



STANDING COMMITTEE ON JUSTICE, LAW AND HUMAN RIGHTS

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



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CHAIRPERSON’S FOREWORD

The Standing Committee on Justice, Law and Human Rights was referred the National Disaster Risk Management Bill 2024 in May 2024, to scrutinise and to return a report of its findings to Parliament.

The National Disaster Risk Management Bill aims to 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. The Fijian Parliament had referred the National Disaster Risk Management Bill to the Standing Committee on Justice, Law and Human Rights, for review. At the commencement of the review, the Committee made preliminary deliberations on the Clauses of the Bill and noted that the National Disaster Risk Management Bill (‘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.

Amongst the key changes to the Act is the expanded mandate for the disaster legislation to not only cover natural hazards but to now focus on all hazards that have the potential to cause disasters, with the exception of civil unrest and terrorism.

As part of the review the Committee conducted public consultation in various communities and invitation to the public to provide written submissions. The Committee received support and commendation on the introduction of the Bill, from majority of the public that had participated in the public consultation. However, like most activities that impact the lives of the people of a country, there will also be other suggestions that are based on the premise of making improvements.

Consideration was also given to the impact of the Bill on Fiji’s efforts in meeting its targets of the sustainable development goals. It was encouraging to note that the purpose of the Bill was to ensure that all necessary protocols, funding, and organizational structures are in place to effectively manage and mitigate disaster risks, potentially saving lives and reducing damage before the start of the new cyclone season.

At the conclusion of the review, the Committee acknowledges that there were a few concerns raised by submitters regarding the establishment of evacuation centers and supply of post disaster risk assistance, which the Committee extensively deliberated on and came to the conclusion that the mandate and functions of the Bill, adequately addresses these concerns. Therefore, the Committee believes that the Bill is sufficient as it is with some minor amendments are needed. The Committee also felt; that for the effective implementation of the proposed law; that a few recommendations are put forth for the Parliaments’ consideration, and these are also provided in this Report.

I would like to thank the Honourable Members of the Justice, Law and Human Rights Committee for their deliberations and input; Hon. Iliesa Vanawalu (Deputy Chairperson),

Hon. Lenora Qereqeretabua, Hon. Jone Usamate, and Hon. Mosese Bilitavu. I would also like to acknowledge the former and alternate members of the Committee Hon. Faiyaz Koya, Hon. Ratu Josaia Niudamu, Vilame Naupoto and Hon. Taito Rokomatu who also contributed immensely to the deliberation of the Bill.

I, on behalf of the Committee, commend the *National Disaster Risk Management Bill (Bill No. 6 of 2024)* to the Parliament and seek support of all the members of this August house for the Bill.



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HON. RATU RAKUITA VAKALALABURE
CHAIRPERSON

COMMITTEE COMPOSITION

The Committee is made up of Members of both the Government and Opposition Members. Members of the Standing Committee are as follows;



**Hon. Ratu Rakuita Vakalalabure
(Chairperson)**



**Hon. Ilesa Vanawalu
(Deputy Chairperson)**



**Hon. Mosese Bulitavu
(Member)**



**Hon. Lenora Qereqeretabua
(Member)**



**Hon. Jone Usamate
(Member)**

Committee Secretariat Team

Supporting the Committee in its work is a group of dedicated Parliament Officers who make-up the Committee Secretariat and are appointed and delegated by the Secretary-General to Parliament pursuant to Standing Order 15 (3)(i). The Secretariat team is made of the following Parliament officers:

- Mr. Jackson Cakacaka – Senior Committee Clerk
- Ms. Alumita Cabealawa – Deputy Committee Assistant

1.0 INTRODUCTION

1.1 Background

The Standing Committee on Justice, Law and Human Rights, referred to as the ("**Committee**"), was assigned the National Disaster Risk Management Bill 2024 for review on May 2024. The Bill was referred to the Committee in accordance with SO 51(2), which tasked the Committee with the examination of the Bill and the responsibility to report on its findings in a subsequent Parliament Sitting.

1.2 Procedure and Program

The Committee has conducted a thorough review of the National Disaster Risk Management Bill 2024 (Bill No. 6 of 2024). This report outlines the findings, observations, and recommendations of the Committee regarding the Bill, which aims to enhance Fiji's disaster risk management framework.

The Committee read through the Bill and did its own deliberation of the Clauses in the Bill. The Committee called for submissions from the public and other interested stakeholders by placing advertisements through the local newspapers on 15 June 2024.

