

National Disaster Management Organisation Bill, 2015

ARRANGEMENT OF SECTIONS

Section

National Disaster Management Organisation

1. Establishment of National Disaster Management Organisation
2. Object of the Organisation
3. Functions of the Organisation
4. Membership of the Organisation
5. Qualification of volunteer members of the Organisation
6. Non-registered volunteers
7. Governing body of the Organisation
8. Functions of the Council
9. Tenure of office of members
10. Meetings of the Council
11. Disclosure of interest
12. Establishment of committees
13. Allowances

Administration

14. Divisions of the Organisation
15. National Disaster Management Organisation Secretariat
16. Regional and district offices of the Organisation
17. Appointment of Director-General
18. Functions of the Director-General
19. Appointment of other staff of the Organisation

Establishment of National Disaster Management Committee and responsibility of Regional and District Disaster Management Committees

20. National Disaster Management Committee
21. Functions of the National Disaster Management Committee
22. Responsibility of the National Disaster Management Committee
23. Meetings of the National Disaster Management Committee
24. Regional Disaster Management Committee
25. Functions of the Regional Disaster Management Committee
26. District Disaster Management Committee
27. Functions of the District Disaster Management Committee
28. Meetings of Regional and District Disaster Management Committees

National Disaster Management Organisation Bill, 2015

Declaration of state of emergency and responsibility for disasters

29. Declaration of a state of emergency
30. Regional disaster
31. State of emergency with respect to a region
32. Responsibility of Regional Disaster Management Committee in the event of a regional disaster
33. District disaster
34. State of emergency with respect to a district
35. Responsibility of District Disaster Management Committee

Financial provisions

36. Establishment of National Disaster Management Fund
37. Object of the Fund
38. Sources of money for the Fund
39. Donations to the Organisation
40. Management of the Fund
41. Disbursement from the Fund
42. Accounts and audit
43. Annual report and other reports
44. Exemption from taxes, duties and levies

Miscellaneous provisions

45. Disaster management plans
46. Establishment of register
47. Powers of authorised officers
48. Immunity and compensation for officers and volunteers of the Organisation
49. Compensation for damage to property
50. Request for information
51. Obstruction of officer or agent of the Organisation
52. Non-governmental organisations
53. General penalty
54. Regulations
55. Consequential amendment
56. Interpretation
57. Transitional provisions
58. Repeal and savings

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ENTITLED

**NATIONAL DISASTER MANAGEMENT ORGANISATION
ACT, 2015**

AN ACT to establish a National Disaster Management Organisation to manage disasters and to provide for related matters.

PASSED by Parliament and assented to by the President:

Establishment and functions of the National Disaster Management Organisation

Establishment of National Disaster Management Organisation

1. (1) There is established by this Act a body to be known as the National Disaster Management Organisation.

(2) The Organisation may for the discharge of its functions acquire and hold movable and immovable property and enter into a contract or other transaction.

(2) Where there is hindrance to the acquisition of property, the property may be acquired for the Organisation under the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Organisation.

Object of the Organisation

2. The object of the Organisation is to manage disasters and similar emergencies and to develop the capacity of communities to respond effectively to disasters and emergencies.

Functions of the Organisation

3. To achieve its object, the Organisation shall
- (a) be responsible for the implementation
 - (i) of the Government policy on disaster prevention, disaster risk reduction and climate risk management, and
 - (ii) of international, national, regional and district disaster management plans;
 - (b) prepare, co-ordinate, monitor and update disaster management plans;
 - (c) identify, map up hazards and monitor the hazards;
 - (d) collaborate with communities and relevant institutions through the dissemination of information to educate the public on
 - (i) human activities most likely to cause disasters in the country,
 - (ii) the hazards and natural disasters likely to affect the various regions in the country,
 - (iii) the actions to be taken in the event of any degree of a disaster,
 - (iv) the control and relief measures most likely to be taken by the Government,
 - (v) the necessity of the public to co-operate with designated authorities when a disaster occurs, and
 - (vi) disaster prevention rules and regulations and their correlative sanctions;
 - (e) advise the Government on matters that relate to disaster and emergency prevention rules and regulations and their correlative sanctions;
 - (f) facilitate the development of communities and community based organisations to

National Disaster Management Organisation Bill, 2015

- (i) respond effectively to a disaster, and
- (ii) improve their livelihood through social mobilisation, employment generation and poverty reduction projects;
- (g) collate and preserve data on disasters in the country;
- (h) stockpile relief items and identify, manage, co-ordinate and supervise the distribution of the relief items;
- (i) analyse and disseminate relevant information on disasters to the public;
- (j) ensure the effective flow of information on disasters between the national, regional and district levels of Government;
- (k) organise and equip Disaster Volunteer Groups to enhance their skills in disaster management and income generation;
- (l) sensitise and motivate communities to serve as voluntary organs to assist in managing disasters;
- (m) provide the first line response in the event of a disaster;
- (n) organise simulation exercises;
- (o) ensure the provision of adequate facilities for
 - (i) technical training,
 - (ii) educational programmes to create awareness of disasters and the required response,
 - (iii) the establishment of early warning systems, and
 - (iv) the general preparedness for emergency and disaster for the staff of the Organisation in particular and the public in general;
- (p) investigate reports and analyse the nature of hazards, vulnerability and risk situations in particular areas;
- (q) ensure the operational preparedness of disaster management committees in vulnerable and risk prone areas;
- (r) co-ordinate response and reconstruction efforts of local and foreign collaborators;
- (s) co-operate with other countries and relevant institutions in disaster prevention and mitigation and search and rescue operations;
- (t) compute and submit to the governing body the requirements for the effective performance of the Organisation;

National Disaster Management Organisation Bill, 2015

- (u) conduct research on matters that affect disasters and emergencies in the country; and
- (v) perform any other function ancillary to the object of the Organisation.

Membership of the Organisation

4. (1) The Organisation consists of

- (a) public officers seconded to the Organisation,
- (b) persons employed for the Organisation, and
- (c) volunteer members registered under this Act.

(2) Membership of the Organisation shall be subject to the terms and conditions determined by the governing body established under section 7.

Qualification of volunteer members of the Organisation

5. (1) A person may register as a volunteer member of the Organisation if that person

- (a) is an individual who has attained the age of eighteen years and is resident in the country, or
- (b) is a body corporate incorporated under the relevant laws of the country.

