



**REGIONAL CONSULTATION ON
THE REFINED MODEL CDM LEGISLATION, REGULATIONS
AND ADAPTATION GUIDE**

**FORT YOUNG HOTEL
ROSEAU, DOMINICA**

OCTOBER 15TH – 16TH, 2012

THE DRAFT MODEL CDM BILL

REFERENCE: Document 1



PART I

PRELIMINARY PROVISIONS

1. Short title and commencement.
2. Interpretation.
3. ***Purpose of Act.***
4. Application.
5. Force of law.

PART II

INTER-MINISTERIAL COMMITTEE ON DISASTER MANAGEMENT

6. Establishment of Inter-Ministerial Committee.
7. National Disaster Management Policy.

PART III

NATIONAL DISASTER MANAGEMENT TECHNICAL AND ADVISORY COUNCIL

8. Establishment and composition of Council.
9. Functions of Council.
10. Establishment of committees.
11. Attendance fees and travel or other allowances.
12. Convening of meetings of Council.
13. Quorum.
14. Admission of members of the public to meetings.
15. Minutes.
16. Voting.

PART IV

NATIONAL DISASTER MANAGEMENT AGENCY (DEPARTMENT)

17. National Disaster Management Agency (Department).
18. Seal.
19. Objects of the Agency (Department).
20. Functions of the Agency (Department).
21. Powers of Agency (Department).
22. Director and staff of the Agency (Department).
23. Functions of the Director.
24. Directions by the Minister {Governor} to Director.
25. National Disaster Management Strategy, Plan and other plans.
26. Communications link.

27. Disaster Management Information System.
28. Prevention and mitigation.
29. National Emergency Operations Centres.
30. Shelters.
31. Regulations respecting shelters.
32. Volunteers.
33. Functions of hazard inspectors.
34. Inspections.
35. Consultation before evacuation.
36. Notice of evacuation.
37. Employees who assist in emergency situations.
38. Fund for use by Agency.
39. Financial year of Agency.
40. Budget and plan of action of Agency.
41. Accounts of Agency.
42. Audit of Agency.
43. Auditor's Report of Agency.
44. Annual Report of Agency.

PART V

DISTRICT DISASTER MANAGEMENT COMMITTEE

45. Establishment of district disaster management committee.
46. Composition of district disaster management committee.
47. Functions of district disaster management committee.
48. Regulation of procedure.

PART VI

SPECIALLY VULNERABLE AREAS

49. *Delimitation of specially vulnerable areas.*
50. *Special area precautionary plans for specially vulnerable areas.*
51. *Draft special area precautionary plan.*
52. *Approval of special area precautionary plan.*

PART VII

NATIONAL DISASTER MANAGEMENT FUND

53. Establishment of Fund.
54. Application of Fund.
55. Obligations of the Fund.
56. Withdrawal of money from the Fund.
57. Manner of keeping Fund.
58. Accounts and Audit.

PART VIII

OBLIGATIONS OF PERSONS INVOLVED IN DISASTER MANAGEMENT

59. Liaison officer.
60. Preparation of strategy.
61. Disaster Management Plan.
62. Annual exercises and training of staff.
63. Resources.
64. Supply of information.
65. Reporting of damage assessment.
66. Director to be consulted.

PART IX

NATIONAL MULTI-HAZARD ALERT SYSTEM AND DECLARATION OF DISASTERS

67. National Multi-hazard Alert System.
68. National Emergency Broadcast System.
69. Declaration of disaster.
70. Prohibitions and restrictions respecting public access.

PART X

INTERNATIONAL HUMANITARIAN ASSISTANCE.

71. *International Humanitarian Assistance Coordinator.*
72. *Request for international assistance.*
73. *Importation and donation of relief goods.*
74. *Disaster relief efforts of disciplined forces.*
75. *Sovereignty and territorial integrity.*

PART XI

MISCELLANEOUS

76. Protection from liability.
77. Compensation.
78. *Offences and penalties.*
79. Power to institute proceedings.
80. Act binds the Crown {*State*}.
81. Amendment of Schedules.
82. Regulations.
83. Repeal and savings.
 - First Schedule. Disasters.
 - Second Schedule. Agreement Establishing the Caribbean Disaster Emergency Management Agency (CDEMA).
 - Third Schedule Constitution and Procedures of the National Disaster Management Agency Board.

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

PART I

PRELIMINARY PROVISIONS

Short title and commencement.

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

Interpretation.