The Committee was mindful of the provisions in Standing Order 111(1)(a) and ensured that its meetings were open to the public and the media, except during such deliberations and discussions to develop and finalise the Committee's observations and this Report.

1.3 Committee Remit

The Standing Committee on Justice, Law, and Human Rights, created in accordance with Standing Order 109 of Parliament's Standing Orders, is tasked with several duties. As outlined in Standing Order 110, these include scrutinizing each Bill referred to it by Parliament and review any subordinate legislation presented in Parliament that falls under its purview.

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

2.1 Introduction

As global warming exceeds beyond 1.5 degrees Celsius, the world faces a new and unprecedented level of climate hazards.

Seemingly, as the scales and intensity of these climate hazards increase, the lack of preparation means that they are more likely to become disasters. Hunger, poverty, health risks and unsafe land use, rapid and unplanned urbanization all increase the risk of hazards. In a connected world, risk can combine with – or compound – with other factors to slow or even reverse socioeconomic development, exacerbate social tensions, instability, and economic insecurity as well as increase humanitarian needs.

Hazards events are more likely to become disasters when people’s assets, or ecosystems are exposed and vulnerable. The challenge for all countries, especially those with high levels of disaster risk, is to build resilience.

A recommendation posed by the Global Assessment Report on Disaster Risk Reduction is for countries to invest in information quality and standardization. That is to broaden data sets to include social and environmental factors and apply effective methodologies in sectoral and land use planning. These are all essential components for reducing disaster risk. The quality of information on risk and disasters has improved remarkably in the last three decades, but much remains to be done. From the outset, Fiji through this Bill has mobilized to improve its mitigation process of addressing disaster risk and has transited from managing disaster to managing risk.¹

The formulation of the Act was the result of experiences drawn from the disasters that occurred in the country in the years following Independence and the need to have an overarching legislation that would provide the necessary legal framework for the governance of disaster risk and emergency management in the country. In response to emergency, the Bill in summary seeks;

- To establish the current disaster management structure, including the formation of the National Disaster Management Council (Council) and its three subcommittees, namely the Preparedness, Mitigation and Emergency subcommittees;
- To provide for and establish the National Disaster Management Office (NDMO) and clearly set out the powers and functions of the National Disaster Controller and the Divisional Commissioners during a declared disaster; and
- The roles and responsibilities of Government agencies and stakeholders in each stage of the disaster cycle are also clearly defined and the Bill provides the legal basis for the implementation of the National Disaster Management Plan (Plan).

¹ [Global Assessment Report on Disaster Risk Reduction \(GAR\) \(undrr.org\)](https://www.undrr.org/global-assessment-report-on-disaster-risk-reduction-gar/)

2.2 Objective of the Bill

The objective of the Bill, which aligns with the government's intention to provide for disaster risk governance, disaster risk reduction, disaster risk management and disaster management, is clearly outlined in Clause 4 of the Bill:

- (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.

3.0 COMMITTEE'S DELIBERATION AND ANALYSIS OF THE BILL

3.1 Initial Reading of the Bill and Deliberation by the Committee - Impact of the Bill

The Committee commenced its analysis of the Bill, reading through it, Clause by Clause. From this initial reading, it was noted that the National Disaster Risk Management Bill 2024 ('Bill') seeks to repeal the Natural Disaster Management Act 1998 (Act) that was endorsed by Government in 15 June 1998 as the guiding legislation to direct Government agencies and other stakeholders in their functions and duties in relation to natural disaster management and related matters. The Committee had extensive discussions on the

provisions of the Bill and resolved that it be prudent to firstly hear the views of the public specifically the stakeholders on this very important piece of proposed legislation. This public consultation would then allow the Committee to gauge the public's perspective on the Bill before deliberating further, whilst also bearing in mind the requirements as set down by Parliament in referring the Bill to the Committee.

Based on the initial reading of the clauses, the Committee identified a few grammatical errors that were sent to the drafters for consideration and amendments. These amendments were sent back to the Committee for affirmation that the changes were correctly included.

3.2 Bill Summary

By way of consensus, the Committee agreed that it would be prudent to include the necessary issues that the proposed law intends to address. This would readily give the reader of this Report with the aforementioned information regarding the Bill, which is summarized below;

Clause 1: This clause 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.