(2) An application for registration shall be made to the governing body of the Organisation or to any other person that the governing body may prescribe.

(3) An application for registration shall be in the form and contain the particulars that the governing body of the Organisation may prescribe.

Non-registered volunteers

6. A person who is not registered as a volunteer member of the Organisation may provide a temporary volunteer service to the Organisation.

Governing body of the Organisation

7. (1) The governing body of the Organisation is a Council consisting of

- (a) a chairperson nominated by the President of this Republic;
- (b) the Director-General;

National Disaster Management Organisation Bill, 2015

- (c) the Minister or a representative not below the rank of a Director of the following ministries:
 - (i) Ministry of the Interior;
 - (ii) Ministry of Water Resources, Works and Housing;
 - (iii) Ministry of Defence;
 - (iv) Ministry of Foreign Affairs and Regional Integration;
 - (v) Ministry of Finance;
 - (vi) Ministry of Health;
 - (vii) Ministry of Local Government and Rural Development;
 - (viii) Ministry of Food and Agriculture;
 - (ix) Ministry of Environment, Science, Technology and Innovation;
 - (x) Ministry of Gender, Children and Social Protection;
- (d) the chairperson of the National Platform for Disaster Risk Reduction and Climate Change Risk Management; and
- (e) two members of the Organisation, one of whom is a woman, nominated by staff associations.

(2) The members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

(3) The Council shall ensure the proper and effective performance of the functions of the Organisation.

Functions of the Council

8. The Council shall

- (a) oversee the administration of the Organisation;
- (b) approve equipment and specifications of equipment to be purchased for the Organisation;
- (c) formulate the policies of the Organisation;
- (d) approve the recruitment, selection, training and promotion of senior and management personnel of the Organisation;
- (e) exercise disciplinary powers over senior and management personnel of the Organisation;

National Disaster Management Organisation Bill, 2015

- (f) ensure financial management of the funds of the Organisation;
- (g) co-ordinate local and international support for disaster or emergency relief services and for reconstruction; and
- (h) perform any other function that may be assigned to it under this Act.

Tenure of office of members

9. (1) A member of the Council shall hold office for a period not exceeding four years and is eligible for re-appointment for another term only.

(2) Subsection (1) does not apply to the Director-General.

(3) A member of the Council may at any time resign from office in writing addressed to the President through the chairperson of the Council.

(4) A member of the Council, other than the Minister or the Director-General, who is absent from three consecutive meetings of the Council without reasonable cause, ceases to be a member of the Council.

(5) The President may by letter addressed to a member revoke the appointment of that member.

(6) Where a member of the Council is for reasonable cause unable to act as a member, the chairperson of the Council shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsections (3), (4), (5) or section 11 (2),

(b) as a result of a declaration under subsection (6), or

(c) by reason of the death of a member,

the chairperson of the Council shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy for the residue of the term.

Meetings of the Council

10. (1) The Council shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The chairperson shall at the request of not less than one-third of the membership of the Council convene an extra ordinary meeting of the Council at the place and time determined by the chairperson.

National Disaster Management Organisation Bill, 2015

(3) The quorum at a meeting of the Council is eight members of the Council or a greater number determined by the Council in respect of an important matter and shall include the Director-General.

(4) The chairperson shall preside at meetings of the Council and in the absence of the chairperson, a member of the Council elected by the members present from among their number shall preside.

(5) Matters before the Council shall be decided by the majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

(6) The Council may co-opt a person to attend a Council meeting but that person shall not vote.

Disclosure of interest

11. (1) A member of the Council who has an interest in a matter for consideration by the Council

(a) shall disclose the nature of the interest and the disclosure shall form part of the record of the consideration of the matter, and

(b) shall not participate in the deliberations of the Council in respect of that matter.

(2) A member ceases to be a member of the Council, if that member has an interest in a matter before the Council and

(a) fails to disclose that interest, or

(b) participates in the deliberations of the matter.

Establishment of committees

12. (1) The Council may establish committees consisting of members of the Council or non-members or both to perform a function.

(2) A committee of the Council may be chaired by a member of the Council.

(3) A committee of the Council shall advise the Council.

(4) Section 11 applies to members of committees of the Council.

Allowances

13. Members of the Council and members of a committee of the Council shall be paid allowances approved by the chairperson of the Council in consultation with the Minister responsible for Finance.

National Disaster Management Organisation Bill, 2015

Administration

Divisions of the Organisation

14. (1) The Council may establish units or divisions within the Organisation at the national, regional and district levels that it considers necessary for the effective performance of the functions of the Organisation.

(2) The Council may abolish or re-organise a unit or division.

National Disaster Management Organisation Secretariat

15. (1) There is established a National Disaster Management Organisation Secretariat.

(2) The Secretariat shall

(a) provide technical and other support to the Organisation and the Council,

(b) be responsible for implementing the decisions of the Council,

(c) perform the functions that are incidental to the effective operation of the Organisation, and

(d) perform any other function that the Council may specify.

(3) The Director-General shall be the head of the Secretariat.

Regional and district offices of the Organisation

16. (1) The Council shall establish regional, district and zonal offices of the Organisation in each regional capital and in the districts and zones determined by the Council.

(2) A regional, district or zonal office of the Organisation shall be provided with the public officers that are necessary for the proper and effective performance of its functions.

(3) A regional or district office shall perform the functions of the Organisation in the region or district that the Council may direct.

Appointment of Director-General

17. (1) The President shall in accordance with article 195 of the Constitution, appoint as the Director-General and Chief Executive of the Organisation, a person of integrity with considerable knowledge, expertise and experience in matters relevant to the functions of the Organisation.

National Disaster Management Organisation Bill, 2015

(2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Functions of the Director-General

18. (1) The Director-General is responsible for the direction of the work of the Organisation and for the day-to-day administration of the Organisation and is answerable to the Council in the performance of functions under this Act.

(2) The Director-General is responsible for the management of employees of the Organisation.

(3) The Director-General shall act as the Secretary to the Council.

(4) The Director-General may delegate a function to an officer of the Organisation but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Appointment of other staff of the Organisation

19. (1) Other staff of the Organisation shall be appointed in accordance with article 195 of the Constitution.

(2) The staff of the Organisation shall perform the functions that the Council or Director-General with the approval of the Council may assign to them.

(3) The Organisation shall have other officers and staff that are necessary for the proper and effective performance of its functions.

