

Model Comprehensive Disaster Management Legislation and Regulations 2013



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Annex 3

DRAFT MODEL COMPREHENSIVE DISASTER MANAGEMENT BILL

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AN ACT to provide for Comprehensive Disaster Management and for related matters.

PART I

Preliminary Provisions

1. Short title and commencement.

This Act [Ordinance] may be cited as the Comprehensive Disaster Management Act and shall come into force on a date to be fixed by the [Minister] by Notice published in the *Gazette*.

2. Interpretation.

- (1) In this Act, unless the context otherwise requires—

“Agency” means the National Disaster Management Agency established under section 17;

“Agreement” means the Agreement Establishing the Caribbean Disaster Emergency Management Agency set out in the Second Schedule;

“climate change” means a change in climate that—

- (a) can be identified by changes in the mean or variability of the properties of the climate; and

- (b) persists for an extended period, typically decades or longer,

whether due to natural variability or as a result of human activity;

“CDEMA” means the Caribbean Disaster Emergency Management Agency established under Article II of the Agreement;

“CDEMA Participating State” means a State party to the Agreement;

“Comprehensive Disaster Management” means the management of all hazards through all phases of a disaster management cycle by prevention and mitigation, preparedness, response, recovery and rehabilitation by public and private sectors, civil society and the general population;

“Comprehensive Disaster Management Plan” means the National Comprehensive Disaster Management Plan prepared in accordance with section 24;

“critical facilities” means—

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- (a) the primary physical structures, technical facilities and systems which are socially, economically or operationally essential to the functioning of a society or community, both in routine circumstances and in extreme circumstances of an emergency; or
- (b) those systems and assets, whether physical or virtual, which are so vital to {name of state/territory} that their incapacity or destruction would have a debilitating impact on national security, national economic security, or national public health and safety;

“critical facility agency” means an entity, whether private or public, comprising critical facilities and designated as such under section 75;

“declaration of a disaster” means a declaration of a disaster under section 68;

“Director” means the Director of Disaster Management appointed under section 21;

“disaster” means a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses which exceed the ability of the affected community or society to cope using its own resources;

“disaster mitigation” means—

- (a) measures taken to reduce the loss of life, livelihood and property by disasters, either by reducing vulnerability or by modifying the hazard, where possible; or
- (b) the lessening or limitation of the adverse impacts of hazards and related disasters;

“disaster preparedness” means—

- (a) the knowledge and capacity developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from the impacts of likely, imminent or current hazard events or conditions; or
- (b) measures to be taken to reduce, to the minimum level possible, the loss of human lives and other damage through the organization of prompt and efficient actions of response and rehabilitation;

“disaster relief agency” means an *agency* charged with responsibility for *disaster relief* management;

“disaster risk management” means the systematic process of using administrative decisions, organization, operational skills and capacities to implement policies, strategies and coping capacities of the society and communities to lessen the impacts of natural hazards and related environmental and technological disasters;

“disaster risk reduction” means the conceptual framework of elements considered with the possibilities to minimize vulnerabilities and disaster risks throughout a society, to avoid (prevention) or to limit (mitigation and preparedness) the adverse impacts of hazards, within the broad context of sustainable development;

“District Disaster Management Committee” means a District Disaster Management Committee established under section 44;

“early warning system” means the set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals,

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communities and organizations threatened by a hazard to prepare and to act appropriately and in sufficient time to reduce the possibility of harm or loss;

“emergency” means—

- (a) any unforeseen or sudden occurrence, especially danger, demanding immediate action; or
- (b) any instance for which, in the determination of the Director, assistance is needed—
 - (i) to supplement the efforts and capabilities to save lives and to protect property and public health and safety, or
 - (ii) to lessen or avert the threat of a catastrophe in any part of {*name of state/territory*};

“financial year”, in relation to the Agency, has the meaning assigned to it in section 38;

“Fund” means the National Disaster Management Fund established under section 52;

“Government” means the Government of {*name of state/territory*};

“hazard” means a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihoods and services, social and economic disruption or environmental damage;

“hazard inspector” means a hazard inspector appointed under section 21;

“Inter-Ministerial Committee” means the Inter-Ministerial Committee on Disaster Management established under section 6;

“land-use planning” means the branch of physical and socio-economic planning

that determines the means and assesses the values or limitations of various options in which land is to be utilized, with the corresponding effects on different segments of the population or interests of a community taken into account in resulting decisions;

“listed premises” means premises listed on the shelters list;

“marine shelter” means a place established and maintained under section 29 to give ships protection from an emergency or disaster;

“Minister” means the Minister responsible for disaster risk management;

“National Emergency Broadcast System” means the National Emergency Broadcast System under section 67;

“National Emergency Operations Centre” means a National Emergency Operations Centre established under section 28;

“National Multi-Hazard Alert System” means the National Multi-Hazard Alert System established under section 66;

“recipient disaster-affected person” means any person who is affected by a disaster and is in receipt of relief goods;

“recovery” means decisions and actions taken after a disaster with a view to restoring or improving the pre-disaster living conditions of the stricken community, while encouraging and facilitating necessary adjustments to reduce disaster risk;

“Regulations” means Regulations made under section 82;

“relief goods” includes food, clothing, medicine and equipment for relief and recovery and any other disaster management and recovery-related supplies;

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“resilience” means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient manner;

“risk assessment” means a methodology to determine the nature and extent of risk by analyzing potential hazards and evaluating existing conditions of vulnerability that together could potentially harm exposed people, property, services, livelihood and the environment on which they depend;

“shelter” includes marine shelter;

“shelter manager” means a shelter manager assigned in accordance with section 29;

“shelter officer” means a shelter officer assigned in accordance with section 29;

“shelters list” means the list of premises established by the Director under section 29;

“specially vulnerable area” means an area designated as such under section 48;

“State” includes a non-politically independent territory of the Caribbean;

“state of emergency” means, a declaration of a state of emergency made by the {Governor} [Governor General] [President] under section {--} of the Constitution of {name of state/territory};

“statutory board” means a Board, committee or other group which is under any statute responsible for the direction, governing or control of any entity other than a Ministry or Department of Government and a majority of the membership of the Board, committee or other group would under any Act be constituted by persons to be appointed to that Board, committee or other group by a Minister or public officer and by Ministers and public officers who are ex

officio members of that Board, committee or other group;

“statutory body” means an entity which—

- (a) has been established by or under any Act; and
- (b) is directed or governed by either a public officer or an officer appointed by a Minister or public officer or a statutory board;

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

- (2) For the purposes of this Act, a hazard alert exists when—
 - (b) the National Emergency Broadcast System broadcasts or otherwise publishes a formal warning under section 67; or
 - (a) the Minister makes a declaration of a disaster under section 68.

3. Purposes of Act.

The primary purposes of this Act are—

- (a) to develop, promote and implement a disaster risk reduction and management approach to disaster management that—
 - (i) is holistic, comprehensive, integrated, and proactive in lessening the socio-economic and environmental impacts of disasters including climate change, and
 - (ii) focuses on reducing risks that is to say, reducing the risk of loss of life, economic disruption and damage to the environment and property, especially to the sections of the population that

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are most vulnerable by reason of poverty and a general lack of resources; and

- (b) to promote the involvement and participation of all sectors and stakeholders concerned, at all levels, especially the local community.

4. Relationship with other enactments.

Where there is any conflict or inconsistency between the provisions of this Act and the provisions of any other Act, the provisions of this Act shall prevail.

5. Force of law.

- (1) The Caribbean Disaster Emergency Management Agency Agreement set out in the Second Schedule has the force of law in {name of state/territory}.
- (2) Where the Caribbean Disaster Emergency Management Agency Agreement is amended, the Minister shall, by Order amend the Second Schedule to give effect to the amendment to the Agreement.
- (3) Every Order made under subsection (2) shall be placed before the House of Assembly and published in the *Gazette*.

PART II

Inter-Ministerial Committee on Disaster Management

6. Establishment of Inter-Ministerial Committee.

- (1) The Cabinet shall establish an Inter-Ministerial Committee on Disaster Management which shall comprise the following persons—
 - (a) the Prime Minister {Governor} {Premier} {Chief Minister};

- (b) Ministers with responsibility for—

- (i) disaster risk management,
- (ii) national security,
- (iii) health,
- (iv) the environment,
- (v) transport and works,
- (vi) housing,
- (vii) agriculture,
- (viii) finance,
- (ix) foreign affairs, and
- (x) planning; and

- (c) any other Minister involved in disaster risk management or the administration of legislation relating to disaster risk management.

- (2) The Prime Minister {Governor} {Premier} {Chief Minister} shall be the chairperson of the Inter-Ministerial Committee.

- (3) The Inter-Ministerial Committee shall—

- (a) advise and make recommendations to the Cabinet on the development of a National Comprehensive Disaster Management Policy aimed at ensuring comprehensive disaster management by all Ministries, Departments, statutory bodies, District Disaster Management Committees, private sector entities, non-governmental organizations, faith-based organizations, communities and individuals;

- (b) be accountable to the Cabinet and shall report to the Cabinet on the co-ordination of the National Comprehensive Disaster Management Policy among Ministries; and

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- (c) in accordance with the Regulations, advise and make recommendations to the Cabinet on issues relating to disaster risk management including issues respecting climate change and gender.

(4) In performing its functions under subsection (3), the Inter-Ministerial Committee shall create a partnership among the Government, the non-governmental agencies and the communities so as—

- (a) to facilitate an integrated approach to disaster risk management; and
- (b) to ensure that disaster risk management and, more particularly, risk reduction is incorporated into development procedures and policies with Government, non governmental agencies and communities to promote comprehensive disaster management.

(5) The Inter-Ministerial Committee shall prescribe its own rules of procedure.

7. National Comprehensive Disaster Management Policy.

(1) The Inter-Ministerial Committee shall provide a coherent, transparent and inclusive policy on Comprehensive Disaster Management appropriate for {*Name of state/territory*} that—

- (a) reflects a proportionate emphasis on disasters of different kinds, severity and magnitude that occur or may occur in {*Name of state/territory*}; and
- (b) places emphasis on measures that reduce the vulnerability of disaster-prone areas, communities and households.

(2) The Inter-Ministerial Committee shall ensure that the National Comprehensive Disaster Management Policy—

- (a) guides the development and implementation of disaster risk management envisaged by this Act;
- (b) establishes prevention and mitigation as the core principles of disaster risk management;
- (c) facilitates the joint establishment of joint standards of practice;
- (d) determines the relationship between the sphere of government exercising primary responsibility for the co-ordination and management of a disaster and the spheres of government performing supportive roles;
- (e) allocates specific responsibilities in regard to the different spheres of government referred to in paragraph (d);
- (f) guides the development and implementation of disaster risk management within Ministries on a cross-functional and multi-disciplinary bases and allocates responsibilities in this regard to different Ministries;
- (g) facilitates the involvement of the private sector, non-governmental organizations, faith-based organizations and volunteers in disaster risk management;
- (h) facilitates community participation in disaster risk management;
- (i) facilitates partnership between Ministries, the private sector, non-governmental organizations, faith-based organizations and communities;

- (j) facilitates disaster risk management, capacity building, training and education, including in schools, and provide incentives for such capacity building, training and education;
- (k) formulate, harmonize and translate into policies a national agenda for research and technology development or implementation in disaster risk management;
- (l) guides the development of a comprehensive information management system;
- (m) takes into account indigenous knowledge relating to disaster risk management;
- (n) subject to Part IV, provides a framework within which Ministries may fund disaster risk management with specific emphasis on preventing or reducing the risk of disasters, including grants to contribute to post-disaster recovery and payment to victims of disasters and their dependants;
- (o) addresses the requirements for cooperation and co-ordination among the different Ministries, the private sector, non-governmental organizations, faith-based organizations and local authorities;
- (p) provides key performance indicators in respect of the various aspects of disaster risk management.

PART III

National Disaster Management Technical And Advisory Council

8. Establishment and composition of the Council.

- (1) There is hereby established a National Disaster Management Technical and Advisory Council in accordance with subsection (2).
- (2) The Council shall comprise—
 - (a) the Minister responsible for disaster risk management {Prime Minister} {Premier} {Chief Minister} as Chairperson;
 - (b) another Minister or public officer nominated by the Minister to serve as Chairperson in the absence of the Minister {Prime Minister}{Premier} {Chief Minister};
 - (c) the Director who shall be the secretary to the Council;
 - (d) a senior representative of each Ministry whose Minister is a member of the Inter-Ministerial Committee, designated by that Minister;
 - (e) such other members as may be nominated by the Minister responsible for disaster risk management {Prime Minister} {Premier} {Chief Minister} {Governor} to represent;
 - (i) the Police Force;
 - (ii) the Defence Force;
 - (iii) the Fire Service;
 - (iv) organized business, labour or agriculture;

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- (v) faith-based organizations;
 - (vi) medical, paramedical and hospital organizations;
 - (vii) organizations representing disaster risk management professions in *{name of state/territory}*;
 - (viii) United Nations Development Programme;
 - (ix) United Nations High Commission on Refugees;
 - (x) International Federation of the Red Cross and Red Crescent Societies;
 - (xi) Oxford Committee for Famine Relief;
 - (xii) other relevant non-governmental and international organizations and relief agencies;
 - (xiii) statutory bodies as the {Prime Minister} {Premier} {Chief Minister}{Governor} thinks fit;
 - (xiv) such other persons or organizations as the {Prime Minister} {Premier} {Chief Minister}{Governor} thinks fit who are required by law to perform functions related to disaster risk management in *{name of state/territory}* or who can provide scientific and technological advice or support to disaster risk management;
- (f) experts on disaster risk management designated by the Minister responsible for disaster risk management {Prime Minister} {Premier} {Chief Minister}; and
- (g) persons co-opted by the Council for a specific period or specific discussion.

9. Functions of the Council.

- (1) The Council is the body in which Ministries, Departments, statutory bodies, District Disaster Management Committees, communities, private sector entities, non-governmental organizations, international organizations, relief agencies, faith-based organizations consult with each other and coordinate their actions on matters relating to disaster risk management.
- (2) In addition to performing its functions under subsection (1), the Council—
 - (a) shall make recommendations to the Director with respect to the preparation of the National Comprehensive Disaster Management Plan;
 - (b) shall provide technical guidance and assistance to the Committee with respect to the formulation of policy guidelines in relation to the coordination of disaster risk management; and
 - (c) shall consider such other matters as may be requested by—
 - (i) the chairperson of the Council,
 - (ii) any two members of the Council,
 - (iii) the Committee, or
 - (iv) the Director;
 - (d) may advise any Ministry, Department, statutory body, District Disaster Management Committee, community, private sector, non-governmental organization or faith-based organization on any matter relating to disaster risk management.

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10. Establishment of committees.

- (1) The Council shall establish committees charged with particular responsibilities, whether defined by geographical area or otherwise, in relation to the preparedness for, mitigation of, response to and recovery from emergencies and disasters in {*name of state/territory*}.
- (2) A committee appointed under subsection (1) shall—
 - (a) consist, wholly or partly, of members of the Council as may be necessary for the proper carrying out of its responsibilities; and
 - (b) meet—
 - (i) at least once every three consecutive months in a year,
 - (ii) whenever a hazard alert or a declaration of a disaster or state of emergency is issued, or
 - (iii) in the event or aftermath of an emergency or a disaster.
- (3) The Council may co-opt to any committee appointed under subsection (1) such specialized personnel as the Council thinks fit.

11. Attendance fees and travel or other allowances.

The members of the Council or any committee established under section 10 shall receive such attendance fees and travel or other allowances as the {Governor} {Prime Minister} may authorize by Order published in the *Gazette*.

12. Convening of meetings of the Council

- (1) The Chairperson shall convene at least four meetings of the Council in each year.
- (2) Without prejudice to the generality of subsection (1), the Chairperson shall convene a meeting of the Council—

- (a) within the months of January to April in every calendar year;
- (b) within forty-eight hours of the coming into existence of a threat of a hazard impact or a hazard;
- (c) as soon as the Chairperson considers practicable in the event of a disaster or emergency which has not been preceded by a threat of a disaster; or
- (d) at any other time for any of the purposes in this Act.

13. Quorum.

The Chairperson or alternate chairperson and any four other members of the Council constitute a quorum for meetings of the Council.

14. Admission of members of the public to meetings.

Any meeting of the Council is open to such members of the public as non-participating observers as may in the Chairperson's opinion reasonably be accommodated at the venue of the meeting unless the Council decides by resolution to conduct in camera its subsequent proceedings at that meeting.

15. Minutes.

The Council shall, at every meeting consider and settle, after considering the draft minutes of its last previous meeting submitted by the Director, the official minutes of that previous meeting before adopting any other resolution.

16. Voting.

- (1) Where—
 - (a) any matter or question is put to a vote at a meeting of the Council, it must be determined by the majority of the members of the Council present and voting on the matter or question; and

- (b) in the holding of any vote there is an equality of votes, the chairperson or, in the absence of the chairperson, the alternate chairperson, shall have a casting vote whether or not the chairperson has voted before on the matter or question.
- (2) Where the results of any voting are in dispute, the chairperson or any two members of the Council may, before a motion for the adjournment of the meeting at which the voting took place is carried, require that the vote shall be repeated by roll call, and the results of the voting by roll call shall supersede the results of the disputed voting.
- (3) Any member of the Council who—
 - (a) has not voted in favour of a decision of the Council; and
 - (b) has, in advance of the decision, indicated disagreement with the proposed decision, may require the disagreement to be recorded in the minutes of the meeting.

PART IV

National Disaster Management Agency

17. National Disaster Management Agency.

- (1) There is hereby established an Agency to be called the National Disaster Management Agency.
- (2) The Agency is a body corporate to which section [] of the Interpretation Act applies.
- (3) The Agency shall be administered by a Board.
- (4) The Third Schedule has effect with respect to the constitution and proceedings of the Board and otherwise in relation thereto.

18. Seal.

- (1) The Agency shall have an official seal.
- (2) The affixing of the official seal of the Agency shall be in the presence, and witnessed by the signature, of the chairperson.
- (3) All documents, other than those required by law to be under seal, which are executed by, and all decisions of, the Board shall be signed by the chairperson or any other member duly authorized in writing by the chairperson to act on behalf of the Chairperson.

19. Objects of the Agency.

The principal objects of the Agency shall be to advance a comprehensive disaster management system by facilitating and coordinating the development and implementation of integrated disaster risk management systems in {*name of state/territory*}.

20. Functions and powers of the Agency.

- (1) The Agency has the following functions—
 - (a) to act as the national coordinating and monitoring body for disaster risk management;
 - (b) to promote a uniform approach to disaster risk management among Ministries, Departments of Government, District Disaster Management Committees, statutory bodies, communities, private sector entities, non-governmental organizations and faith-based organizations including the adoption of common standards and best practices;
 - (c) to coordinate the implementation of the National Comprehensive Disaster Management Policy;

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- (d) to develop guidelines to inform the preparation of Comprehensive Disaster Management plans and related strategies by Ministries, Departments, District Disaster Management Committees, statutory bodies, private sector entities, communities, non-governmental organizations and faith-based organizations;
- (e) to provide, on request, technical assistance to Ministries, Departments of Government, District Disaster Management Committees, statutory bodies, private sector entities, non-governmental organizations and faith-based organizations in preparing Comprehensive Disaster Management plans and strategies in accordance with guidelines developed under paragraph (d);
- (f) to review and approve the disaster management plan of each Ministry, Department, District Disaster Management Committee, community, private sector entity, non-governmental organization, faith-based organization and statutory body;
- (g) to monitor the implementation of the National Comprehensive Disaster Management Plan and the disaster management plan of each Ministry, Department, District Disaster Management Committee, community, private sector entity, non-governmental organization, faith-based organization and statutory body;
- (h) to develop and monitor guidelines to be followed by Ministries, Departments, District Disaster Management Committees, community, private sector entities, non-governmental organizations, faith-based organizations and statutory bodies for the purpose of integrating risk reduction and mitigation in development projects and other initiatives;
- (i) to monitor, coordinate and give directions regarding mitigation and preparedness measures to be taken by Ministries, Departments of Government, District Disaster Management Committees, private sector entities, non-governmental organizations and faith-based organizations;
- (j) to collaborate with relevant agencies, non-governmental organizations and faith-based organizations and such other bodies or persons as the Agency thinks necessary in—
 - (i) identifying, analyzing and mapping hazards and conducting related research into their effects and developing responses to the hazards,
 - (ii) the conduct of vulnerability and risk assessments and investigations as may be required to determine vulnerable areas for each hazard,
 - (iii) ensuring that disaster risk reduction and climate change measures are gender responsive;
- (k) to encourage and support the development of community based sustainable development programmes and interventions aimed at reducing the risk and impact of hazards and disasters and harness

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- community resources for disaster preparedness, response and recovery;
- (l) to encourage and support the establishment of resilience critical infrastructures;
 - (m) to plan and coordinate specialized training programmes for persons involved in disaster risk management including volunteers;
 - (n) to provide business continuity planning advice and assistance to the private sector as resources permit;
 - (o) to evaluate the preparedness at all Ministries, Departments of Governments, District Disaster Management Committees, communities, statutory bodies including an evaluation of related facilities, equipment and personnel for the purpose of responding to any threat of disaster or disaster and give directions, where necessary, for enhancing preparedness;
 - (p) to coordinate response in the event of a threat of a disaster or an emergency;
 - (q) in accordance with the Regulations, to organize, coordinate, formulate and execute disaster exercises;
 - (r) to advise, assist and coordinate the activities of Ministries, Departments of Government, District Disaster Management Committees, statutory bodies, private sector entities, non-governmental organizations and faith-based organizations;
 - (s) to coordinate the conduct of assessments following the impact of a hazard;
 - (t) to encourage the mainstreaming of disaster risk reduction and climate change in development processes such as policy formulation, socio-economic development planning, budgeting, and governance, particularly in the areas of environment, agriculture, water, energy, health, education, poverty reduction, land-use planning, and public infrastructure and housing, among others;
 - (u) to promote general education and awareness in relation to disaster risk management and to use such mechanisms as necessary to stimulate public interest in disaster risk management and in securing public cooperation and participation in achieving planned objectives;
 - (v) to act as a repository and conduit for hazard and other disaster related information and to collaborate with relevant agencies, non-governmental organizations and faith-based organizations and such other bodies and persons as it thinks necessary in the collection, processing and analysis of such information;
 - (w) to develop and maintain a database on disaster related information including climate change and other new and emerging threats and to ensure access to the database by stakeholders including special vulnerable areas declared under Part VI;
 - (x) to develop, monitor and review a National Risk Reduction Strategy;
 - (y) to provide advice to relevant agencies and other entities in the planning of mass crowd events; and
 - (z) to perform such other duties and functions as may be assigned from time to time by the Minister {Governor} and the Council.
- (2) For the purposes of subsection (1)(s),

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the Agency shall institutionalize gender analysis as part of any assessment following the impact of a hazard.

- (3) The Agency shall, to the greatest possible extent consistent with the performance of its functions under this Act, consult and co-operate with Ministries, Departments of Government, District Disaster Management Committees, communities, statutory bodies, private sector entities, non-governmental organizations and faith-based organizations having functions related to, or having aims or objects related to those of the Agency.
- (4) The Agency shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental to their proper discharge and may carry on any activities in that behalf either alone or in association with any other person or body.

21. Director and staff of Agency.

- (1) The affairs of the Agency shall be managed by a Director appointed by the Board.
- (2) The Agency may appoint—
 - (a) a Deputy Director; and
 - (b) hazard inspectors and such other suitably and qualified staff as is necessary for the effective carrying out of the functions of the Agency.

22. Powers and duties of the Director.

- (1) The Director has the following powers and duties—
 - (a) to provide advice to the Minister {Governor} on matters relating to disaster risk management;

- (b) to review and assess the various programmes and activities of the Government which have an impact on disaster risk management in { *name of state/territory*},
- (c) to make recommendation to the Minister {Governor} on the effect, the activities and programmes that disaster risk management are likely to have;
- (d) to develop and recommend to the Committee national policies to foster and promote disaster risk management;
- (e) in collaboration with Departments of Government or other agencies including climate change and gender entities—
 - (i) to participate in programmes to conduct investigations, studies, surveys, research and analysis relating to ecological systems and environmental quality and document,
 - (ii) to define changes in the natural environment as they relate to the likelihood of the occurrence of disasters in { *name of state/territory* },
 - (iii) to participate in programmes to analyze and interpret the information gathered under sub-paragraphs (i) and (ii) for the purpose of determining whether such conditions and trends are interfering or are likely to interfere, with the achievement of disaster risk management, and
 - (iv) to participate in programmes to prepare and review disaster risk assessments;

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- (f) to conduct programmes of public information and education on disaster risk management;
 - (g) to liaise with persons and organizations inside and outside of {*name of state/territory*} for the purpose of exchanging information and facilitating the harmonization of the policies of such persons and organizations with those of the Government relating to disaster risk management in {*name of state/territory*};
 - (h) to consult with the Council in the preparation of the National Comprehensive Disaster Management Plan;
 - (i) to provide technical advice to facilitate the development of Regulations relating to disaster risk management in {*name of state/territory*};
 - (j) to require any Ministry or Department of Government or statutory body to make available to the Agency such publicly owned vehicles, plant, equipment or personnel as are available for the purposes of response, rescue and relief;
 - (k) to establish and maintain disaster risk management including mechanisms for the exchange of information to inform policy formulation, plan and decision making within other sectors;
 - (l) to compile and to submit reports on damage assessments to the Minister within [*name of state/territory*]; and
 - (m) to perform such other related functions as may be provided for under this Act or as may be determined by the Minister.
- (2) In the exercise of his or her functions under subsection (1), the Director shall, at all times, seek to improve coordination and collaboration between community disaster organizations and other research or data partners including climate change entities for undertaking disaster risk management.
 - (3) For the purposes of sub-section (1) (e), the Director shall use standardized holistic and gender-sensitive community methodologies for natural and anthropogenic hazard identification and mapping, vulnerability and risk assessments, and recovery procedures developed and applied in selected communities.
- 23. Directions by the Minister {Governor} to Director.**
The Minister {Governor} may give to the Director directions of a special or general character in relation to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Director by or under this Act.
- 24. National Comprehensive Disaster Management Strategy, etc.**
- (1) Subject to subsection (5)(a), the Director shall prepare a National Comprehensive Disaster Management Strategy which must contain—
 - (a) measures for the prevention of disasters and mitigation of their effects;
 - (b) measures to be taken for the integration of risk reduction and mitigation in development plans and projects, nationally and sectorally; and
 - (c) measures to be taken for disaster preparedness and capacity building to effectively respond to the threat of a disaster or an emergency.

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- (2) The Director shall prepare a National Comprehensive Disaster Management Plan to be approved by the Minister, comprising the statement of the contingency arrangements under the coordination of the Director for responding to the threat or impact of a hazard or a disaster in *{name of state/territory}* whether or not the threat of the hazard or disaster is such as to prompt the issuance of a hazard alert, a declaration of a disaster or a declaration of a state of emergency.
- (3) The National Comprehensive Disaster Management Plan must include—
- (a) the roles and responsibilities of persons involved in disaster operations and disaster risk management under this Act;
 - (b) procedures related to disaster risk management of Ministries, Departments of Government, statutory bodies and other organizations;
 - (c) procedures for coordinating the implementation of the National Comprehensive Disaster Management Plan and implementation of disaster response plans;
 - (d) procedures for informing persons referred to in paragraph (a) and the public in *{name of state/territory}* and elsewhere of the existence of a hazard alert, a hazard, a state of emergency or the existence of an emergency or hazard;
 - (e) procedures for preparing and maintaining inventories of services and systems for disaster risk management;
 - (f) procedures for mobilizing services and systems for disaster risk management during a hazard alert or a hazard including procedures for staffing emergency operations centres;
 - (g) subject to the Regulations, procedures—
 - (i) for providing shelter for persons during a hazard alert or a hazard, or
 - (ii) to apply in the event that the evacuation of the residents of an area is considered to be necessary if there is a disaster;
 - (h) procedures for protecting and restoring communications, both nationally and internationally, during a hazard alert or a hazard;
 - (i) procedures for procuring, releasing, distributing and replenishing contingency stores of supplies of food, water, clothing and medical supplies during a hazard alert or a hazard;
 - (j) procedures established by the Minister responsible for health for safeguarding against epidemics before, during and after a hazard impact;
 - (k) procedures established by the Fire Chief for safeguarding against fires before, during and after a hazard impact;
 - (l) procedures for cooperation with international organizations and governments of countries outside *{name of state/territory}* before, during and after a hazard impact;
 - (m) procedures for accepting and facilitating the distribution of volunteer services and relief supplies before, during and after a hazard impact;

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- (n) procedures to apply in the event that the requisitioning of private property is considered to be desirable before, during and after a hazard impact including procedures for assessing and paying compensation;
 - (o) procedures for protecting life and property from the dangers of looting and riotous behaviour during a hazard alert, a declaration of a state of emergency or in the aftermath of an emergency or a disaster;
 - (p) roles and responsibilities of Ministries, statutory bodies, District Disaster Management Committees and other stakeholders in respect of the measures specified in paragraphs (k), (l) and (m);
 - (q) procedures for prioritizing recovery interventions; and
 - (r) other procedures to be followed before, during and after a hazard impact.
- (4) The Director—
- (a) shall, in consultation with the Committee and the Council, review the National Comprehensive Disaster Management Plan under subsection (1) annually; and
 - (b) may, subject to the approval of the Minister, make amendments to the National Comprehensive Disaster Management Plan.
- (5) The Director shall prepare—
- (a) the National Comprehensive Disaster Management Strategy having regard to among other things the National Comprehensive Disaster Management Policy and the Comprehensive Disaster Management plans and strategies prepared by Ministries, Departments of Government, critical facility agencies, District Disaster Management Committees, statutory bodies, private sector entities, non-governmental organizations and faith-based organization; and
 - (b) such other plans, strategies, procedures and guidelines as the Director considers necessary or as recommended by the Council.
- (6) The other plans, strategies, procedures and guidelines referred to in subsection (5)
- (b) must contain details of arrangements under the coordination of the Director for matters relating to hazard mitigation and risk assessment.
- 25. Communications link.**
- (1) The Director shall—
- (a) develop and maintain a directory of Ministries, Departments of Government, statutory bodies, critical facility agencies, private sector entities, non-governmental organizations and faith-based organizations that are or should be involved in disaster risk management in {Name of state/territory} showing—
 - (i) their contact particulars including their physical, postal and electronic addresses,
 - (ii) particulars of their involvement in disaster risk management, and
 - (iii) the nature, capacity and location of emergency and relief services under their control; and
 - (b) establish effective communication links with contact persons identified by the Ministries, Departments of Government, statutory bodies, District Disaster Management Committees, critical facility agencies, private sector entities, non-governmental organizations and faith-based organizations.

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- (2) The directory must include particulars of—
 - (a) all Ministries, Departments of Government, critical facility agencies District Disaster Management Committees and statutory bodies involved in disaster risk management;
 - (b) non-governmental organizations involved in disaster risk management;
 - (c) disaster risk management experts in *{Name of state/territory}*;
 - (d) private sector entities with specialized equipment, skills or knowledge relevant to disaster risk management;
 - (e) private sector voluntary agencies involved in disaster risk management; and
 - (f) foreign non-governmental organizations and international organizations involved in disaster risk management in *{Name of state/territory}*.
 - (3) The Director shall establish communication links with foreign comprehensive disaster management agencies including institutions performing functions similar to those performed by the Agency, to exchange information for the purpose of gaining access to international expertise in and assistance in respect of disaster risk management.
 - (b) process, consolidate and analyze the information collected under paragraph (a);
 - (c) develop and maintain an electronic database referred to in subsection (2);
 - (d) take steps to disseminate such information, especially to communities that are vulnerable to disasters; and
 - (e) establish such other procedures for maintaining the disaster management information system.
- (2) The electronic database developed by the Agency must contain extensive information concerning—
 - (a) disasters that occur or may occur in *{Name of state/territory}*; and
 - (b) disaster risk management issues.
 - (3) Without prejudice to the generality of subsection (2), the electronic database developed by the Agency must contain extensive information respecting—
 - (a) phenomena, occurrence, and circumstances that cause or aggravate disaster;
 - (b) risk factors underlying disasters and ways and means to reduce such risks;
 - (c) recurring occurrences that result in loss; but which are not classified as disasters in terms of this Act;
 - (d) prevention and mitigation;
 - (e) early warning systems;
 - (f) areas and communities that are particularly vulnerable to disasters;
 - (g) emergency response resources and capacity in the Ministries, Departments of Government and in the non-government sectors, including the location and size of, and other relevant information relating to—

26. Disaster management information system.

- (1) The Director shall—
 - (a) collect information on all aspects of disasters and disaster risk management including pandemic, hazard, vulnerability, climate change risks and other disaster risk information;

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- (i) police stations;
 - (ii) hospitals, clinics and other health institutions;
 - (iii) emergency medical services;
 - (iv) school, church and public buildings and other facilities that could be used as shelters or emergency hospitals in the event of a disaster;
 - (v) fire-fighting services; and
 - (vi) airports, airstrips, harbours and seaports;
 - (h) indigenous knowledge relating to disaster risk management;
 - (i) the directory under section 25 and the names and particulars of contact persons;
 - (j) emergency response resources and capacity in neighbouring countries and relevant international relief agencies;
 - (k) emergency preparedness in the different Ministries and Departments of Government; and
 - (l) research and training facilities for disaster risk management disciplines.
- (4) The Director shall take reasonable steps to ensure that the database is electronically accessible to any person free of charge.
- (5) Nothing in subsection (4) prevents the Director from—
- (a) establishing security safeguards to protect the database from abuse; or
 - (b) classifying parts of the database as restricted areas in consultation with the Minister, and limiting access to those parts authorized by the Minister.