Clause 2: This clause provides for the definition of key terms used in the new legislation.

Clause 3: This clause provides for the application of the new legislation to Fiji in its entirety.

Clause 4: This clause 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.

Clause 5: This clause 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.

Clause 6: This clause 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.

Clause 7: This clause Bill provides the functions of the Council.

Clause 8: This clause 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 emphasizes 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.

Clause 9: This clause provides for powers of the chairperson of the Council.

Clause 10: This clause 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.

Clause 11: This clause provides powers of the chairperson of the Disaster Risk Reduction Committee.

Clause 12: This clause 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.

Clause 13: This clause 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.

Clause 14: Part of this Clause 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.

Clause 15: This clause 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.

Clause 16: This clause 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.

Clause 17: This clause 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.

Clause 18: This clause provides the powers of the chairperson of the Emergency Committee.

Clause 19: This clause provides the functions of the Emergency Committee. The Emergency Committee is guided by the Council and has central control during an emergency operation.

Clause 20: This clause provides that the National Controller is the Permanent Secretary responsible for disaster management.

Clause 21: This clause 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.

Clause 22: This clause 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.

Clause 23: This clause provides for the role of the National Coordinator who is the Director of NDRMO.

Clause 24: This clause 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.

Clause 25: This clause 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.

Clause 26: This clause 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.

Clause 27: This clause 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.

Clause 28: This clause provides the functions of NDRMO which *inter alia* supports the functions of the National Coordinator and committees under the new legislation.

Clause 29: This clause requires a Government agency to nominate a Disaster Service Liaison Officer from within its office.

Clause 30: This clause 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.

Clause 31: This clause 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.

Clause 32: This clause 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.

Clause 33: This clause provides for legal facilities.

Clause 34: This clause establishes the Fiji Cluster System.

Clause 35: This clause 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.

Clause 36: This clause establishes the Humanitarian Actors Registry which must be maintained by the National Coordinator.

Clause 37: This clause requires any person or organisation to register under the new legislation in order to provide or carry out any humanitarian work.

Clause 38: This clause 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.

Clause 39: This clause 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.

Clause 40: This clause 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.

Clause 41: This clause 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.

Clause 42: This clause 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.

Clause 43: This clause lists who an Eligible Actor may be i.e. a state or intergovernmental organisation and international or domestic non-government organisation.

Clause 44: This Clause requires the National Coordinator to keep and maintain a Registry of Eligible Actors.

Clause 45: This clause 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.

Clause 46: This clause provides the function of the Divisional Disaster Risk Management Officer.

Clause 47: This clause 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.

Clause 48: This clause 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.

Clause 49: This clause 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).

Clause 50: This clause refers to Schedule 5, Schedule 6 and Schedule 7 to the Bill which lists the members for the subnational Disaster Risk Management Committees.

Clause 51: This clause 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.

Clause 52: This clause 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.

Clause 53: This clause 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.

Clause 54: This clause 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.

Clause 55: This clause 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.

Clause 56: This clause provides that the Ministry must only expend the monies in the Fund for the purposes of clause 55 of the Bill.

Clause 57: This clause 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.

Clause 58: This clause 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.

Clause 59: This clause 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.

Clause 60: This clause provides that the income of the Fund is exempt from income tax.

Clause 61: This clause 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.

Clause 62: This clause 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.

Clause 63: This clause 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.

Clause 64: this clause 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.

Clause 65: this clause 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.

Clause 66: this clause 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.

Clause 67: this clause 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.

Clause 68: this clause provides that the National Coordinator must formulate a National Disaster Risk Management Plan in consultations with the agencies listed.

Clause 69: this clause provides for the content to be included in the National Disaster Risk Management Plan.

Clause 70: this clause provides that the National Disaster Risk Management Plan must be reviewed every 3 years and as the Council directs.

Clause 71: this clause 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.

Clause 72: Part of this clause 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.

Clause 73: Part of this clause 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.

Clause 74: this clause provides that the Divisional Disaster Risk Management Plan must be reviewed every 3 years and as the Council directs.

Clause 75: this clause 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.

Clause 76: this clause 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.

Clause 77: Part of this clause provides that a review of the Provincial Disaster Risk Management Plan must be carried out every 3 years and as the Council directs.

Clause 78: this clause 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.

Clause 79: this clause 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.

Clause 80: this clause provides that a review of the District Disaster Risk Management Plan must be carried out every 3 years and as the Council directs.