(4) The Organisation may engage the services of a consultant with the approval of the Council.

(5) Other public officers may be transferred or seconded to the Organisation or may otherwise give assistance to the Organisation.

Establishment of National Disaster Management Committee and responsibility of Regional and District Disaster Management Committees

National Disaster Management Committee

20. (1) There is established a National Disaster Management Committee.

(2) The National Disaster Management Committee, subject to subsection (3), comprises

(a) the Minister for the Interior as the chairperson;

(b) the Director-General;

National Disaster Management Organisation Bill, 2015

- (c) the Director-General of the Ghana Health Service;
- (d) the Director of the National Ambulance Service;
- (e) the Chief Director of each of the following Ministries:
 - (i) Ministry of Water Resources, Works and Housing;
 - (ii) Ministry of Information and Media Relations;
 - (iii) Ministry of Local Government and Rural Development;
 - (iv) Ministry of Finance;
 - (v) Ministry of Food and Agriculture;
 - (vi) Ministry of Foreign Affairs and Regional Integration;
 - (vii) Ministry of Environment, Science, Technology and Innovation;
 - (viii) Ministry of Gender, Children and Social Protection;
- (f) the Chief of Defence Staff;
- (g) the Inspector-General of Police;
- (h) the Chief Fire Officer;
- (i) the chairperson of the National Platform for Disaster Risk Reduction and Climate Change Risk Management;
- (j) one representative of the Consortium of Non-Governmental Organisations;
- (k) one representative of the Inter Agency Standing Committee of the United Nations Country Team;
- (l) one representative of the Ghana Federation of the Disabled; and
- (m) the Legal Officer of the Organisation as the secretary.

(3) The Legal Officer of the Organisation shall not vote on a matter for decision at a meeting.

(4) The Regional Minister responsible for the region in which a disaster occurs shall be co-opted to the Committee for the duration of the disaster for purposes of subsection (2).

Functions of the National Disaster Management Committee

21. The National Disaster Management Committee shall

- (a) ensure that there are appropriate and adequate facilities for the provision of relief, rehabilitation, reconstruction and recovery in the event of any disaster;

National Disaster Management Organisation Bill, 2015

- (b) liaise with public institutions, non-governmental agencies and donor agencies for financial support and the provision of logistics for the management of disasters ; and
- (c) perform any other functions incidental to the functions of the National Disaster Management Committee.

Responsibility of National Disaster Management Committee

22. (1) The National Disaster Management Committee has the primary responsibility for co-ordination and management in respect of national disasters.

(2) The National Disaster Management Committee shall perform its functions expeditiously and efficiently in accordance with any regulations or directives issued by the President where a national disaster occurs.

(3) A public or private institution may provide the National Disaster Management Committee with the assistance necessary to deal with the national disaster.

(4) The National Disaster Management Committee shall collaborate with other relevant government agencies towards the management of a national disaster.

Meetings of the National Disaster Management Committee

23. (1) The National Disaster Management Committee shall meet during a disaster or as and when it considers appropriate for the despatch of business at the times and places determined by the chairperson.

(2) The chairperson shall convene an extra-ordinary meeting of the Committee at the time and place determined by the chairperson.

(3) The extraordinary meeting of the Committee may be convened by the chairperson at the request in writing of not less than one third of the membership of the Committee.

(4) The quorum at a meeting of the Committee is seven members of the Committee including the chairperson and the Director-General or the person acting as the Director-General.

(5) The chairperson shall preside at meetings of the Committee and in the absence of the chairperson, a member of the Committee elected by the members present from among their number shall preside.

National Disaster Management Organisation Bill, 2015

(6) Matters before the Committee shall be decided by a majority of the members present and voting and in the event of an equality of votes, the chairperson shall have a casting vote.

(7) The Committee may co-opt a person to attend a meeting but that person shall not vote.

Regional Disaster Management Committee

24. (1) There is established in each region a Regional Disaster Management Committee.

(2) The Regional Disaster Management Committee comprises

- (a) the Regional Minister as the chairperson;
- (b) the chairperson of the Regional Platform for Disaster Risk Reduction and Climate Change Risk Management;
- (c) the Regional Director of the Organisation as secretary to the Committee;
- (d) the Armed Forces Garrison Commander;
- (e) the Regional Police Commander;
- (f) the Regional Fire Officer;
- (g) the Regional Director of Health Services;
- (h) the Regional Director of Social Welfare; and
- (i) the Regional Information Officer.

(3) A Member of Parliament for the affected area shall be a member of the Regional Disaster Management Committee for the duration of the disaster.

(4) The District Chief Executive of the affected district shall be a member of the Regional Disaster Management Committee for the duration of the disaster.

(5) The Regional Disaster Management Committee may co-opt members.

Functions of the Regional Disaster Management Committee

25. The Regional Disaster Management Committee shall

- (a) prepare in respect of the Region, plans for the prevention of disasters and for mitigating the effects of disaster;
- (b) co-ordinate the preparation and implementation of district disaster management plans; and
- (c) perform any other functions incidental to the functions of the Regional Disaster Management Committee.

District Disaster Management Committee

26. (1) There is established in each district a District Disaster Management Committee.

(2) The District Disaster Management Committee comprises

- (a) the District Chief Executive as the chairperson;
- (b) the District Director of the Organisation as secretary;
- (c) the chairperson of the District Platform for Disaster Risk Reduction and Climate Change Risk Management;
- (d) the Member of Parliament in the district;
- (e) the District Director of Health Service;
- (f) a representative of the Garrison Commander of the Armed Forces;
- (g) the District Police Commander;
- (h) the District Fire Officer;
- (i) the District Information Officer;
- (j) the District Director of Education;
- (k) the District Environmental Officer;
- (l) the District Planning Officer of the District Assembly; and
- (m) the District Social Development Welfare Officer from the Department of Social Welfare.

(3) The District Assembly member from the affected electoral area shall be a member of the District Disaster Management Committee for the duration of the disaster.

(4) The District Disaster Management Committee may co-opt members.

(5) A member of a District Disaster Management Committee other than an ex-officio member shall hold office for the period determined by the Council.

Functions of the District Disaster Management Committee

27. The District Disaster Management Committee shall

- (a) prepare plans for the district to prevent and mitigate disasters in its area of authority,
- (b) maintain a close liaison with the Regional Disaster Management Committee in drawing up its plans, and
- (c) perform in the district the functions directed by the Council or the Director-General.