2. (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;

“critical facilities” means—

(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, and/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 61(3);

“declaration of a disaster” means a declaration of a disaster under section 69;

“Director” means the Director of Disaster Management appointed under section 22;

“disaster” means a progressive or sudden, widespread or localized natural or human occurrence specified under column 1 of the First Schedule which—

(a) causes—

(i) death, injury or disease,

(ii) damage to property, infrastructure or the environment, or

(iii) disruption of life to a community; and

(b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;

“disaster management” includes planning for and responding to disasters, by carrying out both pre and post disaster activities which refer to both the risk and the consequences of a disaster;

“Disaster Management Plan” means the *National* Disaster Management Plan prepared in *accordance with* section 25;

“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;

“district disaster management committee” means a district disaster management committee established under section 45;

“early warning system” means the set of capacities needed to generate and disseminate timely and meaningful warning information to enable individuals, 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 39;

“Fund” means the National Disaster Management Fund established under section 53;

“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 22;

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

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

“marine shelter” means a place giving protection from an emergency or disaster to ships established and maintained under section 30;

“Minister” means the Minister responsible for disaster management;

“National Emergency Broadcast System” means the National Emergency Broadcast System under section 68;

“National Emergency Operations Centre” means a National Emergency Operations Centre established under section 29;

“National Multi-Hazard Alert System” means the National Multi-Hazard Alert System established under section 67;

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

“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;

“resilience” means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate to 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 30;

“shelter officer” means a shelter officer assigned in accordance with section 30;

“shelters list” means the list of premises established by the Director under section 30;

“specially vulnerable area” means an area designated as such under section 49;

“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 which 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 characteristics and circumstances of a community, system or asset that make the community, system or asset susceptible to the damaging effects of a hazard.

(2) For the purposes of this Act, a disaster alert exists when—

- (b) the National Emergency Broadcast System broadcasts or otherwise publishes a formal announcement warning under section 68; or

- (a) the Minister makes a declaration of a disaster under section 69.

Purposes of Act.

3. *The principal purposes of this Act are to develop, promote and implement a disaster risk reduction and management approach to disaster management that—*

- (a) *is holistic, comprehensive, integrated, and proactive in lessening the socio-economic and environmental impacts of disasters including climate change, and to promote the involvement and participation of all sectors and all stakeholders concerned, at all levels, especially the local community; and*
- (b) *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 those sections of the population who are most vulnerable due to poverty and a general lack of resources.*

Application.

4. 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 prevail.

Force of law.

5. (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.

PART II

INTER-MINISTERIAL COMMITTEE ON DISASTER MANAGEMENT

Establishment of Inter- Ministerial Committee.

6. (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 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 management or the administration of legislation *relating* to disaster 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 Disaster Management Policy aimed at ensuring comprehensive disaster management by all Ministries, Departments, statutory bodies, district disaster management committees, private sector, 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 Disaster Management Policy among Ministries; and
- (c) in accordance with the Regulations, advise and make recommendations to *the* Cabinet on issues relating to disaster management *including climate change and gender issues*.

(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 management; and
- (b) to ensure that disaster 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.

National disaster management policy.

7. (1) [Subject to the Regulations], the Inter-Ministerial Committee shall provide a coherent, transparent and inclusive policy on 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 disaster management policy—

- (a) guides the development and implementation of disaster management envisaged by this Act;
- (b) establishes prevention and mitigation as the core principles of disaster 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 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 management;
- (h) facilitates community participation in disaster management;
- (i) facilitates partnership between Ministries, the private sector, non-governmental organizations, faith-based organizations and communities;
- (j) facilitates disaster 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 management;***
- (l) guides the development of a comprehensive information management system;
- (m) takes into account indigenous knowledge relating to disaster management;
- (n) ***subject to Part IV***, provides a framework within which Ministries may fund disaster management with specific emphasis on preventing or reducing the risk of disasters, including grants to contribute to post-disaster recovery and rehabilitation and payment to victims of disasters and their dependants;

- (o) addresses the requirements for cooperation and co-ordination between 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 management.

PART III

NATIONAL DISASTER MANAGEMENT TECHNICAL AND ADVISORY COUNCIL

Establishment and composition of the Council.

8. (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 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 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;
 - (v) faith-based organizations;
 - (vi) medical, paramedical and hospital organizations;
 - (vii) organizations representing disaster management professions in {*name of state/territory*};
 - (viii) United Nations Development Programme;
 - (ix) United Nations High Commission on Refugees;

- (x) the International Committee of the Red Cross;
- (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 management in {*name of state/territory*} or who can provide scientific and technological advice or support to disaster management;
- (f) experts on disaster management designated by the Minister responsible for disaster management {Prime Minister} {Premier} {Chief Minister}; and
- (g) persons co-opted by the Council for a specific period or specific discussion.

Functions of the Council.

9. (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 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 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 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 management.

Establishment of sub-committees.

10. (1) The Council 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 in { *name of state/territory* }.

(2) *A sub-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) *once a month,*

(ii) *whenever a disaster 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 sub-committee appointed under subsection (1) such specialized personnel as the Council thinks fit.*

Attendance fees and travel or other allowances.

11. The members of the Council or any *sub-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*.

Convening of meetings of the Council

12. (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 disaster, disaster or emergency; or*

(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;*

(d) *at any other time for any of the purposes in this Act.*

Quorum.

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

Admission of members of the public to meetings.

14. 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.

Minutes.

15. 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.

Voting.

16. (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 (DEPARTMENT)

National Disaster Management Agency (Department).

17. (1) There is hereby established an Agency (Department) to be called the National Disaster Management Agency (Department).

(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*.

Seal.

18. (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.