Clause 81: this clause 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.

Clause 82: this clause 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.

Clause 83: this clause 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.

Clause 84: this clause 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.

Clause 85: this clause provides that a person who intends to access the National Disaster Risk Information System must be a registered user.

Clause 86: this clause 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.

Clause 87: Part of this clause 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.

Clause 88: this clause 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): this clause 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, than clause 88(1) of the Bill will not apply to the registered user.

Clause 89: this clause provides that the National Controller may impose conditions on a specified registered user or a class of registered user or on all registered users.

Clause 90: Part of this clause 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.

Clause 91: this clause 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.

Clause 92: this clause 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.

Clause 93: this clause 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.

Clause 94: this clause 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.

Clause 95: this clause 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.

Clause 96: this clause 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.

Clause 97: this clause 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.

Clause 98: this clause provides that the Divisional Commissioner must establish subnational Emergency Operations Centres in consultation with the National Coordinator at the divisional, provincial and district levels.

Clause 99: this clause 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.

Clause 100: this clause 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.

Clause 101: this clause provides that the Divisional Emergency Operations Centre 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.

Clause 102: this clause 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.

Clause 103: this clause 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.

Clause 104: this clause 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.

Clause 105: this clause 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.

Clause 106: this clause 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.

Clause 107: this clause provides that on completion of an emergency or response operation, NDRMO may prepare an early recovery plan.

Clause 108: this clause provides that the Council, through the National Controller and NDRMO, is responsible for the integration of disaster risk reduction in rehabilitation and reconstruction programme.

Clause 109: this clause 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.

Clause 110: this clause 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.

Clause 111: this clause provides for the procedures the National Controller, on the advice of the National Coordinator, needs to follow in requesting for international assistance.

Clause 112: this clause provides that international assistance must be directed to the Ministry responsible for foreign affairs.

Clause 113: this clause 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.

Clause 114: this clause 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.

Clause 115: this clause 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.

Clause 116: this clause provides for the establishment of the National Emergency Response Team.

Clause 117: Part of the clause provides for the objectives of the National Emergency Response Team.

Clause 118: this clause 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.

Clause 119: this clause provides the content of the International Deployment Plan.

Clause 120: this clause provides that the International Deployment Plan must be reviewed every 2 years, at the completion of international deployment operations or as the Council directs.

Clause 121: this clause provides that all agencies with the capacities to deploy personal overseas must prepare a detailed Agency International Deployment Plan.

Clause 122: this clause 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.

Clause 123: this clause provides for powers of the Minister to make regulations prescribing matters that are required or permitted by the new legislation.

Clause 124: this clause 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.

Clause 125: this clause provides that the Natural Disaster Management Act 1998 is repealed.

Clause 126: this clause provides for the consequential amendments.

Schedule 1 to the Bill lists the other members of the Council.

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.

Schedule 3 to the Bill lists the other members of the Emergency Committee.

Schedule 4 to the Bill lists the members of a Divisional Disaster Risk Management Committee.

Schedule 5 to the Bill lists the members of a subnational Disaster Risk Management Committee at the provincial and district level.

Schedule 6 to the Bill lists the members of a subnational Disaster Risk Management Committee at the municipal level.

Schedule 7 to the Bill lists the members of a subnational Disaster Risk Management Committee at the community level.

Schedule 8 to the Bill lists the agencies responsible for warnings.

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

3.3 In-depth Analysis of the Clauses of the Bill

The Committee then had extensive discussions on the Clauses and identified certain provisions that merit proper consideration.

These discussions resulted in the identification of a few issues, which the Committee placed as priority issues to be further discussed and deliberated on with the representatives from the Ministry and the drafter. Some of the main issues noted from these discussions are as follows:

- **Clause 4(j):** The Committee noted the variation of the word '*Hazards*' as certain clauses thereafter contains a singular term.