Meetings of Regional and District Disaster Management Committees

28. Regional and District Disaster Management Committees shall regulate the procedure for their meetings.

Declaration of state of emergency and responsibility for disasters

Declaration of a state of emergency

29. (1) The President may declare a state of emergency in accordance with article 31 of the Constitution where the National Disaster Management Committee indicates the imminence or prevalence of a disaster to the Council.

(2) A Regional Disaster Management Committee shall inform the National Disaster Management Committee of a disaster that occurs within the respective region.

(3) A District Disaster Management Committee shall inform the Regional Disaster Management Committee and the National Disaster Management Committee of a disaster in the respective district.

(4) Where a state of emergency has been declared, the President may

- (a) by executive instrument make Regulations, and
- (b) issue directives for the following:
 - (i) the release of state resources for the management of the disaster;
 - (ii) the use of private resources;
 - (iii) the release of personnel of public institutions and personnel of private institutions to render emergency services;
 - (iv) the implementation of the whole or part of a national disaster management plan that is applicable in the circumstances in conjunction with the standard operating procedures of disaster management;
 - (v) the evacuation to temporary shelters of the whole or a part of the population from the disaster-stricken or threatened area for the preservation of life;

National Disaster Management Organisation Bill, 2015

- (vi) the regulation of traffic to, from or within the disaster-stricken or threatened area;
- (vii) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;
- (viii) the control and occupancy of premises in the disaster-stricken or threatened area;
- (ix) the provision, control or use of temporary emergency accommodation;
- (x) the suspension or limitation of the sale, dispensation or transportation of alcoholic beverages and all food items in the disaster-stricken or threatened area;
- (xi) the prohibition of a person from manufacturing or carrying arms or ammunition in the disaster-stricken or threatened area;
- (xii) the maintenance or installation of temporary lines of communication to, from or within the disaster-stricken or threatened area;
- (xiii) the dissemination of information required for dealing with the disaster;
- (xiv) emergency procurement procedures despite the provisions of the Public Procurement Act, 2003 (Act 663);
- (xv) the facilitation of response and post-disaster recovery and rehabilitation; and
- (xvi) the implementation of any other measures that may be necessary to prevent an escalation of a disaster or to alleviate and minimise the effects of a disaster.

Regional disaster

30. Where a disaster occurs or threatens to occur in a region, the regional office concerned shall

- (a) inform the National Disaster Management Organisation Secretariat of the disaster and of the initial assessment of the regional office of the magnitude and severity or potential magnitude and severity of the disaster,

- (b) alert stakeholders concerned with disaster management in that region capable of granting assistance in the circumstances, and
- (c) initiate the implementation of contingency plans and emergency procedures that are applicable in the circumstances.

State of emergency with respect to a region

31. Where a state of emergency has been declared by the President with respect to a region, the Regional Minister responsible shall, by executive instrument, issue directives or authorise directives to be issued for the following:

- (a) the release of available state resources in the region for the management of the disaster;
- (b) the release of personnel of institutions in the region to render emergency services;
- (c) the implementation of the whole or part of a regional disaster management plan that is applicable in the circumstances; and
- (d) the matters referred to in subsection (4) (b) (iv) to (xvi) of section 29.

Responsibility of Regional Disaster Management Committee in the event of a regional disaster

32. (1) The respective Regional Disaster Management Committee has the responsibility for the co-ordination and management of a disaster that occurs in the region.

(2) The Regional Disaster Management Committee shall perform its functions in accordance with any directives issued by the Regional Minister.

District disaster

33. When a disaster occurs or threatens to occur in a district, the District Disaster Management Committee shall

- (a) initiate the implementation of programmes to reduce the incidence and impact of the disaster, and
- (b) alert the stakeholders concerned with disaster management in the district.

State of emergency with respect to a district

34. The District Assembly concerned may pass resolutions on the recommendation of the District Disaster Management Committee in respect of the following:

- (a) the release of available resources for the district;
- (b) the release of personnel of institutions in the district to render emergency services;
- (c) the implementation of the whole or a part of a district disaster management plan that is applicable in the circumstances; and
- (d) the matters referred to in subsection (4) (b) (iv) to (xvi) of section 29.

Responsibility of District Disaster Management Committee

35. (1) A District Disaster Management Committee has the responsibility for the co-ordination and management of a disaster that occurs in the district.

(2) The District Disaster Management Committee shall perform its functions in accordance with the resolutions passed by the District Assembly where a district disaster occurs.

Financial provisions

Establishment of National Disaster Management Fund

36. There is established by this Act, a National Disaster Management Fund for the Organisation.

Object of the Fund

37. (1) The object of the Fund is to provide finances for the development and operation of disaster prevention, disaster risk reduction, climate change risk reduction and other disaster management programmes.

(2) To achieve the object of the Fund, the moneys from the Fund shall be applied to relevant activities determined by the Council.

(3) Without limiting the scope of subsection (2), moneys from the Fund may be applied to provide for strategic stocks for emergency relief for disaster victims.

(4) For the purpose of this section, “strategic stocks” means the basic necessities of life including requirements for the relief of disaster victims.

Sources of money for the Fund

38. The sources of money for the Fund are
- (a) moneys appropriated for the Organisation by Parliament;
 - (b) fees and charges accruing to the Organisation in the performance of its functions under this Act;
 - (c) three per cent of the share of the District Assemblies Common Fund for each District Assembly;
 - (d) advances from the Contingency Fund referred to in article 177 of the Constitution;
 - (e) money that accrues to the Fund from investments made by the Organisation;
 - (f) grants, donations and other voluntary contributions to the Fund; and
 - (g) other moneys that may in any manner become lawfully payable to the Organisation for the Fund.

Donations to the Organisation

39. A person may, with the written approval of the Minister, donate goods and other equipment to the Organisation.

Management of the Fund

40. (1) The Council is responsible for the management of the Fund and for that purpose shall
- (a) pursue policies to achieve the object of the Fund;
 - (b) formulate policies to generate money for the Fund;
 - (c) monitor and evaluate the development and operations of disaster management programmes in respect of moneys received from the Fund;
 - (d) ensure accountability of the Fund by defining appropriate procedures for its management;
 - (e) provide a formula for the disbursement of moneys from the Fund;
 - (f) invest, with the approval of the Minister responsible for Finance, some moneys of the Fund in safe securities it considers financially beneficial to the Fund; and
 - (g) perform any other function ancillary to the object of the Fund.

