

ACT 517

NATIONAL DISASTER MANAGEMENT ORGANISATION ACT, 1996

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ACT 517

NATIONAL DISASTER MANAGEMENT ORGANISATION ACT, 1996¹

AN ACT to establish a National Disaster Management Organisation to be responsible for the management of areas affected by disasters and similar emergencies, for the rehabilitation of persons affected by disaster and to provide for related matters.

*Establishment of the Organisation***1. Establishment of the Organisation**

- (1) There is hereby established a National Disaster Management Organisation.
- (2) The Organisation shall have offices at the national regional and district levels.

2. Object and functions of the Organisation

- (1) The object of the Organisation is to manage disasters and similar emergencies in the country.
- (2) For the purposes of subsection (1) the Organisation shall
 - (a) prepare national disaster plans for preventing and mitigating the consequences of disaster;
 - (b) monitor, evaluate and update national disaster plans;
 - (c) ensure the establishment of adequate facilities, technical training and the institution of educational programmes to provide public awareness, warning systems and general preparedness for its staff and the general public;
 - (d) ensure that there are appropriate and adequate facilities for the provision of relief, rehabilitation and reconstruction after a disaster;
 - (e) co-ordinate local and international support for disaster or emergency control relief services and reconstruction; and
 - (f) perform any other functions that are incidental to its functions.

3. Membership of the Organisation and qualification of members

- (1) The Organisation consists of
 - (a) professionals, experts, consultants, officers and employees of public institutions and non-governmental organisations; and
 - (b) the volunteers who were registered under this Act.
- (2) A person who is not less than sixteen years of age and is resident in the Republic may volunteer to register as a member of the Organisation.
- (3) An application for registration shall be made to the National Security Council or to any other person directed by the Council and shall be in the form and contain the particulars that the Council shall direct.
- (4) The Organisation may make use of any resource and service of a member.

1. The Act was assented to on 11th September, 1996 and came into force on 27th September, 1996.

4. Governing body of the Organisation

- (1) The governing body of the Organisation is the National Security Council.
- (2) The Council is responsible for determining the policies of the Organisation.

5. Terms and conditions

Membership of the Organisation is subject to the terms and conditions determined by the Council.

6. Ministerial responsibility

The Minister responsible for the Interior is responsible for the Organisation.

*Disaster Management Committees***7. Committees of the Council**

- (1) The Council may for the purposes of this Act appoint the committees that it considers necessary and may assign a function of the Organisation to a committee.
- (2) A committee may consist of members of the Council or non-members or both.

8. National disaster management co-ordination committee

(1) Without prejudice to section 7, there is hereby established a national disaster management committee, consisting of,

- (a) the Minister responsible for the Interior as the chairman,
- (b) one representative each from
 - (i) Ministry of the Interior,
 - (ii) Ministry of Finance,
 - (iii) Ministry of Health,
 - (iv) Ministry of Manpower Development and Employment,
 - (v) Ministry of Media Relations,
 - (vi) Ministry of Local Government and Rural Development,
 - (vii) Ministry of Defence,
 - (viii) Ministry of Environment, Science and Technology,
 - (ix) Ministry of Transport and Communications,
 - (x) National Development Planning Commission, and
- (c) the national co-ordinator of the Organisation who shall be the secretary to the Committee.

(2) The Regional Minister of the Region where a disaster has occurred shall be a member of the national committee for the duration of the disaster.

(3) A person below the rank of a chief director shall not be appointed a representative of a Ministry under this section.

9. Meetings of the national committee

(1) The national committee shall meet at least once in every three months at the times and places determined by the chairman.

(2) The chairman shall preside at the meetings of the national committee, and in the absence of the chairman one of the members of the committee elected from among their number shall preside.

(3) The national committee may co-opt a person to act as adviser but a co-opted person does not have a right to vote.

(4) The proceedings of the national committee shall not be invalidated by a vacancy in its membership or a defect in the appointment or qualification of a member.

(5) Except as otherwise provided in this Act the national committee shall regulate the procedure for its meetings.

10. Functions of the national committee

The national committee

- (a) is responsible for the implementation of national policies on disasters;
- (b) shall ensure an effective flow of information on disasters between the national, regional and district capitals;
- (c) shall assess the event of a disaster, the extent of damage and the needs for the affected areas and report to the Council;
- (d) shall co-ordinate regional and district disaster management plans and activities;
- (e) shall identify, receive, manage and supervise relief items;
- (f) shall investigate reports and analyse the nature of hazards, vulnerability and risk situations in particular areas and ensure the operational readiness of regional and district disaster management committees in those areas;
- (g) shall collect and preserve data on disasters in the country;
- (h) shall take steps to ensure the efficient training of organised personnel and any other persons available for emergency or disaster duties;
- (i) shall compute, for the benefit of the Council, the necessary requirements for the effective running of the Organisation each year; and
- (j) shall disseminate information to educate the public on
 - (i) the human activities most likely to cause environmental disasters in the country;
 - (ii) the hazards and natural disasters which are likely to affect the various regions in the country;
 - (iii) action to be taken in the event of a disaster of whatever nature; and
 - (iv) the control and relief measures most likely to be taken by the Republic and the necessity for everyone to co-operate with the authorities on these occasions.

11. The national co-ordinator

(1) The Organisation shall have a national co-ordinator who shall be appointed by the President in accordance with article 195 of the Constitution.

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

(3) The President shall, in making the appointment of the co-ordinator, consider the integrity, knowledge, expertise and experience of that person and in particular that person's knowledge in matters relevant to the functions of the Organisation.