Objects of the Agency (Department).

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

Functions of the Agency (Department).

20. (1) The Agency (Department) has the following functions—

- (a) to act as the national coordinating and monitoring body for disaster management;
- (b) to promote a uniform approach to disaster 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 *disaster management* policy;
- (d) to develop guidelines to inform the preparation of disaster management plans and related strategies by Ministries, Departments, disaster management committees, statutory bodies, private sector entities, communities, nongovernmental 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 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, disaster management committee, community, private sector, non-governmental organization, faith-based organization and statutory body;
- (g) to monitor the implementation of the National Disaster Management Plan and the disaster management plan of each Ministry, Department, disaster management committee, community, private sector, non-governmental organization, faith-based organization and statutory body;
- (h) to develop and monitor guidelines to be followed by Ministries, Departments, disaster management committees, communities, private sector, nongovernmental

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, 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 (Department) thinks necessary in—
 - (i) identifying, analyzing and mapping hazards and conducting related research into their effects and developing responses,
 - (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 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 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) to organize and execute—
 - (i) *annually, at least one disaster exercise, and***
 - (ii) *every five years, a full scale disaster exercise;***

- (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 occurrence of* a disaster;
- (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 and urban planning, and public infrastructure and housing, among others;
- (u) to promote general education and awareness in relation to disaster management and to use such mechanisms as necessary to stimulate public interest in disaster 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 {*name of state/territory*};
- (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), the Agency shall institutionalize gender analysis as part of any assessment following the occurrence of a disaster.

(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, 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.

Powers of Agency (Department).

21. (1) The Agency (Department) 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.

(2) Without prejudice to subsection (1) the Agency shall provide the necessary advice to the Director in the preparation of—

(a) the National Disaster Management Plan and Strategy having regard to among other things the national disaster policy and disaster management plans and strategies prepared by Ministries, Departments of Government, 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.

Director and staff of Agency (Department).

22. (1) The affairs of the Agency [Department] shall be managed by a Director appointed by the Board (Public Service Commission).

(2) The Agency [Department] may appoint—

(a) a Deputy Director; and

(b) such suitably and qualified staff as is necessary for the effective carrying out of the functions of the Agency.

(3) The Agency [Department]—

(a) may designate any public officer to be a hazard inspector or shelter manager for the purposes of this Act; *and*

(b) 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.

Functions of the Director.

23. (1) The Director has the following functions—

(a) to provide advice to the Minister {Governor} on matters relating to disaster management;

(b) to review and assess the various programmes and activities of the Government which have an impact on disaster management in { *name of state/territory* },

(c) to make recommendation to the Minister {Governor} on the effect, the activities and programmes that disaster management are likely to have;

(d) to develop and recommend to the Committee national policies to foster and promote disaster management;

- (e) in collaboration with Departments of Government or other agencies ***including climate change and gender entities***, ***to*** participate in programmes to conduct investigations, studies, surveys, research and analysis relating to ecological systems and environmental quality and document and ***to*** define changes in the natural environment as they relate to the likelihood of the occurrence of disasters in { *name of state/territory* };
- (f) in collaboration with Departments of Government or other agencies, ***to*** participate in programmes to analyze and interpret the information gathered under paragraph (e) for the purpose of determining whether such conditions and trends are interfering or are likely to interfere, with the achievement of disaster management;
- (g) in collaboration with Departments of Government or other agencies, ***to*** participate in programmes to prepare and review disaster risk assessments;
- (h) ***to*** conduct programmes of public information and education on disaster management;
- (i) ***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 management in {*name of state/territory* };
- (j) to consult with the Council in the preparation of the National Disaster Management Plan;
- (k) to provide technical advice to facilitate the development of Regulations relating to disaster management in { *name of state/territory* };
- (l) 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 with it for the purposes of response, rescue and relief;
- (m) to establish and maintain disaster management including mechanisms for the exchange of information to inform policy formulation, plan and decision making within other sectors;
- (n) to compile and to submit reports on damage assessments to the Minister within [*name of state/territory*] of receipt of such report; and
- (o) 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/data partners including climate change entities for undertaking comprehensive 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 and rehabilitation procedures developed and applied in selected communities.

Directions by the Minister {Governor} to Director.

24. 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.

National Disaster Management Strategy, Plan and other plans.

25. (1) Subject to subsection (5)(a), the Director shall prepare a National 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.

(2) The Director shall prepare a National 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 event and aftermath of an emergency or a disaster in {*name of state/territory*} whether or not the threat of the emergency or disaster is such as to prompt the issuance of an alert, a declaration of a disaster or a declaration of a state of emergency.