National Disaster Management Organisation Bill, 2015

(2) The moneys from the Fund shall be paid into a bank account opened by the Council for the purpose with the approval of the Minister responsible for Finance.

(3) The provisions in sections 42 and 43 on accounts and audit and annual report and other reports apply to the Fund.

Disbursement from the Fund

41. (1) Subject to subsection (2), the Council shall disburse moneys in accordance with the formula for disbursement that is approved by Parliament.

(2) The Council shall monitor the use of moneys provided for the Organisation for the following purposes:

- (a) disaster risk reduction programmes;
- (b) climate change risk reduction;
- (c) early warning mechanisms;
- (d) vulnerability reduction;
- (e) hazard mapping;
- (f) procurement of search and rescue equipment;
- (g) first line response;
- (h) relief items;
- (i) drugs and vaccines;
- (j) training;
- (k) reconstruction projects; and
- (l) the formation, training and motivation of Disaster Volunteer Groups in a district.

Accounts and audit

42. (1) The Council shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Council shall submit the accounts of the Organisation to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall not later than three months after the receipt of the accounts, audit the accounts and forward a copy of the audit report to the Minister.

(4) The financial year of the Organisation shall be the same as the financial year of the Government.

National Disaster Management Organisation Bill, 2015

Annual report and other reports

43. (1) The Council shall, within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and operations of the Organisation for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister, shall within one month after the receipt of the annual report submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Council shall also submit to the Minister any other reports which the Minister may require in writing.

Exemption from taxes, duties and levies

44. The Organisation is exempt from the payment of taxes, duties and levies.

Miscellaneous provisions

Disaster management plans

45. (1) The Chief Director of each Ministry or the Chief Executive of each Department or Agency shall ensure that a disaster management plan is prepared and simulated annually and subsequently revised in accordance with the national policy on disaster management.

(2) The Chief Director or officer concerned shall submit the respective disaster management plan to the Secretariat for review thirty days after the national budget has been approved.

(3) Subsection (1) applies with the necessary modifications to a private institution.

(4) Subject to any other enactment, the owner of a building which

- (a) has four or more storeys,
- (b) contains public facilities, or
- (c) has the capacity to accommodate fifteen or more persons

shall submit the relevant building plans to the Organisation for the issue of a certificate which certifies compliance with disaster management requirements of the Organisation.

Establishment of register

46. (1) The Organisation shall establish and maintain a register for the purpose of disaster and emergency management in a form determined by the Council.

(2) The Regional Director and District Director shall cause to be forwarded from the respective regional or district office of the Organisation, particulars of each disaster that occurs in the region or district affected to the Secretariat.

(3) The Secretariat shall record the particulars of each disaster in the register.

Powers of authorised officers

47. (1) The Council may authorise designated officers to carry out the functions of the Council to give effect to the functions of the Organisation.

(2) An officer or agent of the Organisation, authorised to carry out a function or to collaborate with an existing authorised agency may

- (a) enter any premises, which poses or is likely to pose a danger during a disaster,
- (b) demolish any building or structure which has been assessed by a certified planner as being in an unauthorised or hazardous location, and
- (c) carry out any other lawful act including safety simulations and rehearsals to deal with a hazardous situation or to mitigate a disaster.

(3) An officer, agent or volunteer of the Organisation who undertakes any unauthorised act under the pretext of managing a disaster or emergency, commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

Immunity and compensation for officers, agents and volunteers of the Organisation

48. (1) An authorised officer, agent or volunteer of the Organisation is not liable for any act committed or omitted in the discharge of a duty under this Act.

(2) The Organisation shall pay compensation to a person, a dependant or next of kin of a person whose death, bodily injury or disability is as a result of the performance of a function under this Act.

Compensation for damage to property

49. (1) Where an officer, agent or volunteer of the Organisation, in the discharge of duty under this Act, damages the movable or immovable property of a person or of a public or a private institution, the Organisation shall pay compensation to the person or to the public or private institution.

(2) The compensation referred to in subsection (1) does not apply to a person who builds at a prohibited area.

Request for information

50. (1) The Organisation may request for relevant information from a

- (a) Ministry, department or agency,
- (b) non-governmental organisation, or
- (c) private institution

within a time frame determined by the Secretariat for purposes of disaster prevention and management.

(2) A person who, without reasonable excuse, refuses to comply with a request for information commits an offence and is liable on summary conviction to a fine of not more than two hundred penalty units or to a term of imprisonment of not more than twelve months or to both.

Obstruction of officer or agent of the Organisation

51. (1) A person shall not

- (a) obstruct an authorised officer or agent of the Organisation in the discharge of a duty under this Act;
- (b) act or omit to act in a manner that results in disaster or exacerbates the effect of a disaster being managed by an officer or agent of the Organisation.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of not more than two hundred penalty units or to a term of imprisonment of not more than twelve months or to both.

Non-governmental organisations

52. (1) A non-governmental organisation shall collaborate with the officers of the Organisation, where the non-governmental organisation intends to grant assistance for the purpose of this Act, and shall submit a report in writing to the Secretariat in respect of the outcome of the intervention and assistance of the non-governmental organisation to manage or mitigate the particular disaster or emergency.

(2) The Organisation shall collaborate with a non-governmental organisation through the competent statutory authority responsible for the operation of non-governmental organisations.

General penalty

53. A person who commits an offence under this Act for which a penalty has not been prescribed, is liable on summary conviction to a fine of not less than fifty penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than three months and not more than two years or to both.

Regulations

54. The Minister may, on the advice of the Council, by legislative instrument, make Regulations to

- (a) provide for the procurement of goods, equipment, personnel, accommodation and other services in time of disaster and emergency;
- (b) provide for the terms and conditions of service of members of the Organisation;
- (c) prescribe safety measures for the public;
- (d) prescribe levels for the state of alertness, in respect of the declaration of a state of emergency;
- (e) prescribe emergency management plans;
- (f) prescribe reporting procedures for disaster management;
- (g) provide for the terms of mutual aid agreements;
- (h) provide for the dissemination of information;
- (i) provide for evacuation procedures; and
- (j) provide for any other matter necessary for the effective implementation of the provisions of this Act.

Consequential amendment

55. The District Assemblies Common Fund Act, 1993 (Act 455) is amended in section 1 by the insertion after subsection (4) of subsection (4A).