27. Prevention and mitigation.

- (1) The Director shall give, to Ministries, Departments of Government, statutory bodies, District Disaster Management Committees, private sector entities, non-governmental organizations and faith-based organizations, communities and individuals, guidance to assess and prevent or reduce the risk of disasters, including—
- (a) ways and means of—
 - (i) determining levels of risk;
 - (ii) assessing the vulnerability of communities and households to disasters that may occur;
 - (iii) increasing the capacity of communities and households to minimize the risk and impact of disasters that may occur;
 - (iv) monitoring the likelihood of disasters that may occur; and
 - (v) monitoring the state of alertness of communities and households to disasters that are likely to occur;
 - (b) the development and implementation of appropriate prevention and mitigation methodologies;
 - (c) the integration of prevention and mitigation methodologies with development plans, programmes and initiatives; and
 - (d) the management of high-risk developments.
- (2) The Director shall promote formal and informal initiatives that encourage risk-avoidance behaviour by Ministries, Departments of Government, statutory bodies, District Disaster Management Committees, non-governmental organizations and faith-based organizations, communities and individuals.

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28. National Emergency Operations Centres.

- (1) The Director shall be responsible for the establishment and maintenance of a National Emergency Operations Centre and supplementary emergency operations centres, whether distributed according to geographical location or any other factor.
- (2) The National Emergency Operations Centre—
 - (a) comprises a Director, an executive group and an operations group; and
 - (b) serves as the headquarters of the activities undertaken in response to a hazard alert or disaster.
- (3) The executive group shall exercise the overall direction and control of disaster operations.
- (4) The operations group shall coordinate—
 - (a) the emergency or disaster response and relief efforts and activities as directed by the Director of the National Emergency Operations Centre; and
 - (b) damage assessments.
- (5) The functions of the National Emergency Operations Centre are—
 - (a) to provide centralized coordination and control of emergency or disaster response and operations on a twenty-four hour per day basis, if necessary;
 - (b) to keep the public informed of the emergency or disaster in a timely and factual reliable manner through briefings and bulletins;
 - (c) to control and coordinate actions generated as a result of orders from the executive;
 - (d) to provide direction and support to the on scene commander;
 - (e) to arrange for logistic support to the on scene or other relevant personnel;
 - (f) to plan ahead to meet the requirements that will follow a disaster;
 - (g) to ensure the efficient movement, assimilation and dissemination of information from disaster sites to the resource managers and to the public;
 - (h) to issue hazard alerts and give direction to the public which may necessitate the installation of remote broadcast connections through radio and television stations;
 - (i) to issue special bulletins or newsletters;
 - (j) to maintain display devices within the National Emergency Operations Centre so that agencies can quickly comprehend what actions have been taken and what resources are available; and
 - (k) to ensure the timely preparation and dissemination of situation reports which should be shared with the Caribbean Disaster Emergency and Management Agency.
- (6) In order to carry out the function under subsection (5)(h) the National Emergency Operations Centre may make advance arrangements with radio or television stations.
- (7) Depending on the nature of the emergency or disaster, special security may be established at the National Emergency Operations Centre.
- (8) A situation report required under subsection (5)(k) must include a list of casualties, the physical damage experienced and the needs of {*Name of state/territory*}.

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29. Shelters.

- (1) The Director shall establish and maintain a list of shelters in accordance with this section and the Regulations.
- (2) The shelters list shall comprise premises available and suitable for use as shelters, including marine shelters, during a declaration of emergency or a hazard alert or before, during and after a hazard impact.
- (3) The Director shall on the shelters list—
 - (a) distinguish between shelters in Crown [State] occupation and any other shelter;
 - (b) list the facilities available at each shelter;
 - (c) indicate the suitability of each shelter for use during a declaration of emergency or a hazard alert or before, during and after a hazard impact;
 - (d) indicate the periods for and the conditions under which the shelter would be suitable for use in the instances referred to in paragraph (c).
- (4) The Director—
 - (a) shall, subject to subsection (5), assign to each shelter a shelter manager charged with the responsibility of managing the shelter during any period where the premises are being used for that purpose; and
 - (b) may assign employees of the Agency as shelter officers to assist a shelter manager.
- (5) Where a shelter is not in Crown [State] occupation, the designation of shelter managers or shelter officers for those premises shall be subject to the agreement of the owner of the shelter.
- (6) The owner or occupier of any premises listed as a shelter in the shelters list is not liable to any person taking shelter on the premises for any injury to such person or damage to or loss of any person's property, which injury, damage or loss arises from the condition of the premises, where the use of the premises as a shelter was within the listed limits of suitability of the premises under subsection (3)(c).
- (7) The provisions of subsection (5) are without prejudice to any other right or remedy which the person suffering damage or loss may have—
 - (a) other than a right or remedy against the owner or occupier of the premises; or
 - (b) against the owner or occupier of the premises for damage or loss arising otherwise than from the condition of the premises.
- (8) The Director—
 - (a) shall, after consultation with {Chief Fisheries Officer}, assign to any premises listed as a marine shelter in the shelters list, a marine shelter master charged with the responsibility of managing the premises during any period where the premises is being used as a shelter; and
 - (b) may assign marine shelter officers to assist any marine shelter master.
- (9) The Director shall, in collaboration with the Physical Planning Department and the Public Health Division, inspect shelters annually in accordance with the Regulations.
- (10) The Minister {Governor} may enter into agreements with the owners of premises used as shelters where these are not in occupation.

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- (11) A person shall not assault or obstruct—
- (a) a shelter manager or a shelter officer; or
 - (b) a marine shelter master or a marine shelter officer, in the execution of his or her duty in relation to the function of the shelter manager, shelter officer, marine shelter master or a marine shelter officer under this section.
- (12) A person who contravenes subsection (11) commits an offence and is liable, on summary conviction, to a fine of [] dollars.

30. Regulations respecting shelters.

- (1) The Minister may, by Regulations, on the advice of the Inter-Ministerial Committee, make provision respecting shelters.
- (2) Without prejudice to the generality of subsection (1), the Minister may, by Regulations, on the advice of the Committee, make provision—
- (a) respecting the notification or availability of any report that may be given where, after one month or such longer period as may be prescribed, attempts to identify or find an occupier have not succeeded;
 - (b) regulating the use of any listed premises;
 - (c) respecting the inspection of shelters; and
 - (c) respecting the minimum standards for shelters.
- (3) For the purposes of subsection (2)(a), the report shall be published in the Gazette.
- (4) Regulations made under subsection (2) (b) for listed premises which are not in [Crown] {State} occupation may be made on the recommendation of the occupier of the premises.

- (5) Regulations made under subsection (2) (c) may confer on shelter managers and shelter officers authority to—
- (a) refuse admission of persons to the shelter to prevent overcrowding;
 - (b) prohibit the bringing of pets or other animals into the shelter;
 - (c) prohibit the bringing of weapons or hazardous materials into the shelter;
 - (c) limit by weight or bulk the luggage or other property that can be brought into a shelter;
 - (d) disclaim, as a condition of permitting persons using the shelter to bring luggage or other property into the shelter, responsibility for the safety of such property, including responsibility for negligent damage to such property;
 - (e) refuse entry of any person to the shelter unless that person submits to a search of his or her person or any luggage or other property to be brought into the shelter;
 - (f) allocate the use of the space and the facilities of the shelter among different users thereof, and to impose reasonable charges to cover the cost of providing telephone and other services beyond the allocation of physical space;
 - (g) regulate the use of musical instruments and other equipment which may disturb other users of the shelter by noise or light;
 - (h) prohibit or regulate the consumption of alcoholic drink and the use of tobacco products in or on the shelter premises;
 - (i) require persons to observe safeguards in the interests of the health of other persons;

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- (j) require persons using the shelter to take precautions against the outbreak or spread of fire, including participating in fire drills requiring temporary evacuation and assembly;
 - (k) set minimum standards of collection in shelters in the interests of decency and public morality;
 - (l) set minimum standards of cleanliness and tidiness to be observed in shelters;
 - (m) require persons taking shelter to clean areas within the shelter which they occupy;
 - (n) enforce the criminal law and the regulation of prescribed matters by suspension or expulsion from the shelter independently of any proceedings in respect of an offence under this Act; and
 - (o) permit the use of reasonable force for the purposes of paragraph (n).
- (6) When reasonable force is used under subsection (5)(n), the shelter manager or shelter officer may request the assistance of any other person and neither the shelter manager or shelter officer or person rendering assistance is liable, whether civilly or criminally, for any tort or offence by virtue of using such reasonable force.
- (7) Where a person is forcibly detained under subsection (5)(n), the detention may not be continued beyond the first reasonable opportunity to hand over custody of the person detained to a member of the Police Force.
- (b) the Director may amend the Register of Volunteers; and
 - (c) every member of every District Disaster Management Committee is deemed to be a volunteer..
- (2) The Director or the District Disaster Management Committee may mobilize individuals or organize volunteers to augment the respective personnel complement and logistical requirements of the Agency or an area under the control of the relevant District Disaster Management Committee in the delivery of disaster risk reduction programmes and activities; and
- (3) A person who wishes to volunteer for the purposes of assisting in an emergency or a disaster shall submit his or her name and other particulars to the Director or District Disaster Management Committee for registration as a volunteer.
- (4) Where a person submits his or her name and other particulars to the Director or the relevant District Disaster Management Committee for registration as a volunteer, the Director or the chairperson of the relevant District Disaster Management Committee shall, after undertaking a screening process in accordance with the Regulations, register the person as a volunteer in the Register of Volunteers if he sees fit.
- (5) The chairperson of each District Disaster Management Committee shall submit in writing to the Director on or before { } in each year, the names and particulars of the volunteers including those of the members of the District Disaster Management Committees.

31. Volunteers.

- (1) For the purposes of this Act—
- (a) the Director shall maintain a register to be known as the Register of Volunteers;
- (6) Where the chairperson of a District Disaster Management Committee submits the names and other particulars of volunteers or members of the committee to the Director, the Director shall record

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such names and other particulars in the Register of Volunteers.

- (7) The Director shall annually publish, in the *Gazette*, the names of all volunteers registered in the Register of Volunteers.
- (8) The Director may engage a volunteer whose names and other particulars are not recorded on the Register of Volunteers if during a disaster it is practicable to do so; but the director shall as soon as is reasonably practicable cause the names and other particulars of the volunteer to be registered in the Register of Volunteers.
- (9) Where the Director engages a volunteer referred to in subsection (8), the names and other particulars of the volunteer shall be deemed to have been registered in the Register of Volunteers as at the time of the engagement.
- (10) The Director shall provide training and incentives to all volunteers.
- (11) The Minister may, by Regulations, on the advice of the Inter-Ministerial Committee, make provision respecting volunteers including payment of reasonable expenses.

32. Functions of hazard inspectors.

- (1) The function of a hazard inspector is to inspect premises—
 - (a) for the purpose of registering the premises on the list of shelters;
 - (b) which, in the opinion of the Director, appear to pose a reasonable danger of serious injury to persons inside or outside the premises if a disaster has happened, is happening or is likely to happen.
- (2) The Agency shall, from time to time as the need arises, provide each hazard inspector with a distinctive badge, tag or other identification device which

may conveniently be carried by each hazard inspector while engaged in the performance of his duties under this Act.

- (3) The Minister may, by Regulations, on the advice of the Inter-Ministerial Committee, make provision respecting hazard inspectors.

33. Inspections.

- (1) A hazard inspector may, at any reasonable time—
 - (a) with the consent of the owner or occupier; or
 - (b) under the authority of a warrant issued by a Magistrate,

enter premises for the purpose of carrying out the functions conferred on the hazard inspector under this Act or the Regulations.

- (2) Where a Magistrate is satisfied, on evidence on oath by a hazard inspector, that the conditions of any premises are reasonably suspected of posing a danger of serious injury to persons inside or outside of the premises in the event of a disaster, the Magistrate may issue a warrant authorizing the hazard inspector to enter and inspect the premises for hazards.
- (3) A warrant issued under subsection (2)—
 - (a) expires not later than thirty days after the date on which it is made;
 - (b) may be issued or renewed on application notwithstanding that no notice of the application is given to any person who may be affected thereby; and
 - (c) may, before the date of its expiry date, be renewed for one or more periods each of which is not more than thirty days.

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- (4) A hazard inspector who exercises a power under this section shall—
- (a) identify himself or herself as a hazard inspector to any person in control or occupation of the premises to be inspected at the time of the inspection, by the production of—
 - (i) his or her hazard inspector's badge, tag or other identification device issued under section 21, and
 - (ii) the warrant of the Magistrate issued under subsection (2); and
 - (b) explain the purpose of the inspection.
- (5) A hazard inspector shall prepare a report on the results of any inspection carried out under this section and shall submit a copy of the report to the Director and the Magistrate.
- (6) The Director shall, upon receipt of a report under subsection (5) in respect of the inspection of any premises provide to the owner or occupier of the premises a copy of the report submitted by the hazard inspector.
- (7) Where the report submitted by the hazard inspector reveals that—
- (a) the condition of any premises poses a reasonable danger of serious injury to persons inside or outside the premises on the impact of a hazard, and
 - (b) such condition of the premises constitutes a violation of any law, if gives rise to the danger,
- the Director shall submit, to the relevant Ministry, Department of Government or body responsible for that other law, a copy of the report.
- (8) The Director shall, on information contained in a report submitted under subsection (5), request the owner of the premises to take remedial action within a specified period of time, subject to subsection (9), with or without the assistance of the Agency.
- (9) The assistance of the Agency may be at a prescribed fee to the owner to be specified by the Director.
- (10) An owner who fails to comply with a request made under subsection (8) commits an offence and is liable on summary conviction to a fine not exceeding [] dollars or to a term of imprisonment not exceeding [] [months] [years].
- (11) A report of a hazard inspector under this section is admissible in any legal proceedings in a court of competent jurisdiction as evidence of the truth of the report's findings of fact, whether or not the Crown [State] is a party to such proceedings.
- (12) A person shall not assault or obstruct the Director or hazard inspector in the execution of his duty in relation to the functions of the Director or hazard inspector under this section.
- (13) A person who contravenes subsection (12) commits an offence and is liable on summary conviction to a fine of [].
- 34. Evacuation.**
- (1) Where the Minister, after consultation with the Director, is satisfied that the lives of the residents in any part of {*name of state/territory*} would be at risk when a disaster occurs, the Minister may cause an announcement advising residents to evacuate that part of {*name of state/territory*} in the interest of their own personal safety—

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- (a) to be broadcast on the National Emergency Broadcast System; or
 - (b) to be made by use of such practical means to bring the notice to the knowledge and attention of persons in that part of *{name of state/territory}*.
- (2) Where—
- (a) there is a threat of a hazard in *{name of state/territory}* or in a part of *{name of state/territory}*; or
 - (b) a hazard alert exists, or a disaster has occurred, in *{name of state/territory}* or in a part of *{name of state/territory}*,

the Director shall, before advising the Minister to issue any notice of evacuation, assess the potential for loss of life and injury to persons and shall consult with the Council.

- (3) Every notice of evacuation issued under subsection (1) must specify the nature of the hazard or, as the case may be, the disaster and the area of *{name of state/territory}* required to be evacuated and the potential harm to persons.
- (4) Where a notice of evacuation is issued under subsection (1), the Director shall coordinate the evacuation in accordance with the Regulations and with the assistance of agencies involved in emergency and disaster risk management including the Police Force and the Fire Service.
- (5) Notwithstanding sub-section (1), the Minister may, after consultation with the Director, declare that notwithstanding the formal announcement made by the National Emergency Broadcast System, a hazard alert does not exist in respect of *{name of state/territory}* and such an announcement shall not constitute an offence for the purposes of this Act.

35. Duty to comply with notice of evacuation.

(1) Where the Minister issues a notice of evacuation under section 34 requiring an area to be evacuated, every person within that area shall comply with the notice of evacuation.

(2) Where—

- (a) a person wilfully contravenes subsection (1); and
- (b) that person by reason of that failure requires the assistance of the Agency to move out of the area which is the subject of a notice of evacuation,

the person is liable for any cost incurred by the Agency in providing the assistance; but the Director may refuse to provide the assistance if the Director has reason to believe that is not practicable to provide the assistance.

36. Employees who assist in emergency situations.

- (1) Where the Director certifies, in writing, that the services of a person is or was needed by the Agency for the performance of tasks related to recovery from an emergency during a specified period, the employer of that person shall pay the salary and all benefits to which the employee is entitled for the period specified.
- (2) The period the Director may specify under subsection (1) must in no circumstances exceed a continuous period of two weeks.
- (3) An employer who fails to comply with subsection (1) commits an offence and is liable, on summary conviction, to a fine not exceeding [] dollars or imprisonment for a term not exceeding [] or to both.

37. Fund for use by Agency.

- (1) There is established a fund to be known as the Agency Fund to be used by the Agency as revenue for the execution of its functions and the discharge of its obligations under this Act.

- (2) The Agency Fund shall consist of—
 - (a) sums allocated to the Agency by Parliament;
 - (b) revenue raised by the Agency in the form of loans, grants, investments or other means; and
 - (c) all other sums that may become payable to or invested in the Agency in respect of matters incidental to its functions and powers.
- (3) The Agency may establish a Reserve Fund into which may be paid any surplus funds of the Agency.
- (4) The Agency may withdraw any funds from the Reserve Fund in cases of shortfall for purpose of exercising its functions or discharging its duties under this Act.

38. Financial year of Agency.

The financial year of the Agency shall begin on [] and shall end on [] in each year.

39. Budget and plan of action of Agency.

The Agency shall not later than [] in each year cause to be prepared and shall adopt and submit to the Minister in respect of the financial year next following—

- (a) a budget with the estimates of its income and expenditure; and
- (b) a plan of action.

40. Accounts of Agency.

The Agency shall—

- (a) keep proper accounts and proper records in accordance with generally accepted accounting principles and standards; and
- (b) prepare and retain financial statements in respect of each financial year.

41. Audit of Agency.

- (1) The Agency shall as soon as is practicable after each financial year have its accounts audited annually by an independent auditor appointed by the Board.
- (2) The independent auditor appointed under subsection (1) shall conduct the audit in accordance with generally accepted international auditing standards and principles.
- (3) For the purposes of the conduct of the audit under subsection (1)—
 - (a) the Board, the Director and staff of the Agency shall grant to the auditor appointed under subsection (1), access to all books, deeds, contracts, accounts, vouchers, or other documents which the auditor may consider necessary; and
 - (b) the auditor may require the person holding, or accountable for, such document to appear, to make a signed statement or to provide such information in relation to the document as the auditor considers necessary.
- (4) A person who wilfully contravenes subsection (3)(b) commits an offence and is liable, on summary conviction, to a fine not exceeding [] dollars or to imprisonment for a term not exceeding [] or to both.
- (5) Where a person convicted under subsection (4) is a member of the Board, the Director or an employee of the Agency, the person is liable, without prejudice to the penalty imposed under subsection (4), to revocation of his appointment as a member of the Board, the Director or an employee of the Agency in accordance with this Act.

42. Auditor's Report of Agency.

An independent auditor appointed under section 41 shall, as soon as practicable but no later than two months after the end of each financial year, submit to the Board copies of the audited financial statement of the Agency and a report on the financial statement.

43. Annual Report of Agency.

- (1) The Agency shall, not later than three months after the end of each financial year, submit to the Minister an Annual Report on the—
 - (a) activities of the Agency during that financial year;
 - (b) results of monitoring risk reduction and mitigation matters;
 - (c) status of implementation of the National Comprehensive Disaster Management Plan;
 - (d) classification, magnitude and severity of disasters occurring in that financial year and any challenges encountered in dealing with the disasters, including implications for existing policies, strategies, plans and guidelines;
 - (e) the finding of surveys conducted during that financial year to determine the state of readiness of all stakeholders involved in disaster risk management;
 - (f) the status of the shelters; and
 - (g) the status of the implementation of the strategy and action plan.
- (2) The Minister shall not later than one month after he receives the Annual Report cause the Annual Report to be laid before the Parliament.

PART V

District Disaster Management Committee

44. Establishment of District Disaster Management Committee.

- (1) There are established District Disaster Management Committees for the purposes of this Act.
- (2) A District Disaster Management Committee may establish sub-committees charged with particular responsibilities, whether defined by geographical area or otherwise, in relation to the preparedness for, mitigation of, response to and recovery from emergencies and disasters within the district.

45. Composition of District Disaster Management Committee.

Each District Disaster Management Committee consists of –

- (a) a District Coordinator who shall be the Chairperson; and
- (b) any other person as may be required to carry out the functions of the District Disaster Management Committee.

46. Functions of District Disaster Management Committee.

- (1) Every District Disaster Management Committee has the following functions—
 - (a) develop and coordinate an effective Comprehensive Disaster Management plan for its district and regularly review and assess the plan;
 - (b) ensure that disaster risk management in the relevant district is consistent with the National Comprehensive Disaster Management Plan;

- (c) consolidate, in respect of local areas comprising its district, disaster risk information which includes natural hazards, vulnerabilities, and climate change risks, and maintain risk maps in respect of those areas;
 - (d) carry out recovery activities in its district ensuring that there is an effective and efficient mechanism for the immediate delivery of food, shelter and water;
 - (e) organize and conduct training, orientation, and knowledge management activities on disaster risk reduction and management in its district;
 - (f) respond to and manage the adverse effects of an emergency in its district; and
 - (g) report to the Agency on matters related to disaster risk management.
- (2) Without prejudice to the generality of subsection (1), every District Disaster Management Committee shall collaborate with the relevant entities to ensure the integration of disaster risk reduction and climate change adaptation within the district development plan programme.

47. Regulation of procedure.

A District Disaster Management Committee shall regulate its own procedure.

PART VI

Specially Vulnerable Areas

48. Delimitation of specially vulnerable areas.

- (1) The Cabinet may, on the recommendation of the Inter-Ministerial Committee, designate any area as specially vulnerable to a hazard by Order published in the *Gazette*.

- (2) Before publishing an Order under subsection (1), the Cabinet shall arrange for a draft Order—
- (a) prepared after consultation by the Director with the relevant Government institutions and other organizations in the private sector; and
 - (b) delimiting any area that the Inter-Ministerial Committee recommends for designation as a specially vulnerable area,

to be published in the *Gazette* and in at least one newspaper circulating in {*name of state/territory*} and to be presented by the Director for discussion and comment at a public consultation.

- (3) The Director shall submit a report on the public consultation held under subsection (2) to the Minister [Governor], who shall cause the report and the draft Order to be reviewed by the Inter-Ministerial Committee.
- (4) The Inter-Ministerial Committee shall, upon completion of its review of the report and the draft Order, make to the Cabinet such recommendations respecting any Order to be published under subsection (1) as the Inter-Ministerial Committee thinks fit.
- (5) For the avoidance of doubt, the provisions of this section apply to any amendment to an Order under subsection (1) as they apply to an Order.

49. Special area precautionary plans for specially vulnerable areas.

- (1) The Director may prepare for the approval of the Cabinet, a special area precautionary plan for the mitigation and prevention of disasters in a specially vulnerable area.

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- (2) A special area precautionary plan—
 - (a) may include strategies, policies and standards for development and for maintenance of structures in the specially vulnerable area or any such proposed area;
 - (b) may communicate strategies, policies, standards or designations by means of maps and diagrams; and
 - (c) does not authorize any development that is not permitted under the Physical Planning Act, the Building Code or any other enactment.

50. Draft special area precautionary plan.

- (1) Before approving a special area precautionary plan, the Cabinet shall—
 - (a) cause a draft special area precautionary plan prepared by the Director to be published in the *Gazette* and in at least one newspaper circulating in {name of state/territory}; and
 - (b) upon such publication, invite members of the public to submit to the Director, in writing, comments on the draft special area precautionary plan.
- (2) The Cabinet shall allow a period of not less than four weeks but not more than eight weeks for the receipt by the Director of comments under subsection (1).
- (3) From the date of the invitation to the public under subsection (1), the Director shall, on written application by any person, permit access to any technical studies used in the preparation of the draft special area precautionary plan.

51. Approval of special area precautionary plan.

- (1) After the expiration of the time allowed under section 50 for the submission of comments, the Director shall submit a report on the comments received to the [Governor] [Prime Minister] [President], who shall cause the report and the draft special area precautionary plan to be reviewed by the Inter-Ministerial Committee.
- (2) The Director shall, on the recommendation of the Inter-Ministerial Committee, if any, amend the draft special area precautionary plan before submitting it to the Cabinet for approval.
- (3) The Cabinet may, subject to such amendments, if any, as it considers fit, approve the special area precautionary plan submitted under subsection (2).
- (4) The Cabinet shall cause the special area precautionary plan approved by it to be published in the *Gazette* and the special area precautionary plan shall, upon publication, form part of the official policy of the Government on disaster risk management.
- (5) For the avoidance of doubt, the provisions of this section and sections 49 and 50 apply to any amendment to a special area precautionary plan published under subsection (4) as they apply to a special area precautionary plan.

PART VII

National Disaster Management Fund

52. Establishment of Fund.

- (1) There is hereby established a Fund to be known as the National Disaster Management Fund.
- (2) The resources of the Fund shall consist of—
 - (a) such monies as may be appropriated by Parliament;
 - (b) such donations and grants as may be made by persons and organizations approved by the Ministry of Finance;
 - (c) such sums of money as may be raised by way of loans with the approval of the Minister of Finance; and
 - (d) such other monies as the Agency may raise through activities organized by or on behalf of the Agency .
- (3) The Fund shall be administered by a Fund Committee comprising—
 - (a) the Permanent Secretary in the Ministry of Finance, as *ex officio* chairperson,
 - (b) the Director; and
 - (c) not more than four other persons, appointed by the Minister of Finance.
- (4) The Fund Committee may include members of the Agency.
- (5) The members of the Fund Committee, other than the chairperson shall be appointed for a period of two years and on such other terms and conditions as the Minister of Finance may determine.

- (6) The Fund Committee shall—
 - (a) meet at such times and place as the chairperson may determine; and
 - (b) subject to regulations made under section 53(3), regulate its own procedure in such manner as it may determine.

53. Application of Fund.

- (1) The Fund shall be applied in—
 - (a) funding projects and programmes in relation to the mitigation of, preparedness for, response to and recovery from, emergencies and disasters;
 - (b) providing financial assistance to persons for relief and recovery from an emergency or a disaster; and
 - (c) the adoption and promotion of preventative measures before, during and after a disaster or an emergency.
- (2) The Fund may, subject to the prior approval of the Minister of Finance, be applied towards assisting, by way of grants or loans, other countries or territories that have suffered any disaster of a similar nature contemplated under this Act.
- (3) The Minister may, on the recommendation of the Fund Committee, make Regulations respecting the application of the Fund.

54. Obligations of the Fund.

- In the administration of the Fund, the Fund Committee shall, in consultation with the Director, be responsible for—
- (a) determining the criteria to be applied in—
 - (i) funding projects and programmes in relation to the mitigation of, preparedness for, response to and recovery from, emergencies and disasters;

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- (ii) providing financial assistance to persons for relief and recovery from an emergency or a disaster;
- (b) the keeping of proper books of accounts and other records in relation to the Fund;
- (c) maintaining a list of assistance provided by multi-national corporations with respect to medicines, food, water and sanitation equipment;
- (d) recording monies received from foreign countries and foreign individuals at the time of a disaster;
- (e) the preparation and submission of reports relating to the administration of the Fund to the Minister of Finance; and
- (f) making recommendations to the Agency on fund raising activities.

55. Manner of keeping money of Fund.

- (1) Any money credited to the Fund shall be kept in an account in such bank in *{name of state/territory}* as the Minister of Finance may approve.
- (2) The Fund Committee may, with the approval of the Minister of Finance, invest monies credited to the Fund in such manner as it considers prudent and any interest or benefit received from such investment shall form part of the Fund.

56. Withdrawal of money from the Fund.

- (1) Except as provided in subsections (2) and (3), no money shall be withdrawn from the Fund.
- (2) Money may be withdrawn from the Fund on the authority of a warrant issued under the hand of the Minister of Finance in accordance with subsection (3).
- (3) The Minister of Finance shall not make any authorization under subsection (2), unless he first consults the Fund Committee.

57. Accounts and audit.

- (1) The accounts of the Fund shall be audited and reported on annually by the Director of Audit or any person authorized by him in that behalf, and for that purpose the Director of Audit or any person authorized by him in that behalf shall have access to all books, records, returns and other documents relating to such accounts.
- (2) The Director of Audit shall submit the report referred to in subsection (1) to the Minister of Finance, who shall cause it to be laid before Parliament [House of Assembly].

PART VIII

Obligations Of Persons Involved In Disaster Management

58. Liaison officer.

Every Permanent Secretary, every Head of a Department of Government and the head of every statutory body shall ensure that there is, at all times in that Ministry, Department or statutory body, a person designated as the liaison officer for communication with the Director in relation to the procedures of that Ministry, Department or statutory body.

59. Disaster management plan.

- (1) Every Ministry, Department of Government, statutory body and critical facility agency shall prepare a comprehensive disaster management plan and review and update the plan annually in accordance with the guidelines laid down by the Agency.
- (2) The disaster management plan prepared under subsection (1) shall contain the same information as the National Comprehensive Disaster Management Plan under section 23.

60. Preparation of strategy.

- (1) Every Ministry, Department of Government, statutory body, critical facility agency and District Disaster Management Committee shall prepare and submit to the Agency a strategy to guide the implementation of its comprehensive disaster management plan.
- (2) The strategy submitted to the Agency shall form part of the National Comprehensive Disaster Management Strategy.

61. Annual exercises and training of staff.

Every Ministry, Department of Government, critical facility agency and statutory body shall conduct annual exercises and training for its staff in relation to disaster risk management.

62. Resources.

Every Ministry, Department of Government, critical facility agency and statutory body shall ensure that the resources available that may be used in disaster risk management are identified and maintained so as to be ready for such use.

63. Supply of information.

Every Ministry, Department of Government, statutory body, critical facility agency and District Disaster Management Committee shall supply to the Director in the prescribed manner and by such date as may be required by the Director, such information as the Director may request.

64. Report on damage assessment.

- (1) Every Ministry, Department of Government, statutory body and District Disaster Management Committee shall prepare a report on damage assessment after of a hazard impact.
- (2) Every report prepared under subsection (1) shall be submitted to the Agency as soon as practicable after it is prepared.

65. Director to be consulted.

- (1) Before any person other than the Director of Public Prosecutions, a judge or a Magistrate exercises any disaster preparedness and response related powers under this Act or any other Act, that person shall, subject to subsection (2), consult with the Director.
- (2) The obligation to consult in subsection (1) does not apply—
 - (a) during a disaster or an emergency, where the person exercising the powers under subsection (1) considers that the urgency of the matter or difficulties of logistics makes such consultation impracticable; or
 - (b) in respect of the exercise of any power in relation to which a waiver by the Director of his right to be consulted is in effect under subsection (3).
- (3) The Director may, with the approval of the Minister, waive his right to be consulted, and any such waiver shall take effect when the Minister shall have notified that waiver by Order published in the *Gazette*.
- (4) A waiver under subsection (3) may relate to the exercise of any power or category of powers or to the exercise of a power in a specific instance.

PART IX

National Multi-Hazard Alert System and Declaration Of Disasters

66. National Multi -hazard Alert System.

- (1) There shall be a National Multi-Hazard Alert System for {*name of state/territory*}.
- (2) The National Multi-Hazard Alert System—
 - (a) shall be operated under the supervision of the Director; and
 - (b) shall consist of—
 - (i) a National Emergency Broadcast System,
 - (ii) siren warnings, and
 - (iii) such early warning systems as may be prescribed.