(3) The *National Disaster Management* Plan must include—

- (a) *the names of persons who involved in disaster operations and disaster management under this Act;*
- (b) *the roles and responsibilities of the persons mentioned in paragraph (a);*
- (c) procedures related to disaster management of Ministries, Departments of Government, statutory bodies and other organizations;
- (d) procedures for coordinating the implementation of the National Disaster Management Plan and implementation of disaster response plans;
- (e) procedures for informing persons in paragraph (a) and the public in { *name of state/territory* } and elsewhere of the existence of a disaster alert, a disaster, a state of emergency or the existence of an emergency or disaster;
- (f) procedures for preparing and maintaining inventories of services and systems for disaster management;
- (g) procedures for mobilizing services and systems for disaster management during a disaster alert or a disaster including procedures for staffing emergency operations centres;

- (h) procedures for protecting and restoring communications, both nationally and internationally, during a disaster alert or a disaster;
- (i) procedures for procuring, releasing, distributing and replenishing contingency stores of supplies of food, water, clothing and medical supplies during a disaster alert or a disaster;
- (j) **subject to the Regulations**, procedures for providing shelter for persons during a disaster alert or a disaster;
- (k) **subject to the Regulations**, procedures to apply in the event that the evacuation of the residents of an area is considered to be necessary if there is a disaster;
- (l) procedures established by the Minister responsible for health for safeguarding against epidemics during an alert, a declaration of a disaster, a declaration of a state of emergency or in the event or the aftermath of an emergency or a disaster;
- (m) procedures established by the Commissioner of Police for safeguarding against fires during an alert, a declaration of a disaster, a declaration of a state of emergency or in the event or the aftermath of an emergency or a disaster;
- (n) procedures for cooperation with international organizations and governments of countries outside {*name of state/territory*} during an alert, a declaration of a disaster, a declaration of a state of emergency or in the event or the aftermath of an emergency or a disaster;
- (o) procedures for accepting and facilitating the distribution of volunteer services and relief supplies during an alert, a declaration of a disaster, a declaration of a state of emergency or in the event or the aftermath of an emergency or a disaster;
- (p) procedures to apply in the event that the requisitioning of private property is considered to be desirable during an alert, a declaration of a disaster, a declaration of a state of emergency or in the event or the aftermath of an emergency or a disaster including procedures for assessing and paying compensation;
- (q) procedures for protecting life and property from the dangers of looting and riotous behaviour during an alert, a declaration of a state of emergency or in the aftermath of an emergency or a disaster;
- (r) roles and responsibilities of Ministries, statutory bodies, disaster management committees and other stakeholders in respect of the measures specified in paragraphs (m) to (o);
- (s) procedures for prioritizing recovery interventions;
- (t) procedures for maintaining a national disaster information system; **and**
- (u) other procedures to be followed during an alert, a declaration of a disaster, a declaration of a state of emergency or in the event or the aftermath of an emergency or a disaster.

- (4) The Director—
- (a) shall, in consultation with the Committee and the Council, review the National Disaster Management Plan under subsection (1) annually; and
 - (b) may, with the approval of the Minister, make amendments to the National Disaster Management Plan.
- (5) *The Director shall prepare—*
- (a) *the National Disaster Management Strategy having regard to among other things the national disaster policy and 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 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.*

Communications link.

26. (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 management in {*Name of state/territory*} showing—
 - (i) their names, telephone and fax numbers and physical, postal and electronic addresses;
 - (ii) particulars of their involvement in disaster 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, critical facility agencies, private sector entities, non-governmental organizations and faith-based organizations.
- (2) The directory must include particulars of—
- (a) all Ministries, Departments of Government, critical facility agencies and statutory bodies involved in disaster management;
 - (b) non-governmental organizations involved in disaster management;

- (c) disaster management experts in *{Name of state/territory}*;
- (d) private sector entities with specialized equipment, skills or knowledge relevant to disaster management;
- (e) private sector voluntary agencies involved in disaster management; and
- (f) foreign non-governmental organizations and international organizations involved in disaster management in *{Name of state/territory}*.

(3) The Director shall establish communication links with foreign disaster management agencies ***including institutions performing functions similar to those performed by the Agency (Department)***, to exchange information to have access to international expertise in and assistance in respect of disaster management.

Disaster management information system.

27. (1) The Director shall–

- (a) collect information on all aspects of disasters and disaster management ***including pandemic, hazard, vulnerability, climate change risks and other disaster risk information;***
- (b) process, ***consolidate*** and analyze the information collected under paragraph (a);
- (c) develop and maintain an electronic database envisaged under subsection (2); and
- (d) take steps to disseminate such information, especially to communities that are vulnerable to disasters.

(2) The electronic database developed by the Agency (Department) must contain extensive information concerning disasters that occur or may occur in *{Name of state/territory}* and disaster management issues, including information on –

- (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–
 - (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 emergency shelters or hospitals in the event of a disaster;
 - (v) fire-fighting services; and
 - (vi) airports, airstrips, harbours and seaports;
 - (h) indigenous knowledge relating to disaster management;
 - (i) the directory under section 26 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 management disciplines.
- (3) The Director shall take reasonable steps to ensure that the database is electronically accessible to any person free of charge.
- (4) Nothing in subsection (3) 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.

Prevention and mitigation.

28. (1) The Director shall give, to Ministries, Departments of Government, statutory bodies, 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 may 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.

National Emergency Operations Centres.

29. (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 serves as the headquarters of the activities undertaken in response to a disaster alert or disaster.