“(4A) The proposals for the formula submitted to Parliament by the Administrator in subsection (4) shall indicate that three per cent of the share of the District Assemblies Common Fund for each District Assembly shall

- (a) be allocated for disaster management at the community level, and
- (b) form part of the National Disaster Management Fund.”

Interpretation

56. In this Act, unless the context otherwise requires

“Council” means the governing body of the Organisation established under section 7;

“Director-General” means the person appointed under section 17;

“disaster” means an occurrence which is widespread or localised, natural or man-made

(a) which causes or threatens to cause death, injury or disease, damage to property, livelihood, infrastructure or the environment and disruption of the life of a community,

(b) which is of a magnitude that exceeds the ability of a person affected to cope with its effects by the use of personal resources, and

(c) which requires a multi-sectoral and multi-disciplinary response;

“disaster management” means a continuous and integrated multi-sectoral, multi disciplinary process of planning and implementation of measures aimed at

(a) preventing or reducing the risk of disasters,

(b) mitigating the severity or consequences of disasters,

(c) emergency preparedness,

(d) a rapid and effective response to disasters, and

(e) post-disaster recovery, rehabilitation, reconstruction and resettlement;

“disaster stricken or threatened area” means an area affected by or prone to a disaster;

“disaster victim” means a person who is injured or whose property and means of livelihood has been destroyed by a disaster;

“District Platform for Disaster Risk Reduction and Climate Change Risk Management” means a district forum of people from different sectors and areas of study with diverse knowledge and skills brought together to advocate, plan, advice and promote the implementation of the framework for action to prevent and mitigate disasters and ensure climate change risk management and adaptation;

National Disaster Management Organisation Bill, 2015

- “emergency” means a sudden serious event or situation, which requires immediate action to avert a disaster;
- “emergency preparedness” means a state of readiness which enables organs of state and other institutions involved in disaster management, the private sector, communities and individuals to mobilise, organise and provide relief measures to deal with an impending or current disaster or the effects of a disaster;
- “emergency response operation” means any action taken to mitigate the effects of a disaster;
- “first line response” means the immediate act of intervention to mitigate an emergency or disaster;
- “Fund” means the fund established under section 36;
- “hazardous” means an act or event capable of causing harm;
- “Minister” means the Minister responsible for the Interior;
- “mitigation” means measures aimed at reducing the impact or effects of a disaster;
- “National Platform for Disaster Risk Reduction and Climate Change Risk Management” means a national forum of people from different sectors and areas of study with diverse knowledge and skills brought together to advocate, plan, advice and promote the implementation of the framework for action to prevent and mitigate disasters and ensure climate change risk management and adaptation;
- “non-governmental organisation” includes a civil society organisation that is not for profit and is orientated towards public benefit;
- “on-duty” means in the course of performing an official function;
- “post-disaster recovery and rehabilitation” means efforts including development, aimed at creating a situation where
- (a) normality in conditions caused by a disaster is restored,
 - (b) the effects of a disaster are mitigated, or
 - (c) circumstances are created that will reduce the risk of a similar disaster re-occurring;

National Disaster Management Organisation Bill, 2015

- “premises” includes a building, land, structure, stall, an erection movable and immovable, tent, caravan, ship, boat and aircraft irrespective of ownership;
- “prevention” means measures aimed at stopping a disaster from occurring or preventing an occurrence or a situation from degenerating into a disaster;
- “public benefit” means in the interest of national or community socio-economic development;
- “Regional Platform for Disaster Risk Reduction and Climate Change Risk Management” means a regional forum of people from different sectors and areas of study with diverse knowledge and skills brought together to advocate, plan, advice and promote the implementation of the framework for action to prevent and mitigate disasters and ensure climate change risk management and adaptation;
- “response” means measures taken during or immediately after a disaster in order to bring relief to people and communities affected by the disaster;
- “Secretariat” means the National Disaster Management Organisation Secretariat established under section 15;
- “state of emergency” means a declaration by the President, acting in accordance with the advice of the Council of State, by Proclamation published in the *Gazette*, of a prevalent condition existing in the country or in any part of the country, whereby there is a natural disaster or any situation in which the emergency powers of the President may be exercised under article 31 of the Constitution.
- “state resources” include material, financial, human resources and assets available to the State; and
- “vulnerability” means the degree to which an individual, members of a household, a community or an area may be susceptible to a disaster.

National Disaster Management Organisation Bill, 2015

Transitional provisions

57. (1) The rights, assets and liabilities accrued in respect of the properties vested in the Organisation established under the National Disaster Management Organisation Act, 1996 (Act 517) immediately before the commencement of this Act, and the persons employed by the Organisation are transferred to the National Disaster Management Organisation established under this Act and accordingly proceedings taken by or against the former Organisation may be continued by or against this Organisation.

(2) A contract subsisting between the former Organisation established under the National Disaster Management Organisation Act, 1996 (Act 517), and another person and in effect immediately before the commencement of this Act shall subsist between the Organisation under this Act and that other person.

Repeal and savings

58. (1) The National Disaster Management Organisation Act, 1996 (Act 517) is hereby repealed.

(2) Despite the repeal of Act 517, the Regulations, bye-laws, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.

(3) Each document prepared or issued under Act 517 shall continue in force as if kept, prepared or issued under the corresponding provisions of this Act.

Date of *Gazette* notification: 13th February, 2015.

National Disaster Management Organisation Bill, 2015

MEMORANDUM

The object of this Bill is to establish the National Disaster Management Organisation to manage disasters and similar emergencies.

A review by the Government of activities of the National Disaster Management Organisation established in 1996 by the National Disaster Management Organisation Act, 1996 (Act 517) has revealed the weaknesses of disaster management in the country and this Bill seeks to make better and realistic provisions for the management of disasters and similar emergencies.

The Organisation, which has been co-ordinating the efforts of relevant agencies to manage disasters whenever they occur, has faced difficulties and resistance. One reason for this is the unavailability of a trained Volunteer Corps to render service when disaster strikes. Another reason is that the public has not been co-operative and has ignored the advice of the Organisation to mitigate effects of natural disasters in some instances. Furthermore, sometimes the access to victims and search for and rescue of victims during disasters has been hindered.

Government realises that in order to have effective disaster management, communities have to be strengthened through the creation of district offices to ensure closer and regular contact between these offices and the people in the community who have to manage disasters.