67. National Emergency Broadcast System.

- (1) The National Emergency Broadcast System shall enable the Government to broadcast emergency announcements of the threat of a disaster of a kind set out in Column 1 of the First Schedule within the applicable period set out in Column 2 of that Schedule directly from the National Emergency Operations Centre to the public on such frequency or in such manner as is specified in the memorandum of understanding between the Government and a person who is licensed to operate a telecommunications station in accordance with the provisions of any existing law.
- (2) An announcement shall not be broadcast on the National Emergency Broadcast System unless it is in writing and approved and signed by the Minister, acting in consultation with the Director.

- (3) The Director shall—
 - (a) keep an original signed copy of all announcements broadcast on the National Emergency Broadcast System; and
 - (b) upon application in writing, provide any person with a certified copy of any original signed copy of an announcement referred to in paragraph (a).
- (4) Judicial notice shall be taken of an original signed copy of an announcement, or a certified copy of any original signed copy of an announcement, referred to in subsection (3).
- (5) All announcements broadcast on the National Emergency Broadcast System shall be presumed to be broadcast in accordance with subsection (2), unless notice to the contrary is subsequently given by an announcement broadcast on the National Emergency Broadcast System or by an advertisement issued by the Director and published in the *Gazette* and one issue of a newspaper in general circulation in (*name of state/territory*).
- (6) Subject to subsection (7), a person who contravenes subsection (2)—
 - (a) commits an offence and is liable, on summary conviction, to a fine not exceeding five thousand dollars; and
 - (b) is, without prejudice to the power of the court to make any order or grant any other relief, liable in civil proceedings to pay damages to any person who suffers injury, loss or damage as a result of relying on the announcement.
- (7) A person with whom the Government has entered into a memorandum of understanding referred to in subsection (1)—

- (a) shall be entitled to presume that all announcements being broadcast on the National Emergency Broadcast System are being broadcast in accordance with subsection (2); and
 - (b) is not liable under subsection (6); unless he knew or had reason to believe that the announcement was not being broadcast in accordance with subsection (2).
- (b) ends when it is declared by the Minister.
 - (5) A notice may extend, or from time to time further extend, the period of the disaster.
 - (6) A notice extending or further extending the period of the disaster –
 - (a) shall state the period by which the disaster is extended; and
 - (b) expires at the end of the stated period unless it is sooner revoked or it expires under subsection (7).
 - (7) The Minister shall, by Notice, declare the end of a disaster if it is no longer necessary for persons exercising disaster powers under this Act to do so.

68. Declaration of disaster.

- (1) The Minister may declare a disaster for {*name of state/territory*}, or for a part of {*name of state/territory*}, if he is satisfied—
 - (a) that there is a substantial prospect that a disaster of a kind set out in Column 1 of the First Schedule will strike within the applicable period set out in Column 2 of that Schedule;
 - (b) that a disaster has happened, is happening or is likely to happen in {*name of state/territory*}; and
 - (c) that it is necessary for the Agency or a person authorized under this Act to exercise disaster risk management powers under this Act, to prevent or minimize loss of human life, illness or injury to humans property loss or damage to the environment.
- (2) A declaration of a disaster under subsection (1) must include—
 - (a) the time and date of the declaration; and
 - (b) the area in respect of which the declaration is made.
- (3) A declaration of a disaster under this section shall, as soon as practicable, be published by Notice in the *Gazette*.
- (4) A disaster –
 - (a) starts when it is declared under subsection (1); and

69. Prohibitions and restrictions on public access.

On the declaration of a hazard alert or disaster, the Director, a member of the Police Force or any person acting under the authority of the Director, may, in order to limit the extent of the disaster, totally or partially prohibit or restrict public access, with or without vehicles, to any road or pathway within {*name of state/territory*} affected or likely to be affected by the disaster.

PART X

International Humanitarian Assistance.

70. International Humanitarian Assistance Coordinator.

- (1) There shall be an International Humanitarian Assistance Coordinator who shall be the Director.
- (2) Subject to section 73, the International Humanitarian Assistance Coordinator shall ensure coordination and collaboration between local and international donors after the occurrence of disasters.

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71. Request for international assistance.

- (1) The Committee may, depending on the scope, magnitude of damage or implications of the adverse effects of the disaster, recommend to the Government to request international assistance.
- (2) Where the request for international assistance is being made under the CDEMA Agreement, the request may be sent directly to other CDEMA Participating States.
- (3) For purposes of ensuring a concerted effort on the international sphere, the [Ministry of Foreign Affairs] through the embassies or consulates of [*name of state/territory*] [Governor through the [Foreign and Commonwealth Office], may facilitate the call for international assistance.
- (4) Where the Government requests international assistance which includes a visit by a field team, the Director shall assist in facilitating such clearances as may be required for the field team.

72. Importation and donation of relief goods.

- (1) The importation and donation of relief goods are hereby authorized in accordance with section [] of the Customs Act.
- (2) Subject to the provisions of the Customs Regulations, any importation and donation intended for the operation of the Agency and its member agencies shall be treated as importations by or donations to Agency.
- (3) Notwithstanding anything contained in the provisions of any other law to the contrary, the Minister may, by Regulations, on the advice of the Committee, make provision—

- (a) respecting the initiation and termination of international humanitarian assistance;
- (b) with respect to privileges and immunities in relation to immigration and customs for the purposes of this Part.

73. Disaster relief efforts of disciplined forces.

Where, in response to a request for assistance by [*name of state/territory*] to CDEMA, members of the disciplined forces of another CDEMA Participating State are dispatched to any part of [*name of state/territory*]—

- (a) subject to paragraph (b), the members of the disciplined forces shall be under the control and disciplinary authority of their commanding officer; or
- (b) the coordination of disaster relief efforts of the disciplined forces in [*name of state/territory*] shall be the responsibility of the Special Coordinator designated by the Executive Director of CDEMA in accordance with the provisions of the Agreement.

74. Sovereignty and territorial integrity.

- (1) The sovereignty and territorial integrity of [*name of state/territory*] shall be respected at all times.
- (2) Without prejudice to the generality of sub-regulation (1)—
 - (a) [*name of state/territory*] shall have the primary responsibility to respond to disasters, occurring with its territory; and
 - (b) external assistance and offers of assistance shall only be provided upon the request or consent of [*name of state/territory*].

PART XI

Miscellaneous

75. Critical facility agency.

The Minister may, by Regulations, designate a public or private entity a critical facility agency.

76. Protection from liability.

(1) An action or proceeding must not be brought against any person in the exercise or performance in good faith of his or her powers, duties, or obligations under this Act.

(2) For the avoidance of doubt, a volunteer who exercises the duties assigned to him **or** her under this Act or the Regulations in good faith shall not be liable for injury to persons or loss to property caused by reason of the exercise of those duties.

(3) Subsection (1) does not, by reason of sections [4(5) and 4(6)] of the Crown [State] Proceedings Act, [Cap/Chap], relieve the Crown [State] of liability in respect of a tort committed by any person to whom subsection (1) applies to which the Crown [State] would otherwise be subject and the Crown [State] is liable under that Act for any such tort in a like manner as if subsection (1) were not enacted.

77. Compensation.

Where the Director or any public officer or person appointed under this Act suffers any physical injury, or loss or damage to any personal property in the course of his duties under this Act or the Regulations, he shall be entitled to receive compensation paid out of public funds in respect of the expenses incurred in the treatment of the injury and the value of such property loss or damage.

78. Offences and penalties.

(1) A person commits an offence if the person—

(a) by reason of his or her unlawful neglect of his or her duty, causes destruction, loss of lives, damage of facilities and misuse of funds;

(b) prevents, in any disaster-stricken area, the entry and distribution of relief goods, appropriate technology, tools, equipment, accessories, disaster teams or experts;

(c) buys, for consumption or resale, from any disaster relief agency any relief goods, equipment or other and commodities which are intended for distribution to disaster affected communities;

(d) buys, for consumption or resale, from any recipient disaster-affected person any relief goods, equipment or other aid commodities received by the recipient disaster-affected persons;

(e) sells relief goods, equipment or other aid commodities which are intended for distribution to disaster victims;

(f) forcibly seizes relief goods, equipment or other aid commodities intended for or consigned to a specific group of victims or relief agency;

(g) misrepresents the source of relief goods, equipment or other aid commodities by—

(i) covering, replacing or defacing the labels of the containers to make it appear that the goods, equipment or other aid commodities came from another agency or persons;

(ii) repacking the goods, equipment or other aid commodities into containers with different

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- markings to make it appear that the goods came from another agency or persons or was released upon the instance of a particular agency or persons; or
- (iii) making false verbal claim that the goods, equipment or other commodity in its un-tampered original containers actually came from another agency or persons or was released upon the instance of a particular agency or persons;
 - (h) diverts relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;
 - (i) accepts, possesses, uses or disposes of relief goods, equipment or other aid commodities not intended for nor consigned to the person;
 - (j) substitutes or replaces relief goods, equipment or other aid commodities with the same items or items of a different quality;
 - (l) intentionally uses false or inflated data in support of the request for funding, relief goods, equipment or other aid commodities for emergency assistance or livelihood projects; and
 - (m) tampers with or steals hazard monitoring and disaster preparedness equipment and paraphernalia.
- (2) Any person who commits an offence under this Act or the Regulations is liable on summary conviction to a fine of not more than [] dollars or to imprisonment for not more than two years, or both.
- (3) Where particular provision is made by this Act or any Regulations for a lesser penalty than that which would apply under this section, that lesser penalty applies to the exclusion of the penalty which would otherwise be applicable under this section.
 - (4) It is a defence to any charge of an offence under the Regulations which, at the time of the act charged as an offence, had been published only in the manner permitted by section 82(5), for the person charged to show that he did not see or hear an announcement or see a notice or learn from credible source that the act charged constituted an offence.
- 79. Power to institute proceedings.**
- (1) Where an offence is created by this Act or the Regulations, an information against any person accused of committing that offence may be laid by the Director, a member of the Police Force or any other person authorized in writing by the Minister.
 - (2) Notwithstanding subsection (1), an information may be laid by a shelter manager against a person accused of committing an offence against any regulation made under section 30.
- 80. Act binds the Crown {State}.**
This Act binds the Crown {State}.
- 81. Amendment of Schedules.**
The Minister may by Order amend the First Schedule and the Third Schedule.
- 82. Regulations.**
- (1) The Minister may, on the advice of the Inter-Ministerial Committee, make Regulations generally for the purpose of implementing the provisions of this Act.

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- (2) Without prejudice to subsection (1), the Minister may, on the advice of the Inter-Ministerial Committee, make Regulations—
 - (a) respecting early warning systems;
 - (b) respecting volunteers, hazard inspectors and evacuation;
 - (c) respecting types of hazards and disasters;
 - (d) respecting the collection and publication of data pertaining to disaster mitigation preparedness, recovery and emergency management;
 - (e) for the provision of recovery assistance under Part VII; and
 - (f) prescribing whatever is required to be prescribed under this Act.
- (3) Regulations made under this Act may create offences and prescribe penalties for such offences within the limits in section 78.
- (4) Regulations made under this Act are subject to negative resolution of the House of Assembly.
- (5) During any threat of a hazard alert, disaster or emergency, Regulations made under this Act, other than Regulations required under subsection (6) to be published in the *Gazette*, may be published either—
 - (a) by announcement on any television or wireless transmission media licensed under the Act for transmission and reception in {*name of state/territory*}; or
 - (b) by notice affixed to the outside of every Magistrate's Court and every police station located in the area to which the Regulations apply.
- (6) Publication under subsection (5) is deemed to be sufficient compliance, for the duration of any period of hazard alert or disaster emergency, with any requirement of publication under this Act or any other law.
- (7) The means of certifying the authenticity of Regulations published under subsection (5) shall, unless otherwise prescribed by Regulations published in the *Gazette*, be—
 - (a) in the case of media announcements under subsection (5)(b), certification by the voice of the Prime Minister, a Minister, a Permanent Secretary, the Director or a Head of a Department of Government; and
 - (b) in the case of posted notices under subsection (5)(b), certification by the actual or facsimile signature of the Prime Minister, a Minister, a Permanent Secretary, the Director or a Head of a Department of Government.

83. Repeal and savings.

- (1) The {*short title of Act*} is repealed.
- (2) Notwithstanding the repeal of the [*short title of Act*] under subsection (1)—
 - (a) any Rule, Order or Regulations made under the repealed Act shall, until revoked, continue to be in force to the extent that the Rule, Order or Regulations is not inconsistent with this Act; and
 - (b) any directions, notifications, approvals, decisions and other executive acts howsoever called, made, given or done under, or in accordance with, or by virtue of the repealed Act shall—
 - (i) continue in force, if in force on the date immediately before the coming into force of this Act, and

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- (ii) so far as such executive acts could have been made, given or done under this Act, have effect as if made, given or done under the corresponding provisions this Act.
- (3) Nothing in the repealed Act or this Act shall affect—
 - (a) the liability of any person to be prosecuted or punished for offences or breaches committed under the repealed Act before the commencement of this Act; or
 - (b) any legal proceedings brought, sentence imposed or action taken under the repealed Act before the commencement of this Act in respect of such offences or breaches.
- (4) For the avoidance of doubt—
 - (a) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act before the commencement of this Act; or
 - (b) any legal proceedings, remedy or investigation in respect of such right, privilege, obligation or liability, shall not be affected by this Act and shall continue to remain in force as if this Act had not been enacted.
- (5) For the purposes of this section, “repealed Act” means the [short title of enactment repealed under subsection (1)].

FIRST SCHEDULE

(Sections 2, 67, 68 and 81)

DISASTERS

1. Geological Hazards-

- (a) Earthquakes
- (b) Volcanic eruptions

- (c) Landslides
- (d) Tsunamis
- (e) Seiches

2. Hydro-Meteorological Hazards

- (a) Tropical cyclones
- (b) Floods
- (c) Droughts
- (d) Extreme temperatures
- (e) Severe storms
- (f) Hailstorms
- (g) Tornadoes

3. Chemical and Radioactive Hazards

- (a) Explosions
- (b) Spills
- (c) Fires
- (d) Gas leaks
- (e) BLEVE
- (f) Radioactive emissions

4. Health-Ecological Hazards

- (a) Intoxication
- (b) Poisonings
- (c) Epidemics
- (d) Plagues
- (e) Air pollution
- (f) Water pollution
- (g) Soil contamination
- (h) Extinction of flora and fauna species

5. Social-Organisational Hazards

- (a) Wars

- (b) Meetings and demonstrations
- (c) Thefts
- (d) Sabotage
- (e) Interruption of services (blackouts, water supply, communications, etc)
- (f) Terrorism
- (g) Crowds (by reason of sports matches or religious gatherings)
- (h) Accidents (cars, railroads, planes, etc)
- (i) Bomb threats

6. Chained Hazards – to include but not limited to:

- (a) Fires generated by earthquakes, explosions, etc.
- (b) Floods generated by hurricanes.

SECOND SCHEDULE

(Sections 2 and 5)

Agreement Establishing The Caribbean Disaster Emergency Management Agency (CDEMA)

THE STATES PARTIES:

CONSCIOUS that the fragile economies and ecosystems of States within the Caribbean Region are extremely vulnerable to natural and man-made disasters including hurricanes, earthquakes, tsunamis, volcanic eruptions, droughts, floods and landslides;

RECALLING that during recent decades a succession of natural disasters including hurricanes, earthquakes, floods, landslides and volcanic eruptions adversely affected many States within the Caribbean Region;

RECOGNIZING the work of the Caribbean Disaster Response Agency in disaster preparedness and response;

DESIROUS of establishing the Caribbean Disaster

Emergency Management Agency to replace and advance the work of the Caribbean Disaster Emergency Response Agency to ensure the sustainable development of resilient communities within the Caribbean Region.

HAVE AGREED AS FOLLOWS:

ARTICLE I

Definitions

In this Agreement, unless the context otherwise requires -

“affected Participating State” means a State in the territory of which a disaster has occurred;

“CARICOM” means the Caribbean Community;

“CDEMA” means the Caribbean Disaster Emergency Management Agency established under Article II;

“CDERA” means the Caribbean Disaster Emergency Response Agency, an Institution of the Community recognised under Article 21 of the Treaty;

“Coordinating Unit” means the administrative and cooperate organ of CDEMA;

“Council” means the Organ of CDEMA referred to in Article VI;

“disaster” means the exposure of the human habitat to the operation of the forces of nature or to human intervention resulting in widespread destruction of lives or property, but excludes events occasioned by war or military confrontation;

“disaster management” means the development and implementation of regional and national policies to prevent and mitigate the effects of disaster;

“Executive Director” means the Executive Director of CDEMA appointed under Article VII;

“Fund” means the Emergency Assistance Fund established under Article XXVI;

“Management Committee of the Council or “MCC” means the Committee established and appointed by the Council under Article VII;

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“National Disaster Management Agency” means the government agency responsible for disaster management;

“Participating State” means a State party to this Agreement;

“requesting State” means a Participating State which has made a request under this Agreement;

“sending State” means a Participating State which has responded to a request for assistance under this Agreement;

“State” includes a non-politically independent territory of the Caribbean

“TAC” means the Technical Advisory Committee referred to under Article X; and

“Treaty” means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy (CSME) signed at Nassau, The Bahamas on the 5th day of July, 2001.

ARTICLE II

Establishment Of CDEMA

The Caribbean Disaster Emergency Management Agency (CDEMA) is hereby established with the organs, membership, structure, and functions herein set forth.

ARTICLE III

Legal Personality

1. CDEMA shall have international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its objectives.
2. CDEMA and its staff shall enjoy all the usual rights, privileges and immunities of Agencies which have international legal personality.

ARTICLE IV

Membership

Membership of CDEMA shall be open to—

- (a) the States and territories listed in the Annex; and
- (b) other States within the Caribbean Region recommended for membership by the MCC under Article XXXIX.

ARTICLE V

OBJECTIVES

CDEMA shall have the following objectives—

- (a) mobilising and coordinating disaster relief;
- (b) mitigating or eliminating, as far as practicable, the immediate consequences of disasters in Participating States;
- (c) providing immediate and coordinated response by means of emergency disaster relief to any affected Participating State;
- (d) securing, coordinating and providing to interested inter-governmental and nongovernmental organizations reliable and comprehensive information on disasters affecting any Participating State;
- (e) encouraging –
 - (i) the adoption of disaster loss reduction and mitigation policies and practices at the national and regional level;
 - (ii) cooperative arrangements and mechanisms to facilitate the development of a culture of disaster loss reduction; and
- (f) coordinating the establishment, enhancement and maintenance of adequate emergency disaster response capabilities among the Participating States.

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ARTICLE VI

ORGANS OF CDEMA

CDEMA shall have the following Organs with the powers and functions specified in this Agreement:

- (a) The Council;
- (b) The Technical Advisory Committee; and
- (c) The Coordinating Unit.

ARTICLE VII

THE COUNCIL

1. The Council shall consist of the Heads of Government of the Participating States.
2. Each member of the Council shall be entitled to nominate any other competent person to represent that member at meetings of the Council.
3. The Council shall meet in ordinary session at least once in every calendar year and shall convene in extraordinary sessions at the request of three-quarters of the Participating States.
4. The Chairperson and Deputy Chairperson shall be elected from among members of the Council.
5. The Chairperson shall preside over the meetings of the Council and the MCC.
6. The Chairperson and Deputy Chairperson shall serve for a period of one year and shall be eligible for re-election.
7. In the absence of the Chairperson, the Deputy Chairperson shall preside over meetings of the Council and the MCC.
8. In the absence of both the Chairperson and the Deputy Chairperson, the Members of the Council present may elect any member to act in the position of Chairperson.

9. The Council shall regulate its own procedure.

ARTICLE VIII

FUNCTIONS OF THE COUNCIL

The Council shall-

- (a) determine the policies of CDEMA;
- (b) receive and approve the annual budget and the contribution of the Participating States to CDEMA;
- (c) designate national disaster and disaster management organizations as Sub- Regional Disaster Emergency Operational Units with the prior consent of the Governments of the Participating States involved;
- (d) appoint the Executive Director on the recommendation of the MCC;
- (e) consider and make decisions based on the recommendations of the TAC;
- (f) perform any other function as it deems necessary or expedient to achieve the objectives of this Agreement.

ARTICLE IX

MANAGEMENT COMMITTEE OF THE COUNCIL

1. There shall be established a Management Committee of the Council whose members shall be appointed by the Council.
2. The membership of the MCC shall comprise–
 - (a) four persons, each representing one of the sub-regions of CDEMA, one of whom shall be Chairperson of the Council;
 - (b) the Chairperson of the TAC; and
 - (c) the executive Director.
3. The Terms of Reference of the MCC shall be determined by the Council.

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ARTICLE X

THE TECHNICAL ADVISORY COMMITTEE

1. The Technical Advisory Committee shall consist of the national disaster coordinators of the Participating States.
 2. Notwithstanding paragraph 1, persons may be selected by the TAC from regional institutions engaged in activities related to disaster management to participate in meetings of the TAC.
 3. The Chairperson of the TAC shall be elected from amongst its members and shall not be elected to serve as Chairperson for more than two consecutive terms.
 4. The Chairperson shall convene the meetings of the TAC which shall meet at least once in every calendar year and convene extraordinary meetings at the request of not less than one-half of its members.
 5. The Executive Director shall be the Secretary of the TAC.
 6. The TAC shall regulate its own procedure.
- (e) recommend guidelines for establishing systems for maintaining and sharing inventories of critical resources likely to be needed by Participating States in the event of a disaster;
 - (f) make recommendations for the rapid access of financial resources to cover the cost of mobilization in the event of disaster in a Participating State;
 - (g) recommend protocols to facilitate the movement of resources originating in or transiting in a Participating State having regard to the requirements of immigration and customs authorities;
 - (h) recommend and regularly review pro forma lists of the likely requirements of Participating States in the event of disasters;
 - (i) advise CARICOM institutions and national institutions on matters relevant to its functions;
 - (j) forward its recommendations to the Council for its consideration; and
 - (k) perform such other functions as the Council may determine.

ARTICLE XI

FUNCTIONS OF THE TECHNICAL ADVISORY COMMITTEE

The TAC shall –

- (a) act in an advisory capacity to CDEMA on matters relating to strategies for resource mobilization, work programme review and programme development;
- (b) recommend standards and procedures for the fair and equitable deployment of resources for disaster management made available by Participating States;
- (c) recommend the standards and procedures for triggering the disaster response mechanism;
- (d) develop and recommend procedures for mobilizing national resources to provide assistance in a timely and efficacious manner;

ARTICLE XII

THE HEADQUARTERS OF THE COORDINATING UNIT

The Coordinating Unit shall have its headquarters where the Council decides.

ARTICLE XIII

FUNCTIONS OF THE COORDINATING UNIT

1. In addition to any other functions which the Council may specify, the Coordinating Unit shall—
 - (a) develop and maintain a reliable damage assessment system and procedures to facilitate rapid and effective evaluation of national disasters;
 - (b) develop and maintain a comprehensive and reliable data base of all relevant resources necessary to achieve the

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- objectives of CDEMA and a system for updating the database.
- (c) establish, equip and maintain a coordinated emergency operations system capable of responding to emergency situations;
 - (d) establish and maintain an efficient and reliable system of communications with sub-regional operational focal points in order to facilitate the mobilisation, deployment and coordination of disaster response supplies and services;
 - (e) establish and maintain a reliable system of communications with the heads of national disaster management Agencies and ensure that their disaster response capabilities are maintained at agreed levels of operational efficiency;
 - (f) establish arrangements with regional media houses designed to ensure the dissemination of reliable information on national disasters to the public;
 - (g) establish arrangements with the CARICOM Committee of Ambassadors in the metropolitan centres in order to ensure the dissemination to them of reliable information on national disasters in Participating States and their cooperation in mobilising disaster relief resources on a timely and structured basis;
 - (h) establish arrangements with regional airlines and shipping lines in order to ensure access to their facilities on a priority basis in the event of a disaster;
 - (i) establish and maintain relations with international relief organisations in order to facilitate accessing their resources in the event of a disaster;
 - (j) mobilise and organise technical assistance from interested national and international bodies to assist in the development of disaster response capabilities of Participating States;
 - (k) provide a clearing house for relevant information and intelligence in all matters relating to disasters including current research being undertaken in all related regional institutions;
 - (l) on the basis of a distress call or on such other request as may be agreed after consultation with Sub-Regional Disaster Response Operational Units be capable of triggering the mechanism;
 - (m) provide assistance on request to the heads of national disaster management Agencies in the event of a disaster;
 - (n) on request liaise with the disciplined forces of the sending States both in the planning and response stage of any operation mounted after the activation of the triggering mechanism;
 - (o) assist in the development of comprehensive disaster management capabilities and review periodically the disaster response capabilities of Participating States giving due consideration to the availability of resources for immediate and timely response to disaster situations;
 - (p) establish collaborative arrangements and mechanisms with regional disaster management stakeholders to promote disaster loss reduction; and
 - (q) prepare the administrative and emergency budgets of CDEMA for submission to the MCC.
2. The Coordinating Unit shall have the following programming areas –
- (a) education, research and information;
 - (b) finance and administration;
 - (c) preparedness and response;
 - (d) mitigation and research; and
 - (e) any other programming area which the Council may determine.

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ARTICLE XIV

EXECUTIVE DIRECTOR

1. There shall be an Executive Director who shall manage the Coordinating Unit and be the Chief Executive Officer of CDEMA.
 2. The Executive Director shall be appointed for a term not exceeding three years and is eligible for reappointment.
 3. A Deputy Executive Director shall be appointed by the MCC on the recommendation of the Executive Director for a term not exceeding three years and is eligible for reappointment.
 4. The Executive Director and the Deputy Executive Director shall be appointed from among persons with experience in matters relating to emergency relief operations, social welfare and management.
- (g) cause the accounts of CDEMA and the Fund to be audited annually by external auditors approved by the MCC;
 - (h) submit annually the audited financial report of CDEMA and the Fund and the budget of CDEMA to the Council for its consideration;
 - (i) submit an annual report to the Council on the work of CDEMA;
 - (j) appoint the staff of the Coordinating Unit except the Deputy Executive Director;
 - (k) subject to the approval of the MCC, the determination of the terms and conditions of service of the staff of the Coordinating Unit; and
 - (l) the performance of any other function or duty in pursuance of the objectives of CDEMA.

ARTICLE XV

RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR

1. The Executive Director shall have the following responsibilities –
 - (a) implementing the policies of CDEMA;
 - (b) the administration and coordination of activities and programmes of CDEMA;
 - (c) the control of the revenue and expenditure of CDEMA as approved by the Council;
 - (d) the creation and implementation of special programmes and projects where necessary;
 - (e) ensuring that correct procedures are followed with respect to all matters within the competence of CDEMA;
 - (f) prepare an administrative budget biennially;

2. In the performance of their duties the Executive Director and staff of CDEMA shall seek to maintain their independence and shall not engage in any activity or function in a manner which would compromise the functional independence of CDEMA.

ARTICLE XVI

SUB-REGIONAL DISASTER EMERGENCY RESPONSE OPERATIONAL UNITS

1. Where, under paragraph (e) of Article VII, the Council has designated Sub- Regional Disaster Emergency Response Operational Units, such bodies shall -
 - (a) acquire and maintain on an updated basis comprehensive information on the facilities and services available in each of the Participating States for which they have responsibility;

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- (b) maintain and test on a regular basis communications with the Coordinating Unit and with critical response agencies under the control of national relief organisations;
 - (c) maintain independent fuel and power supplies and ensure that relevant physical facilities are in a condition to withstand a major disaster; and
 - (d) keep and maintain at the operational focal point in serviceable and optimal working condition and equipment package containing essential items determined by the TAC.
2. In making a designation referred to in paragraph 1 of this Article, the Council shall identify the States for which the Sub-Regional Disaster Response Operational Unit concerned shall have responsibility.

ARTICLE XVII

THE ADMINISTRATIVE BUDGET

1. CDEMA shall establish an administrative budget, the funds of which shall be used to defray the ordinary expenses incurred in administering its affairs.
2. Participating States shall contribute to the administrative budget in accordance with a scale of assessment recommended by the MCC and approved by the Council.
3. A Participating State whose economy has been severely affected by a natural disaster may request a waiver of assessed contributions to the budget of CDEMA.
4. The Executive Director, with the approval of the Council, shall establish financial regulations for CDEMA and the Fund in accordance with international accounting standards.

ARTICLE XVIII

EMERGENCY ASSISTANCE FUND

1. CDEMA shall establish an Emergency Assistance Fund (hereinafter referred to as "the Fund" which shall be used solely to defray expenses incurred in connection with the rendering of assistance in the event of a disaster occurring in a Participating State.
2. Participating States shall contribute to the Fund in accordance with a scale of assessment recommended by the MCC and approved by the Council.
3. A Participating State whose economy has been severely affected by a natural disaster may request a waiver of assessed contributions to the budget of the Fund.
4. The Executive Director may accept contributions to the Fund from external sources on such conditions as may be prescribed by them and agreed by the MCC for the benefit of all Participating States.

ARTICLE XIX

UNDERTAKINGS OF PARTICIPATING STATES

Without prejudice to the requirement to discharge any other obligations assumed under or in connection with this Agreement, Participating States undertake to—

- (a) establish and maintain, as the case may be, national relief organisations capable of responding swiftly, effectively and in a coordinated manner to disasters in Participating States;
- (b) establish emergency disaster planning groups and define national policies and priorities in the event of disasters;

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- (c) provide national disaster management agencies with adequate support including named emergency coordinators, liaison officers within key government Ministries, emergency services and access to utilities;
- (d) ensure that national disaster management agencies and their coordinators with specific functions and responsibilities to ensure the development of an adequate response capability to support adequate responses to national disasters;
- (e) define the role and functions of key agencies including the Security Services, Health and Public Works in disaster emergency response management and establish a system for regular review of their procedures to ensure coordinated response;
- (f) establish and equip a suitable emergency operations centre capable of handling emergency telecommunications and coordinating emergency response involving relevant services;
- (g) develop and maintain an emergency telecommunications system based on the most appropriate technology to ensure the coordination of emergency operations among stakeholders;
- (h) establish and strengthen procedures for coping with major disaster threats and maintain review systems for testing the procedures through drills and simulations;
- (i) review and rationalize legal arrangements for disaster mitigation and emergency action;
- (j) review and catalogue past disaster events and list credible future emergency event responses and identify and map areas with special problems and peculiarities such as flood or landslide prone areas;
- (k) establish data bases of key resources, both human and material, and a system for keeping them current and to computerize and integrate them into an automated emergency information system;
- (l) develop, in collaboration with competent governmental agencies, an emergency shelter policy and programme involving the full participation of local officials from community-based organisations;
- (m) develop and review a system for community participation, local mobilization and counter disaster action in the event of isolation;
- (n) develop strategies for loss reduction in the public and private sectors focusing on vital economic activities and critical facilities;
- (o) develop a system and procedures for damage assessment in order to facilitate rapid and effective post impact evaluation;
- (p) develop and implement a comprehensive disaster public awareness, information and education programme involving media houses, schools, voluntary agencies, and other institutions in order to ensure public participation and community involvement in the disaster management system;
- (q) develop and implement appropriate training programmes for persons involved in the disaster management system;
- (r) identify and seek participation in bilateral and multilateral technical cooperation programmes designed to develop disaster management capabilities;
- (s) identify and maintain in a state of readiness and make available immediately on request by the Executive Director relevant material and human resources in the event of disaster.

ARTICLE XX

RELATIONS WITH GOVERNMENTAL AND NON-GOVERNMENTAL INSTITUTIONS

1. CDEMA may conclude agreements with Governmental, Inter-Governmental and Non-Governmental Organizations or Agencies in order to achieve its objectives.
2. Unless the Council decides otherwise, the Executive Director may negotiate and conclude such Agreements on behalf of CDEMA.

ARTICLE XXI

DISCIPLINED FORCES

1. Where, in response to a request for assistance by any affected Participating State, members of the disciplined forces of another Participating State are dispatched to any part of the territory of the requesting State, the Executive Director shall, subject to the express prior agreement of the competent authorities of the requesting State, designate a Special Coordinator from among the senior officers of such forces, acting after consultation with the Chiefs of Staff or Commanding Officers of the disciplined forces concerned.
2. The Special Coordinator shall be charged with responsibility for coordinating the disaster relief efforts of the disciplined forces in the affected Participating State.
3. No member of the disciplined forces of a Participating State shall be dispatched to the territory of an affected Participating State without the express prior consent of that State.
4. In the absence of a contrary agreement between the requesting State and the sending State to that effect, members of the disciplined forces of the sending State shall be under the control and disciplinary authority of their commanding officer.