(3) The National Emergency Operations Centre comprises a Director, an executive group and an operations group.

(4) The executive group shall exercise the overall direction and control of disaster operations.

(5) 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.

(6) 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 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 disaster site manager;
- (e) to arrange for logistic support to site 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 disaster 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.

(7) In order to carry out the function under subsection (6)(h) the National Emergency Operations Centre may make advance arrangements with radio or television stations.

(8) Depending on the nature of the emergency or disaster, special security may be established at the National Emergency Operations Centre.

(9) A situation report required under subsection (6)(k) must include a list of casualties, the physical damage experienced and the needs of {*Name of state/territory*}.

Shelters.

30. (1) The Director shall establish and maintain a shelters list *in accordance with this section*.

(2) The shelters list shall comprise premises available and suitable for use as shelters, including marine shelters, during a declaration of an emergency or an alert or in the event or the aftermath of an emergency or a disaster.

(3) The Director shall in 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 an alert or in the event or the aftermath of an emergency or a disaster;
- (d) indicate the periods for and the conditions under which the shelter would be suitable for use in the instances *mentioned* in paragraph (c).

(3) The Director—

- (a) shall, subject to subsection (4), 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 (Department) as shelter officers to assist a shelter manager.

(4) 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.

(5) The owner or occupier of any premises listed as a shelter in the shelter 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 for shelter was within the listed limits of suitability of the premises under subsection (2)(c).

(6) 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.

(7) The Director—

- (a) shall, after consultation with {*Director of Fisheries/Chief Fisheries Officer*}, assign to premises listed as a marine shelter in the shelter 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.

(8) The Director shall inspect shelters annually *in collaboration with the [Public Works Department or Physical Planning Department] and the Environmental Health Division in accordance with the Regulations.*

(9) The Minister {Governor} may enter into agreements with the owners of premises used as shelters where these are not in occupation.

(10) A person shall not assault or obstruct a shelter manager or a shelter officer in the execution of his duty in relation to the function of the shelter manager or shelter officer under this section.

(11) A person who contravenes subsection (10) commits an offence and is liable on summary conviction to a fine of [] dollars.

Regulations respecting shelters.

31. (1) The Minister may, by Regulations, on the advice of the 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 by publication in the Gazette where attempts to identify or find an occupier, for the purpose of providing the report or notifying its contents, have not succeeded after one month or such long period as may be prescribed;*
- (b) regulating the use of any listed premises;*
- (c) respecting the inspection of shelters; and*
- (c) respecting the minimum standards for shelters.*

(3) Regulations made under subsection (2)(b) for listed premises which are not in [Crown] {State} occupation may be made on the recommendation of the occupiers of the premises.

(4) Regulations made under subsection (2)(c) may confer on shelter managers and shelter officers—

- (a) authority to refuse admission of persons to the shelter to prevent overcrowding;*
- (b) authority to prohibit the bringing of pets or other animals into the shelter;*
- (c) prohibit the bringing of weapons or hazardous materials into the shelter;*
- (c) authority to limit by weight or bulk the luggage or other property to brought into the shelter by persons taking shelter;*
- (d) authority to 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) authority to refuse entry of any person to the shelter unless that person submits to a search of any luggage or other property to be brought into the shelter;*
- (f) authority to 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) authority to regulate the use of musical instruments and other equipment which may disturb other users of the shelter by noise or light;*
- (h) authority to prohibit or regulate the consumption of alcoholic drink and the use of tobacco products in or on the shelter premises;*
- (i) authority to require persons to observe safeguards in the interests of the health of other persons;*

- (j) *authority to 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) *authority to set minimum standards of collection in shelters in the interests of decency and public morality;*
- (l) *authority to set minimum standards of cleanliness and tidiness to be observed in shelters;*
- (m) *authority to require persons taking shelter to clean areas within the shelter which they occupy;*
- (n) *authority to enforce the criminal law and the regulation and prohibition of prescribed matters by suspension or expulsion from the shelter, and to use reasonable force for this purpose, independently of any proceedings in respect of an offence under this Act.*

(5) When the use of reasonable force is permitted under subsection (4)(n), the shelter manager or officer may request the assistance of any other person in the use of such reasonable force, 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.

(6) Where a person is forcibly detained under subsection (4)(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.

Volunteers.

32. (1) *For the purposes of this section, the Director—*

- (a) shall maintain a register to be known as the Register of Volunteers; and
- (b) may amend the Register of Volunteers.

(2) The Director *or the district disaster management committee* may mobilize individuals or organized volunteers to augment the respective personnel complement and logistical requirements of the Agency [Department] 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 district disaster management committee for registration as a volunteer, the Director or the chairperson 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.

(6) Where a 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 register 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 on the Register of Volunteers if whilst 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 Committee, make provision respecting volunteers including payment of reasonable expenses.

(12) 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.

Functions of hazard inspectors.

33. (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 Minister may, by Regulation, on the advice of the Committee, make provision respecting hazard inspectors.

Inspections.