In view of Government's desire to strengthen disaster management in the country, it has decided that the National Disaster Management Organisation be re-organised to ensure a participatory approach to disaster management and motivate people to act responsibly to prevent or mitigate the effects of disasters.

The Bill covers six subjects. *Clause* 1 to 13 deals with the establishment of the National Disaster Management Organisation. *Clause* 14 to 19 is on administration. *Clause* 20 to 28 covers the specific responsibilities of the National Disaster Management Committee established under *clause* 20 as well as the Regional and District Disaster Management Committees. The declaration of and general responsibility for disasters is the content of *clause* 29 to 35. Financial matters are dealt with in *clause* 36 to 44. Finally, *clause* 45 to 58 provides for miscellaneous matters.

National Disaster Management Organisation Bill, 2015

Clause 1 establishes The National Disaster Management Organisation. *Clause 2* states the object of the Organisation. The object of the organisation is to manage disasters and emergencies and develop the capacity of communities to respond effectively to disasters and emergencies.

The functions of the Organisation are stated in *clause 3*. The Organisation is responsible for the implementation of the Government policy on disaster prevention, disaster risk reduction and climate change risk management. The Organisation is also responsible for the preparation of disaster management plans at the national, regional and district levels and the preparation, co-ordination, monitoring and update of the disaster management plans. Other functions of the Organisation include collaboration with communities and relevant institutions through the dissemination of information to educate the public on hazards and natural disasters, control and relief measures, co-operation with designated authorities when disaster strikes and disaster prevention rules and regulations and their correlative sanctions. In addition, the Organisation is to facilitate the development of communities and community-based organisations to respond effectively to disasters and to improve their livelihood through social mobilisation, employment generation and poverty reduction projects. The Organisation is also required to collate and preserve data on disasters, to stockpile relief items and supervise their distribution as well as to ensure the effective flow of information on disasters between national, regional and district levels of Government.

The duty to organise and equip Disaster Volunteer Groups and to sensitise and motivate communities to serve as voluntary organs to assist in managing disasters underscores the voluntary character of the Organisation. Other salient functions of the Organisation include the provision of the first line response when a disaster occurs and ensuring the provision of adequate facilities for technical training, educational programmes, the establishment of early warning systems and ensuring general preparedness for emergency and disaster by the staff of the

National Disaster Management Organisation Bill, 2015

Organisation in particular and the public in general. The Organisation is also mandated to investigate reports and analyse the nature of hazards, vulnerability and risk situations. Other functions of the Organisation are to ensure the operational preparedness of disaster management committees and to co-ordinate relief and reconstruction efforts of local and foreign collaborators. The Organisation is also to co-operate with other countries and relevant institutions in disaster prevention and mitigation as well as search and rescue operations. The

Organisation is required to conduct research on matters that affect disasters and emergencies in the country and to perform any other function ancillary to the object of the Organisation.

Clause 4 indicates the membership of the Organisation. The Organisation consists of public officers seconded to the Organisation, persons employed for the Organisation and volunteer members registered under the Act. The membership of the Organisation is subject to the terms and conditions determined by the governing body.

Clause 5 states the qualification for volunteer members of the Organisation. A person may register as a volunteer member of the Organisation if that person is an individual who has attained the age of eighteen years and is resident in the country or if that person is a body corporate incorporated under the relevant laws of the country.

Clause 6 deals with non-registered volunteers. A person who is not registered as a volunteer member of the Organisation may provide a temporary volunteer service to the Organisation.

The governing body of the Organisation, the Council, is established under *clause 7*. The fifteen-member Council comprises a chairperson nominated by the President of the Republic, the Director-General, ten ex-officio members, the chairperson of the National Platform for Disaster Risk Reduction and Climate Change Risk Management and two members of the Organisation, one of whom is a woman, nominated by staff associations.

National Disaster Management Organisation Bill, 2015

Clause 8 outlines the functions of the Council. The Council is to oversee the administration of the Organisation and to approve equipment and specifications of equipment to be purchased for the Organisation. The Council is also responsible for the formulation of policies of the Organisation and for ensuring the financial management of the funds of the Organisation. In addition, the Council is required to co-ordinate local and international support for disaster or emergency relief services and for reconstruction and to perform any other function that may be assigned to the Council under this Act.

Clause 9 to *13* of the Bill contains the standard provisions on tenure of office of members, meetings of the Council, disclosure of interest, establishment of committees and allowances.

Clause 14 to *19* deals with administrative provisions. *Clause 14* provides for the divisions of the Organisation at the national, regional and district level. *Clause 15* establishes the National Disaster Management Organisation Secretariat. The Secretariat is responsible for the provision of technical and other support to the Organisation and the Council. In addition, it is responsible for implementing the decisions of the Council. The expansive structure of the Organisation is captured in *clause 16* which creates regional, district and zonal offices of the Organisation.

Provision is also made for the appointment of various offices and the functions required of them. The Director-General is appointed in *clause 17*. *Clause 18* provides for the functions of the Director-General which include acting as Secretary to the Council. *Clause 19* of the Bill provides for the appointment of other staff of the Organisation.

Clause 20 to *28* deals with the structures responsible for disaster management. *Clause 20* establishes the National Disaster Management Committee with a permanent membership of twenty as well as the Regional Minister who is an ad-hoc member for the duration of a disaster in the respective region. The Minister for the Interior is the Chairperson of the National Disaster Management Committee. The functions of the Committee are captured in *clause 21*. *Clause 22* specifies the responsibility of the National Disaster Management Committee.

National Disaster Management Organisation Bill, 2015

Clause 23 provides for the meetings of the National Disaster Management Committee.

Clause 24 establishes the Regional Disaster Management Committee. The clause spells out the membership of the Committee.

Clause 25 provides for the functions of the Regional Disaster Management Committee. *Clause 26* deals with the establishment and composition of the District Disaster Management Committee. *Clause 27* provides for the functions of the District Disaster Management Committee and *clause 28* provides for the meetings of the Regional and District Disaster Management Committees.

Clause 29 is on the declaration of a state of emergency. By this *clause*, the President declares a state of emergency on the recommendation of the National Disaster Management Committee that there is an imminent or prevailing disaster. The relay of information to the National Disaster Management Committee is also evident at the regional and district levels of government and is the responsibility of the Regional and District Disaster Management Committees.

