM and DM mentioned here?</p> <p>j) typo? – ‘multiple hazard early action early warning system’ should be ‘multi-hazard Early Warning System’.</p> <p>5a) should be ‘disaster risk reduction’ and not ‘reductions’.</p> <p>5a) The term ‘disaster mitigation’ is introduced here, but it has not been defined.</p> <p>c) national <u>sustainable</u> development programmes?</p>

	<p>c) definition of ‘resilient development’?</p> <p>d) ' in accordance with the principles of humanity, neutrality and independence’ – what does this mean exactly? Does it add value? Of not suggest change it or take it out.</p> <p>(g) Suggestion to include ‘smooth’ entry and ‘efficient’ coordination.</p>
Part 2 – National Administration	
29	<ul style="list-style-type: none"> • Clarity on the interpretation of government agency referred here. Is it the department or a ministry?
30	<ul style="list-style-type: none"> • (d) Where is this coordination and implementation? At his or her office or contributing to the overall whole-of govt approach?
31	<ul style="list-style-type: none"> • Single Window International Facilitation Team – shouldn’t Red Cross and Caritas be included? • Key ministries such as Trade, Finance/Public Enterprises, Agriculture, Health, Solicitor General’s Office are not in the current SWIF Team. • Correct title of Director of Biosecurity Authority of Fiji to be amended to ‘CEO’. • Airport Authority to be amended to Fiji Airports • Fiji Telecommunication Authority to Telecommunications Authority of Fiji
33	<ul style="list-style-type: none"> • Ensuring that relevant agencies are involved and included in the facilitation or part of the SWIF Team e.g. (g) temp. vehicle registration and importation – Land Transport Authority etc.
37	<ul style="list-style-type: none"> • ‘A person must not carry out any humanitarian work in Fiji unless registered under this Act. Suggest change to ‘A person may not carry out...
39	<ul style="list-style-type: none"> • How is the Humanitarian Actor notified about its removal from the Registry? Not specified in the current text.
40	<ul style="list-style-type: none"> • (2) typo, must be ‘maintained’
41	<ul style="list-style-type: none"> • Like clause 39, there is lack of clarity on how to notify the volunteer org. of its breach of any condition.
Part 3 – Subnational Administration	

47	<ul style="list-style-type: none"> • Clarity on the usage of Subnational versus Divisional in the whole document and not to confuse – Are they the same or different?
48	<ul style="list-style-type: none"> • (a) Review text, 'implement Council's policies etc. • (b) Subnational to be replaced by 'Divisional'?
49	<ul style="list-style-type: none"> • Reference to the subnational DRM Committee – if these terms mean the same, suggest using one for consistency throughout the document
51	<ul style="list-style-type: none"> • "Subnational Disaster Risk Management Committee versus divisional disaster risk management committee". Are they different or the same? If different, they must be interpreted under clause 2.
Part 4 – Financial Arrangement	
52	<ul style="list-style-type: none"> • Fiji's Ministry of Finance should play a key role in providing inputs to this important section. • (1)(a) prevention and mitigation is part of the Disaster risk reduction continuum, suggest disaster risk reduction and preparedness for disaster. This should be consistency throughout the bill. • (1)(b) suggest Emergency and Disaster Response.
Part 5 – Disaster Risk Management Fund	
54	<ul style="list-style-type: none"> • Ensures the establishment of the Fund complies with the Financial Management (FM) Act 2004. All public monies are deposited into the Consolidated Fund Account. • (2) Mention the appropriate part that this section is referring to. "..... accordance with this part" can be any part. • (3) I assume that this Fund would be regarded as 'Trust' but now the clause says that the Trustee Act 1966 does not apply to the Fund. How will this Fund be categorised as per the FM Act?
55	<ul style="list-style-type: none"> • (a) There is a donor coordination mechanism. Ensures the process of soliciting support from donors/partners is followed and compliance with the Official Development Assistance (ODA) Policy and exercising the principles of aid effectiveness.
56	<ul style="list-style-type: none"> • Current clause is weak and subject to abuse. Expending the Fund must strictly follow the FMA and ensure proper recording, acquitting and reporting. • (2)(b) Government agencies are and must be able to fund their roles within the disaster risk management space. This clause may increase the reliance of Government agencies on the disaster risk management fund.

60	<ul style="list-style-type: none"> Exemption should only be applied to those orgs that are exempted and not open as per current clause.
Part 6 – Disaster Risk Reduction	
61	<ul style="list-style-type: none"> Suggest re-wording the clause to be clearer. Suggest..."NDRMO in collaboration with hazard specific agencies are responsible for the establishment and maintenance of people -centred hazard warning system".... (d)change "disaster risk of hazard" to "disaster impact on people, livelihood and property"
62	
63	<ul style="list-style-type: none"> Can be eliminated and stand part of an SOP
64	<ul style="list-style-type: none"> Same as above
Part 7 – Disaster Risk Management Plan	
74	<ul style="list-style-type: none"> Amend Division to Divisional
78	<ul style="list-style-type: none"> (2) capital P as in Plan
Part 9 – Emergency Operations	
94	<ul style="list-style-type: none"> Amend Operation to Operations
98	<ul style="list-style-type: none"> Reference to clause 47, here 'subnational' refers to divisional, provincial and district levels.
Part 11 – Relief and early recovery	
104	<ul style="list-style-type: none"> (5) Replace 'of' with 'on' to read on the status....
Part 12 – International Assistance	
111	<ul style="list-style-type: none"> PS for Foreign Affairs and Finance to support the call for.....
112	<ul style="list-style-type: none"> As per the above, include Finance as the ministry also responsible in facilitating international assistance.

114	<ul style="list-style-type: none"> • National Coordinator must be supported by agencies responsible for facilitating international assistance. • Clarity on the role of the Council of Regional Organisations of the Pacific (CROP) agencies under the bill. For example, would CROP agencies support the Post Disaster Needs Assessment or would personnel be deployed to the NDMO to assist with operations? In addition, the regional coordination mechanism can also guide how CROP agencies support achieving Fiji Disaster Risk Management objectives.
Schedules	
Schedule 2	<ul style="list-style-type: none"> • (g) Amend to Telecommunications Authority of Fiji
Schedule 3	<ul style="list-style-type: none"> • (o) Amend to Fiji Meteorological Service
Schedule 4	<ul style="list-style-type: none"> • (g) Suggest using Fiji Council of Social Services in general through the membership of Committees as sometimes the Divisional/District Councils are not active in some areas.
Schedule 8	<ul style="list-style-type: none"> • Correct name for Fiji Meteorological Services