ARTICLE XXII

DIRECTION AND CONTROL OF ASSISTANCE

1. Subject to paragraph 2, the overall direction, control, coordination and supervision of assistance dispatched to a requesting State shall be the responsibility within its territory of the requesting State.
2. Where the assistance from a sending State involves personnel other than disciplined forces, the sending State shall designate in consultation with the requesting State the person who should be in charge of, retain immediate operational supervision over the personnel, equipment and supplies provided by it. The person so designated shall exercise such supervision in cooperation with the competent authorities of the requesting State.
3. The requesting State shall provide to the extent of its capabilities local facilities and services for proper and efficient administration of communications assistance. In particular, the requesting State shall ensure that any ground situations brought into its territory for the purpose of rendering assistance shall be duly licensed to transmit and receive information in accordance with its domestic laws and regulations.
4. In the absence of a contrary agreement, ownership of equipment and materials dispatched to a requesting State by a sending State during periods of assistance shall be unaffected and their prompt return shall be facilitated at the request of the sending State.
5. The requesting State shall ensure the protection of personnel, equipment and materials brought into its territory for the purpose of rendering assistance during times of disaster.

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ARTICLE XXIII

COMPETENT AUTHORITIES AND CONTACT POINTS

1. In the absence of a contrary indication from a Participating State the competent authority and contact point authorized to make requests for and accept offers of assistance in the event of a disaster shall be the head of the National Disaster Management Agency.
2. The Coordinating Unit shall be immediately informed of any change of the contact and focal points of Participating States.
3. The Coordinating Unit shall expeditiously inform Participating States and relevant international organizations with the information referred to in paragraphs 1 and 2 of this Article.

ARTICLE XXIV

CONFIDENTIALITY AND PUBLIC STATEMENTS

1. Participating States, their officials and the staff of CDEMA shall respect and not disclose any confidential information received by them in connection with assistance requested in the event of a disaster and the information shall be used exclusively for its intended purpose.
2. The sending State shall use its best endeavours to coordinate with the requesting State before releasing information to the public on the assistance provided in connection with a disaster.

ARTICLE XXV

COSTS OF PROVIDING ASSISTANCE

Except as may otherwise be agreed between them, the expenses incurred by a sending State in providing assistance to a requesting State shall be defrayed by the sending State.

ARTICLE XXVI

TERMINATION OF ASSISTANCE

1. The Executive Director shall, subject to paragraph 2, after consultation with the requesting State, determine the period of response to a disaster.
2. The requesting or sending State may, at any time, after appropriate consultation and by notification in writing terminate the receipt or provision of assistance received or provided under this Agreement.

ARTICLE XXVII

PRIVILEGES, IMMUNITIES AND FACILITIES TO BE ACCORDED A SENDING STATE AND ITS PERSONNEL

1. The requesting State shall accord to personnel of the sending State and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their functions in rendering assistance.
2. Subject to prior notification by the sending State and acceptance by the requesting State of the personnel of the sending State or personnel acting on its behalf, the requesting State shall:
 - (a) grant to such personnel immunity from arrest and detention;
 - (b) grant to such personnel immunity from legal process in respect of words spoken or written and in respect of all acts and omissions in rendering assistance and the immunity shall continue notwithstanding that the period of assistance has been terminated;
 - (c) grant to such personnel exemption from taxes, duties or other charges, in respect of the performance of their functions in rendering assistance, as is accorded to diplomatic personnel in accordance with international law;

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- (d) facilitate the entry into, stay in and departure from its territory of personnel so notified and accepted.
3. The requesting State shall-
- (a) accord the sending State exemption from taxes, duties or other charges on equipment and property brought into the territory of the requesting State by the sending State for the purpose of rendering assistance;
- (b) confer immunity from seizure, attachment or requisition of such equipment and property and ensure their return to the sending State; and
- (c) as far as possible, facilitate access to medical care of sick or injured personnel deployed during the period of assistance.
4. Persons enjoying privileges and immunities under this Article shall respect the law and regulations of the requesting State and shall not interfere in its domestic affairs.
- or injury to persons or damage to or loss of property or damage to the environment caused within its territory or under its control or jurisdiction by personnel of the requested State in the course of providing the assistance -
- (a) not bring any legal proceedings against the sending State or persons or other legal entities acting on its behalf;
- (b) assume responsibility for dealing with legal proceedings and claims brought by third parties against the sending State or against persons or other legal entities acting on its behalf except in cases of wilful misconduct or gross negligence;
- (c) hold the sending State or persons or other legal entities acting on its behalf harmless in respect of legal proceedings referred to in sub-paragraph (b);
- (d) compensate the sending State or persons or other legal entities acting on its behalf for death or injury to personnel of the sending State or persons or other legal entities acting on its behalf; and
- (e) for loss of or damage to non-consumable equipment or materials brought to the requesting State for the purpose of rendering assistance except in the case of wilful misconduct or gross negligence by personnel of the sending State.
3. Nothing in this Article shall be construed to prevent compensation or indemnity available under any applicable international agreement or national law of a Participating State nor to require the requesting State to apply paragraph 2 of this Article, in whole or in part, to its nationals or permanent residents.

ARTICLE XXVIII

TRANSIT OF PERSONNEL, EQUIPMENT AND PROPERTY

Participating States shall, at the request of the requesting State or the sending State, take all measures necessary to facilitate the transit through their territory of duly notified personnel, equipment and property involved in rendering assistance to or from a requesting State.

ARTICLE XXIX

CLAIMS AND COMPENSATION

1. Participating States shall cooperate in order to facilitate the determination of legal proceedings and the settlement of claims under this Article.
2. In the absence of an agreement to the contrary the requesting State shall, in respect of death

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ARTICLE XXX

PRIVELEGES AND IMMUNITIES OF CDEMA

1. CDEMA, its property and assets wherever located and by whomsoever held shall enjoy immunity from every form of legal process except in so far as in any particular case the Executive Director has expressly waived its immunity. Any waiver of immunity shall not extend to any measure of execution.
 2. Save as provided in paragraph 1 the property of CDEMA, wherever located and by whomsoever held, shall be immune from search, acquisition, confiscation, expropriation and any other form of interference, whether by executive, administrative or judicial action.
 3. This Article shall not be construed as preventing the Government of a Participating State from taking appropriate action in connection with the investigation of accidents involving motor vehicles belonging to or operated on behalf of CDEMA.
3. CDEMA shall have the right to use codes and to dispatch and receive correspondence by courier in sealed bags, which shall not be searched or detained unless the competent authorities have reasonable grounds to believe that the sealed bags do not only contain articles, correspondence or documents for the exclusive official use of CDEMA, in which case the bag shall be opened only in the presence of an officer of CDEMA.
 4. This Article shall not preclude the adoption of appropriate security measures in the interest of a participating State or its Government.

ARTICLE XXXI

ARCHIVES OF CDEMA

1. The archives of CDEMA shall be inviolable wherever located.
2. Proprietary data, confidential information and personnel records shall not be placed in archives open to public inspection.

ARTICLE XXXII

FACILITIES IN RESPECT OF COMMUNICATIONS

1. CDEMA shall enjoy in Participating States freedom of communication for its official communications.
2. The official correspondence and all other forms of official communications shall be inviolable.

ARTICLE XXXIII

REPRESENTATIVES AND STAFF OF CDEMA

Representatives of Participating States attending meetings of the Council, the MCC or the TAC as well as the Executive Director and other staff of CDEMA, shall enjoy in the territory of each Participating State -

- (a) immunity from legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the State which they represent or CDEMA as appropriate expressly waives this immunity in any particular case;
- (b) where they are not nationals of that Participating State, the same exemptions from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of traveling facilities as are accorded by that Participating State to the representatives, officials and employees of comparable rank of other Participating States.

ARTICLE XXXIV

EXEMPTIONS FROM TAXES AND CUSTOMS DUTIES

1. CDEMA, its assets and property, income, operations and transactions shall be exempt from all direct taxation and goods imported or exported for its official use shall be exempt from all customs duties. CDEMA shall not claim exemption from taxes which are no more than charges for services rendered.
2. Where purchases of goods or services of substantial value necessary for the official activities of CDEMA are made by or on behalf of CDEMA, and where the price of the goods or services includes taxes or duties, appropriate measures shall, to the extent practicable, be taken by Participating States to grant exemptions from such taxes or duties or provide for their reimbursement.
3. Goods imported or purchased under an exemption provided for in this Article shall not be sold or otherwise disposed of in the territory of the Participating State granting the exemptions, except under conditions agreed with that Participating Member State.
4. No tax shall be levied by Participating States in respect of salaries, other types of emoluments or any other form of payment made by CDEMA to the Executive Director and staff of CDEMA as well as experts performing missions for CDEMA.
5. Paragraph 4 does not apply where the Executive Director or the staff member of CDEMA is a national of the Participating State where CDEMA is located.

ARTICLE XXXV

SUSPENSION OF RIGHTS AND PRIVILEGES OF MEMBERSHIP

1. A Participating State which is in arrears in the payment of its financial contribution to the administrative budget of CDEMA shall have no

vote in the Council or the MCC if the amount of the arrears equals or exceeds the amount of the contributions due from it for the preceding two financial years.

2. A Participating State which has violated the obligations assumed under this Agreement may be suspended from the exercise of the rights and privileges of membership by the Council.
3. A determination within the meaning of paragraph 2 of this Article shall be made by the Council.

ARTICLE XXXVI

ARBITRATION

1. Any dispute between a State Party and CDEMA arising out of the interpretation or application of this Agreement, which is not settled by negotiation or other agreed mode of settlement shall be referred for final decision to an arbitral tribunal of three arbitrators at the instance of either party.
2. Each party shall be entitled to appoint one arbitrator within fifteen days following the request of either party and the two arbitrators shall within fifteen days following the date of their appointments appoint a third arbitrator who shall be the Chairperson of the arbitral tribunal.
3. Where any party fails to appoint an arbitrator under paragraph 2 the other party may request the Secretary-General of the Caribbean Community to appoint an arbitrator within ten days.
4. Where the two arbitrators appointed under paragraph 2 fail to appoint a third arbitrator either party may request the Secretary General of the Caribbean Community to appoint an arbitrator within ten days.
5. The arbitral tribunal shall establish its own rules of procedure.

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ARTICLE XXXVII

SIGNATURE AND RATIFICATION

The Agreement shall be open for signature by the States listed in the Annex to this Agreement and shall be subject to ratification in accordance with their respective constitutional procedures.

ARTICLE XXXVIII

ENTRY INTO FORCE

This Agreement shall enter into force when Instruments of Ratification have been deposited by at least seven of the States listed in the Annex.

ARTICLE XXXIX

ACCESSION

1. This Agreement shall be open to accession by any Caribbean State which on the recommendation of the MCC has been admitted to membership of the CDEMA by the Council on such terms and conditions as the Council may decide.
2. A State admitted to membership in accordance with paragraph 1 shall deposit an Instrument of Accession with the Secretary-General of the Caribbean Community.

ARTICLE XL

DEPOSITARY

1. The original of this Agreement and any amendments thereto shall be deposited with the Secretary General of the Caribbean Community.
2. The Secretary-General of the Caribbean Community shall notify the Coordinating Unit of CDEMA of the Deposit of Instruments of Ratification or Accession, as the case may be and forward certified copies of such Instruments to the Coordinating Unit.

ARTICLE XLI

AMENDMENTS

1. Any Participating State may propose amendments to this Agreement.
2. Any proposal for an amendment to this Agreement shall be submitted to the Coordinating Unit, which shall transmit it to the MCC with its comments.
3. The MCC shall consider the proposal together with the comments of the Coordinating Unit and make a recommendation to the Council.
4. The Council shall consider the proposal for amendment and may adopt it with such modifications as it deems necessary.
5. Amendments shall enter into force when ratified by all Participating States.

ARTICLE XLII

WITHDRAWAL

1. Any Participating State may withdraw from CDEMA.
2. Any Participating State wishing to withdraw from CDEMA shall give to the Coordinating Unit twelve months' written notice of its intention to do so and the Executive Director shall immediately notify the other Participating States.
3. The notice given under paragraph 2 of this Article may be withdrawn at any time prior to the date on which withdrawal is to take effect.
4. A Participating State withdrawing from CDEMA shall honour any financial obligations duly assumed by it during the period of its membership.

ARTICLE XLIII

PROVISIONAL APPLICATION

Seven or more of the Participating States listed in the Annex to this Agreement may, upon signature, or at any later date before this Agreement enters into force, declare their intention to apply it provisionally.

IN WITNESS WHEREOF the undersigned representatives, being duly authorised by their respective Governments, have signed this Agreement.

ANNEX

Anguilla

Antigua and Barbuda

The Bahamas

Barbados

Belize

British Virgin Islands

Dominica (the Commonwealth of Dominica)

Grenada

Guyana (Cooperative Republic of)

Haiti

Jamaica

Montserrat

Saint Christopher and Nevis

Saint Lucia

Saint Vincent and the Grenadines

Suriname

Trinidad and Tobago

Turks and Caicos Islands

THIRD SCHEDULE

(Sections 17 and 81)

Constitution and Procedures of The National Disaster Management Agency Board

1. Constitution of Board.

- (1) The Board comprises a Chairperson, a Deputy Chairperson and such other members, not being less than seven as the Minister {Prime Minister} {President} {Governor} from time to time determines.
- (2) The members of the Board shall be appointed by the Prime Minister {President} {Governor} from among persons appearing to him to be qualified for the office.
- (3) The members of the Board other than the Chairperson and Deputy Chairperson shall either be—
 - (a) persons who appear to the Prime Minister {President} {Governor} to have a knowledge of or responsibility for the mitigation of, preparedness for, response to and recovery from emergencies and disasters; or
 - (b) holders *ex-officio* of offices, whether under the Crown {State} or otherwise, whose functions include responsibility for aspects of the mitigation of, preparedness for, response to and recovery from emergencies and disasters in {*name of state/territory*}.

2. Disqualification.

A person is disqualified from being a member of the Board if that person –

- (a) is adjudged by a court to be a bankrupt;
- (b) is declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind; or
- (c) has been convicted of an offence involving dishonesty.

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3. Term of appointment.

- (1) The appointment of a member of the Board is for a period not exceeding three years as may be fixed at the time of his appointment.
- (2) A member is eligible for reappointment.

4. Revocation.

The Prime Minister {President} {Governor} may at any time direct, by notice in writing, that any member of the Board shall cease to hold office.

5. Resignation.

A member of the Board may at any time by notice in writing to the Prime Minister {President} {Governor} resign his office; but, save as aforesaid and subject to the provisions of section 4 of this Schedule.

6. Meetings of Board.

- (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times as the Chairperson shall determine.
- (2) The Chairperson may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to the Chairperson by any other member of the Board.

7. Quorum.

A meeting of the Board is duly constituted for all purposes if at the commencement of the meeting there is a quorum of not less than five members of the Board including the Chairperson.

8. Voting.

- (1) Decisions of the Board shall be taken by a majority of votes.

- (2) The Chairperson has the right to vote and, in cases of equal division of votes, the Chairperson has the casting vote.

9. Disclosure of interest of members.

- (1) A member of the Board who is in any way directly or indirectly interested in a matter before the Agency shall—
 - (a) declare the nature of his interest at the first meeting of the Board at which it is practicable to do so; and
 - (b) leave the meeting upon the matter coming up for discussion.
- (2) A declaration and the departure of a member of the Board from the meeting in accordance with subsection (1) shall be noted in the minutes of the meeting.
- (3) A member of the Board shall not -
 - (a) vote in respect of a matter before the Board in which he is in any way interested, whether directly or indirectly; or
 - (b) seek to influence the vote of any other member of the Board in relation to the matter.
- (4) A member of the Board who fails to comply with subparagraph (3) shall be promptly removed from the Board.

10. Vacancy.

- (1) The office of a member of the Board is vacated—
 - (a) upon the death of the member;
 - (b) if the member becomes disqualified under section 2 of this Schedule;
 - (c) if the member resigns from membership under section 5 of this Schedule;
 - (d) if the Prime Minister {President} {Governor} revokes the appointment of that member under section 4 of this Schedule; and

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- (e) if the member fails to attend three consecutive meetings of the Board without presenting a medical certificate or without being excused in writing.
- (2) Where a vacancy occurs in the membership of the Board, the Minister {Prime Minister} {President} {Governor} may appoint a person to fill that vacancy for the unexpired portion of the period in respect of which the vacancy occurs.

11. Decisions not invalidated.

- (1) A vacancy in the membership of the Board does not invalidate a decision of the Board made at a meeting with the quorum required by section 7 of this Schedule.
- (2) Where a disqualified member sits at a meeting of the Board, the Board may review and amend its decision within two months of that decision being made.

12. Remuneration.

The members of the Board shall be remunerated in accordance with the Regulations.

13. Procedure.

Subject to this Schedule and the Regulations, the Board may regulate its own procedures.

Passed in the [] this day of , 201--.

Passed in the [] this day of , 201--.

Objects and reasons

This Bill seeks (i) to reform the law respecting disaster management to better reflect the goals and principles of Comprehensive Disaster Management and the international agreed best practices respecting disaster management, (ii) to provide a comprehensive mechanism for disaster management in {name of state/territory}, (iii) to provide for the rights and obligations of {name of state/territory} under the Agreement Establishing the Caribbean Disaster Management Agency; (iv) to repeal the current legal framework related to

disaster management in {name of state/territory}, and (v) to provide for other matters related to disaster management in {name of state/territory}.

This Bill comprises eighty-three clauses and three Schedules. The eighty-three clauses of this Bill are organised into eleven Parts, namely Part I to Part XI.

Part I of this Bill comprises clauses 1 to 5 which constitute the Preliminary Provisions. Clause 1 provides for the short title and commencement of the legislation. Clause 2 provides for the definition of certain terms used in the legislation. Clause 4 provides that the provisions of this Bill when enacted into law shall prevail in case of inconsistency between those provisions and the provisions of any other enactment. Clause 5 incorporates the Agreement establishing the Caribbean Disaster Management Agency into the domestic laws of {name of state/territory}, that is to say, the Agreement has the force of law in {name of state/territory}.

Part II of this Bill which comprises clauses 6 and 7 relates to the establishment and the role of an Inter-Ministerial Committee. The Committee is empowered to advise and make recommendations to the Cabinet (i) on the development of a National Comprehensive Disaster Management Policy aimed at ensuring Comprehensive Disaster Management in {name of state/territory} and (ii) on issues relating to Comprehensive Disaster Management including climate change and gender issues. Clause 7 directs the Inter-Ministerial Committee to provide a coherent, transparent and inclusive policy on Comprehensive Disaster Management appropriate for {name of state/territory}. The Inter-Ministerial Committee is given guidelines regarding the scope and contents of the policy on Comprehensive Disaster Management.

Part III of this Bill comprises clauses 8 to 16 and makes provision for the establishment of the National Disaster Management Technical and Advisory Council. The National Disaster Management Technical and Advisory Council provides a mechanism for the key stakeholders in disaster risk management to consult with each other and to coordinate their actions on matters relating to Comprehensive Disaster Management.

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Part VI of this Bill contains clauses 17 to 43 and addresses the establishment, functions and other matters relating to the management and administration of the Disaster Management Agency [Department of Disaster Management]. The Agency is empowered, among other things, (i) to act as the national coordinating and monitoring body for Comprehensive Disaster Management, (ii) to encourage and support the development of community based sustainable development programmes and interventions aimed at reducing the risk and impact of hazards and disasters, (iii) to harness community resources for disaster preparedness, response and recovery; (iv) to encourage and support the establishment of resilience critical infrastructures; (v) to plan and coordinate specialized training programmes for volunteers and persons involved in disaster risk management; and (vi) to provide business continuity planning advice and assistance to the private sector.

Clause 23 provides for directions to be given to the Director in relation to the policy to be followed in the exercise of functions and duties imposed on the Director. Clause 24 provides for the preparation of the National Comprehensive Disaster Management Plan and other plans which shall comprise a statement of the contingency arrangements for responding to the threat of a hazard or during or after a hazard impact in {*name of state/territory*}. Clause 25 empowers the Director to establish communications links by means of which the Director is required to develop and maintain a directory of the public and private entities which are involved in disaster management.

Clause 28 provides for the functions and operations of a National Emergency Operations Centre and, where necessary, supplementary emergency operations centres. The National Emergency Operations Centre ensures the centralized coordination and control of emergency or disaster response and operations and thereby reduces confusion and duplication of efforts amongst lead agencies in disaster management.

Clauses 29 and 30 provide for shelters. Clause 31 deals with volunteers. Persons who wish to

volunteer for purposes of assisting in emergency or disaster situations are required to submit their names to the Director for registration. Clauses 32 and 33 provide for the functions and conduct of hazard inspectors including inspection of premises for purposes of registering the premises on the list of shelters.

Clauses 34 and 35 provide for evacuation. Clause 36 makes provision for employees who assist in emergency situations. The employees are given a statutory right to payment by their employers for the period for which they have worked during the emergency situation, but that period must not exceed two weeks.

Part V of this Bill contains clauses 44 to 47 and provides for the establishment, functions and powers of District Disaster Management Committees. The functions of the District Disaster Management Committees include (i) making recommendations with respect to preparation of the National Comprehensive Disaster Management Plan and (ii) providing technical guidance with respect to formulation of policy guidelines related to coordination of disaster management.

Part VI of this Bill comprises clauses 48 to 51 and deals with specially vulnerable areas and the safeguard mechanisms to be followed regarding the designation of such areas. Clause 48 empowers the Cabinet to designate, on the recommendation of the Inter-Ministerial Committee, an area as specially vulnerable to a disaster. Clause 49 authorizes the Director to prepare, for approval of the Cabinet, special area precautionary plans for the mitigation and prevention of disasters in specially vulnerable areas. Clause 50 directs the Cabinet to cause the draft of a special area precautionary plan to be published in the Gazette for purposes of inviting the public to submit comments on the draft plan before approving the special area precautionary plan. Clause 51 sets out further procedures which must be followed before a special area precautionary plan can be transmitted to the Cabinet for approval.

Part VII of this Bill contains clauses 52 to 57 and provides for the establishment, management and

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application of the Emergency Disaster Fund. The Fund shall comprise (i) monies appropriated by the House of Assembly, (ii) grants and (iii) donations. The Fund shall be administered by a Fund Committee comprising the Financial Secretary, the Director and not more than four persons appointed by the Minister [Governor] after consultation with the Minister responsible for finance. Clause 53 provides for the application of the Fund.

Clause 56 places restrictions respecting the withdrawal of moneys from the Fund. Money shall only be withdrawn from the Fund on the authority of a warrant under the hand of the Minister. Clause 57 empowers the Director of Audit to audit the accounts of the Fund. The Director of Audit may, for that purpose, have access to the all books and records and returns or other documents relating to the accounts.

Part VIII of this Bill which contains clauses 58 to 65 addresses the obligations of persons involved in disaster management. Clause 58 mandates every head of government or statutory entity to ensure that there is a liaison officer for purposes of communicating with the Director in relation to procedures of the entity related to disaster management. Clause 59 directs every head of government or statutory entity and critical facility agency to prepare a disaster management plan and to review and update the plan annually. Clause 60 provides for the preparation of policy, strategy and monitoring, reporting and evaluation framework by the head of every government or statutory entity and every District Disaster Management Committee for purposes of guiding implementation of the disaster management plan. Clause 61 mandates the

conduct of annual training and exercises related to disaster management for all staff members of every head of government or statutory entity and every critical facility agency. Clause 65 directs certain persons who intend to exercise any power related to disaster preparedness and response under this law to first consult the Director before exercising the power.

Part IX of this Bill contains clauses 66 to 69 and provides for the National Multi-Hazard Alert System and declaration of disasters. The National Multi-Hazard Alert System for {*name of state/territory*} shall be operated under the supervision of the Director. Clause 69 empowers the Director, a member of the Police Service (Force) or a person acting under the authority of the Director to limit public access to any area when a declaration of a disaster or hazard alert is issued in respect of the area.

Part X of this Bill makes provision for international humanitarian assistance.

Part XI of this Bill comprises clauses 75 to 83 and deals with miscellaneous matters. Clause 76 provides for protection of persons who in good faith exercise powers, duties or obligations under this Act. Clause 77 provides for compensation to any person authorized under this law who has suffered personal injury, loss or damage to property in the course of performing functions under the law. Clause 78 criminalizes certain antisocial conduct. Clause 82 is the Regulations-making provision of this Bill.

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Attorney General

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Annex 4

201[] Emergency shelters Regulations SRO

STATUTORY RULES AND ORDERS NO. OF 201[]

Regulations

ARRANGEMENT OF Regulations

Regulation.

Part I

PRELIMINARY PROVISIONS

1. Short title.
2. Interpretation.

Part II

INSPECTIONS AND IDENTITY OF OCCUPIERS OF INSPECTED PREMISES

3. Record of inspections.
4. Searches to ascertain the occupier's identity in the case of inspected premises.
5. Notice of report availability by advertisement.

Part III

SHELTERS MANAGEMENT AND CONTROL

6. Management of shelters.
7. Overcrowding of shelters.
8. Pets and animals.
9. Weapons and hazardous materials.
10. Limits on the quantity of accompanying luggage.
11. Limitation of liability for property damage.
12. Search of persons, luggage and property.

13. Removal and exclusion from shelter.
 14. Space allocation.
 15. Regulation of musical instruments or noisy equipment.
 16. Restrictions respecting use and consumption of alcoholic drinks, etc.
 17. Restrictions respecting tobacco and cigarettes, etc.
 18. Sanitation.
 19. Fire prevention.
 20. Decency.
 21. Cleanliness and tidiness.
 22. Breaches of the peace.
 23. Harassment.
 24. Offences.
- Schedule

STATUTORY RULES AND ORDERS NO. OF 201[]

Regulations

Emergency shelters Regulations, 201[]

Made by the Minister, on the recommendation of the Inter-Ministerial Committee, under sections 30, 32 and 82 of the Comprehensive Disaster Management Act.

Part I

Preliminary provisions

1. Short title.

These Regulations may be cited as the Emergency Shelters Regulations, 201[].

2. Interpretation.

In these Regulations—

“Act” means the Comprehensive Disaster Management Act;

“controlled drug” has the meaning assigned to it in the Drugs (Prevention of Misuse) Act;

“father” means the biological or adopted father;

“hazardous material” includes dangerous material;

“intimate search” means a search which consists of the physical examination of a person’s body orifices other than the mouth;

“minor child” means a child who has not yet attained the age of eighteen years;

“mother” means the biological or adopted mother;

“occupier”, in relation to shelter, includes owner;

“parent”, in relation to a minor child, includes—

- (a) a guardian and every person who is liable to maintain or has the custody of the minor child;
- (b) a person living as husband with the mother of the minor child, whether or not he is the father of the minor child; and
- (c) a person living as wife with the father of the minor child, whether or not she is the mother of the minor child;

“prohibited article” includes a controlled drug;

“weapon” includes any material or thing that is capable of being used as a weapon.

Part II

Inspections and Identity of Occupiers of Inspected Premises

3. Record of inspection.

- (1) Where a hazard inspector inspects or re-inspects any premises on the list of shelters kept and maintained under the

Act, the hazard inspector must make a record of the conduct of the inspection in the forms set out as Form 1 and Form 2 in the Schedule.

- (2) Where the person who conducted the inspection is satisfied that the building meets the requirements of the Agency for use as a shelter, the person shall issue to the owner or occupier of the premises a Certificate of Inspection in the form set out as Form 3 in the Schedule.

4. Searches to ascertain the occupier’s identity in the case of inspected premises.

- (1) Where a hazard inspector has reasonable doubt as to the identity of the occupier of any premises for the purposes of supplying that occupier with the information related to a hazard inspector’s report under section 33 of the Act, the hazard inspector may, as long as such reasonable doubt remains, seek information as to the identity of the occupier—
 - (a) from any person who is in control of the premises under section 33 of the Act;
 - (b) from any person whose name appears on any plaque or sign on the premises as a person carrying on business at the premises;
 - (c) from the post office [or post office branch] which serves the premises;
 - (d) from the police headquarters [or police post] serving the area in which the premises are located;
 - (e) from the Registrar of [Land/ Titles];
 - (f) from the suppliers of water, telephone and electricity services to the premises;
 - (g) from the Comptroller of Inland Revenue [Commission of Land Tax]; or
 - (h) by searching any directory of

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addresses published in [*name of state/territory*] or maintained in electronic form by the Government of [*name of state/territory*] or advertised as a facility for [*name of state/territory*].

- (2) The hazard inspector may discontinue a search mentioned in sub-regulation (1) where the search has been diligently pursued for a period of five weeks after the completion of the hazard inspector's inspection under section 32 of the Act.
- (3) Where the Director considers that the cost of continuing any search referred to in sub-regulation (1) is likely to exceed the limit of reasonable expenditure within the budget available to the Director, the Director may authorize the hazard inspector to discontinue that search.

5. Notice of report availability by advertisement.

Where a hazard inspector remains in reasonable doubt as to the identity of the occupier of premises after compliance with regulation 4, the notice of the availability of the report under section 33(7) of the Act may be given by publication in the *Gazette* and in at least one newspaper which is published in [*name of state/territory*] at intervals not exceeding one week.

Part III

Shelters management and control

6. Management of shelters.

- (1) The shelter manager shall—
 - (a) prepare an inventory of the equipment at the shelter;
 - (b) maintain a log of all activities at the shelter;

- (c) keep and maintain a register of the particulars of all persons admitted to the shelter and removed or excluded from the shelter; and
- (d) submit situation reports to the chairperson of the relevant District Disaster Management Committee within such times as the chairperson may direct.

- (2) Where a person is removed or excluded from a shelter, the shelter manager or shelter officer shall record the reason for the removal or exclusion of the person from the shelter.

7. Overcrowding of shelters.

A person seeking admission to a shelter may be refused admission if—

- (a) the number of persons already admitted to the shelter is equal to the maximum number of persons for which the shelter is approved under section 30 of the Act;
- (b) in the opinion of the shelter manager or, in the absence of the shelter manager, a shelter officer in temporary charge of the shelter, the shelter is already being used by such a number of persons that the admission of more persons to the shelter may result in undesirable overcrowding; or
- (c) the shelter is secured to provide shelter during an active disaster event and opening the shelter is likely to cause injury to or death of the occupants of the shelter or shelter management personnel.

8. Pets and animals.

- (1) Subject to sub-regulation (2), a person shall not bring any pet or other animal into the shelter.
- (2) Where a person by reason of some disability relies on an animal, the shelter manager or a shelter officer may permit

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the person to bring the animal into the shelter.

- (3) The shelter manager may require a person who has brought a pet or other animal into the shelter to remove the pet or animal from the shelter notwithstanding that the pet or other animal was brought into the shelter with the permission of the shelter manager or a shelter officer.
- (4) A pet may be referred to [*the veterinary division*] for sheltering arrangements if requested prior to an imminent threat or an active disaster event.

9. Weapons and hazardous materials.

- (1) Subject to sub-regulation (2), a person shall not bring any weapon or hazardous materials into the shelter except with the prior approval of a shelter officer or shelter manager.
- (2) Subject to sub-regulation (3), the shelter manager or shelter officer may permit a person admitted or seeking admission to a shelter to bring into the shelter a syringe or such other instrument or a prescribed drug for the purpose of treatment of an illness or any other physical condition of that person or a dependent, notwithstanding that—
 - (a) the syringe or such other instrument is capable of being used as a weapon; or
 - (b) the prescribed drug may have hazardous characteristics.
- (3) A person who is permitted under sub-regulation (2) to bring any instrument or prescribed drug into the shelter must—
 - (a) place the instrument or prescribed drug in the custody of the shelter manager or shelter officer when that person is not using that instrument or drug for the permitted purpose; or

(b) where another person with medical, nursing or other similar qualifications is available, permit the medically qualified person to treat, or administer to, the illness or other physical condition.

- (4) The shelter manager may require a person who brings any weapon or hazardous materials into the shelter to remove the same from the shelter notwithstanding that the weapon or hazardous materials was brought into the shelter with the approval of the shelter manager or a shelter officer.
- (5) For the purposes of sub-regulation (3), “dependent”, in relation to a person admitted or seeking admission to a shelter, means another person for whom the person admitted or seeking admission is responsible.

10. Limits on the quantity of accompanying luggage.

- (1) A person shall not bring luggage or other property into the shelter exceeding fifty pounds per person in weight or exceeding one suitcase, basket or box per person except with the prior approval of a shelter officer or the shelter manager.
- (2) Where a person seeking shelter is carrying luggage in excess of the limit specified under sub-regulation (1), the person has the right to choose, within the limits imposed under these Regulations, which items of luggage or other property to leave behind on taking shelter.