34. (1) A hazard inspector may—

- (a) with the consent of the owner or occupier; or
- (b) under the authority of a warrant issued by a Magistrate,

enter premises at a reasonable time 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; and
- (b) may, before the date of its expiry, be renewed for one or more periods each of which is not more than thirty days.

(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 22, and
 - (ii) the warrant of the Magistrate issued under subsection (2); and
- (b) explain the purpose of the inspection.

(5) A warrant under this section may be issued or renewed on application notwithstanding that no notice of the application is given to any person who may be affected thereby.

(6) 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.

(7) The Director shall, upon receipt of a report under subsection (6) in respect of the inspection of any premises—

- (a) provide to the owner or occupier of the premises a copy of the report submitted by the hazard inspector; and
- (b) submit to the relevant Ministry, Department of Government or body responsible for that other law a copy of the report submitted by the **hazard** inspector, if the report reveals that—
 - (i) the condition of any premises poses a reasonable danger of serious injury to persons inside or outside the premises on the occurrence of a disaster, and
 - (ii) such condition of the premises constitutes a violation of any law, if gives rise to the danger.

(8) Where the Director receives information under subsection (7) from the hazard inspector, the Director shall request that the owner of the premises takes remedial action within a specified period of time, subject to subsection (9), with or without the assistance of the Agency (Department).

(9) The assistance of the Agency (Department) 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 (11) commits an offence and is liable on summary conviction to a fine not exceeding { } or to a term of imprisonment not exceeding { }.

(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 (14) commits an offence and is liable on summary conviction to a fine of [].

Consultation prior to evacuation.

35. 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 disaster has occurred in {*name of state/territory*} or in a part of {*name of state/territory*},

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

Notice of evacuation.

36. (1) ***Where***, after a consultation under section 35, an evacuation is considered necessary, the Minister acting on the advice of the Director shall subject to subsection (2) issue a notice of evacuation.

(2) ***Every*** notice of evacuation ***issued*** under subsection (1) must specify the nature of the disaster and the area of {*name of state/territory*} required to be evacuated and the potential harm to persons.

(3) Where a notice is issued under subsection (1), the Director shall coordinate the evacuation in accordance with Regulations with the assistance of agencies involved in emergency and disaster management including the Police Force and the Fire Service.

(4) A person shall comply with a notice of evacuation issued under this section.

(5) A person who contravenes subsection (6) commits an offence and is liable ***on summary conviction*** to imprisonment for a term not exceeding six months or to a fine not exceeding three thousand dollars or to both.

Employees who assist in emergency situations.

37. (1) Where the Director certifies, in writing, that the services of a person is or was needed by the Agency (Department) 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 was entitled for the period specified.

(2) The period the Director may specify under subsection (1) must in no case exceed a continuous period of two weeks.

(3) An employer who fails to comply with subsection (1) commits an offence and upon summary conviction is liable to a fine not exceeding [] or imprisonment for a term not exceeding [] or to both.

Fund for use by Agency.

38. (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 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 powers and duties.

(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.

Financial year of Agency.

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

Budget and plan of action of Agency.

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

(a) a budget with the estimates of its income and expenditure; and

(b) a plan of action.

Accounts of Agency.

41. The Agency shall—

(a) keep proper accounts and proper records in accordance with generally accepted international standards and principles; and

- (b) prepare and retain financial statements in respect of each financial year.

Audit of Agency.

42. (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, who shall conduct the audit in accordance with generally accepted international auditing standards and principles.

(2) 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.

(3) A person *who is* required to appear, *to* make a signed statement or to provide information under subsection (2); and who fails to comply commits an offence and is liable on summary conviction to a fine not exceeding [] or to imprisonment for a term not exceeding [] or to both.

(4) Where a person convicted under subsection (3) is a member of the Board, the Director or a staff member of the Agency, the person is liable, without prejudice to the penalty imposed under subsection (3), to revocation of his appointment as a member of the Board, the Director or a staff member of the Agency in accordance with this Act.

Auditor's Report of Agency.

43. An independent auditor appointed under section 42 shall, as soon as practicable *but* no later than two months after the end of each financial year, submit copies of the audited financial statement of the Agency and a report on the financial statement to the Board.

Annual Report of Agency.

44. (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 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 during that financial year to determine the state of readiness of all stakeholders involved in disaster management;
- (f) the status of 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 lay the Annual Report before Parliament.

PART V

DISTRICT DISASTER MANAGEMENT COMMITTEE

Establishment of district disaster management committee.

45. There are established district disaster management committees for the purposes of this Act.

Composition of district disaster management committee.

46. Each district disaster management committee consists of –

- (a) a district coordinator who shall be Chairperson; and
- (b) any other person as may be required to carry out the functions of the district disaster committee.

Functions of district disaster management committee.

47. (1) *Every* district disaster management committee has the following functions—

- (a) ensure that disaster management in the *relevant* district is consistent with the National Disaster Management Plan;
- (b) develop and coordinate an effective disaster management plan for the *relevant* district and regularly review and assess the plan;
- (c) *consolidate, in respect of local areas comprising that district, disaster risk information which includes natural hazards, vulnerabilities, and climate change risks, and maintain risk map in respect of those areas;*
- (d) *carry out recovery activities in the relevant 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 the relevant district;*
- (f) *respond to and manage the adverse effects of an emergency in the relevant district; and*
- (g) report to the Agency (Department) on matters related to disaster management.