The President may effect this declaration of a state of emergency by Executive Instrument or directives. *Sub-clause (4)* stipulates the matters for which Regulations and directives may be made.

Clause 30 is on regional disasters. It indicates the role of the regional office. The regional office is responsible for informing the National Disaster Management Organisation Secretariat of the disaster and of the initial assessment of the regional office of the magnitude and severity of the disaster, for alerting stakeholders concerned with disaster management in the region and for the initiation of the implementation of contingency plans and emergency procedures that are applicable in the circumstances.

Clause 31 empowers the respective Regional Minister to, by executive instrument, issue directives or authorise directives to be issued for purposes of a regional disaster. These include directives for the release

National Disaster Management Organisation Bill, 2015

of available state resources and personnel of institutions in the region to manage the disaster and render services respectively. In addition, the provision of matters contained in *sub-clause* (4) (b) (iv) to (xvi) of *clause* 29 in respect of a state of emergency are applicable for the purpose of a regional state of disaster.

Clause 32 assigns responsibility to the respective Regional Disaster Management Committee for the co-ordination and management of a disaster that occurs in the region. The regional Disaster Management Committee is required to perform its functions in accordance with any directives issued by the Regional Minister.

Clause 33 deals with district disasters and the obligations of a District Disaster Management Committee when a disaster occurs. A District Disaster Management Committee is required to initiate the implementation of programmes to reduce the incidence and impact of a disaster and to alert stakeholders concerned with disaster management in the district.

Clause 34 empowers the District Assembly to pass resolutions on the recommendation of the District Disaster Management Committee. Resolutions may be made in respect of the release of available resources for the district and the release of personnel of institutions in the district to render emergency services. They may also be made in respect of the implementation of district disaster management plans and for other matters referred to in *clause* 29 (4) (b) (iv) to (xvi).

Clause 35 provides for the responsibilities of a District Disaster Management Committee which include the responsibility for the co-ordination and management of a disaster that occurs in the district. A District Disaster Management Committee is also required to perform its functions in accordance with the resolutions passed by the District Assembly of a district where a disaster occurs.

Clause 36 to 44 deals with financial provisions. *Clause* 36 establishes the National Disaster Management Fund for the Organisation. *Clause* 37 states the object of the Fund as the provision of finances for the

National Disaster Management Organisation Bill, 2015

development and operation of disaster prevention, disaster risk reduction, climate change risk reduction and other disaster management programmes. The Council is required to determine the relevant activities for which the moneys from the Fund are to be applied. Exclusive provision is made for the moneys to be applied to provide for strategic stocks. *Sub-clause (4)* explains strategic stocks.

Clause 38 indicates the sources of money for the Fund. The sources of money for the Fund are moneys appropriated for the Organisation by Parliament, fees and charges that accrue to the Organisation in the performance of its functions; three per cent of the share of the District Assemblies Common Fund; advances from the Contingency Fund referred to in article 177 of the Constitution; money that accrues to the Fund from investments made by the Organisation; grants, donations and other voluntary contributions to the Fund and other moneys that may in any manner become lawfully payable to the Organisation for the Fund.

Clause 39 deals with donations to the Organisation. A person may, with the written approval of the Minister, donate goods and other equipment to the Organisation.

Clause 40 designates the Council as responsible for the management of the Fund and enumerates its duties in relation to this responsibility. *Sub-clause (3)* applies the standard financial provisions on accounts and audit and annual report and other reports to the Fund.

Clause 41 indicates how moneys from the Fund ought to be disbursed. *Clause 42 to 44* covers provisions on accounts and audit, annual report and other reports and exemption from taxes, duties and levies.

Clause 45 to 58 deals with miscellaneous matters. *Clause 45* imposes an obligation on the Chief Director of each Ministry or the Chief Executive of each Department and Agency to ensure the preparation, revision and submission to the Secretariat of disaster management plans at a stipulated time. The provisions of *clause 45* apply with the necessary modifications to a private institution. In a similar vein, an owner of a

National Disaster Management Organisation Bill, 2015

building which has four or more storeys, which contains public facilities or has the capacity to accommodate fifteen or more persons is required to submit relevant building plans to the Organisation for the issue of a certificate which certifies compliance with disaster management requirements of the Organisation.

Clause 46 makes provision for the establishment and maintenance of a register and requires regional and district Directors to ensure the transmission to the Secretariat of the particulars of each disaster that occurs in the region or district affected.

Clause 47 makes provision for designated officers to carry out functions for the Organisation. The extent of their powers includes the entry into any premises, the demolition of any building or structure in an unauthorised or hazardous location and other lawful acts including safety simulations and rehearsals to deal with a hazardous situation or to mitigate a disaster. An officer, agent or volunteer of the Organisation who undertakes any unauthorised act under the pretext of managing a disaster or emergency, commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than two years or to both.

Clause 48 deals with immunity and compensation for officers and volunteers of the Organisation. *Clause 49* deals with compensation for damages to movable or immovable property. Vital to disaster and emergency management is the availability of information. In line with this, *clause 50* enables the Organisation to request relevant information from a Ministry, Department or Agency, a non-governmental organisation or a private institution within a time frame determined by the Secretariat for purposes of disaster prevention and management. A correlative penalty is provided in *clause 50* for the refusal to provide the information.

Clause 51 provides a penalty for the obstruction of an officer or agent of the Organisation in the discharge of duties. *Clause 52* requires a non-governmental organisation to collaborate with the officers of the

National Disaster Management Organisation Bill, 2015

Organisation where the non-governmental organisation intends to grant assistance to the Organisation and to submit a report in writing to the Secretariat on the outcome of the intervention and assistance of the non-governmental organisation to manage or mitigate the particular disaster or emergency. The Organisation is required to collaborate with non-governmental organisations through the competent statutory body responsible for the operation of non-governmental organisations.

Clause 53 provides a general penalty. A person who commits an offence under this enactment for which a penalty has not been prescribed is liable on summary conviction to a fine of not less than fifty penalty units and not more than two hundred and fifty penalty units or to a term of imprisonment of not less than three months and not more than two years or to both.

Clause 54 to 57 deals with Regulations, consequential amendment, interpretation and transitional provisions. *Clause 58* repeals the existing legislation for the Organisation but saves instruments and orders executed and appointments made under the repealed enactments.

HON. MARK OWEN WOYONGO, MP
Minister for the Interior

Date: 21st January, 2015.