11. Limitation of liability for property damage.

- (1) The shelter manager or shelter officer is not liable for accidental or negligent loss or damage to luggage or other property brought into the shelter by a person or on behalf of a person seeking shelter.

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- (2) The shelter manager shall—
 - (a) affix a notice containing the provisions of sub-regulation (1) to the shelter in a place where the notice can be easily seen or read by persons entering the shelter premises; and
 - (b) take such other steps as may be necessary to ensure that persons entering the shelter are aware of the provisions of sub-regulation (1) and its implications—
 - (i) by providing an acknowledgement box on the shelter registration form, and
 - (ii) by assuring all registrants check the box before being allowed shelter.
- (3) Nothing in these Regulations creates any liability on the Government, any shelter manager or shelter officer or owner or occupier of a shelter which would not exist at common law.

12. Search of persons, luggage and property.

- (1) Any person seeking admission to the shelter shall, as a condition for the grant of admission, submit to the requirement that—
 - (a) the person is subject to search by the shelter manager or a shelter officer; and
 - (b) any luggage or other property which the person intends to bring into the shelter is subject to search by the shelter manager or a shelter officer.
- (2) For the purpose of preventing the entry of harmful substances or weapons of any kind into a shelter or on the premises of a shelter—
 - (a) every shelter manager shall ensure that every adult admitted to the shelter signs a consent form empowering the shelter manager or an authorized person to search the adult or the luggage or property of the adult; and
 - (b) the parent of every minor child seeking admission for the child to the shelter shall signify in writing his consent empowering the shelter manager or an authorized person to search the child and the luggage and property of the child.
- (3) Where the person seeking admission refuses to submit to a search under this regulation, the shelter manager or a shelter officer may exclude the person from entry to the shelter.
- (4) Where the shelter manager or any authorized person has reasonable grounds to suspect that any person who is admitted to the shelter and is on the premises has in his possession or on his person a weapon, any controlled drug or other prohibited article or substance, the shelter manager or any authorized person may stop and search the person or cause the person to be searched.
- (5) The relevant shelter manager or authorized person shall use his or her best endeavour to ensure that—
 - (a) a person admitted or seeking admission to the shelter is searched by another person having the same gender as the person being searched; and
 - (b) where the person being searched is a minor child, the search is conducted in the presence of at least one other adult person.
- (6) Nothing in this regulation shall be construed as authorizing an intimate search of any person.

13. Removal and exclusion from shelter.

- (1) Subject to sub-regulation (2), where a person who is admitted to a shelter commits a breach of any of these Regulations, the shelter manager may, without prejudice to any action which may be instituted against the person—
 - (a) remove or exclude the person from the shelter; and
 - (b) use reasonable force to effect or enforce the removal or exclusion.
- (2) The shelter manager shall, before removing or excluding any person from a shelter—
 - (a) inform the person of the intended action and the reasons for such action; and
 - (b) give the person a reasonable opportunity to show cause why the person should not be removed or excluded from the shelter.
- (3) Where a controlled drug or other prohibited article or substance is found in the control, custody or possession of any person who—
 - (a) is admitted to a shelter and is on the premises of the shelter; or
 - (b) is seeking admission to a shelter,

the shelter manager or shelter officer may, after giving the person a reasonable opportunity to make representation and, without prejudice to any action which may be instituted against the person, remove or exclude the person from the shelter.

- (4) Where the shelter manager removes or excludes a person from a shelter—
 - (a) the person shall not enter the shelter unless the shelter manager directs otherwise; and
 - (b) the shelter manager shall make a

record of the removal or exclusion and the reason for the removal or exclusion.

- (5) A person who has been removed or excluded from a shelter for use or possession of any weapon, any controlled drug or other prohibited article or substance shall not be admitted in another shelter.
- (6) Nothing contained in this regulation shall be construed as affecting or restricting the authority of the Police Service or the Director of Public Prosecutions to institute any proceedings under any enactment.
- (7) For the purposes of this regulation “authorised person” includes a shelter officer and a police officer.

14. Space allocation.

- (1) A person admitted into a shelter shall observe the allocations of space within the shelter made by the shelter manager or by a shelter officer with the agreement of the shelter manager.
- (2) A fee is not chargeable to persons seeking admission in a shelter merely for the use of physical space.

15. Regulation of musical instruments or noisy equipment.

A person shall not play or use any musical equipment or other noisy equipment during the period from eight o'clock in the evening of one day to seven o'clock in the morning of the day next following except with the prior approval of a shelter officer or the shelter manager.

16. Restrictions respecting use and consumption of alcoholic drinks, etc.

- (1) A person who is in a shelter or on the premises of a shelter shall not consume any alcoholic drink or any controlled drug or other prohibited article or other

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substance in the shelter or on the premises of the shelter.

- (2) Where a person who is in a shelter or on the premises of a shelter is found to be under the influence of any alcoholic drink or any controlled drug or other prohibited article or other substance, the shelter manager or shelter officer may, without prejudice to any action which may be instituted against the person, remove the person from the shelter in accordance with regulation 13.

17. Restrictions respecting tobacco and cigarettes, etc.

- (1) Subject to regulation 8, a person who is in a shelter or on the premises of a shelter shall not smoke or otherwise use any cigarette, tobacco, prohibited or controlled drug or substance in a shelter or on the premises of a shelter.
- (2) Where a person who is in a shelter or on the premises of a shelter is found smoking or otherwise using any cigarette, tobacco, prohibited or controlled drug or substance, the shelter manager or shelter officer may, without prejudice to any action which may be instituted against the person, remove the person from the shelter in accordance with regulation 13.

18. Sanitation.

A person admitted to a shelter shall comply with the procedures specified by the shelter manager or a shelter officer relating to—

- (a) the disposal of waste of any kind; or
- (b) the cleaning and disinfecting or sterilization of shared facilities before or after use.

19. Fire prevention.

A person in the shelter shall comply with the procedures specified by the shelter manager or

a shelter officer for the purpose of preventing injury or damage from fire, including –

- (a) restrictions on the time and place where cooking is permitted;
- (b) restrictions on the equipment and facilities to be used for the purposes of cooking;
- (c) procedures for the storage or disposal of flammable items; and
- (d) training exercises for evacuation of the shelter in the event of fire.

20. Decency.

- (1) A person in or on the premises of a shelter shall not engage in obscene behaviour of any kind.
- (2) A person admitted to the shelter shall comply with the requirements of the shelter manager relating to—
 - (a) minimum standards of dress to be maintained by persons in or on the premises of the shelter and when in areas of the shelter which are visible to other persons;
 - (b) restrictions respecting audio, video or print material intended specifically for adult audiences which may be used by persons on the shelter premises in circumstances where such audio, video or print material may be seen or heard by any minor child or without the consent of any other person; and
 - (c) restrictions on the use of indecent or offensive language within the hearing of other persons in the shelter.
- (3) A person who intentionally fails to comply with the requirements referred to in sub-regulation (2) is liable to be removed or excluded from the shelter in accordance with regulation 13.

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21. Cleanliness and tidiness.

- (1) A person admitted to a shelter shall comply with the requirements of the shelter manager relating to minimum standards of cleanliness and tidiness to be observed by persons using the shelter.
- (2) A person admitted to a shelter shall clean the areas within the shelter allocated to those persons at such reasonable intervals as the shelter manager or a shelter officer may require.

22. Breaches of the peace.

A person shall not commit a breach of the peace in or within a distance of fifty yards from the shelter.

23. Harassment.

A person shall not in or within a distance of fifty yards from the shelter harass any other person lawfully using the shelter by –

- (a) accosting or following that other person about without lawful excuse;
- (b) using abusive language to that other person;

- (c) importuning that other person for sexual purposes;
- (d) persistently begging from that other person; or
- (e) importuning that other person to buy goods or services.

24. Offences.

- (1) Any person who commits a breach of any of these Regulations commits an offence and is liable on summary conviction to a fine of not more than [] dollars.
- (2) Any person who enters a shelter in contravention of a refusal of admission under regulation 7 commits an offence and is liable on summary conviction to a fine of not more than [] dollars.
- (3) Any person who enters a shelter in contravention of a removal or exclusion under regulation 12, 13, 16 or 17 commits an offence and is liable on summary conviction to a fine of not more than [] dollars.

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SCHEDULE
(Regulation 3)

FORM 1
DEPARTMENT OF DISASTER MANAGEMENT
INSPECTION FORM FOR EMERGENCY SHELTERS

Part A

TYPE OF INSTITUTION

Community Centre Church Church Hall School
Other— _____

Part B

IDENTIFICATION AND COMMUNICATION

Name of Shelter/Category— _____
Address— _____
Telephone Number— _____
Emergency Communication capability— _____
Contact Person for Shelter— _____
Telephone Number— _____
Shelter Manager/ Supervisor— _____
Phone Number— _____

Owner—

Private
Government

Part C

BUILDING AND COMPOUND

Type of Building—

Concrete Wooden Both (Concrete & Wooden)

Other— _____

Ventilation—

Natural Adequate Inadequate
Artificial Adequate Inadequate
A/C Adequate Inadequate
Fan Adequate Inadequate

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Lighting—

Natural: Adequate Inadequate

Artificial: Adequate Inadequate

Kitchen Facility— **Yes** **No**

Type of Cooking Apparatus—

Electrical Range Gas Range Coal Pot

Other _____

Adequate and proper food storage area— **Yes** **No**

Other storage area— **Yes** **No**

Adequate and proper refuse collection & storage facility— **Yes** **No**

Laundry area and facilities— **Yes** **No**

Is building insect and rodent proof? **Yes** **No**

Evidence of insects or rodents- **Yes** **No**

Condition of yard & surrounding Sanitary Unsanitary —

Adequate recreation area— **Yes** **No**

Strategically placed— **Yes** **No**

Comments _____

Part D

BATHROOMS / SANITARY CONVENIENCES

No. of Rest Rooms— _____

Male: Satisfactory Unsatisfactory

Female: Satisfactory Unsatisfactory

Unisex: Satisfactory Unsatisfactory

No. of Rest Rooms with Showers— _____

No. of toilets— _____ _____ Functional _____ Non-functional

No. of urinals— _____ _____ Functional _____ Non-functional

No. of lavatory basins— _____ _____ Functional _____ Non-functional

Sewage Disposal-

Public Sewer: Satisfactory Unsatisfactory

On-site Septic Tank: Satisfactory Unsatisfactory

Other _____ Satisfactory Unsatisfactory

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Comments _____

Part E WATER SOURCE

Water Source—

Public Utility Private On-Site Well

On-Site Cistern/Water Tank Other— _____

If Cistern, Capacity— _____

Cistern adequately screened Yes No

Filters provided Yes No

Cistern adequately secured/protected Yes No

On-Site

Potable (i.e., bottled or drinkable) water supply Yes No

Comments _____

Part F RAINFALL FLOODING POTENTIAL

Is the building's ground floor elevation on an equal or higher elevation than the ground level? Yes No

Height of ground floor from ground level— _____

Is facility prone to flooding? Yes No

If multi-storied, does the building have a floor above the ground level suitable as shelter? Yes No

Comments _____

Recommendations—

Date of Inspection— _____

Name of Officer _____

Official Stamp

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FORM 2

(Regulation 3)

DEPARTMENT OF DISASTER MANAGEMENT

SHELTER RE-INSPECTION CHECKLIST

The following checklist is for use in conducting a periodic re-inspection of a building and its site for continued use as an emergency shelter. (Refer to the guidelines for specific information about each item).

Part A

GENERAL INFORMATION

Type of Building—

Concrete

Wooden

Both (that is to say, Concrete & Wooden)

Other _____

No. of Floor(s)/ Stories- Ground Single Two Three

Floor(s) Occupied— Ground 1st 2nd 3rd

Access to Upper Level—

Stairway with Hand Rail

Stairway without Hand Rail

Other— _____

Access Ramp to building for disabled— Yes No

Section(s) of building to be used as shelter— _____

Condition of Ceiling— Satisfactory Unsatisfactory

Walls— Satisfactory Unsatisfactory

Floors— Satisfactory Unsatisfactory

Part B

BUILDING LOCATION (SITE)

Building Location (Site) Yes No

- | | | | | |
|--|--------------------------|------------|--------------------------|-----------|
| 1 Is accessibility easy? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2 Is parking space adequate? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2 Is building threatened by mudslides or landslides? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 3 Is building threatened by falling trees, boulders, power lines or flying debris? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 4 Is building located close to the source of any potential Hazardous materials? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

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5 Is building threatened by a dam or reservoir failure? Yes No

Part C

BUILDING STRUCTURE

Building structure

6 Are two entrances and exits available? Yes No

7 Are walls generally in good condition and free of large cracks? Yes No

8 Are windows and glass doors protected by shutters? Yes No

9 Are frames properly affixed to walls? Yes No

10 Is roof free of leaks and secure? Yes No

11 Are building contents adequate and secure? Yes No

Part D

AMENITIES AND SERVICES

Amenities and services

12 Is there power supply (Mains)?..... Yes No

13 Is there stand-by power supply?..... Yes No

14 Is the water system functional?..... Yes No

15 Are there laundry facilities?..... Yes No

16 Are sanitary facilities functional?..... Yes No

17 Is septic system functioning well?..... Yes No

18 Are kitchen facilities functional?..... Yes No

19 Is food storage area clean?..... Yes No

20 Is shelter area free of refuse and garbage?..... Yes No

21 Is shelter area free of mosquitoes and pests?..... Yes No

Shelter—.....

Location—.....

Inspector—.....

Date—.....

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Part E

CHECKLIST FOR MAINTENANCE

Shelter—_____

Location—_____

Inspector—_____

Item	Availability		Location
	Yes	No	
Loose bolts			
Loose fasteners			
Missing bolts/fasteners			
Leaking pipes			
Broken windows			
Broken doors			
Windows/doors won't open			
Leaking roof			
Corrosion			
Toilets			
Faulty electrical(s)			
Loose or bare wires			
Faulty water faucets			
Septic tank/soak area failing			

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Form 3

(Regulation 3(2))

DEPARTMENT OF DISASTER MANAGEMENT

CERTIFICATE OF INSPECTION

This certifies that the building located at _____ and called the _____ building, has been duly inspected and has satisfactorily met all requirements of the Disaster management Agency (Department) for use as a shelter and is recommended/designated as an emergency shelter to accommodate a maximum of (number) _____ persons for the following uses—

Temporary shelter—

for protection from a hurricane

following a disaster not caused by an earthquake

following an earthquake

Long term shelter—

following a hurricane

following an earthquake

for refugees from other events

Date _____

Inspector _____

Title _____

Comments/Recommendations

Made this day of , 20[].

Minister responsible for Disaster Management.

Annex 5 Early Warning Systems Regulations

STATUTORY RULES AND ORDERS NO. OF 201[]

Regulations

Arrangement of Regulations

Regulation.

1. Short title.
2. Interpretation.
3. Purpose.
4. Administration, control, etc. of the early warning system.
5. Disaster Alert Duty officers.
6. Hazard alerts and warning products.
7. Contents of hazard alerts and warning products.
8. Arrangements for the dissemination of hazard alerts and warnings.
9. District Disaster Management Committees.
10. Tsunamis.
11. Hurricanes.
12. Earthquakes and volcanoes.

Early Warning Systems Regulations

Statutory Rules And Orders No. Of 201[]

Regulations

Made by the Minister, on the recommendation of the Inter-Ministerial Committee, under section 82 of the Comprehensive Disaster Management Act.

1. Short title.

These Regulations may be cited as the Early Warning Systems Regulations, 201[].

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Comprehensive Disaster Management Act;

“designated disaster agency” means an entity within [name of state/territory] designated by the Minister to receive official hazard alerts originating from outside [name of state/territory];

“disaster liaison officer” means a person designated a liaison officer under section 58 of the Act;

“Earthquakes Alert SOP” means the standard operations procedures prepared by the Agency for the issue of a hazard alerts in respect of an earthquake in [name of state/territory];

“earthquake information statement” means an alert or warning product issued in respect of an earthquake in [name of state/territory];

“Event Summary”, in relation to a threat of a disaster or an emergency or a disaster means an alert to provide to the public, media, emergency authorities and government with summary information that can be used in post-hazard analysis;

“Hazard Alert Duty Officer” has the meaning assigned to it in regulation 5.

“Hazard Warning” means an alert advising people of—

- (a) the existence of a threat of a hazard to [name of state/territory];
- (b) the nature and level of threat (marine or land); and
- (c) the specific actions required to be taken;

“Hazard Warning Summary” means an alert to provide to the public, media and emergency authorities information respecting the status of a Hazard Warning;

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“Hazard Watch” means an alert advising of—

- (a) the likely existence of a threat of a hazard to *[name of state/territory]*; and
- (b) the need to await further updates on the developments respecting the threat of a hazard;

“Hazard Watch or Warning Cancellation” means an alert to advise when a threat of a hazard to *[name of state/territory]* has passed or a hazard impact fails to eventuate;

“hurricane” includes a cyclone;

“Hurricane Alert SOP” means the standard operations procedures prepared by the Agency for the issue of hazard alerts in respect of hurricanes or threats of a hurricane in *[name of state/territory]*;

“hurricane information statement” means an alert issued in respect of a hurricane or a threat of a hurricane;

“NOEC Director” means the Director of the National Emergency Operations Centre;

“No Threat Bulletin”, in relation to a threat of a disaster or an emergency or a disaster means an alert to advise people that the information respecting a threat of a hazard or disaster has been assessed and that no threat exists to *[name of state/territory]*;

“public alerting tool” includes any sirens, church bells, vehicle loud speakers, automated telephone call system, public address systems or other early warning system;

“Seismic Research Centre” means the University of the West Indies Seismic Research Centre situate in Trinidad and Tobago;

“Tsunami Alert SOP” means the standard operations procedures prepared by the Agency for the issue of hazard alerts in respect of a tsunami or a threat of a tsunami in *[name of state/territory]*;

“tsunami information statement” means an alert issued in respect of a tsunami or a threat of a tsunami in *[name of state/territory]*.

3. Purpose.

These Regulations are intended—

- (a) to inform persons residing in *[name of state/territory]*; and
- (b) to facilitate the immediate notification of at-risk communities of any hazard impact or threat of a hazard (that is to say, any significant emergency or dangerous situation) in *[name of state/territory]*.

4. Administration, control, etc. of the early warning system.

- (1) The early warning system shall be used to alert persons, households and businesses of imminent or active threats to persons and property in *[name of state/territory]* or an area within *[name of state/territory]*.
- (2) The early warning system shall not be used for the dissemination of any of the following—
 - (a) any message of commercial nature;
 - (b) any message of political nature; or
 - (c) any message relating to unofficial or private safety business.
- (3) The Director is responsible for ensuring—
 - (a) that *[name of state/territory]* has adequate monitoring and forecasting capabilities in respect of threats from all hazards;
 - (b) the maintenance of adequate and functioning warning and alerting systems; and
 - (c) arrangements are in place to ensure every community at-risk is aware of the meaning of the hazard alerts and warning products and the accompanying safety messages.

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- (4) The Director shall, in collaboration with the NOEC Director, ensure that—
 - (a) the early warning system is activated only by individuals with proper training and authority to use the early warning system;
 - (b) hazard alerts and warning products are passed on to specified entities.
- (5) Without prejudice to sub-regulation (4), when the NEOC is activated, the NOEC Director is responsible for ensuring that warning products are passed on to—
 - (a) all national committees designated by legislation;
 - (b) government managed facilities and other at-risk institutions; and
 - (c) any other vulnerable land and marine based element in a community or district.
- (6) The NOEC Director shall, in the exercise of his functions under this regulation, provide up to date status report to the Director.

5. Hazard Alert Duty Officers.

- (1) For the purposes of this Act and the Regulations, the Director shall, after consultation with the NOEC Director, designate suitably qualified persons as Hazard Alert Duty Officers.
- (2) A Hazard Alert Duty Officer shall—
 - (a) have access at all times to the system interface so as to ensure, in the event of a threat or hazard, impact timely broadcast or publication of the appropriate hazard alert, safety and security warnings and notifications to the at-risk population;
 - (b) provide timely notification respecting the specific actions that must be taken by members of the at-risk population so as to maintain safety and security within the community; and

- (c) disseminate disaster information to, and consolidate input from, the Police Service, the [General] Hospital, the Fire and Rescue Services, any other relevant sector of the Government and volunteer groups.

6. Hazard alerts and warning products.

- (1) The hazard alerts and warning products in respect of hazard impacts or threats of hazards including storms and other weather conditions likely to endanger life or property shall include—
 - (a) a “No Threat Bulletin”, that is to say, an alert to advise people that the information respecting a threat of a hazard or disaster has been assessed and that no threat exists to [*name of state/territory*];
 - (b) a “Hazard Watch”, that is to say, an alert to advise people that a threat of a hazard to [*name of state/territory*] may exist and that they should look out for further updates;
 - (c) a “Hazard Warning”, that is to say, an alert to advise people of—
 - (i) the existence of a threat of a hazard to [*name of state/territory*];
 - (ii) the nature and level of threat to any marine or land base structure; and
 - (iii) the specific actions required to be taken;
 - (d) a “Hazard Watch or Warning Cancellation”, that is to say, an alert to advise when the main threat to [*name of state/territory*] has passed or a disaster fails to eventuate;
 - (e) a “Hazard Warning Summary”, that is to say, an alert to provide the public, media and emergency authorities with the status of disaster warnings nationally; and

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- (f) an “Event Summary”, that is to say, an alert to provide the public, media, emergency authorities and the Government with summary information that can be used in post-event analysis.
- (2) The Hazard Alert Duty Officer shall, during the period in which the hazard alert is in force, provide to the Director assistance and status report respecting the hazard or the threat of the hazard.
- (3) The NEOC Director shall, after consultation with the Agency, consider using assets, facilities and resources not at risk or within any potentially threatened area, to assist—
 - (a) in the transmission of hazard alerts; and
 - (b) with response and recovery.

7. Contents of hazard alerts and warning products.

- (1) The extent and nature of the announcement, alert, or notification messages communicated under these Regulations in respect of a threat of a hazard or a hazard impact shall be determined by the severity and eminence of the threat of a hazard or hazard impact.
- (2) Subject to sub-regulation (3), every announcement, alert, or notification messages communicated under these Regulations in respect of a threat of a hazard or hazard impact shall contain information respecting—
 - (a) the nature of a hazard or hazard impact;
 - (b) the location of a hazard or hazard impact;
 - (c) the estimate time of the hazard impact; and
 - (d) the actions required to be taken by the population at risk;

- (3) Where a notice of evacuation is issued with the hazard alert under sub-regulation (2), the notice of evacuation shall contain—
 - (a) up-to-date information respecting the origin, extent and consequences of the threat of a hazard or a hazard impact;
 - (b) detailed instructions respecting the evacuation including procedures for evacuating persons with special needs; and
 - (c) such other relevant information respecting the threat of a hazard or a hazard impact including information relating to mitigation, vulnerability, risks and response issued with the evacuation notice.

8. Arrangements for the dissemination of hazard alerts and warnings.

- (1) Where [*name of state/territory*] is—
 - (a) likely to be affected by a hazard or a threat of a hazard; or
 - (b) affected by a hazard impact,the Director shall ensure that the hazard alert and notification process of [*name of state/territory*] is the full operational response to the hazard impact or threat of the hazard.
- (2) Where a designated disaster agency receives a hazard alert, the designated disaster agency shall immediately inform the Director of the source, nature and content of the hazard alert.
- (3) Where—
 - (a) the Director is informed of a hazard alert under sub-regulation (2), the Director shall promptly notify the members of the Inter-Ministerial Committee, the relevant disaster liaison officers, the NEOC Director and the chairpersons of the relevant District Disaster Management Committees; and

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- (b) the members of the Inter-Ministerial Committee, the relevant disaster liaison officers, the NEOC Director and the chairpersons of the relevant District Disaster Management Committees are notified of a hazard alert under paragraph (a), each person so notified shall inform the personnel in his department or office and activate the respective departmental emergency operations plans and respond to the NEOC as directed.
 - (4) Every person who has a direct responsibility in any emergency response or recovery shall—
 - (a) keep and maintain a record of their activities and expenditures; and
 - (b) submit a copy of the record to the Agency.
- appropriate methods to facilitate delivering on such responsibilities.
- (2) Where a District Disaster Management Committee has information that a community within its district—
 - (a) is likely to be affected by a hazard or a threat of a hazard; or
 - (b) has been affected by a hazard impact,the District Disaster Management Committee shall take measures to inform the community of effect or, as the case may be, the likelihood of such effects.
 - (3) The warning measures referred to in sub-regulation (2) include the issuing of alerts to inform the relevant public by various means, including through local radio stations, about the origin, extent and consequences of the threat of the hazard or the hazard impact.

9. District Disaster Management Committees.

- (1) Every District Disaster Management Committee shall—
 - (a) identify the areas or elements within the district vulnerable to a threat of a hazard or a hazard impact;
 - (b) take account of complementary existing alert warning systems operated by any private sector entity within the district;
 - (c) where applicable, encourage community resilience by advocating for the community and private sector entities to make their own arrangements for the receipt of hazard alerts; and
 - (d) define the responsibilities of the District Disaster Management Committee and other community organizations within the district and

10. Tsunamis.

- (1) The Agency shall rely upon, or reference, information and alerts issued by the [Pacific Tsunami Warning Centre] as information respecting tsunamis applicable to the coastline of [*name of state/territory*].
- (2) The Director shall ensure that alerts in respect of tsunamis affecting or likely to affect the coastline of [*name of state/territory*] are issued in accordance with the Tsunami Alerts SOP.
- (3) Where the Hazard Alert Duty Officer receives a Tsunami Information Statement issued by the Pacific Tsunami Warning Center, the Hazard Alert Duty Officer must—
 - (a) review the Tsunami Information Statement; and
 - (b) determine whether the Tsunami Information Statement forecast the arrival of a tsunami at [*name of state/territory*].

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- (4) Where the Hazard Alert Duty Officer determines under sub-regulation (3) that a tsunami is forecast to arrive at [*name of state/territory*], the Hazard Alert Duty Officer shall determine—
 - (a) the part of the coastline of [*name of state/territory*] which the tsunami is likely to impact; and
 - (b) the potential impact of the tsunami.
 - (5) Where the tsunami event threatens the coastline of [*name of state/territory*] (even if it only has a small potential for destruction), the Hazard Alert Duty Officer shall—
 - (a) identify the location coordinates on the map displayed for that purpose on the wall of the office of the Agency/NEOC; and
 - (b) promptly disseminate tsunami warning products to the vulnerable communities in accordance with the Tsunami Alerts SOP.
 - (6) Where the tsunami event does not threaten the coastline of [*name of state/territory*], the Hazard Alert Duty Officer shall continue to monitor information about the tsunami event; but the Hazard Alert Duty Officer shall take no further action.
 - (7) Where the Agency is alerted to a tsunami threat from an earthquake, the Director shall—
 - (a) monitor information about the tsunami event;
 - (b) report to the Hazard Alert Duty Officer any changes in the tsunami alert or status of the tsunami; and
 - (c) promptly disseminate tsunami warning products to the vulnerable communities in accordance with the Tsunami Alerts SOP.
 - (8) Where the Pacific Tsunami Warning Center notifies [*name of state/territory*] of the issue of a Tsunami Information Statement about earthquakes with no potential for a tsunami, the Hazard alert Duty Officer must—
 - (a) initiate the tsunami alert procedures in accordance with the Tsunami Warning SOP; and
 - (b) must promptly activate all public alerting tools in the vulnerable areas.
- 11. Hurricanes.**
- (1) The Agency shall rely upon, or reference, information and alerts issued by the [----] as information applicable to [*name of state/territory*].
 - (2) The Director shall ensure that alerts in respect of hurricanes are issued in accordance with the Hurricane Alert SOP.
 - (3) Where the [----] notifies [*name of state/territory*] of the issue a hurricane information statement, the Hazard alert Duty Officer must—
 - (a) initiate the hurricanes alert procedures in accordance with the Hurricane Alert SOP; and
 - (b) promptly activate all public alerting tools in the vulnerable areas.
- 12. Earthquakes and volcanoes.**
- (1) The Seismic Research Centre is the official source of information for earthquakes and volcanoes in [*name of state/territory*].

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- (2) The Agency shall rely upon, or reference, information and alerts issued by the Seismic Research Centre as information applicable to *[name of state/territory]*.
- (3) The Director shall ensure that alerts in respect of earthquakes are issued in accordance with the Earthquakes Alert SOP.
- (4) Where the Seismic Research Centre notifies the *[name of state/territory]* of the issue of a seismic information statement about earthquakes, the Hazard alert Duty Officer must—
 - (a) initiate the earthquakes alert procedures in accordance with the Earthquakes Alert SOP; and
 - (b) must promptly activate all public alerting tools in the vulnerable areas.

Made the day of 201[].

.....

Minister responsible for Disaster Risk Management

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Annex 6

201[] Disaster relief and Assistance Regulations, 201[] SRO

STATUTORY RULES AND ORDERS NO. OF 201[]

Regulations

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Disaster relief and Assistance Regulations, 201[]

STATUTORY RULES AND ORDERS NO. OF 201[]

Regulations

Made by the Minister, on the recommendation of the Fund Committee, under sections 53(3) and 82 of the Comprehensive Disaster Management Act.

PART I

preliminary provisions

1 Short title.

These Regulations may be cited as the Disaster Relief and Assistance Regulations, 201[].

2. Interpretation.

(1) In these Regulations—

“Act” means the Comprehensive Disaster Management Act, 20[], Act No. of 20[];

“agricultural operation” means a small business that derives revenues from carrying on farming operations;

“assistance” means—

- (a) disaster assistance;
- (b) assistance respecting a mitigation project mentioned in regulation 14; or
- (c) assistance respecting a temporary relocation mentioned in regulation 15;

“board of management”, in relation to an educational institution, includes—

- (a) the board of governors of the educational institution; and
- (b) any other person owning or operating the educational institution;

“claim” means—

- (a) a disaster assistance claim;
- (b) a claim for assistance respecting a mitigation project made under regulation 14; or
- (c) a claim for assistance respecting temporary relocation made under regulation 15;

“compensation” means—

- (a) compensation by payment or in another form for damage or loss caused by a hazard impact, or
- (b) a payment for costs incurred by a District Disaster Management Committee or the Agency in conducting emergency operations;

“date of the disaster” means the date specified by the Fund Committee under regulation 8;

“disaster assistance” means a payment made under Part IV, but does not include—

- (a) assistance respecting a mitigation project mentioned in regulation 14; or
- (b) assistance respecting a temporary relocation mentioned in regulation 15;

“disaster assistance claim” means an amount of compensation for loss, damage, cost or expense claimed in accordance with Part III, but does not include—

- (a) a claim respecting a mitigation project mentioned in regulation 14; or
- (b) a claim respecting a temporary relocation mentioned in regulation 15;

“educational institution” has the meaning assigned to it in the Education Act;

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“eligible assistance area” means an area that is designated under regulation 6;

“eligible claimant” means—

- (a) the board of management of an educational institution;
- (b) a non-profit organization;
- (c) an individual who resides in [name of state/territory]; or
- (d) an owner of a small business;

“Government” means the Government of [name of state/territory];

“localized hazard impact” means a hazard impact—

- (a) that has threatened the economic viability of a small number of people, businesses or villages or municipalities;
- (b) the cause of which was extraordinary; and
- (c) that has caused damage or loss for which insurance was not readily and reasonably available before the disaster occurred;

“mitigation project” means enhancements that are undertaken within specific repair or rebuilding projects to reduce vulnerability to future disasters;

“non-profit organization” means a corporation, organization, foundation, society or association that—

- (a) is incorporated or continued under an enactment in force in [name of state/territory] for the purpose of providing social, charitable or recreational services; or
- (b) in the opinion of the Fund Committee, provides a service or benefit to the community on a not-for-profit basis;

“restore” means to restore to a condition that existed immediately before a disaster and

that complies with any requirement of an enactment that was in force in [name of state/territory] on the date of the disaster;

“small business” means a business operated in [name of state/territory] for profit if—

- (a) the annual gross revenues within [name of state/territory] for the business is \$4,000 or greater but less than \$2,000,000—
 - (i) for the year immediately preceding the year in which the disaster occurred; or
 - (ii) when averaged for the three years immediately preceding the year in which the disaster occurred; and
- (b) the business employed not more than the equivalent of twenty full-time employees;

“temporary relocation” means a period not longer than the temporary relocation period during which the eligible claimant who by reason of a hazard impact for which the eligible claimant has filed a claim—

- (a) in the case of an individual, cannot inhabit his or her principal residence; or
- (b) in the case of a small business or non-profit organization, cannot utilize—
 - (i) any building that is essential to the operation of the small business or non-profit organization; or
 - (ii) personal property that is essential to the operation of the small business or non-profit organization at the location where the personal property was used before the disaster;

“temporary relocation period” means a period of—

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- (a) subject to paragraph (b), six months; or
- (b) in the case of a small business or non-profit organization any period longer than six months as the Fund Committee may permit if the Fund Committee is satisfied that the small business or non-profit organization is unable to utilize its premises during that longer period for reasons that were reasonably beyond the control of the eligible claimant submitting a claim for temporary relocation under regulation 12;

“uninsurable property” means property that, in the opinion of the Fund Committee, is not ordinarily insurable at a reasonable premium;

“working day” means a day other than a Saturday, Sunday or a public holiday.