- **Clause 4(j):** The Committee noted the variation of the term ‘*Early Warning Early Action*’ as certain clauses thereafter contains an interchangeable meaning.
- **Clause 5(d):** The Committee noted a grammatical error in the provision and suggested to remove ‘*in*’ from the sentence ‘*responsibilities for in disaster*’ for clarity.
- **Clause 21 (1) (c):** The Committee noted an issue of sentence ‘*make enquiries with and request reports from early warning agencies*’ and had sought clarification on its interpretation.
- **Clause 25:** The Committee noted that the wording of the provision provides power to any person delegated by the National Coordinator that would pose abuse of authority.
- **Clause 28(m):** The Committee noted that the Ministry of Health, the Fiji Police Force and the Ministry for Foreign Affairs in coordination with NDMO have specifically confined its roles to facilitate international assistance for the purpose of providing assistance to victim identification and mortuary services. The Committee was of the view that the provision restricts international assistance to other needed services and suggested to remove ‘providing victim identification’ and mortuary service to read as “*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 may be overwhelmed in an emergency situation*”
- **Clause 30:** The Committee noted that the Disaster Service Liaison Officer established in the Bill has a significant roles and functions and clarification was sought on the due process in situations whereby the person holding the position is absent from office.
- **Clause 31 (2) (b):** The Committee noted an absence of the words ‘*his or her*’ after the word nominee and suggested of adding these words for consistency.
- **Clause 33(f):** The Committee noted there were two actions specified in the clause which provides for international assistance to waive quarantine requirements, specifically with rescue dogs. Thus, in the same provision it states that this assistance should comply with the same quarantine requirements. The Committee sought clarification from the Ministry, particularly regarding the intent to bypass the 14-day quarantine.
- **Clause 36:** The Committee noted that there was no definition provided for the term ‘*Humanitarian Actors*’ and clarification was sought on those that will be listed under the terminology.
- **Clause 40(1):** The Committee noted that there was no definition provided for the term ‘*Volunteer Organization Registry*’ and clarification was sought on those that will be listed under the terminology.
- **Clause 40 (2):** The Committee noted a grammatical error in the provision and suggested change ‘*maintain*’ to ‘*maintained*’.
- **Clause 45(3):** The Committee noted a drafting error in the provision and suggested to removal of the word ‘*under the*’.

- **Clause 61(d):** The Committee noted a grammatical error in the provision and suggested the word '*business*' be in plural form.
- **Clause 66(2)(b)(i):** The Committee noted a grammatical error in the provision and suggested that the paragraph be amended as "*universal building standard for purpose-built evacuation center*".

3.4 Evidence received via public consultation

All the submissions received during the public consultation were considered and deliberated on extensively. The main points and issues noted from the submissions are summarised below.

Submissions received provided a range of comments and suggestions, which cover various issues pertaining to certain Clauses of the Bill.

Concerns were raised from certain communities that there was uneven distribution of emergency supplies during past disasters, and that those not in the evacuation centres were not provided with assistance. Therefore, it was suggested that better communication is needed between village communities with the national emergency operations centre to ensure that there is fair distribution of assistance to communities and individuals that are in genuine need.

There were concerns raised with regards to the status of evacuation centres used by communities during disasters. It was suggested that Government to monitor evacuation centres in rural communities annually to ensure that buildings used as evacuation centres in villages are cyclone resilient. Additionally, it was also expressed that there is a need for evacuation centres to be equipped and designed to accommodate the needs of disabled individuals.

A submission noted the lack of coordination between the Minister responsible and the commissioners of a division. Certain Commissioner cannot coordinate assistance for undeclared disasters given that powers are only effective if a disaster is officially declared. It was recommended that there be a provision on the Bill to cater for undeclared natural disaster and to give autonomous authority to divisional officers for this purpose. Furthermore, it was also noted that government ministries often struggle to coordinate during undeclared disasters and that the Bill should also include procedures for managing such localised, undeclared disasters.

A submitter proposed that the capacity of Disaster Risk Reduction committees at the village level be enhanced to better prepare for and manage disasters. It was therefore suggested that the Commissioner develop a comprehensive disaster plan that is communicated and implemented at the village level, ensuring that each village has its own disaster management strategy.

Moreover, it was proposed that all evacuation centres be officially registered to ensure that it meet the required standards and are user friendly during emergencies. This

registration would help in organizing and managing disaster response efforts. It was therefore recommended that the Bill to include provisions for managing risks and preparing before disasters occurs. It was noted that the proactive approach would enhance preparedness and reduce the impact of potential disasters.