(2) *Without prejudice to the generality of subsection (1), every district disaster management committee shall ensure the integration of risk reduction and climate change adaptation at the district development plan programme.*

Regulation of procedure.

48. A district disaster management committee shall regulate its own procedure.

PART VI

SPECIALLY VULNERABLE AREAS

Delimitation of specially vulnerable areas.

49. (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 making 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 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 Council shall, upon completion of its review of the report and the draft Order, make such recommendations to the Cabinet concerning the making of an Order under subsection (1) as the Inter-Ministerial Committee thinks fit.*

(5) *For the avoidance of doubt, the provisions of this section apply to the making of an amendment to an Order under subsection (1) as they apply to the making of such an Order.*

Special area precautionary plans for specially vulnerable areas.

50. (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.*

(2) *A special area precautionary plan may include strategies, policies and standards for development and for maintenance of structures in the specially vulnerable area or any such proposed area.*

(3) *A special area precautionary plan may communicate strategies, policies, standards or designations by means of maps and diagrams.*

(4) *A special area precautionary plan does not authorize any development that is not permitted under the Physical Planning Act, the Building Code or any other enactment.*

Draft special area precautionary plan.

51. (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 comments on the draft special area precautionary plan to the Director in writing.*
- (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.*

Approval of special area precautionary plan.

52. (1) *After the expiration of the time allowed under section 51 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 so published shall form part of the Government's official policy on disaster management.*
- (5) *For the avoidance of doubt, the provisions of this section and sections 50 and 51 apply to an 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

Establishment of Fund.

53. (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 loan with the approval of the Minister of Finance; and
 - (d) such other monies as the Agency (Department) may raise through activities organized by or on behalf of the Agency (Department).
- (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 (Department).
- (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.
- (7) The Fund Committee shall—
- (a) meet at such times and place as the chairperson may determine; and
 - (b) subject to regulations made under section 54(3), regulate its own procedure in such manner as it may determine.

Application of Fund.

54. (1) The Fund shall be applied towards recovery efforts and 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, may Regulations respecting the application of the Fund.

Obligations of the Fund.

55. 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;

- (ii) providing financial assistance to persons for their 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) record 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 (Department) on activities geared towards raising funds.

Manner of keeping money of Fund.

56. (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.

Withdrawal of money from the Fund.

57. (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.*

Accounts and Audit.

58. (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

Liaison officer.

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

Disaster management plan.

60. (1) Every Ministry, Department of Government, *statutory body and critical facility agency* shall prepare a disaster management plan and review and update the plan annually in accordance with the guidelines laid down by the Agency {Department}.

(2) The disaster management plan prepared under subsection (1) shall contain the same information as the National Disaster Management Plan under section 24.

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

Preparation of strategy.

61. (1) Every Ministry, Department of Government, statutory body, *critical facility agency* and district disaster management committee shall prepare a strategy to guide the implementation of its disaster management plan.

(2) The strategy shall be submitted to the Agency (Department) and form part of the National Disaster Management Strategy.

Annual exercises and training of staff.

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

Resources.

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

Supply of information.

64. 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 may be requested by the Director.

Reporting of damage assessment.

65. (1) Every Ministry, Department of Government, statutory body and district disaster management committee shall prepare a report on damage assessment in the aftermath of a disaster.

(2) A report prepared under subsection shall be submitted to the Agency (Department) as soon as practicable after it is prepared.

Director to be consulted.

66. (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 subsections (2) and (4), 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

National Multi -hazard Alert System.

67. (1) There shall be a National Multi-Hazard Alert System for {*name of state/territory*}.

(2) The National Multi-Hazard Alert System shall be operated under the supervision of the Director and shall consist of—

(a) a National Emergency Broadcast System;

(b) siren warnings; and

(c) such early warning systems as may be prescribed.

National Emergency Broadcast System.

68. (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) 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.

(4) 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.

(5) Judicial notice shall be taken of an original signed copy of a certified copy referred to in subsection (4).

(6) 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 one newspaper in general circulation in (*name of state/territory*).

(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);
- (b) is not liable under subsection (3); unless he knew or had reason to believe that the announcement was not being broadcast in accordance with subsection (2).

(8) Where a disaster alert exists and 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 the disaster occurs, the Minister may cause an announcement advising those residents to evacuate that part of {*name of state/territory*} in the interest of their own personal safety—

- (a) to be broadcast on the National Emergency Broadcast System; or

(b) to be made by loud speaker in that part of { } by members of the Police Force.

(9) Notwithstanding this section, the Minister may, after consultation with the Director, declare that notwithstanding the formal announcement made by the National Emergency Broadcast System, a disaster alert does not exist in respect of { } and such an announcement shall not constitute an offence for the purposes of this Act.

Declaration of disaster.