3. Application and utilization of the Fund.

- (1) The Fund shall be applied or used, in accordance with the provisions of Part VII of the Act and these Regulations—
 - (a) for disaster reduction or migration, prevention and preparedness activities such as, but not limited to, training of personnel and procurement of equipment;
 - (b) for capital expenditures; and
 - (c) for relief, recovery, reconstruction and other work or services in connection with disasters which may occur.
- (2) The Fund Committee shall monitor and evaluate the use and disbursement of the resources of the Fund based on the programme of activities as incorporated in the National Comprehensive Disaster Management Plan and the annual work of the Fund.

4. Guidelines respecting Fund.

- (1) The Minister may, after consultation with the Fund Committee, establish guidelines that—
 - (a) govern the assessment of damage or loss caused by a disaster,
 - (b) govern what damage or loss caused by a disaster, or costs incurred in emergency operations, may be compensated, and
 - (c) establish limits on the amount of compensation that may be provided to an eligible claimant.
- (2) Guidelines respecting tracking and utilization of the resources of the Fund shall be in accordance with existing auditing and accounting guidelines respecting public funds.

PART II

Procedures respecting claims

5. Eligibility requirements.

- (1) An applicant is ineligible to receive compensation for damage or loss caused by a widespread or localized disaster or for costs incurred in conducting emergency operations if—
 - (a) the damage, loss or costs could have been reasonably prevented;
 - (b) insurance for the damage, loss or costs was reasonably and readily available before the disaster or emergency occurred;
 - (c) there is a substantial likelihood that the damage, loss or costs could be recovered through legal action;
 - (d) in the case of a critical facility, the critical facility failed to prepare a business continuity plan or a comprehensive disaster management plan for its business; or

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(e) the full amount of the damage, loss or costs is available under any other programme of the Government of [name of state/territory].

(2) In determining whether the damage, loss or costs occasioned by a hazard could have been reasonably prevented, the Fund Committee shall have regard to the vulnerability of the community.

6. Designation of eligible assistance areas.

(1) Where a disaster occurs in an area within a district, the Director may, after consultation with the relevant District Disaster Management Committee, apply to the Fund Committee to have the area designated as an eligible assistance area.

(2) A request under sub-regulation (1) must be made—

(a) by resolution and in any form that the Fund Committee may require; and

(b) within—

(i) one month after the disaster occurred; or

(ii) within any period longer than one month as the Fund Committee may permit if the Fund Committee is satisfied that there were reasonable grounds for the delay in submitting the request.

(3) Where the Fund Committee receives a request in accordance with this regulation and is satisfied that the area which is the subject of the request has suffered substantial loss or damage, the Fund Committee may designate the area as an eligible assistance area.

7. Date of disaster.

(1) Where the Fund Committee designates an area as an eligible assistance area under regulation 5, the Fund Committee shall

specify, in the designation, the date of the hazard and the duration of the relief period.

(2) In determining the date of a hazard for the purposes of this regulation, the Fund Committee shall consider—

(a) if the request under regulation 4 has been made by a district disaster development committee, any information provided by the district disaster development committee; and

(b) any additional information that the Fund Committee considers reliable and appropriate.

8. Claims.

(1) A claim must be made on a form to be supplied by the Fund Committee and in accordance with such procedures as the Fund Committee may specify.

(2) If the Fund Committee specifies procedures to be followed in making a claim under sub-regulation (1), the Fund Committee shall cause the procedures—

(a) to be posted on the website of the [Government]; and

(b) to be made known to the public in any manner that the Fund Committee considers appropriate.

9. Restrictions respecting the payment of assistance.

(1) No assistance is payable to an eligible claimant unless all of the following conditions are met—

(a) the loss, damage, cost or expense for which a claim is filed is incurred in an eligible assistance area;

(b) a claim is filed within the time limit specified in regulation 8(1);

(c) the eligible claimant provides the

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- evidence required by regulation 8(2) and does all the other things specified in that sub-regulation within the time limit specified in regulation 8(3);
- (d) the Fund Committee is satisfied that the claim complies with these Regulations; and
- (e) the Fund Committee approves the claim.
- (2) Notwithstanding sub-regulation (1), the Fund Committee may make an advance payment to an eligible claimant for a portion of the amount that is claimed by the eligible claimant and that the Fund Committee considers appropriate if the Fund Committee is satisfied that—
- (a) the requirements of sub-regulations (1)(a) to (c) are met; and
- (b) the eligible claimant requires assistance urgently.
- 10. Rules respecting filing of claims.**
- (1) Subject to sub-regulation (2) and regulation 17, an eligible claimant shall file the eligible claimant's own claim.
- (2) An agent for an eligible claimant may file a claim for an eligible claimant if—
- (a) the eligible claimant is absent or unable to file the claim; and
- (b) the Fund Committee is satisfied with the explanation for the eligible claimant's absence or inability to file.
- (3) A claim must be filed with the Fund Committee within—
- (a) six months after the date of the disaster; or
- (b) any period longer than six months that the Fund Committee may permit if the Fund Committee is satisfied that there were reasonable grounds for the delay in submitting the claim.
- (4) Subject to sub-regulation (5), an eligible claimant shall—
- (a) provide evidence, satisfactory to the Fund Committee, of the eligible claimant's entitlement to assistance and the amount of the assistance claimed; and
- (b) do all other things that the Fund Committee considers necessary to support, to the Fund Committee's satisfaction, the eligible claimant's claim.
- (5) An eligible claimant must do the things specified in sub-regulation (4) within—
- (a) 12 months after the date of the disaster; or
- (b) any period longer than 12 months that the Fund Committee may permit if the Fund Committee is satisfied that there were reasonable grounds for the delay in doing the things specified in that sub-regulation.
- (6) On receipt of a claim and if the Fund Committee is satisfied that the eligible claimant has complied with these Regulations and that the claim is complete, the Fund Committee may—
- (a) approve the application; and
- (b) provide assistance to the eligible applicant in accordance with these Regulations.
- (7) In addition to a disaster assistance claim—
- (a) an eligible claimant may file a separate claim for a mitigation project under regulation 14; and
- (b) an eligible claimant mentioned in regulation 15 may file a separate claim for a temporary relocation under that regulation.

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11. Public interest exception.

Notwithstanding any provision of these Regulations, the Fund Committee may direct that compensation be provided—

- (a) to a person who suffered damage or loss caused by a disaster; or
- (b) to a statutory body or the Government of [name of state/territory] that incurred costs in conducting emergency operations,

if, in the opinion of the Fund Committee, it is in the public interest to provide the compensation.

12. Claims limited to restoration.

No disaster assistance claim shall include any cost or expense respecting any property beyond what is needed to restore the property.

13. Fund Committee may require evidence respecting use of assistance.

- (1) The Fund Committee may require an eligible claimant to whom assistance has been paid to provide the Fund Committee, within such period as the Fund Committee may specify, with evidence satisfactory to the Fund Committee that the assistance was spent only for the purpose for which the assistance was provided as set out in the eligible claimant's claim.
- (2) No eligible claimant on whom a requirement has been imposed under sub-regulation (1) shall fail to comply with that requirement within the period specified by the Fund Committee.

PART III

disaster assistance

14. Assistance for mitigation projects.

- (1) An eligible claimant may make a claim for a mitigation project but only if the eligible claimant has, before the mitigation project is undertaken, obtained the

written approval of the Fund Committee to undertake the mitigation project.

- (2) Where the eligible claimant provides the Fund Committee with evidence satisfactory to the Fund Committee that the enhancements proposed in the application will reduce vulnerability to future disasters, the Fund Committee may, on receipt of an application under this regulation, approve the claim and provide assistance to the eligible claimant in accordance with these Regulations.

15. Assistance for temporary relocation.

- (1) An eligible claimant, whether an individual, a small business or a non-profit organization, may make a claim to recover any costs incurred due to a temporary relocation.
- (2) Where the eligible claimant provides the Fund Committee with evidence to the satisfaction of the Fund Committee, the Fund Committee may, on receipt of an application under this regulation, approve the claim and provide assistance to the eligible claimant in accordance with these Regulations.

16. Disaster assistance for immediate action.

Notwithstanding any other provision of these Regulations, an eligible claimant may make a disaster assistance claim in the amount required to compensate the eligible claimant for any costs or expenses incurred in undertaking an immediate action or providing an immediate remedy if the eligible claimant provides the Fund Committee with evidence satisfactory to the Fund Committee that the immediate action or immediate remedy was necessary before, during or after the hazard impact.

17. Disaster assistance respecting individuals, families and residences.

- (1) For the purposes of this regulation—

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“family”, in relation to an individual, means—

- (a) the individual’s spouse;
- (b) the individual’s children, including children with respect to whom the individual is a legal guardian, who are—
 - (i) unmarried and under the age of 18 years;
 - (ii) unmarried, 18 years of age or more and in full-time attendance at an educational institution; or
 - (iii) unmarried and 18 years of age or more and with respect to whom the individual provides the Fund Committee with evidence satisfactory to the Fund Committee to establish that the children are dependent on the individual or the individual’s spouse; and
- (c) any other relative of the individual or the individual’s spouse who is, in the opinion of the Fund Committee, dependent on the individual or the individual’s spouse;

“relative”, in relation to an individual, means—

- (a) a parent;
- (b) a brother or sister;
- (c) a grandparent;
- (d) a grandchild;
- (r) an aunt or uncle; or
- (f) a niece or nephew;

“spouse”, in relation to an individual, means the individual’s spouse or another individual with whom the individual has cohabited as a spouse in a relationship.

- (2) Subject to sub-regulations (3) and (4), a disaster assistance claim may be made by an individual for an amount required to

restore—

- (a) a dwelling house and any utilities, lines, pipes or services appurtenant to the dwelling house that have been damaged or destroyed by a disaster if the individual establishes to the satisfaction of the Fund Committee that—

- (i) the dwelling house is the principal residence of the individual or a member of the individual’s family; and

- (ii) the dwelling house and the appurtenances are owned by the individual;

- (b) any garage or driveway that has been damaged or destroyed by a disaster forms part of the dwelling house referred to in paragraph (a);

- (c) any personal property that—

- (i) has been damaged or destroyed by a disaster, that, at the time of the disaster is located in the dwelling house referred to in paragraph (a), and

- (ii) is necessary to the health or essential comfort of the individual or a member of the individual’s family; and

- (d) any other personal property that—

- (i) has been damaged or destroyed by a disaster; and

- (ii) is essential to the livelihood of the individual or a member of the individual’s family.

- (3) Subject to sub-regulation (5), only one disaster assistance claim under sub-regulation (2) must be made respecting each dwelling house that is a permanent residence and the personal property that,

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- at the time of the disaster, is owned by the family and located in the dwelling house.
- (4) The individual who makes the disaster assistance claim under sub-regulation (2)—
- (a) is to be considered as making the application as the agent for any member of the individual's family whose personal property, at the time of the disaster, is located in the dwelling; and
 - (b) must, in the disaster assistance claim, identify the person who is the owner of the dwelling house and of each item of personal property that is the subject of the disaster assistance claim.
- (5) Subject to sub-regulations (6) and (7), a disaster assistance claim may be made by an individual who is a tenant in an amount required to restore—
- (a) any personal property that has been damaged or destroyed by a disaster, that, at the time of the disaster is located in the dwelling house described in sub-regulation (2)(a) and that is necessary to the health or essential comfort of the individual; and
 - (b) any other personal property that has been damaged or destroyed by a disaster and that is essential to the livelihood of the individual.
- (6) For the purposes of this regulation, only one disaster assistance claim may be submitted on behalf of the tenants who reside in the same rental unit in the dwelling house mentioned in sub-regulation (2) respecting the items of personal property that, at the time of the disaster, are owned by the tenants and are located in the dwelling house.
- (7) The individual who makes the disaster assistance claim under sub-regulation (6) shall be considered as making the application as the agent for any other tenant—
- (a) who, at the time of the occurrence of the disaster, resides in the same rental unit; and
 - (b) whose personal property, at the time of the occurrence of the disaster, was located in the dwelling house.
- (8) For the purposes of sub-regulation (2) (a), the individual shall supply the Fund Committee with any information the Fund Committee may reasonably require to satisfy the Fund Committee that the dwelling house is the principal residence of the individual or a member of the individual's family.
- (9) An individual may make a disaster assistance claim in the amount required to clean up any debris from the premises of the permanent residence of the individual.
- (10) No individual shall make a disaster assistance claim for any real property damaged in a disaster that the individual has agreed to sell to the State (Crown in right of [*name of state/territory*]).

18 Disaster assistance to non-profit organizations.

- (1) A non-profit organization which is eligible to make an application for assistance may make a disaster assistance claim in the amount required to restore any real or personal property that—
- (a) relates to the operations of the non-profit organization; and
 - (b) has been damaged or destroyed by a disaster.
- (2) The disaster assistance claim referred

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to in sub-regulation (1) must include an amount that is necessary to restore—

- (a) any building that is used by the non-profit organization to provide community services;
- (b) any building that is used to provide living accommodation for employees of the non-profit organization; and
- (c) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to the provision of services to the community by the non-profit organization.

19. Disaster assistance to educational institutions.

- (1) The Board of Management of an educational institution may make a disaster assistance claim in the amount required to restore any real or personal property that relates to the operations of the educational institution and that has been damaged or destroyed by a disaster.
- (2) The claim referred to in sub-regulation (1) may include an amount that is necessary to restore—
 - (a) any building that is used to provide an educational service or that is used as living or office accommodation for students, teachers or other employees of the educational institution; and
 - (b) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to the provision of educational services by the educational institution.

20. Disaster assistance to small businesses.

- (1) Subject to sub-regulations (2) and (3), the owner of a small business or an agricultural operation may make a disaster assistance claim in the amount required—
 - (a) to restore any real property that—

- (i) is occupied for the purposes of the small business; and

- (ii) is damaged or destroyed by a disaster; and

- (b) to restore any equipment, furnishing, tool, stock-in-trade or other personal property or fixture that —

- (i) is essential to the carrying on of the small business, and

- (ii) is damaged or destroyed by a disaster.

- (2) Where—

- (a) the small business is incorporated, the small business must own or be legally liable to repair or replace the real property, equipment, furnishing, tool, stock-in-trade or other personal property or fixture that is damaged or destroyed by the disaster; or

- (b) the small business is not incorporated, the owner of the small business must own or be legally liable to repair or replace the real property, equipment, furnishing, tool, stock-in-trade or other personal property or fixture that is damaged or destroyed by the disaster.

- (3) An owner of the agricultural operation may make a disaster assistance claim in the amount required—

- (b) to restore, replace or repair any clothing, any farm building, any fence, corral or other structure or any machine, tool or supply that is damaged or destroyed by a disaster and that is used in and essential to the business of the agricultural operation;

- (c) to compensate for any loss that is actually sustained by the owner of the agricultural operation as a direct result of the loss of any of the following due to a disaster—

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- (i) livestock or greenhouse plants, vineyards, fruit trees or other similar plants that the Fund Committee is satisfied are used in the agricultural operation, if the loss is by reason of a disaster;
 - (ii) produce or livestock feed in storage on the premises of the agricultural operation at the time of a disaster, if the loss is by reason of a disaster; and
- (d) to compensate for any cost of filling and shaping, by earthwork, of gullies and of repairing by earthwork any damage caused by a disaster to farm access roads on any land of the agricultural operation, but only if—
- (i) the damage caused by the disaster exceeds any damage that is caused by, or may be anticipated from, normal occurrences during the rainy or hurricane season;
 - (ii) the repairs are approved by any agency, department or ministry of the Government of *[name of state/territory]* that may be authorized by the Fund Committee to give that approval;
 - (iii) the owner files with the Fund Committee receipts or other documentation satisfactory to the Fund Committee respecting the work of filling and shaping, by earthwork, gullies or repairing, by earthwork, damage or for work on farm access roads; and
 - (iv) the earthwork is done within 12 quarter sections of land.
- (4) For the purposes of sub-regulation (3)(a), the expression “farm building” shall be construed to include a dwelling that is not the principal residence of the owner or, in the case of a communal organization, a member of the communal organization.
 - (5) For the purposes of sub-regulation (3)(c), the loss shall be calculated according to the actual value of the lost item immediately before the disaster as determined by the Fund Committee

PART IV

Limits On and Amounts of Assistance

21. Amount of disaster assistance

Subject to regulations 22, 23 and 24, the amount of assistance that the Fund Committee may pay to an eligible claimant for a disaster assistance claim shall not be greater than 95% of the amount that is set out in the eligible claimant’s claim submitted under Part II and that is approved by the Fund Committee.

22. Maximum amounts of disaster assistance for specified matters and purposes.

- (1) Subject to sub-regulation (2), the maximum amount of disaster assistance that may be paid by the Fund Committee for that part of a disaster assistance claim made under sub-regulation 17(2) is the lesser of—
- (a) \$240,000 per disaster assistance claim; and
 - (b) the sum of the following as determined by the Fund Committee—
 - (i) the appraised value of the principal residence at the date of the disaster;
 - (ii) the personal property in the residence at the date of the disaster; and

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- (iii) if the Fund Committee approves replacing the principal residence in accordance with regulation 25, the costs of demolishing or removing the principal residence.
- (2) Where—
 - (a) an individual owns more than one dwelling house that is a permanent residence and that is eligible for disaster assistance; and
 - (b) makes a disaster assistance claim for each dwelling house and for the personal property located in each dwelling,

the maximum amount of disaster assistance that the Fund Committee may pay for each claim is the amount mentioned in sub-regulation (1).
- (3) Subject to sub-regulation (4), the maximum amount of disaster assistance that may be paid by the Fund Committee to a small business or non-profit organization is the lesser of—
 - (a) [\$-----] per disaster assistance claim; and
 - (b) the sum of the following as determined by the Fund Committee—
 - (i) the appraised value of the small business or non-profit organization; and
 - (ii) if the Fund Committee approves replacing any building or structure used by the small business or non-profit organization in accordance with regulation 26, the costs of demolishing or removing the building or structure.
- (4) Where an individual owns one or more rental properties and the individual's rental income from those properties would qualify the individual as a small business under these Regulations—
 - (a) the individual is deemed to be a small business for the purposes of sub-regulation (3); and
 - (b) the maximum amount of disaster assistance that may be paid by the Fund Committee respecting a claim involving the rental property is the lesser of—
 - (i) for each rental unit in the rental property, an amount of [\$-----] or the appraised value of the rental unit as determined by the Fund Committee, whichever is less; and
 - (ii) [\$-----] for all the rental units.
- (5) The maximum amount of disaster assistance that may be paid by the Fund Committee to an eligible claimant under sub-regulations (1) to (4) with respect to that part of the claim relating to flood or hurricane clean-up is—
 - (a) for labour, the product of—
 - (i) the hours approved by the Fund Committee based on the claim submitted by the eligible claimant; and
 - (ii) the rate approved by the Fund Committee; and
 - (b) for equipment use, the lesser of—
 - (i) the actual cost; and
 - (ii) **[\$-----]**.

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- (6) The maximum amount that may be included in a disaster assistance claim by an agricultural operation for work undertaken under sub-regulation 20(2) (d) is the assessed value of the quarter section of land that existed immediately before the date of the disaster.

23. Maximum assistance for mitigation project.

- (1) The maximum amount that may be paid to an eligible claimant for a mitigation project under regulation 12 is [-----%] of the estimated cost of structural repairs to restore the property that is the subject of the claim to a pre-disaster condition.
- (2) For the purposes of sub-regulation (1), the estimated cost of structural repairs is the cost as set out in the eligible claimant's claim and approved by the Fund Committee.

24. Assistance for temporary relocation.

- (1) The maximum amount of assistance that may be paid to an eligible claimant for a temporary relocation under sub-regulation 15(1) is [\$-----].
- (2) The amount of assistance that the Fund Committee may pay to an eligible claimant for a temporary relocation under sub-regulation 15(2) is equal to the amount that is approved by the Fund Committee based on the amount that the Fund Committee is satisfied is reasonably necessary to allow the eligible claimant to continue providing its services, including amounts that the Fund Committee approves as necessary to cover all or any of the following costs—
 - (a) overtime or additional wages or salaries to staff;
 - (b) the cost of renting or using other buildings.

25. Assistance for replacement.

- (1) Where these Regulations provide that an eligible claimant may make a claim for restoring property, the eligible claimant may make a claim to replace that property.
- (2) On receipt of a claim under this regulation, the Fund Committee may approve that claim and provide assistance but only if the eligible claimant satisfies the Fund Committee that the costs of restoring the property are greater than the appraised value of the property as at the day immediately before the date of the disaster.
- (3) For the purposes of this regulation—
 - (a) the appraised value of the property is the appraised value as determined by the Fund Committee; and
 - (b) the maximum amount of assistance respecting a claim is the maximum amount that is otherwise allowed for that category of claim as set out in regulation 21 or 22.

26. Assessment and appraisals.

- (1) Where the Fund Committee is required under these Regulations to make an assessment or appraisal or to determine an actual value respecting the claim of an eligible claimant—
 - (a) the Fund Committee shall provide written notice to the eligible claimant of the assessment, appraisal or determination and any information that the Fund Committee considers appropriate respecting manner by which the assessment, appraisal or determination was made;
 - (b) on receipt of a written notice under paragraph (a), the eligible claimant may, within 10 working days or such longer period as the Fund Committee may permit and subject to sub-

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- regulation (2), provide the Fund Committee with a written response to the assessment, appraisal or determination;
- (c) on receipt of a written response under paragraph (b), the Fund Committee shall, after considering the written response—
- (i) confirm the Fund Committee's original assessment, appraisal or determination;
 - (ii) vary the Fund Committee's original assessment, appraisal or determination; or
 - (iii) make a new assessment, appraisal or determination; and
- (d) the Fund Committee shall provide the eligible claimant with a written notice respecting the Fund Committee's decision as soon as is reasonably practicable and may, in the written notice, include any information or reasons that the Fund Committee considers appropriate.
- (2) Where the eligible claimant is aggrieved by an assessment, appraisal or determination in relation to the actual value respecting his or her claim, the eligible claimant may, in the response referred to in sub-regulation(1)(b), request the Fund Committee to reconsider or review the assessment, appraisal or determination.
- (a) subject to regulation 14, for the cost or expense of a project or activity that is designed, undertaken or performed primarily for the purpose of—
- (i) abating or reducing the risk of loss or damage from any future disaster; or
 - (ii) providing financial, material or other economic assistance to any area of [*name of state/territory*], other than any assistance for which a disaster assistance claim may be made; or
- (b) if any damages or compensation sustained by an eligible claimant are recoverable at law; or
- (c) if an eligible claimant is eligible for compensation, other than compensation provided under these Regulations, under a compensation program operated by the Government or a District Disaster Management Committee.

28. Ineligible assistance for normal losses, operating expenses, etc.

- (1) Notwithstanding any other provision of these Regulations, no assistance is payable to an eligible claimant for—
- (a) any loss, cost or expense if the loss, cost or expense is normal, usual or incidental to the business, calling or enterprise of the eligible claimant;
 - (b) any operating cost or expense of the eligible claimant;
 - (c) any loss of or damage to, or cost or expense incurred or expended for any matter or thing that is not, in the opinion of the Fund Committee, essential to the restoration of a home,

PART V

When Assistance Not Payable

27. No assistance respecting future damage.

Notwithstanding any other provision of these Regulations, no assistance is payable—

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- means of livelihood or essential community service;
- (d) for damage, loss or costs that are—
- (i) an ordinary or normal risk of a business, trade, calling or occupation,
 - (ii) loss of income,
 - (iii) interest charges on loans and overdue accounts, or
 - (iv) normal operating expenditures; or
- (e) to restore property to a level that exceeds its condition before a disaster.
- (2) Without limiting the generality of sub-regulation (1)(c), the loss of or damage to, or cost or expense incurred or expended with respect to—
- (a) seasonal cottages;
 - (b) boat houses;
 - (c) docks;
 - (d) pleasure boats, other than an eligible claimant's stock-in-trade;
 - (e) trailers, other than an eligible claimant's stock-in-trade;
 - (f) recreation vehicles and equipment, other than an eligible claimant's stock-in-trade;
 - (g) flowers, shrubs, trees and grass, other than the stock-in-trade of a tree nursery or greenhouse operation;
 - (h) jewellery, other than an eligible claimant's stock-in-trade;
 - (i) art works, other than an eligible claimant's stock-in-trade;
 - (j) antiques, other than an eligible claimant's stock-in-trade; or

- (k) field shelter-belt except as may be claimed as clean-up expenses under regulation 23,

is deemed to be non-essential to the restoration of a home, the means of livelihood or an essential community service.

29. No assistance if reasonable measures not taken.

Notwithstanding any other provision of these Regulations, the Fund Committee may refuse to approve a claim or may reduce the amount of the assistance to which an eligible claimant may be otherwise entitled if the Fund Committee is satisfied on reasonable grounds that an eligible claimant has not—

- (a) taken sufficient measures to protect or fix any property that is the subject of a disaster assistance claim from further damage or deterioration;
- (b) taken sufficient measures to repair any property that is the subject of a claim for temporary relocation under regulation 15 within a reasonable period; or
- (c) in the case of a critical facility agency, prepared a business continuity plan or disaster management plan for its business.

30. Ineligible assistance for losses covered by insurance.

Notwithstanding any other provision of these Regulations, no assistance is payable to an eligible claimant for any loss or damage that, in the opinion of the Fund Committee, might have been covered under a contract or other instrument of insurance at a reasonable premium rate, whether or not—

- (a) the eligible claimant is insured at the time of the disaster; or
- (b) any insurance proceeds are collectable.

31. Fund Committee to notify claimants if not eligible.

- (1) Before the Fund Committee determines that a person who submits a claim is not an eligible claimant or that the person has not complied with regulation 29 or 30, the Fund Committee shall—
 - (a) give the person notice of the intended determination of the Fund Committee; and
 - (b) subject to sub-regulation (2), give the person an opportunity to make representation respecting the intended determination.
- (2) Where the Fund Committee gives a person an opportunity to make representation under sub-regulation (1)(b), the person—
 - (a) shall make that representation within 10 business days from the date of receipt of the written notice of the Fund Committee under sub-regulation (1)(a); and
 - (b) may request the Fund Committee to reconsider the intended determination of the Fund Committee and specify the reasons for the request.
- (3) Where the eligible claimant makes any representations under sub-regulation (2), the Fund Committee may—
 - (a) withdraw the intended determination of the Fund Committee; or
 - (b) confirm the intended determination of the Fund Committee.
- (4) The Fund Committee shall, as soon as is reasonably practicable after making a decision under sub-regulation (3), notify the person of its decision and the reasons for its decision.
- (5) Nothing in this regulation requires the Fund Committee to give an oral hearing to any person.

PART VI

miscellaneous

32. Disaster recovery programmes, etc.

- (1) The Fund Committee may approve a disaster recovery program in respect of a disaster if the Fund Committee is satisfied that—
 - (a) the disaster has caused widespread damage to property, and
 - (b) the cause of the disaster was extraordinary.
- (2) A disaster recovery program may include—
 - (a) terms and conditions for providing compensation;
 - (b) the forms in which the compensation may be provided; and
 - (c) special provisions dealing with the assessment of damage and loss.
- (3) A person may submit to the Fund Committee a claim for compensation for damage or loss caused by reason of a localized hazard impact.
- (4) The Fund Committee may provide compensation in respect of a disaster claim under sub-regulation if—
 - (a) the claimant—
 - (i) has suffered damage or loss caused by a localized hazard impact, and
 - (ii) is eligible to receive the compensation under Part II, and
 - (b) the provision of compensation is approved by the Fund Committee.
- (5) If the Fund Committee is not satisfied that an applicant meets the requirements of

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sub-regulation (4), the Fund Committee must provide the claimant with a written notice of its decision and specify in the notice the reasons for the decision.

33. Compensation for emergency operations costs.

- (1) The Agency or a District Disaster Management Committee may submit to the Fund Committee a claim for compensation for costs incurred in conducting emergency operations.
- (2) The Fund Committee may provide compensation under this regulation if—
 - (a) the Agency or a District Disaster Management Committee has incurred costs in conducting emergency operations, and
 - (b) the Fund Committee approves the provision of the compensation.
- (3) If the Fund Committee is not satisfied that the Agency or, as the case may be, the relevant District Disaster Management Committee meets the requirements of sub-regulation (2), the Fund Committee must provide the Agency or a District Disaster Management Committee with a written notice of its decision and specify in the notice the reasons for the decision.

34. Overpayments.

- (1) The Fund Committee may declare any or all assistance paid to an eligible claimant to be an overpayment if, in the opinion of the Fund Committee, the eligible claimant—
 - (a) knowingly made a false or misleading statement with respect to a material fact on any claim or in any information or record provided to the Fund Committee under these Regulations;
 - (b) omitted to make or to provide to the Fund Committee any statement,

information or record which omission results in a statement with respect to a material fact being misleading; or

(c) failed to comply with these Regulations.

- (2) Where the Fund Committee declares any assistance paid to an eligible claimant to be an overpayment, the amount of the overpayment—
 - (a) is deemed to be a debt due and owing to the State [Crown in right of (*name of state/territory*)]; and
 - (b) may be recovered from the eligible applicant in any manner authorized under the Financial Administration Act, or in any other manner authorized by law.

35. Review.

- (1) Where an eligible claimant is aggrieved by a notice referred to in regulation 32(3) or 33(3), the aggrieved claimant may request the Fund Committee to review the decision specified in the notice.
- (2) The aggrieved claimant must submit the request for the review within 21 days from the date of receipt of the notice.
- (3) The Fund Committee in conducting the review may—
 - (a) consider recommendations from the Director or District Disaster Management Committee; and
 - (b) confirm its decision or determine that the applicant has met the requirements of regulation 32(2)(a) or 33(2)(a).
- (4) The Fund Committee must provide the applicant with a written notice of its decision under sub-regulation (3)(b) and specify in the notice the reasons for the decision.

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37. Payments not subject to seizure, etc.

- (1) Notwithstanding any other Act but subject to sub-regulation (2), any assistance paid under these Regulations to an eligible claimant—
 - (a) is not subject to attachment, garnishment, seizure or other similar legal process; and
 - (b) is not assignable.

- (2) Nothing in sub-regulation (1) prevents the recovery of any overpayments by deducting the amount of the overpayment from future payments of assistance or by any other means authorized under these Regulations or any other law.

Made this day of 20[].

Minister responsible for Disaster Risk
Management

Annex 7

201[] Comprehensive DISASTER management Regulations SRO

STATUTORY RULES AND ORDERS NO. OF
201[]

Regulations

ARRANGEMENT OF Regulations

Regulation.

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Disaster management Regulations

STATUTORY RULES AND ORDERS
NO. OF 201[]

Regulations

Made by the Minister, on the recommendation of the Inter-Ministerial Committee, under section 82 of the Comprehensive Disaster Management Act.

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PART I

Preliminary provisions

1. Short title.

These Regulations may be cited as the Comprehensive Disaster Management Regulations, 201[].

2. Interpretation.

In these Regulations, unless the context otherwise indicates—

“Act” means the Comprehensive Disaster Management Act;

“civil society organization” includes any non-governmental organization, faith-based organization and any other non-state actor, whose aims are neither to generate profits nor seek governing power;

“emergency response personnel” includes a fire officer, police officer, emergency and medical personnel and any other person approved by the Director.

3. Scope of application.

(1) These Regulations provide for—

- (a) the development of policies and plans; and
- (b) the implementation of actions and measures, pertaining to all aspects of disaster risk reduction and management, including—
 - (c) good governance;
 - (d) risk assessment and early warning;
 - (e) knowledge building and awareness raising;

- (f) reducing underlying risk factors; and
- (g) preparedness for resilience, effective response and early recovery.

(2) These Regulations shall apply to all levels of government, civil societies, private sectors and all other Comprehensive Disaster Management stakeholders.

PART II

Administration

4. The Inter-Ministerial Committee.

(1) The Inter-Ministerial Committee shall be, in accordance with Part II of the Act, the principal policy and advisory body to the Cabinet on matters respecting disaster risk reduction and management.