A copy of the submission can be obtained from the online Appendices of the Report, which can be accessed via the Parliament website: www.parliament.gov.fj

3.5 SDGs Impact Analysis

Consideration was also given to the impact the Bill has on the sustainable development goals and Fiji's efforts towards its development plans. The Committee felt that consideration should be placed on the SDG 5, which focuses on gender equality and SDG 11, which focuses on sustainable cities and communities². It was noted that the Bill aims to achieve the following SDG targets and indicators which are as follows;

- SDG 11.5 - *significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations.*
- SDG 11.5.1 - *number of deaths, missing persons and directly affected persons attributed to disasters per 100,000 population; and*
- SDG 11.5.2 - *By 2030, significantly reduce the number of deaths and the number of people affected and substantially decrease the direct economic losses relative to global gross domestic product caused by disasters, including water-related disasters, with a focus on protecting the poor and people in vulnerable situations.*

In regard to SO110(2), the Committee ensured that full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally. It was evident from the review, that Clause 2 of the Bill takes into account vulnerable groups in our communities and provides protection for the disabled, women, children, youth, elderly and a person living in poverty. Furthermore, there was emphasis placed on women in providing opinions to the Bill. The Committee felt the importance of equal gender participation and had empowered women to participate more during the public consultation. With much consideration, the Committee noted the issues raised and eventually these opinions and suggestion are reflected in the current form of the Bill.

² [THE 17 GOALS | Sustainable Development \(un.org\)](https://www.un.org/sustainabledevelopment/)

3.6 Outcome of Deliberation

After extensive deliberation, the following outlines some of the main outcomes of the Committee's deliberation.

The pertinent issues identified during the review were discussed at length by the Members of the Committee and considered with the assistance of the drafting team, so as to ensure that all these relevant issues were appropriately addressed and that the objective of the Bill was preserved. The following key provisions were amended as follows.

With respect to Clause 2, there were suggestion for the removal of the definition 'vulnerable' given the mobility of a person listed under the terminology. The Committee suggested that the definition be maintained as women and youths were noted to be the most affected and the inclusion of this definition protects these individuals during disasters. Therefore, the Committee believes that this issue is adequately addressed.

In relation to Clause 6 there were suggestion on the inclusion of RBF in the council as it may be required to provide advice on the effect of economy and financial stability post-disaster. The Committee was of the view that the current clause is sufficient given that the permanent secretary is the representative of the Reserve Bank to the Council, hence RBF may provide advise relating these matters through its representative. Therefore, the Committee believes that this issue is adequately addressed.

The Committee noted that Clause 17 of the Bill provides for the composition of the emergency committee which consists of the National Controller as chairperson, National Controller and other members as listed under Schedule 3 to the Bill. Given that Business are also affected during disasters, the Committee recommended the inclusion of '*Fiji Business Council*' in Schedule 8 for Agencies Responsible for Warnings.

The Committee recommends that clause 5(d) be amended to remove '*government*' and '*independence*' and replaced by '*impartiality*'. A suggested wording for the amendment is as follows:

"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 impartiality"

In relation to Clause 25, the Committee had reservation in the provision that states the National Controller would delegate any person his or her powers to perform the administration of this Act. The Committee felt that it be prudent to siphon the channel of delegation to avoid any risk of abuse. Therefore the Committee recommends that clause be amended to replace the words '*any person*' with '*an appropriate*'. A suggested wording for the amendment is as follows:

“25- The National Coordinator may delegate in writing with or without conditions, to an appropriate 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”.

In regard to Clause 28(m), the Committee was of the view that the Ministry of Health, Fiji Police Force and the Ministry of Foreign Affairs would only focus on facilitating international assistance where such systems and services are overwhelmed. It was suggested that there be a separate sub-clause for clear demarcation for NDMO to facilitate international assistance through the coordination of other agencies. The Committee therefore recommends that clause 28(m) be inserted as a new sub-clause and a suggested wording for the amendment is as follows:

“28(m) - coordinate with Government Agencies to facilitate international assistance”

The Committee recommends that Clause 31(2)(e) and (g) be amended for consistency and a suggested wording for amendments is as follows:

“31(2)(e) - the Chief Executive Officer of Airports Fiji Pte Limited or his or her nominee” and

“31(2)(g) - the Chief Executive Officer of Fiji Telecommunications Authority of Fiji or his or her nominee”.