69. (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 in Column 1 of the First Schedule will strike within the applicable period 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 (Department) or a person authorized under this Act to exercise disaster 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
- (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.

Prohibitions and restrictions on public access.

70. On the declaration of a disaster 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.

International Humanitarian Assistance Coordinator.

71. (1) *There shall be an International Humanitarian Assistance Coordinator who shall be the Director.*

(2) Subject to section 74, the *International Humanitarian Assistance Coordinator shall* ensure coordination and collaboration between local and international donors after the occurrence of disasters.

Request for international assistance.

72. (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.*

Importation and donation of relief goods.

73. (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 [Department] and its member agencies shall be treated as importations by or donations to Agency [Department].*

(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.*

Disaster relief efforts of disciplined forces.

74. 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.

Sovereignty and territorial integrity.

75. (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) *the [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

Protection from liability.

76. (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) *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.*

Compensation.

77. 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.

Offences and penalties.

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

- (a) by reason of his or her unlawfully neglect of his or her duty causes destruction, loss of lives, critical 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/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 markings to make it appear that the good 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 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;*

(1) 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 any Regulations made under this Act 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 79(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.

Power to institute proceedings.

79. (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 31.

Act binds the Crown {State}.

80. This Act binds the Crown {State}.

Amendment of Schedules.

81. The Minister may by Order amend the First Schedule and the Third Schedule.

Regulations.

82. (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.

(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 VI; 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 disaster 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 in 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 disaster 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.

Repeal and savings.

83. (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

(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) *any 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, 68, 69 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 (because 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;

“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.

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.

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.

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;
- (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 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 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.

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.

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;
 - (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.
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;
 - (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 an 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;
- (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.

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;
 - (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.

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 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 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.

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.
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 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 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.

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
Monsterrat
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

Constitution of Board.

1. (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*}.

Disqualification.

2. 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.

Term of appointment.

3. (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.

Revocation.

4. 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.

Resignation.

5. 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.

Meetings of Board.

6. (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.

Quorum.

7. 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.

Voting.

8. (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.

Disclosure of interest of members.

9. (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.

Vacancy.

10. (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 revokes the appointment of that member under section 4 of this Schedule;

- (e) if the member fails to attend three consecutive meetings of the Board without presenting a medical certificate or without being excused by 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.

Decisions not invalidated.

11. (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 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.

Remuneration.

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

Procedure.

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

Passed in the [] this day of , 2010.

Passed in the [] this day of , 2010.

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 is the application section. The provisions of this Bill when enacted into law shall apply prevail in case of inconsistency between them and that other law. 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 Disaster Management Policy aimed at ensuring comprehensive disaster management in {*name of state/territory*} and (ii) on issues relating to disaster management including climate change and gender issues. Clause 7 directs the Inter-Ministerial Committee to provide a coherent, transparent and inclusive policy on disaster management appropriate for the {*name of state/territory*}. The Inter-Ministerial Committee is given guidelines regarding the scope and contents of the policy on disaster.

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 management to consult with each other and to coordinate their actions on matters relating to disaster management.

Part VI of this Bill contains clauses 17 to 44 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 [Department] is empowered, among other things, (i) to act as the national coordinating and monitoring body for 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 and harness community resources for disaster preparedness, response and recovery; (iii) to encourage and support the establishment of resilience critical infrastructures; (iv) to plan and coordinate specialized training programmes for volunteers and persons involved in disaster management; and (v) to provide business continuity planning advice and assistance to the private sector.

Clause 24 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 25 provides for the preparation of the National Disaster Management Plan and other plans which shall comprise a statement of the contingency arrangements for responding to the threat or aftermath of an emergency or disaster in {*name of state/territory*}. Clause 26 empowers the Director to establish a communications link under which the Director is required to develop and maintain a directory of the public and private entities which are involved in disaster management.

Clause 29 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 30 and 31 provide for shelters. Clause 32 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 33 and 34 provide for the functions and conduct of hazard inspectors including inspection of premises for purposes of registering the premises on the list of shelters.

Clause 36 provides for the issuing of notices of evacuation which must indicate the nature of the disaster and the area of {*name of state/territory*} to be evacuated. Clause 37 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 45 to 48 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 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 49 to 52 and deals with specially vulnerable areas and the safeguard mechanisms to be followed regarding the designation of such areas. Clause 49 empowers the Cabinet to designate, on the recommendation of the Inter-Ministerial Committee, an area as specially vulnerable to a disaster. Clause 50 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 51 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 52 sets out further procedures which must be followed before a special area precautionary can be transmitted to the Cabinet for approval.

Part VII of this Bill contains clauses 53 to 58 and provides for the establishment, management and 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 54 provides for the application of the Fund which is for recovery efforts.

The Fund may also be used, on approval by the Minister, for assisting other countries that have suffered disasters by way of loans and grants. Clause 57 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 58 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 59 to 66 addresses the obligations of persons involved in disaster management. Clause 59 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 60 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 61 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 62 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 66 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 67 to 70 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 70 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 disaster 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 76 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 law. 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.

.....
Attorney General