(2) Without limiting the generality of sub-regulation (1), the Inter-Ministerial Committee—

- (a) shall provide advice to the Cabinet on the development of the National Comprehensive Disaster Management Policy for an all-hazards, multi-sectoral, inter-agency and community-based approach to disaster risk reduction and management;
- (b) shall provide advice to the Cabinet on the status of every disaster preparedness, prevention, or mitigation, response and rehabilitation operation being undertaken by the Government, civil society organizations, private sector entities and volunteers;
- (c) may recommend to the Cabinet a multi-stakeholder participation in the development, updating, and sharing of a disaster risk reduction and management information system

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- and geographic information system-based national risk maps as policy, planning and decision-making tools;
- (d) shall provide advice to the Cabinet on the establishment or strengthening of a comprehensive, all hazards national early warning and emergency alert system to provide accurate and timely information to national or district emergency response organizations and to the general public through diverse mass media;
 - (e) shall provide advice to the Cabinet on the development of appropriate risk transfer mechanisms that shall guarantee social and economic protection and increase resiliency in the face of a disaster;
 - (f) may, after consultation with the Council, make to the Cabinet recommendations respecting the development and enforcement by agencies and organizations of the guidelines and other requirements of the Act;
 - (g) may make to the Cabinet recommendations respecting the management and mobilization of resources for disaster risk reduction and management including the Disaster Management Fund;
 - (h) may, after consultation with the Fund Committee, make to the Cabinet recommendations respecting the promulgation of guidelines and procedures respecting the Disaster Management Fund;
 - (i) may, after consultation with the Council and the [Climate Change Commission], provide advice to the Cabinet on the development of assessment tools respecting existing and potential hazards and risk brought about by climate change to vulnerable areas and the ecosystem;
 - (j) shall provide advice to the Cabinet on the development of vertical and horizontal coordination mechanisms for a more coherent implementation of disaster risk reduction and management policies and programmes by governmental departments and other sectoral agencies;
 - (k) shall, on the recommendation of the Director, provide advice to the Cabinet on the formulation of a national institution capability building programme respecting disaster risk reduction and management to address the specific weaknesses of any government agency;
 - (l) may, on the recommendation of the Council, provide advice to the Cabinet on the formulation, harmonization, and translation into policies of a national agenda for research and technology development on disaster risk reduction and management;
 - (m) in coordination with [Climate Change Commission], may provide advice to the Cabinet on the formulation and implementation of a framework for climate change adaptation and disaster risk reduction and management from which all policies, programmes, and projects shall be based;
 - (n) shall provide advice to the Cabinet in relation to the implementation of the obligations of [*name of state/territory*] under the CDEMA Agreement and any other disaster management treaty to which [*name of state/territory*] is a party; or

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- (o) shall provide advice to the Cabinet in relation to the incorporation of the disaster management treaty obligations of [*name of state/territory*] in the disaster risk reduction and management frameworks, policies, plans, programs and projects of [*name of state/territory*].

5. Remedial measures.

Where a declaration of a state of emergency is proclaimed, the Inter-Ministerial Committee may recommend the undertaking of the following remedial measures—

- (a) the imposition of price ceiling on basic necessities and prime commodities;
- (b) the monitoring, prevention and control of overpricing, profiteering or hoarding of basic necessities, prime commodities, medicines and petroleum products;
- (c) the programming or reprogramming of funds for the repair of public infrastructures and facilities; and
- (d) the granting of no-interest or low interest loans by government financing or lending institutions to the most affected sectors of the population through their cooperatives.

6. Inventory and monitoring of relief goods.

For the purpose of ensuring the proper disposition and use of donations and relief goods, the Inter-Ministerial Committee may, on the recommendation of the Director, issue guidelines respecting the inventory, disposition, utilization and monitoring of all donations and relief goods.

7. The National Disaster Management Agency.

- (1) The Agency shall, consistent with its mandate and the mandates of the Inter-Ministerial Committee, the Council and the District Disaster Management Committees—
 - (a) provide the overall direction;
 - (b) exercise supervision; and
 - (c) effect coordination—

of the Comprehensive Disaster Management programme, projects and activities.

- (2) The resources of the Agency other than the Fund shall be utilised—
 - (a) to support disaster risk management activities including, but not limited to, pre-disaster training, purchasing life-saving rescue equipment, supplies and medicines and other preparedness programmes; and
 - (b) for post disaster activities.

8. The Director.

- (1) The Director may call upon other governmental departments and non-governmental organizations, faith-based organizations and private sector entities for assistance in terms of the use of their facilities and resources for the protection and preservation of life and properties in the whole range of disaster risk reduction and management.
- (2) The Director shall assign functions, not inconsistent with the Act, to every District Disaster Management Committee relevant to the mandates, programmes, jurisdiction and special constituencies of that District Disaster Management Committee.

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- (3) The functions assigned under sub-regulation (2) to a District Disaster Management Committee shall be incorporated in the Comprehensive Disaster Management plan of the District Disaster Management Committee.

9. The National Emergency Operations Centre.

- (1) The National Emergency Operations Centre shall—
 - (a) serve as the principal operations facility of the Agency; and
 - (b) subject to sub-regulation (2), be operated and maintained on a twenty-four hour basis by the staff of the Agency;
- (2) The staff of the National Emergency Operations Centre may be complemented by suitably qualified [volunteers] whenever the status of a hazard alert is elevated or raised or as may be determined by the Director on the advice of the Technical Advisory Council.
- (3) Without limiting the generality of sub-regulation (1)(a), the National Emergency Operations Centre shall serve as the headquarters of the activities undertaken in response to a hazard alert or disaster including—
 - (a) hazard alert and monitoring,
 - (b) multi-agency and multi-level operational coordination;
 - (c) disaster response and resource mobilization; and
 - (d) disaster information management.
- (4) For the purposes of carrying out its functions under section 28(6) of the Act, the National Emergency Operations Centre shall utilize support systems such as—

- (a) early warning system and emergency broadcast system;
- (b) geographic information system and other space-based technologies;
- (c) incident command system;
- (d) rapid damage assessment and needs analysis;
- (e) emergency logistics management;
- (f) public-private partnerships for emergency response; and
- (g) humanitarian assistance coordination mechanism.

- (5) The Director of the National Emergency Operations Centre may issue special clearance passes to persons whose services are required by the National Emergency Operations Centre during or after a hazard impact.

10. District Disaster Management Committees.

- (1) Subject to the policy making functions of the Inter-Ministerial Committee and the Agency, every District Disaster Management Committee shall, in the exercise of its functions under section 46 of the Act—
 - (a) coordinate, integrate, supervise, monitor and evaluate Comprehensive Disaster Management activities and related functions within the jurisdiction of that District Disaster Management Committee;
 - (b) collaborate with the relevant governmental authority to ensure the preparation of risk-sensitive district development plans;
 - (c) take a risk-based and collaborative approach to the development of the district Comprehensive Disaster

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- Management plan and the plan mentioned in paragraph (b);
- (d) in case of emergencies, convene the different district line agencies and concerned institutions and authorities;
 - (e) prepare and formulate its Comprehensive Disaster Management plan and manual of operations; and
 - (f) submit a copy of its Comprehensive Disaster Management plan to the Director.
- (2) Without limiting the generality of sub-regulation (1), every District Disaster Management Committee shall, in coordination with the Agency, perform the following functions with impartiality—
- (a) set the direction, development, implement and coordination of disaster risk management programmes within its district;
 - (b) design, program, and coordinate disaster risk reduction and management activities consistent with the standards and guidelines set out in the National Comprehensive Disaster Management plan;
 - (c) facilitate and support risk assessments and contingency planning activities at the district level;
 - (d) consolidate district disaster risk information which includes natural hazards, vulnerabilities, and climate change risks, and maintain such information at the district level;
 - (e) organize and conduct training, orientation, and knowledge management activities on disaster risk reduction and management at the district level;
 - (f) operate a multi-hazards early warning system, linked to disaster risk reduction, to provide accurate and timely information to national or district emergency response organizations and to the general public, through diverse mass media, particularly radio, landline communications, and technologies for communication within rural communities;
 - (g) formulate and implement a district Comprehensive Disaster Management plan in accordance with the national and district framework, and policies on disaster risk reduction in close coordination with the relevant stakeholders in its district;
 - (h) prepare and submit to the Director an annual plan and budget respecting the proposed disaster risk reduction and management activities of the District Disaster Management Committee;
 - (i) in accordance with existing policies and procedures, conduct continuous disaster monitoring, mobilize the instrumentalities of the private sector entities and organize volunteers, in order to utilize their facilities and resources for the protection and preservation of life and properties during emergencies;
 - (j) identify, assess and manage the hazards, vulnerabilities and risk that may occur in its districts;
 - (k) disseminate information and raise public awareness about the hazards, vulnerabilities and risks referred to in paragraph (l) and their nature, effects, early warning signs and counter-measures;

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- (l) identify and implement cost effective risk reduction measures or strategies;
 - (m) maintain a database of human resources, equipment, directories, capacities and location of critical infrastructures such as shelters, hospitals and other health facilities and evacuation centres in its district;
 - (n) develop and strengthen mechanisms for partnership or networking with the private sector entities and volunteer groups within its district;
 - (o) take, on a continuing basis, all necessary measures to maintain, provide or arrange the provision of or to otherwise make available, suitably-trained and competent volunteers for effective disaster risk reduction and management in its district;
 - (p) organize, train, equip and supervise the district emergency response teams and volunteers and ensure that humanitarian aid workers are equipped with basic skills to assist mothers to breastfeed;
 - (q) respond to and manage the adverse effects of emergencies and carry out recovery activities in any affected area, ensuring that there is an efficient mechanism for immediate delivery of food, shelter and medical supplies for women and children;
 - (r) as part of recovery efforts after a disaster, endeavour to create a special place where disaster displaced mothers and children can find help with breastfeeding, feed and care for their babies and give support to each other;
 - (s) within its district—
 - (i) promote and raise public awareness of and compliance with the Act and the Regulations,
 - (ii) coordinate other disaster risk reduction and management activities as the Director may direct,
 - (iii) implement such policies, plans and programs as the Agency may approve consistent with the policies and guidelines specified in the Act, and
 - (iv) act on other matters that may be authorized by the Agency for the purpose of promoting in the community a culture of resilience;
 - (t) establish linkage or network with other District Disaster Management Committees for disaster risk reduction and emergency response purposes;
 - (u) subject to the direction of the Director, establish and maintain a supplementary emergency operations centre in its district; and
 - (v) upon request, prepare and submit to the Director of Audit a report on the utilization of any resources dedicated to disaster risk reduction and management.
- (3) The risk-based and collaborative approach to the development of plans referred to in subsection (1)(c) shall—
- (a) identify the elements within the district vulnerable to hazards or threats of hazards;
 - (b) take account of complementary existing alert warning systems operated by any business entity within the district;
 - (c) where applicable, promote or encourage the development of a culture of resilience in every community;

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- (d) provide for every community and private sector entity to make their own arrangements for the receipt of hazard alerts;
 - (e) define the responsibilities of the District Disaster Management Committees and other community organizations within the district; and
 - (f) define appropriate methods of delivering on the responsibilities mentioned in paragraph (e).
- (4) Subject to the directions of the Director, the chairperson of a District Disaster Management Committee may make arrangement for the use of the facilities and resources of other agencies, for the protection of life and properties in pursuit of disaster risk reduction and management.

11. Establishment of district disaster management offices.

- (1) For the purposes of exercising its functions under the Act and these Regulations, a District Disaster Management Committee may establish a district disaster management office in a community, village or municipality within its jurisdiction.
- (2) The district disaster management office shall be—
 - (a) under the office of the chairperson of the District Disaster Management Committee; and
 - (b) initially organized and composed of a district disaster management officer to be assisted by a staff which shall be responsible for—
 - (i) administration and training,
 - (ii) research and planning, and
 - (iii) operations and warning.

12. Information and public awareness on hazards, vulnerabilities and risks.

Every District Disaster Management Committee—

- (a) shall designate an area within its jurisdiction where hazards maps and contingency plans for major hazards are prominently displayed;
- (b) may disseminate information respecting disaster risk reduction and management by means of electronic communication or otherwise including the use of the internet and newsletters, brochures, pamphlets and other printed materials; and
- (c) may, within its district, undertake such public awareness programmes through the conduct of simulation exercises or training exercises on a regular basis.

13. Databases.

- (1) Every District Disaster Management Committee shall keep and maintain a district database on human resources, equipment, directories and the location and capacities of critical infrastructures.
- (2) Every district database referred to in sub-regulation shall be linked with the database kept and maintained by the Agency.
- (3) Subject to sub-regulation (4) and reasonable restrictions arising from legal and security requirements, a database kept and maintained by the Agency or a District Disaster Management Committee shall be accessible by and available to any person.
- (4) A person may, upon the submission of a written request, obtain specific information from a database on the condition that proper citation and reference is made.

PART III

Disaster Management Education and Training

14. Training programmes.

- (1) The Agency may engage the expertise of other disaster management agencies and other training organizations.
- (2) The Agency shall ensure that persons involved in disaster management undergo regular training in the following—
 - (a) disaster risk reduction and management, including emergency response, capacity-building programmes for the implementation of the Act;
 - (b) the preparation of training materials and manuals respecting disaster risk reduction and management to assist other disaster reduction and management workers in the planning and implementation of the related program and projects;
 - (c) disaster management research to upgrade knowledge and skills and document best practices on disaster risk reduction and management; and
 - (d) periodic awareness and education programmes organised by the Agency.

15. Location.

Subject to the approval of the Inter-Ministerial Committee and the Council, the Director shall, in consultation with concerned stakeholders, determine suitable locations for the conduct of the training exercises under this Part.

16. Education and training of public officers.

- (1) Subject to sub-regulations (2) and (3)—
 - (b) the Minister shall, not later than six months after the coming into force of these Regulations, issue guidelines to ensure the effective implementation and compliance with the training referred to in paragraph (b); and
 - (a) public officers and the personnel of government financial institutions and local government units shall, in accordance with guidelines issued under paragraph (b), be trained in emergency response and preparedness with the strong focus on gender responsiveness, climate change issues, sensitivity to indigenous knowledge system and respect for human rights; and
- (2) The Minister shall, before issuing any guidelines under sub-regulation (1)(a), cause—
 - (a) a copy of the draft guidelines to be furnished to every representative body; and
 - (b) consultations in respect of the draft guidelines to be held with every representative body.
- (3) A Train-the-Trainers approach shall be adopted for the purpose of the training exercises whereby member agencies of the Technical and Advisory Council, including other government agencies and local government units, shall organize and train individuals in the areas of Comprehensive Disaster Management who shall be responsible in cascading the training to their staff and, as the case may be, the staff of the District Disaster Management Committee.

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- (4) The Agency shall, in collaboration with CDEMA, develop standard training design and instructional materials on Comprehensive Disaster Management.
- (5) In this regulation, the term “representative body” shall be construed to mean the body representing the interests of public officers or the personnel of statutory bodies.

18. Integration into school curricula.

- (1) The Director shall, after consultation with the Technical and Advisory Council, encourage the Department of Education to integrate disaster risk reduction and management education in the curricula of primary schools and secondary schools.
- (2) Nothing in sub-regulation (1) prevents or prohibits the Department of Education from integrating the disaster risk reduction and management education referred to in that sub-regulation through the Technical and Vocational Education programme.

19. Adult education and training.

The Agency shall, in coordination with the Youth Division and the National Youth Council, encourage—

- (a) communities, specifically the youth, to participate in disaster risk reduction and management activities, such as organizing quick response groups, particularly in identified disaster-prone areas;
- (b) the inclusion of disaster risk reduction and management programmes as part of the youth skills training programmes and projects; and
- (c) the involvement of the community, specifically the youth, in the disaster risk reduction training through actual conduct of or as participants in the such training.

PART IV

Threatened Hazard Alert Mobilisation

20. Lead agency during emergency.

- (1) The Agency shall be responsible for preparing for, responding to, and recovering from the impact of hazards.
- (2) The District Disaster Management Committee shall act as support to the Agency which has the primary responsibility as first disaster responders.
- (3) Every public officer shall co-operate with the Director—
 - (a) in the discharge of any responsibilities assigned to that public officer under the National Comprehensive Disaster Management Plan; and
 - (b) in the implementation of the procedures under the Comprehensive Disaster Management plan for the Ministry or Department of Government to which that public officer is posted or assigned.
- (4) Private sector entities and civil society organizations shall work in accordance with the coordination mechanism and policies set by the Agency and concerned District Disaster Management Committees.

21. Duties of the Director in the event of a threatened hazard alert.

- (1) In the event of a threatened hazard alert under the Act, the Director shall coordinate urgently the implementation of the provisions of the National Comprehensive Disaster Management plan to meet the threatened hazard.
- (2) Without prejudice to the generality of sub-regulation (1), the Director shall—

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- (a) request the Chairperson of the Council to convene the meeting of the Council required by the Rules of Procedure of the Council;
- (b) activate the procedures for informing members of the public of the state of threatened hazard alert and of the measures or actions recommended to be taken by members of the public to minimise the likely impact of the threatened hazard;
- (c) for the purpose of minimising the likely impact of the threatened hazard coordinate the preparations of—
 - (i) Ministries and Departments of Government, statutory bodies and other public bodies, and
 - (ii) persons or organisations volunteering to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in *[name of state/territory]*;
- (d) activate the procedures for the manning of the National Emergency Operations Centre to meet the threatened disaster, including procedures for the protection of the family and property of persons required for the purpose of manning such centres or required otherwise to perform other duties of protecting the public;
- (e) activate the procedures for the release, distribution and replenishment of emergency stores of supplies of food, water, clothing and medical supplies to meet the threatened disaster; and
- (f) activate the procedures for the provision of shelter during the threatened hazard alert.

22. Duties of liaison officers in the event of a threatened hazard alert.

Where a hazard alert has been issued, the liaison officer designated under section 58 of the Act in respect of a Ministry or Department of Government shall provide the Director, promptly, with such information as the Director requests on the state of preparedness of the Ministry or Department, as the case may be, for the purpose of minimising the likely impact of the threatened hazard.

23. [President] [Governor] [Prime Minister] [Premier] to be kept informed.

- (1) The Director shall for the duration of the threatened hazard alert -
 - (a) keep the [President] [Governor] [Prime Minister] [Premier] informed with current reports on the state of implementation of the National Comprehensive Disaster Management Plan to meet the threatened disaster; and
 - (b) monitor the progress of the disaster threat so as to provide the [President] [Governor] [Prime Minister] [Premier] with the earliest possible recommendation that the conditions have escalated to the point where a declaration of a disaster emergency was appropriate or that the alert should be ended as the case may be.
- (2) A recommendation in sub-regulation (1)(b) is not binding on the [President] [Governor] [Prime Minister] [Premier].

Made the day of 201[].

.....

Minister responsible for Disaster Risk Management

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Annex 8

201[] comprehensive DISASTER management (evacuation) Regulations SRO

STATUTORY RULES AND ORDERS NO. OF 201[]

Regulations

ARRANGEMENT OF Regulations

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SCHEDULE

Disaster Management (Evacuation) Regulations

STATUTORY RULES AND ORDERS NO. OF 201[]

Regulations

Made by the Minister, on the recommendation of the Inter-Ministerial Committee, under section 82 of the Comprehensive Disaster Management Act.

PART I

Preliminary Provisions

1. Short title.

These Regulations may be cited as the Comprehensive Disaster Management (Evacuation) Regulations, 201[].

2. Interpretation.

(1) In these Regulations, unless the context otherwise indicates—

“Act” means the Comprehensive Disaster Management Act;

“civil society organization” includes any non-governmental organization, faith-based organization and any other non-state actor, whose aims are neither to generate profit nor seek governing or political power;

“disaster response” means the provision of emergency services and public assistance 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;

“designated reception centre” has the meaning assigned to it in regulation 11;

“early recovery” means a multi-dimensional process of recovery that begins in a humanitarian setting;

“emergency response personnel” includes a fire officer, police officer, emergency and medical personnel and any other person approved by the Director.

“Emergency Response Coordinator” means—

- (a) a Coordinator of Clothing Services;
- (b) a Coordinator of Lodging;
- (c) a Coordinator of Feeding Services;

(d) a Coordinator of Registration and Inquiry; or

(e) a Coordinator of Personal Services.

“emergency response personnel” includes a fire officer, a police officer, emergency and medical personnel any other emergency personnel approved by the National Emergency Operations Centre;

“Emergency Shelters Regulations” means the Emergency Shelters Regulations, 201[];

“evacuee” means a person who has been forced or obliged to flee or to leave his home or place of habitual residence as a result of or in order to avoid the effects of natural or human-induced disaster;

“hotel” includes guest house and motel;

“NEOC Director” means the Director of the National Emergency Operations Centre;

“official emergency pass” means a pass issued to a person authorising that person to gain access to an area;

“response” means any concert effort by two or more agencies, public or private, to provide assistance or intervention during or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected and in the restoration of essential public activities and facilities.

PART II

Evacuation Procedures

3. Evacuation Coordinator

(1) There shall be, in every district, an Evacuation Coordinator who shall—

- (a) be responsible for coordinating the evacuation of persons from the district; and
- (b) perform the functions assigned to him or her under these Regulations.

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4. Notice of evacuation.

- (1) Any planned evacuation of a community or district shall be communicated to the public—
 - (a) where applicable, in accordance with the Early Warning Systems Regulations; or
 - (b) by a notice of evacuation or other announcements by means of the electronic media and, where applicable, on public address systems.
- (2) Every notice of evacuation or announcement communicated under sub-regulation (1)(b) shall—
 - (a) provide detailed instructions respecting the evacuation including the procedures to evacuate persons with special needs and elderly persons; and
 - (b) contain every other advisory including information relating to mitigation, vulnerability, risks and response issued with the evacuation notice.

5. National Emergency Operations Centre to be informed.

- (1) Where a determination or decision has been made respecting a community or district that has to be evacuated—
 - (a) the Director shall promptly inform the NEOC Director of the determination to evacuate the community or district ; and
 - (b) the NEOC Director must initiate the evacuation of the community by promptly taking the actions set out in sub-regulation (2).
- (2) The actions referred to in sub-regulation (1)(b) include, but are not limited to—
 - (a) alerting the relevant District Disaster Management Committee members;

- (b) advising the communities that are to receive evacuees of the number and expected time of arrival of evacuees;
- (c) on the advice of the relevant District Disaster Management Committee, establishing the location and direct routing to the designated Reception Centre(s);
- (d) alerting all schools;
- (e) notifying, within the community or district that has to be evacuated—
 - (i) the police stations;
 - (ii) the hospitals, health clinics, health centres and other health institutions;
 - (iii) the emergency medical services;
 - (iv) the owners or administrators of the churches, public buildings or other facilities that could be used as shelters;
 - (v) the fire-fighting services; and
 - (vi) the relevant authorities responsible for airports, airstrips, harbours and sea ports.

- (3) In order to carry out the functions under the Act and these Regulations, the National Emergency Operations Centre may make advance arrangements with any radio or television station as the Director considers necessary.

6. Request to accommodate evacuees.

- (1) Where—
 - (a) conditions in a community under the jurisdiction of a District Disaster Management Committee necessitate the evacuation of the community or the district; and
 - (b) an evacuation notice is issued in respect of the community or the district,

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the Director, after consultation with the relevant Evacuation Coordinator, may request a neighbouring District Disaster Management Committee to provide for the evacuees.

(2) Where a request to provide for the evacuees is accepted, the chairperson of the host District Disaster Management Committee shall activate its emergency social services plan for—

- (a) emergency feeding;
- (b) registration and inquiry;
- (c) emergency lodging; and
- (d) personal services (that is to say, crisis counseling).

(3) It is not anticipated that evacuees would be assisted for a period of more than two days; but the neighbouring District Disaster Management Committee shall not discount the possibility of a stay longer than two days.

(4) Notwithstanding sub-regulations (1), (2) and (3), the evacuating District Disaster Management Committee shall utilise the appropriate disaster risk reduction and management strategies including post-disaster recovery strategies to minimise the disaster impact associated with the planned evacuation.

7. Evacuation pick-up points.

(1) For evacuation purposes, every community or district shall be divided into different areas, with a pick-up point designated for each area.

(2) The location of the pre-selected pick-up points shall be—

- (a) communicated to the residents of the community or district; and
- (b) announced through the mass media at the time of a disaster being declared or the evacuation notice being issued.

(3) Every person needing transportation provided by the District Disaster Management Committee to move out of a community or district during an evacuation shall be directed to, and if necessary, transported from a pick-up point to the designated reception centres.

8. Transportation.

(1) There shall be a Transportation Coordinator who shall ensure that transportation arrangements are in place and can be activated when required.

(2) Without prejudice to the generality of sub-regulation (1), the Transportation Coordinator shall—

- (a) check for messages respecting the need for transportation from the pick-up points;
- (b) report on the operational status to the Emergency Operations Coordinator;
- (c) provide a situation report on the transportation arrangements;
- (d) highlight problem areas or unusual resource requirements;
- (e) for effective coordination of the transportation needs, display emergency related information on an operations map;
- (f) prepare an inventory of transportation equipment;
- (g) assess long range transportation needs; and
- (h) maintain a log of all activities and expenditures.

(3) A person who owns a vehicle or other means of transportation may provide his own transportation during the evacuation to a designated reception centre.

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- (4) Where a person—
 - (a) provides his own transportation during an evacuation; and
 - (b) has space in his vehicle or other means of transportation to accommodate another person,

the person may, for the purposes of providing transportation to another person, evacuate via a pick-up point in his or her area.

- (5) The Transportation Coordinator shall, by means of mass media broadcast or otherwise, encourage every person needing transportation assistance to contact the designated local disaster management committee office for transportation arrangements.
- (6) Where a person is physically unable to go the pick-up point, the person shall be advised to contact the designated local disaster management committee office.

9. Persons with special needs, etc.

For the purpose of ensuring the safe evacuation of elderly persons and persons with special needs, every District Disaster Management Committee and in particular the persons with responsibility for evacuation and emergency operation plans, notification protocols, shelter identification, emergency medical care and other emergency response and recovery programmes must—

- (a) know the special needs demographics of the persons residing within the community or district;
- (b) involve elderly persons and persons with different types of disabilities in identifying the communication and transportation needs, accommodations, support systems, equipment, services, and supplies that they shall need during an emergency;

- (c) consider emergency accommodations for the persons with temporary disabilities;
- (d) identify existing resources within the community or the district that meet the special needs of the elderly persons and persons with disabilities;
- (e) develop new community partners and resources, as needed;
- (f) identify medical needs of elderly persons and persons with different types of disabilities and make an appropriate plan;
- (g) determine transportation needs, special vans, buses or other motor vehicles for elderly persons and persons with different types of disabilities;
- (h) identify any necessary tools such as personal response plans, evacuation equipment or visual aids; and
- (i) include local responders and establish a relationship with each elderly person and person with different types of disabilities.

10. Schools.

Where the evacuation notice is issued during normal school time, the school children shall be evacuated in accordance with the [School Disaster Management Plan].

11. Hospitals, clinics and other health institutions, etc.

- (1) Where a hospital, clinic or other health institution is required to be evacuated, the administrator of the hospital, clinic and other health institution shall, in collaboration with the Director, be responsible for making transportation arrangements as described in the hospital Comprehensive Disaster Management Plan or evacuation plan.

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- (2) The administrator of a hospital, clinic and other health institution must advise the Director of the number of special needs patients requiring transportation.
- (3) Where a prison or other government facility is required to be evacuated, the Superintendent of Prison or, as the case may be, the head of the other government facility shall, in collaboration with the Director, be responsible for making transportation arrangements as described in the Comprehensive Disaster Management Plan or evacuation plan of the prison or other government facility.
- (4) The Superintendent of Prison or, as the case may be, the head of the other government facility must advise the Director of the number of persons with special needs who are likely to require transportation.

12. Security and risk assessments.

- (1) Where an evacuation notice has been issued in respect of any community or district—
 - (a) members of the fire department or other authorised person equipped with breathing apparatus or requisite protective apparatus, if required—
 - (i) shall carry out such inspection or survey of the community or district to ensure that the evacuation is complete, and
 - (ii) shall conduct such risk assessment in relation to the community or district as the Director considers necessary;
 - (b) subject to sub-regulation (2), the Director may request the Commissioner of Police to restrict access to the evacuated area.

- (2) Sub-regulation (1)(b) does not apply to—
 - (a) persons in possession of official emergency passes issued by the Agency; or
 - (b) emergency response personnel.
- (3) For the purposes of sub-regulation (1) (a), the members of the Police Force, Fire Department or other authorised person shall utilize a system of marking searched houses and premises.

PART III

Reception Procedures

13. Reception centres.

- (1) Subject to the instructions of the Director, where a District Disaster Management Committee agrees to accommodate evacuees, the chairperson—
 - (a) shall activate a primary reception centre; and
 - (b) may designate and activate any other reception centre, as required.
- (2) The primary reception centre shall be located at a shelter designated for that purpose by the Director on the recommendation of the District Disaster Management Committee.

14. Emergency social services.

- (1) The emergency social services which may be delivered to evacuees at a reception centre consist of—
 - (a) emergency lodging, using congregate facilities or shelters such as church halls and schools;
 - (b) emergency feeding, using local volunteers and local resources;
 - (c) emergency clothing, providing protective cover (blankets) and clothing provided by Agency;

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- (d) registration and inquiry, using local volunteers and available staff of the district disaster management office to register evacuees and to respond to inquiries; and
 - (e) personal services, using designated counselling staff of the district disaster management office, and staff of the District Health Team.
- (2) For the purposes of these Regulations, every District Disaster Management Committee shall designate one competent person to coordinate the delivery of each emergency social service, that is to say—
- (a) a Coordinator of Clothing Services;
 - (b) a Coordinator of Lodging;
 - (c) a Coordinator of Feeding Services;
 - (d) a Coordinator of Registration and Inquiry; and
 - (e) a Coordinator of Personal Services.

15. Supervisor of Reception.

- (1) Where a reception centre has been activated under regulation 13, the Director shall promptly, on the recommendation of the receiving District Disaster Management Committee designate a person the Supervisor of Reception for the reception centre.
 - (2) The Supervisor of Reception shall, in accordance with the District Emergency Plan—
 - (a) promptly contact the chairperson of the evacuating District Disaster Management Committee;
 - (b) in consultation with the chairperson of the host District Disaster Management Committee—
 - (i) decide which of the emergency services (that is to say, clothing, lodging, feeding, registration and inquiry, or personal services) shall be activated;
 - (ii) arrange for work-site space for each Emergency Service Coordinator, and
 - (iii) designate the reception centre to be used, deploy and brief all staff;
- (c) in collaboration with the Police Force, arrange for signs or traffic control to direct evacuees to the reception centre;
 - (d) advise National Emergency Management Agency of any challenges experienced in taking the actions under paragraph (b) or (c);
 - (f) arrange to provide incoming evacuees with information respecting the services available (signage) at the reception centre;
 - (g) obtain the services of a public health person to consult on health issues related to lodging, feeding and personal services;
 - (h) in collaboration with the sending District Disaster Management Committee, organize a system to provide the evacuees with up to date and accurate information respecting the disaster related activities in their community;
 - (i) ensure that a log is maintained for each of the services activated; and
 - (j) provide the Director with situation reports.

16. Blankets and emergency clothing services.

- (1) Every District Disaster Management Committee shall designate one competent person as the Coordinator of Clothing Services.

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- (2) The Coordinator of Clothing Services shall—
 - (a) where a requirement for emergency clothing, additional emergency blankets or bedding arises, contact—
 - (i) the National Disaster Management Agency, or
 - (ii) the {name of state/territory} Red Cross or other volunteer organization through the Agency;
 - (b) where information respecting the locations of blankets or other protective clothing has been furnished, arrange to have the blankets or other protective clothing delivered to the reception centre;
 - (c) maintain a log; and
 - (d) submit situation reports to the Supervisor of Reception.
- (3) Notwithstanding sub-regulation (1)(a), the Coordinator of Clothing Services may make a request for additional blankets or emergency clothing by contacting CDEMA through the Director.