With respect to clause 33(1)(f), the Committee was of the view that the provision gives effect for rescue dogs that are provided through international assistance to waive requirements for quarantine, however at the same time, the assistance should be in compliance with the conditions and requirements approved by the Biosecurity Authority of Fiji. The Committee notes that these are two actions stipulated in the sub-clause that would have ramifications on the delay of search and rescue mission for rescue dogs. The Committee therefore recommends that the clause be amended to insert ‘*other*’ and a suggested wording for the amendment is as follows:

“waiver of quarantine requirements for search and rescue dogs, provided that the dogs comply with other requirements approved by the Biosecurity Authority of Fiji”

In accordance to clause 33(h), the Committee suggested that the sub-clause requires a separate provision for clarity. The Committee therefore recommended that the provision be inserted into a new sub-clause (2) and a suggested wording for amendment is as follows:

“(2) - Relief goods and equipment that are sent to Fiji before the end of the period of a declared National State of Disaster but that have not arrived in Fiji may also be exempt from duty, tax or any fee lawfully charged, and any economic prohibition, geographic restriction or other restriction except where it is in the public health or security interest not to grant a waiver”.

With respect to Clause 40(2), the Committee noted that the provision is a repetition of sub-clause (1) and therefore recommended that it be deleted in its entirety.

The Committee recommends that clause 52(1)(b) be amended to add ‘Disaster’ and a suggested wording for the amendment is as follows:

“Emergency and Disaster Response”.

The Committee recommends that clause 74 be amended from ‘Division’ to ‘Divisional’ for the purpose of consistency and a suggested wording for the amendment is as follows:

“74- A review of the Divisional Disaster Risk Management Plan”

The Committee recommends that clause 78(2) be amended from ‘plan’ to ‘Plan’ for the purpose of consistency and the suggested amendment is as follows:

“78(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”.

The Committee recommends that clause 96(3) be amended to remove ‘government’ and the suggested amendment is as follows:

“96 - All agencies are subordinate to the National Controller at their respective levels during an emergency operation”.

The Committee recommends that clause 104(5) be amended to replace the word ‘of’ with ‘on’ and the suggested amendment is as follows:

“104(5)- The National Controller in consultation with the National Coordinator must advise the Minister on the status of relief assistance before convening a meeting of the Council”.

Schedule 3 (o) – The Committee recommends that Schedule 3(o) and Schedule 4(g) be amended to insert the ‘Fiji’ and the suggested amendment is as follow:

“Schedules 3 and 8 - Fiji Meteorological and Hydrological Service”.

Schedule 4(g) – The Committee recommends that clause Schedule 4(g) be amended to replace ‘Divisional’ with ‘Fiji’ for the purpose of consistency and the suggested amendment is as follows:

“Fiji Council of Social Services”.

Despite the Committee’s position in terms of the status of the Bill, there is recommendation the Committee feels vital for the successful implementation of the Bill. The Committee suggest that Government develop a policy that incentivizes staff to participate fully in Emergency Operations either through Honorariums or other allowances. Providing such eligibility will ensure that all staff are available and motivated to assist during critical times. Implementing such a policy will improve the

Ministry's ability to respond effectively to disaster by ensuring that all staff members are supported and able to contribute.

4.0 CONCLUSION

After adhering to all due process and the requirements of the Standing Orders of Parliament, the Committee in its deliberation saw that the Bill was an important step towards ensuring several critical initiatives aimed at enhancing humanitarian coordination that need to be in place before the cyclone season starts. Such initiatives are the Humanitarian Actors Registry that will control and streamline humanitarian action in the country as well as the establishment of the Disaster Volunteer scheme that will ensure the protection of disaster volunteers along with other human rights protection.

As highlighted above in its deliberations, the Committee has conducted extensive public consultations and consulted independent legal experts in the Solicitor-General's Office for the purpose of improving the current draft of the Bill.

At the conclusion of the review, the Committee believes the Bill in its current amendments is sufficient in fully realising its objectives.

The Committee through this report commends the *National Disaster Risk Management Bill 2024 (Bill No. 6 of 2024)* to the Parliament.

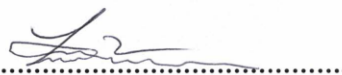
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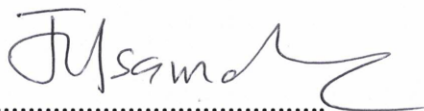
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HON. RATU RAKUITA VAKALALABURE
(CHAIRPERSON)



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HON. ILIESA VANAWALU
(DEPUTY CHAIRPERSON)



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HON. LENORA QEREQERETABUA
(MEMBER)



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HON. JONE USAMATE
(MEMBER)



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HON. MOSESE BULITAVU
(MEMBER)

DATE: 01/10/24