17. Lodgings in shelters.

- (1) Every District Disaster Management Committee shall designate one competent person as the Coordinator of Lodgings.
 - (2) The Coordinator of Lodgings shall—
 - (a) activate the shelter or lodging facilities as directed by the Supervisor of Reception;
 - (b) ensure that where evacuees are assigned to a shelter and other lodging facility, the shelter or other lodging facility can provide congregate accommodation and feeding capability for the number of evacuees assigned to that shelter or other lodging facility;
 - (c) ensure proper hygiene practices are followed and, if required, consult with the local health unit and the Environmental Health Services Department [Public Health Services Department];
 - (d) where lodging facilities outside a congregate facility are required—
 - (i) make arrangements to organize private or commercial accommodation,
 - (ii) ensure that the Coordinator of Feeding Services is advised of the arrangements referred to in subparagraph (i), and
 - (iii) make transportation arrangements as needed;
 - (e) contact the Coordinator of Clothing Services to secure blankets and bedding;
 - (f) ensure that a lodging register in the form set out as Form 1 in the Schedule is maintained;
 - (g) organize the evacuees to look after the general housekeeping of the congregate facility;
 - (h) maintain a log;
 - (i) submit situation reports as directed to the Supervisor of Reception;
 - (j) submit all statements of account to the Supervisor of Reception; and
 - (k) ensure the availability of transportation to alternate lodgings, for evacuees without transportation.
- (3) Emergency accommodations for the short-term shall be arranged on a congregate lodging basis in the first instance.
 - (4) Where a prolonged stay is anticipated or the need for a prolonged stay develops—

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- (a) subject to paragraph (b), attempts must be made to place evacuees with families in private homes; and
 - (b) commercial accommodation shall be considered for vulnerable groups and families with small children.
- (5) The relevant District Health Team shall be available to provide—
- (a) advice on issues of health and sanitation; and
 - (b) services in the area of consultation, counselling, inspection and nursing.

18. Feeding of evacuees.

- (1) Every District Disaster Management Committee shall designate one competent person as the Coordinator of Feedings Services who shall—
- (a) arrange for the feeding of evacuees in congregate facilities or any other facilities being used;
 - (b) ensure proper food handling practices are followed and, if required, consult with the local health unit and the Environmental Health Services Department [Public Health Department] for assistance;
 - (c) arrange to have water, tea, coffee or soup, including drinks suitable for children, available to evacuees upon their arrival at the reception centre;
 - (d) ensure that safe liquid and baby formula are available;
 - (e) organize support staff and supplies to provide a minimum of two hot meals per day, including any special dietary requirements or religious concerns about certain food items;
 - (f) arrange to have coffee, tea and supplemental food available to all persons providing assistance at the reception centre during the operation of the reception centre;
 - (g) arrange for the feeding of first responders and other disaster workers for the duration of the disaster or emergency;
 - (h) maintain a log;
 - (i) provide situation reports as directed by the Supervisor of Reception;
 - (j) in the case of evacuees with special dietary requirements or religious concerns about certain food items, consult a hospital dietician.
- (2) Feeding of evacuees shall be arranged by the Coordinator of Feeding Services using volunteer services.
- (3) Cooking facilities in a selected shelter to accommodate the evacuees shall be activated—
- (a) to provide coffee and a light snack for the evacuees upon arrival; and
 - (b) to serve a minimum of two hot meals per day for the duration of the reception.
- (4) Where a selected shelter cannot provide for in-house feeding, the Coordinator of Feedings Services shall make alternate arrangements including arrangement with local hotels, restaurants or catering groups, where applicable.
- (5) The Director or, as the case may be, the relevant District Disaster Management Committee may furnish the Coordinator of Feedings Services with contacts for obtaining groceries and supplies and other relief goods.

19. Registration and inquiry service.

- (1) Every District Disaster Management Committee shall designate one competent person as the Coordinator of Registration and Inquiry.
- (2) The Coordinator of Registration and Inquiry shall—

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- (a) ensure evacuees are registered in accordance with the Evacuee Registration Form set out as Form 2 in the Schedule;
 - (b) ensure that unattended children and elderly or infirm adults or other evacuees requiring individual attention are dealt with first and are subsequently referred to Personal Services;
 - (c) keep lodging and feeding staff informed of the number of incoming evacuees;
 - (d) keep and maintain a register of the evacuees who are placed in separate lodging facilities or taken to a hospital;
 - (e) anticipate inquiries from concerned relatives and friends of evacuees and record all such inquiries;
 - (f) maintain a log;
 - (g) provide the Supervisor of Reception with situation reports; and
 - (h) submit statements of account to the Supervisor of Reception.
- (3) Where the Coordinator of Registration and Inquiry is unable to provide an answer immediately to an inquiry under sub-regulation (2)(e), the Coordinator of Registration and Inquiry shall use his or her best endeavours to provide the answer at a later period or as soon as practicable.
 - (4) Subject to guidelines issued for the Coordinator of Registration and Inquiry in accordance with the district Comprehensive Disaster Management plan, the District Disaster Management Committee shall, with help as necessary from volunteers, provide a registration and inquiry service.
- 20. Personal services.**
- (1) The relevant District Disaster Management Committee shall designate one competent person as the Coordinator of Personal Services.
 - (2) The Coordinator of Personal Services shall—
 - (a) organize support staff to be prepared to meet evacuees at the reception centre;
 - (b) ensure effective liaison with the Coordinator of Feeding and the Coordinator of Clothing Services;
 - (c) arrange for support staff to take custody of incoming unattended children and dependent adults and to assist Registration and Inquiry personnel;
 - (d) identify special accommodation needs (e.g. dietary needs of nursing mothers, pregnant women and infants, necessary items forgotten in the haste of evacuation, and later on, items required because of the evacuation) and make arrangements to have these needs met;
 - (e) in collaboration with the designated Social Services personnel, arrange for the delivery of the personal services to evacuees;
 - (f) maintain a log;
 - (g) provide the Supervisor of Reception with situation reports; and
 - (h) submit statements of account to the Supervisor of Reception.
 - (3) The relevant District Health Team and the Department of Community Development and Social Services may provide counselling services to evacuees.

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- (4) Without limiting the generality of sub-regulations (2)(e) and (3), the Coordinator of Personal Services shall arrange for counselling staff to take charge of special cases requiring crisis counselling or referral to the Department of Community Development and Social Services or the Department of Health.

21. Volunteer staff at the reception centre.

The Director shall furnish the chairperson of the relevant District Disaster Management Committee with—

- (a) the names and other particulars of the organizations and persons that have volunteered to assist at the reception centre; and
- (b) the detailed contact particulars of additional resource personnel and the procedures for accessing additional resources.

22. Advice and assistance from national authorities.

- (1) The Director may request—
 - (a) the Ministry of National Security;
 - (b) the Ministry of Health; and
 - (c) the Department of Community Development and Social Services,

to assist in managing the delivery of emergency social services during or after a hazard impact.

- (2) The direction and control of committed department resources shall be exercised by designated personnel of the Ministry of National Security, the Ministry of Health or the Department of Community Development and Social Services, as the case may be, under the overall direction of the Director.

- (3) Costs incurred in the provision of any emergency social services, excluding the salaries of government employees, shall be the responsibility of the Agency.

23. Arrangement with local merchants, etc.

Where a District Disaster Management Committee makes any arrangement with any private sector entity or any civil society organization—

- (a) to provide any relief goods; or
- (b) to otherwise support the functions of the reception centre;

the chairperson of the District Disaster Management Committee shall submit statements in that regard to the Director.

24. Application of Emergency Shelters Regulations.

Where a reception centre is activated under these Regulations, the provisions of the Emergency Shelters Regulations shall apply, with the necessary modification, to the reception centre for the duration of the reception as if the reception centre were a shelter.

25. Re-entry to evacuated community or district.

- (1) The Director shall—
 - (a) ensure the conduct of regular and frequent assessments of the existing conditions in an evacuated community or district; and
 - (b) upon consideration of the results of such assessments and considerations of other factors including the public safety, safety of the streets, power generating capacity, water operational status and the availability of food and water, make to the chairperson and the Council recommendations respecting re-entry into the community or the district.

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- (2) Without limiting the generality of sub-regulation (1), the Director may recommend the temporary return for residents and private sector entities in certain impacted communities if such return can be done in safety and without impeding the on-going rescue or recovery operations.
- (3) Where any decision respecting the re-entry of any impacted community is made, the Director shall promptly provide the residents of that community with up to date information respecting that decision.

Annex 9

201[] Comprehensive Disaster Management (Volunteers) Regulations SRO

Statutory Rules and Orders No. Of 201[]

Regulations

Arrangement OF Regulations

Regulation.

1. Short title.
2. Interpretation.
3. Scope.
4. Guidelines respecting mobilization, etc. volunteers.
5. Establishment and disestablishment of units of volunteers.
6. Requirements for volunteers.
7. Recruitment and enrolment of volunteers.
8. Register of Volunteers.
9. Command structure of units of volunteers.
10. Components within units of volunteers.
11. Emblem of volunteer units.
12. Mobilization and training of volunteers.
13. Rendering of service.
14. Suitable clothing.
15. Equipment issued to volunteers.
16. Defraying of expenses incurred by volunteers.
17. Transfer of volunteers.
18. Termination of volunteer's membership.
19. Offences.

Comprehensive Disaster Management (Volunteers) Regulations

STATUTORY RULES AND ORDERS NO. OF 201[--]

Regulations

Made by the Minister, on the recommendation of the Inter-Ministerial Committee, under sections 32 and 82 of the Comprehensive Disaster Management Act.

1. Short title.

These Regulations are called the Comprehensive Disaster Management (Volunteers) Regulations, 201[].

2. Interpretation.

(1) In these Regulations, unless the context otherwise indicates—

“Act” means the Comprehensive Disaster Management Act, 201[] (Act No. of 201[]);

“applicant” means a person who applies to be enrolled as a volunteer under regulation 6;

“chairperson” means the chairperson of a District Disaster Management Committee;

“Code of Conduct” means the Code of Conduct respecting volunteers set out in the First Schedule to these Regulations;

“component”, in relation to a unit of volunteers, means a component within such a unit as provided for in regulation 10;

“component leader” means a volunteer designated as component leader under regulation 6(3);

“government medical officer” means a

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medical practitioner appointed in the Public Service by the Public Service Commission;

“emblem” means the disaster management emblem referred to in regulation 9(1);

“identity document”, in relation to an applicant, means a social security card, driver’s licence, passport or any picture identification card;

“service” means any service rendered or to be rendered by a volunteer under the Act and these Regulations;

“suitable clothing” means safety clothing, protective clothing, overall, work-wear or any other clothing issued to volunteers as may be prescribed under this act or any applicable occupation health and safety legislation;

“unit of volunteers” means a unit of volunteers established by a District Disaster Management Committee in any community under section 31 of the Act and these Regulations to participate in disaster management in the area;

“volunteer” means a member of a unit of volunteers enrolled as a volunteer in accordance with section 31 of the Act and these Regulations.

- (2) In these Regulations, a word or expression to which a meaning has been assigned in the Act has that meaning.

3. Scope.

These Regulations do not restrict or preclude the Director or a chairperson of a District Disaster Management Committee from—

- (a) engaging a volunteer whose names and other particulars are not on the Register of Volunteers; or
- (b) calling on persons or engaging persons who are not members of a unit of volunteers, to assist before during or after a hazard impact.

4. Guidelines respecting mobilization, etc. of volunteers.

The Agency shall, within three (3) months from the date of commencement of these Regulations, formulate, promulgate and issue guidelines respecting the mobilization, accreditation, capacity-building and protection of volunteers enrolled and registered under the Act and these Regulations.

5. Establishment and disestablishment of unit of volunteers.

- (1) The Director or a District Disaster Management Committee may establish a unit of volunteers to participate in disaster risk management under the control of the Agency [Department] or the District Disaster Management Committee.
- (2) Where a District Disaster Management Committee establishes a unit of volunteers, the relevant chairperson must inform the Director of the establishment of the unit of volunteers within 21 days of the effective date of such establishment.
- (3) Where the need for a unit of volunteers ceases to exist—
 - (a) the relevant chairperson must promptly inform the Director of the cessation of that need and recommend the disestablishment of the unit of volunteers;
 - (b) on submission of recommendations to that effect under sub-regulation (2)(b), the relevant District Disaster Management Committee may disestablish the unit of volunteers established by it; and
 - (c) the relevant chairperson must, in writing, notify the Director of the disestablishment of the unit of volunteers within 21 days of the effective date of such disestablishment.

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- (4) The relevant District Disaster Management Committee must retain a record of every disestablished unit of volunteers.

6. Requirements for volunteers.

- (1) A person who meets the following requirements may apply in accordance with regulation 6(1) to enrol as a volunteer in the unit of volunteers of a relevant District Disaster Management Committee, the person must—
- (a) subject to sub-regulation (5), be over the age of 18;
 - (b) be declared by a government medical officer to be medically fit for performing the functions within the component in which he or she is to serve;
 - (c) be a resident or citizen {belonger} of [name of state/territory]; and
 - (d) reside within the area under the jurisdiction of the District Disaster Management Committee that established the relevant unit of volunteers.
- (2) Subject to sub-regulation (3)(b), a serving volunteer ceases to be a volunteer in the event of non-compliance with any of the requirements of sub-regulations (1)(c) and (d).
- (3) A volunteer who—
- (a) becomes medically unfit for performing the functions assigned to that volunteer within the component in which he or she is serving, ceases to be a volunteer if he or she cannot be allocated other functions for which he or she is medically fit; or
 - (b) relocates to the area under the jurisdiction of another District Disaster Management Committee ceases to be a volunteer except if his or her application under regulation

16 to be transferred to the area under the jurisdiction of that other District Disaster Management Committee is approved.

- (4) Every volunteer shall, from time to time, provide the Director or the chairperson of the relevant District Disaster Management Committee proof of his or her medical fitness as the Director or, as the case may be, the chairperson of the District Disaster Management Committee considers necessary.
- (5) Notwithstanding sub-regulation (1)(a), a minor child over the age of twelve years may be enrolled as a volunteer in a unit of volunteers if the parent of the minor child signifies his or her consent to the minor child being enrolled in the application for enrolment in the form set out in the Second Schedule.

7. Recruitment and enrolment of volunteers.

- (1) A person who wishes to be enrolled as a volunteer in a unit of volunteers must—
- (a) apply for enrolment as such on an application form similar to the form set out in the Second Schedule;
 - (b) complete a health questionnaire similar to the health questionnaire set out in the Third Schedule;
 - (c) agree to serve as a volunteer and undergo the prescribed training;
 - (d) submit to the chairperson the completed application form and health questionnaire together with—
 - (i) a certified copy of his or her identification document;
 - (ii) a declaration by his or her employer that the employer will allow and release him or her to serve as a volunteer and undergo training for reasonable periods;

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- (iii) two colour passport size photos; and
 - (iv) if the person is a minor child over the age of twelve years, the written consent of his or her parent; and
 - (e) sign a copy of the Code of Conduct.
 - (2) The chairperson must—
 - (a) establish a process whereby applications by potential volunteers for enrolment can be considered and decided upon; and
 - (b) inform an applicant within 21 days whether or not his or her application for enrolment as a volunteer in the unit of volunteers of the relevant District Disaster Management Committee is successful.
 - (3) The process for considering applications by potential volunteers for enrolment must include an evaluation of the health questionnaire referred to in sub-regulation (1)(b) and a statement by a government medical doctor certifying whether or not the applicant is medically fit to perform the functions within the unit of volunteers.
 - (4) The Director or, as the case may be, the chairperson of the relevant District Disaster Management Committee shall issue to every volunteer, upon first enrolment—
 - (a) a copy of the Code of Conduct;
 - (b) a volunteer membership number; and
 - (c) a disaster management volunteer identification card in the form prescribed in the Fourth Schedule.
- 8. Register of Volunteers.**
- (1) The chairperson must keep and maintain a register in which the following particulars are recorded in respect of every person enrolled as a volunteer under regulation 6—
 - (a) full name and surname;
 - (b) gender;
 - (c) age;
 - (d) residential address, postal address and telephone number;
 - (e) cellular telephone number and e-mail address, if applicable;
 - (f) contact details of next-of-kin;
 - (g) profession or occupation;
 - (h) business address and telephone number, where applicable;
 - (i) the component to which the volunteer is assigned;
 - (j) date of enrolment as a volunteer; and
 - (k) such other particulars as the chairperson considers necessary.
 - (2) When a volunteer changes his or her address, the volunteer must within 7 days from such change inform the chairperson of the change and the particulars of the change.
 - (3) The particulars recorded under sub-regulations (1) and (2) must be submitted to the Director in accordance with section 31(5) of the Act and within 21 days of a person's enrolment as a volunteer or the occurrence of the change.
 - (4) The Director must keep and maintain a register to be called the Register of Volunteers in the form set out in the Fourth Schedule.

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9. Command structure of units of volunteers.

- (1) Every unit of volunteers established by a District Disaster Management Committee shall be under the supervision of the chairperson of the District Disaster Management Committee.
- (2) Where a District Disaster Management Committee establishes a unit of volunteers, the chairperson of the District Disaster Management Committee may designate a suitably qualified person as Unit Leader to manage the unit of volunteers.
- (3) Without limiting the generality of sub-regulation (2), the Unit Leader of a unit of volunteers shall be responsible for the activation and deployment of members of the unit of volunteers established for that District Disaster Management Committee.
- (4) The chairperson must for every component within a unit of volunteers designate a volunteer within that component as Component Leader.
 - (5) Subject to sub-regulations (2) and (3), every Component Leader is responsible for—
 - (a) ensuring that all volunteers within the component of volunteers adhere to the Code of Conduct;
 - (b) keeping a register in which the full particulars of all volunteers within the component called up to render service must be recorded, specifying the nature of such services and the duration thereof;
 - (c) maintaining up-to-date contact details of volunteers within the component;
 - (d) maintaining a register of the availability of volunteers within the component to render a service;
 - (e) maintaining skills and competency registers in respect of volunteers within the component and identifying the need for additional training for such volunteers, where applicable;
 - (f) where certificates are issued, maintaining a register of certificates issued;
 - (g) maintaining an asset register for the component in question, and controlling the issuing of volunteer clothing and relevant equipment; and
 - (h) ensuring the serviceability of equipment.
- (6) The chairperson must put in place appropriate communication mechanisms for the activation and deployment of members of the unit of volunteers.
- (7) When a component is activated, a volunteer and the Component Leader must be identifiable by wearing the necessary distinguishing apparel as described in Fifth Schedule.

10. Components within units of volunteers.

- (1) A unit of volunteers may comprise the following components—
 - (a) first aid;
 - (b) general medical assistance and planning;
 - (c) social welfare;
 - (d) fire fighting if the District Disaster Management Committee does not have an established fire fighting service with a reserve force;
 - (e) fire safety or prevention;
 - (f) drivers;
 - (g) community and environmental health;

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- (h) traffic control if the District Disaster Management Committee does not have an established traffic control service with a reserve force;
 - (i) technical related services;
 - (g) logistical support;
 - (k) disaster management support staff;
 - (l) communications;
 - (m) administrative support; and
 - (n) such other component as a District Disaster Management Committee considers necessary.
- (2) Without limiting the generality of sub-regulation (1)—
- (a) the general medical assistance and planning component may comprise health professionals including medical doctors, specialists, nurses and pharmacists;
 - (b) the social welfare component may include, where necessary, emergency housing and feeding, counselling of the bereaved and assisting with stress relief and caring for the very young and elderly; and
 - (c) the technical related services component may include water supply, electricity supply, roads and bridge construction, waste water and solid waste services and emergency vehicle and equipment repairs.

11. Emblem of volunteer units.

- (1) The Minister may by notice published in the *Gazette* designate the disaster risk management emblem to signify the national corporate identity for volunteers established in [*name of state/territory*].

- (2) Subject to sub-regulation (5), the emblem of the District Disaster Management Committee may be incorporated on suitable clothing or head gear alongside the disaster risk management emblem.
- (3) The emblem required to be worn by volunteers is the disaster risk management emblem referred to in this regulation.
- (4) The emblem must be reflected on the disaster management volunteer identity card as illustrated in the Second Schedule.
- (5) Any head gear issued to a volunteer must also reflect the emblem in the middle of the front and the back thereof, unless due to the nature of such head gear it would be in conflict with the manufacturer's recommendations that could result in any warranty becoming void.

12. Mobilization and training of volunteers.

- (1) The mobilization of volunteers shall be in accordance with the guidelines formulated and issued by the Agency under regulation 4.
- (2) The chairperson in control of a volunteer unit must—
- (a) in writing, request a volunteer to undergo training in connection with the service for which the volunteer is enrolled; and
 - (b) keep and maintain a record of the particulars of every volunteer who has under paragraph (a) been directed to undergo training and who has actually undergone training.
- (3) The training mentioned in sub-regulation (2)—
- (a) must take place at the expense, if any, of the relevant District Disaster Management Committee;

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- (b) must be conducted by designated trainers;
 - (c) must be in compliance with the requirements approved by the Agency [Department];
 - (d) must conform to the requirements of the guidelines established under regulation 4; and
 - (e) may not exceed a total period of 160 non-continuous hours per year, unless the volunteer agrees to undergo training for a longer period.
- (4) The record maintained under sub-regulation (2)(b) must reflect—
- (a) the full name, surname and volunteer membership number of the volunteer;
 - (b) the course name;
 - (c) the course date;
 - (d) the certificate issued, date and number; and
 - (e) the expiry date of the certificate, if any.

13. Rendering of service.

- (1) Subject to sub-regulation (2), every volunteer within any component are called upon to render assistance or undergo training exercises is under the command and discipline of the relevant Component Leader.
- (2) Where volunteers within any component are called upon to render assistance to the Police Service, the Fire Service, the Department of Health or any other existing service, that component falls under the command of that service.
- (3) A volunteer must—
 - (a) at the request of the chairperson, report for service;

- (b) perform the duty for which the volunteer has been deployed under these Regulations; and
 - (c) conduct himself or herself within the limits of the relevant legislation and the Code of Conduct.
- (4) When a volunteer performs the duty or renders a service specified in sub-regulation (1), the volunteer must –
- (a) wear any suitable clothing issued to him or her under regulation 14;
 - (b) carry the disaster management volunteer identity card referred to in regulation 11(4) on his or her person; and
 - (c) produce, at request, the disaster management volunteer identity card to the person requesting it.
- (5) A Component Leader having control and command of a component of volunteers must record—
- (a) the names of all volunteers called up under sub-regulation (3) to perform any service; and
 - (b) the nature and duration of such service.

14. Suitable clothing.

- (1) Suitable clothing adapted to the type of activity undertaken or to be undertaken and complying with applicable occupational health and safety legislation must be issued to a volunteer and must be replaced free of charge to a volunteer if normal wear and tear makes such clothing unserviceable.
- (2) The suitable clothing must be worn by the volunteer when –
 - (a) reporting for duty or service; or
 - (b) attending training sessions.

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- (3) All suitable clothing issued under these Regulations remains the property of the issuing authority.
- (4) The nature of suitable clothing must be—
 - (a) determined by the relevant District Disaster Management Committee; and
 - (b) in compliance with relevant legislation which makes the issue of such clothing compulsory for the protection and safety of volunteers.

15. Equipment issued to volunteers.

- (1) Equipment suitable for the type of activity undertaken or to be undertaken must be issued to volunteers when necessary, but that equipment remains the property of the issuing authority.
- (2) Equipment issued to volunteers must also be such that groups or teams of volunteers established in high risk or remote rural areas are properly equipped for disaster management.
- (3) Equipment issued to volunteers must be—
 - (a) checked for serviceability by the issuing authority at intervals determined by the relevant District Disaster Management Committee; and
 - (b) replaced free of charge to a volunteer if normal wear and tear makes the issued items no longer serviceable.
- (4) For the purposes of this regulation, “high risk or remote rural area” shall be construed to mean any area where a speedy response time by professional services is not possible by reason of distances, accessibility or terrain to be covered.

16. Defraying of expenses incurred by volunteers.

- (1) The Director or the relevant District Disaster Management Committee may defray actual expenditure and travelling expenses incurred by a volunteer who is called upon to report for training, drills, exercises, rehearsals or to render service.
- (2) The rates respecting the expenditure and travelling allowance determined by the relevant District Disaster Management Committee in relation to volunteers shall not exceed the rates respecting expenditure and travelling allowance applicable to employees of the relevant District Disaster Management Committee.
- (3) Every District Disaster Management Committee that establishes a unit of volunteers under section 31 of the Act and these Regulations must budget for the defrayal of any expenses referred to in sub-regulation (1).

17. Transfer of volunteers.

- (1) A volunteer may apply to the supervisor of the unit of volunteers in which he or she is enrolled for a transfer to another unit of volunteers if the volunteer relocates to another district.
- (2) Where an application is made under sub-regulation (1), the supervisor of the unit of volunteers may subject to sub-regulation (3) recommend the transfer and submit the recommendation to the District Disaster Management Committee.

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- (3) The chairperson of the District Disaster Management Committee releasing the volunteer must—
 - (a) notify the chairperson of the other District Disaster Management Committee of the application for transfer;
 - (b) request confirmation that the volunteer can be accommodated in one of the components within the unit of volunteers of that other District Disaster Management Committee;
 - (c) on receipt of the confirmation of the transfer under paragraph (a), forward the records, including a copy of the application form and medical questionnaire and training information, of the volunteer to the relevant District Disaster Management Committee; and
 - (d) within 21 days of such transfer, notify the Director of the transfer of the volunteer from one District Disaster Management Committee to another District Disaster Management Committee.
- (4) Nothing in this regulation entitles a volunteer who has been designated as a Component Leader in a unit of volunteer to be transferred to another District Disaster Management Committee as a Component Leader in a unit of volunteers established by the other District Disaster Management Committee.
- (5) A volunteer who is transferred to another District Disaster Management Committee must be informed that he or she may be accommodated in a different component within a unit of volunteers of the other District Disaster Management Committee.

18. Termination of volunteer's membership.

- (1) A person ceases to be a volunteer—
 - (a) when the volunteer terminates his or her enrolment as a volunteer by seven days' written notice to the chairperson or the Director;
 - (b) when the volunteer's enrolment is by written notice terminated by the Director or the relevant chairperson on account of misconduct resulting from breach of the Code of Conduct;
 - (c) when the volunteer unit in which the volunteer is enrolled is disestablished in the circumstances specified in regulation 5(2)(b);
 - (d) when the volunteer, having been requested under regulation 10(1) to undergo training, fails to respond within seven days to a written warning from the relevant chairperson for not reporting for training;
 - (e) when the volunteer fails to maintain the required level of competency; or
 - (f) when the volunteer, without reasonable excuse, refuses, neglects or fails to report for duty or service after having been instructed to do so.
- (2) When a person—
 - (a) ceases to be a volunteer under sub-regulation (1); or
 - (b) is transferred under regulation 17,the person must within seven days of the occurrence of any such event, return to the Director or the relevant chairperson, the disaster management volunteer identification card and any suitable clothing and equipment issued to the person under regulations 11(4), 14 and 15, respectively.

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19. Offences.

- (1) A person commits an offence if that person—
 - (a) fails to return to the issuing authority—
 - (i) the disaster management volunteer identity card issued to him or her under regulation 11(4), when required to do so, or
 - (ii) any suitable clothing or equipment issued to him or her under regulation 14 or 15, when required to do so; or
 - (b) wilfully obstructs, hinders or threatens a volunteer while performing a duty or service under these Regulations.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to a fine or to imprisonment for a period not exceeding six months or to both a fine and such imprisonment.

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FIRST SCHEDULE

(Regulation 2(1))

CODE OF CONDUCT

I,..... (name of applicant), hereby **agree** that if I am enrolled as a volunteer, and as long as I remain a volunteer of the.....(*name of District Disaster Management Committee*) Disaster Management Volunteer Unit, will adhere to, and abide by, all applicable policies and procedures and understand that failure to do so may result in the termination of my enrolment as a volunteer.

I agree to—

- (a) commit myself to render to the best of my ability and without fear or contradiction the service referred to in my application to enrol as a volunteer;
- (b) abide by the Code of Conduct and all written policies and guidelines provided to me that are relevant to my volunteer work;
- (c) undergo training in connection therewith under the Disaster Management Act, 201[] (Act No. of 201[]), the National Comprehensive Disaster Management Framework and the Regulations in order to provide quality service;
- (d) report for training, duty, drills, exercises and rehearsals at the time and when called upon, and provide my component leader with as much notice as possible if I am unable to do so;
- (e) accept supervision in the performance of my services as a volunteer, and not to represent myself as an agent of the unit of volunteers, or offer comment to the media unless approved by my supervisor;
- (f) perform all assigned tasks to the best of my ability, and not to report for service whilst under the influence of alcohol or drugs;
- (g) treat with courtesy each individual with whom I come into contact regardless of the race, colour, religion, age, gender, sexual orientation or national ancestry of the individual;
- (h) obey all laws and regulations when reporting for and undergoing training, drills, exercises or rehearsals as well as when reporting for and rendering a service as a volunteer; and
- (i) set an example to others.

.....
Signature of Applicant

.....
Date

The applicant enter and signed this Code of Conduct before me at.....onafter acknowledging that he/she knows and understands the contents thereof.

.....
Director /Chairperson of the District Disaster Management Committee

Date:.....

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SECOND SCHEDULE

(Regulation 3)

REGISTER OF VOLUNTEERS

NAME:	OCCUPATION:
ADDRESS:	ORGANIZATIONAL MEMBERSHIP:
Home Phone Number:	Special Training:
Work Phone Number:	Languages Spoken:
Time Available:	

EXPERIENCE: In What Capacity?			
	Food Services		Clerical Services
	Lodging Services		Managerial Services
	Counseling Services		Communication Services
	Children's Services		Financial Services
	Homemaker Services		Security Services
	Adult (elderly/handicapped) Services		Medical Services
	Clothing Services		Interpretation (languages) Services
Other Pertinent Information:			

FOR OFFICE USE ONLY		
Name:	Date:	Time:
Assigned to: Unit		
Manager:	Supervisor:	
Remarks:		

Signature of Processor:		

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THIRD SCHEDULE

(Regulations 7(1) and 11(4))

APPLICATION FOR ENROLMENT AS A VOLUNTEER

Part A

PARTICULARS OF APPLICANT

Full name and surname:.....

Gender:..... Age:.....

Full residential address:.....

Postal address:.....

E-mail address:.....

Telephone Number (Home):.....(Office):.....

If applicable, Mobile phone Number:.....

Employment details, where applicable:

(a) Name of employer:.....

(b) Nature of employment:.....

Nature of service in respect of which the applicant is prepared to volunteer for:.....

.....
Signature of Applicant

.....
Date

Part B

CERTIFICATE OF EMPLOYER (IF ANY)

Occupation of employee (Applicant):.....

Full business address of employee (applicant):.....

Employer's remarks:.....

.....

.....

.....
Signature of Applicant

.....
Date

Part C

CONSENT BY PARENT

(To be completed in the case of an eligible minor child)

I, the undersigned, being the parent of....., a minor child, hereby consent to the enrolment of the above-mentioned minor child as a volunteer.

.....
Signature of Parent/Guardian

Date:.....

Model Comprehensive Disaster Management Legislation and Regulations 2013

Are you suffering or have you ever suffered from—	Mark with a cross in the appropriate column	If any answer is yes, give details of the nature, severity, date and duration of the illness
Any affliction of the skeletons and/or joints?	Yes..... No.....	
Any affection of the eyes, ears, nose or teeth?	Yes..... No.....	
Any affliction of the heart or circulatory system?	Yes..... No.....	
Any affliction of the chest or respiratory system?	Yes..... No.....	
Any affliction of the digestive system?	Yes..... No.....	
Any affliction of the urinary system / genital organs	Yes..... No.....	
Any nervous affliction or mental abnormality?	Yes..... No.....	
Any other illness or allergies?	Yes..... No.....	

Part D

Do you suffer from any defect of hearing, speech or sight?	Yes.....
Are you physically disabled and do you use artificial limbs?	No.....

Give detail of the nature and severity of the disability

Have you undergone any operation?	Yes.....	No.....
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Give details of the nature and date of the operation(s)

I declare that the above information is true and correct and that I have not withheld any information regarding my health.	
.....
Signature	Date

Model Comprehensive Disaster Management Legislation and Regulations 2013

FIFTH SCHEDULE
(Regulation 7(2)(c))

DISASTER MANAGEMENT VOLUNTEER IDENTITY CARD

Front side of card

[Disaster Management Emblem]

Reverse side of card

Must reflect for the following—

- Home address and telephone contact numbers(home/work);
- Category of volunteer membership;
- Card number;
- Postal address of issuing authority;
- Place for signature of the Director or Chairperson of the District Disaster Management Committee;
- Valid for three years from date of issue.

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SIXTH SCHEDULE
(Regulation 9(6))

CLOTHING

Part A

CLOTHING FOR VOLUNTEERS OTHER THAN COMPONENT LEADERS

[to be inserted after discussion with the Director]

Part B

CLOTHING FOR COMPONENT LEADERS

[to be inserted after discussion with the Director]

Made this day of , 20[].
Minister responsible for Disaster Risk Management.

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