(4) The co-ordinator is the chief executive of the Organisation and is responsible, subject to the directions of the Council or of the national committee, for the day-to-day management of the affairs of the Organisation.

(5) The co-ordinator is responsible for the control of the employees of the Organisation.

(6) The co-ordinator may delegate a function of the co-ordinator to an employee of the Organisation subject to the conditions imposed by the national co-ordinator but the co-ordinator is not relieved from ultimate responsibility for the performance of the delegated function.

12. Regional and district co-ordinator

(1) The Organisation shall have regional and district co-ordinators who shall be appointed by the President in accordance with article 195 of the Constitution.

(2) The regional and district co-ordinators shall be in charge of the head office of the Organisation at the regional and district levels and perform the functions determined by the Council or the national committee.

13. Regional disaster management committees

(1) There is hereby established in each region a regional disaster management committee consisting of

- (a) the Regional Minister, as the chairman,
- (b) the Regional Information Officer,
- (c) the Armed Forces Garrison Commander,
- (d) the Regional Police Commander,
- (e) the Regional Fire Officer,
- (f) the Regional Director of Health Services, and
- (g) the Regional Director of Social Welfare.

(2) The district or metropolitan chief executive of the affected district or metropolis shall be a member of the regional committee for the duration of the disaster.

(3) The regional co-ordinator is the secretary to the regional committee.

(4) The regional committee may co-opt members.

(5) Members of a regional committee, other than ex officio members, shall hold office for the period as determined by the Council.

14. Functions of the regional committee

The functions of a regional committee are

- (a) to prepare in respect of the Region plans for the prevention of disasters and for mitigating the effects of disasters;
- (b) to co-ordinate district plans on the prevention of disasters and their mitigation submitted by the district disaster management committee;
- (c) to ensure the performance in the Region of a function of the Organisation directed by the Council or the co-ordinator may direct.

15. District disaster management committees

(1) There is hereby established in each district a district disaster management committee consisting of

- (a) the district chief executive as the chairman,
- (b) the member of Parliament of the affected constituency,
- (c) the district director of health service,
- (d) the district information officer, and
- (e) a representative of the Garrison Commander of the Armed Forces,
- (f) the District Police Commander, and
- (g) the District Fire Officer.

(2) The District Assembly member from the affected electoral area shall be a member for the duration of the disaster.

(4) The district co-ordinator shall be the secretary to the District Committee.

(5) The district committee may co-opt members.

(6) Members of a district disaster management committee other than ex officio members, shall hold office for the period determined by as the Council.

16. Functions of district committee

A district 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 committee in drawing up its plans; and
- (c) perform in the district the functions directed by the Council or the co-ordinator.

17. Meetings of regional and district committees

Regional and district committees shall regulate the procedure for their meetings.

18. Removal of members of committees

A member of a regional or district committee, other than an ex officio member, may be removed from office by the Council for stated reasons.

19. Allowances for members of committees

The members of a regional or district committee shall be paid the allowances determined by the Council in consultation with the Minister responsible for Finance.

*Administration and Miscellaneous Provisions***20. Staff of the Organisation**

(1) The President may in accordance with article 195 of the Constitution appoint the other officers and employees necessary for the effective performance of the functions of the Organisation at the national, regional and district levels.

(2) The President may in accordance with article 195 (2) of the Constitution delegate the power of appointment.

(3) The Council may for the purposes of this Act engage the services of consultants and advisers as it considers necessary.

(4) Public officers may be seconded or transferred to the Organisation.

21. Internal auditor

(1) The Organisation shall have an internal auditor who is responsible to the co-ordinator.

(2) The internal auditor shall at intervals of three months prepare a report on the internal audit work carried out during the period of three months immediately preceding the preparation of the report and submit the report to the co-ordinator.

(3) The internal auditor shall make in each report the observations that appear to be necessary as to the conduct of the financial affairs of the Organisation during the period to which the report relates.

(4) The internal auditor shall send a copy of each report to the chairman of the Council and the chairman of the national committee.

(5) This section shall be read as one with the Internal Audit Agency Act, 2003 (Act 658) and where there is a conflict that Act shall prevail.

22. Funds of the Organisation

The funds of the Organisation include

- (a) moneys provided by Parliament for the purpose of the Organisation, and
- (b) moneys paid to the Organisation by way of grants, donations and gifts.

23. Accounts and audit

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

(2) The books and accounts of the Organisation shall be audited annually by the Auditor-General.

24. Annual report

(1) The co-ordinator shall within three months after the end of the financial year submit an annual report to the Council.

(2) The Minister shall, within six months after the end of the financial year, submit to Parliament an annual report dealing with the activities and operations of the Organisation including the training of personnel to deal with disasters.

25. Regulations

The Minister may, by Legislative Instrument, make Regulations for

- (a) the requisitioning of goods and accommodation in time of disaster;
- (b) the terms and conditions of membership of the Organisation; and
- (c) generally for implementing this Act.

26. Offences

A person who in times of disaster wilfully obstructs a representative of the Organisation or otherwise interferes with the Organisation in the performance of its functions commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding one year or to both the fine and imprisonment.

27. Interpretation

In this Act, unless the context otherwise requires,

“**Auditor-General**” includes an auditor appointed by the Auditor-General;

“**co-ordinator**” means the national co-ordinator appointed under section 11;

“**Council**” means the National Security Council established by article 83 of the Constitution;

“**disaster**” includes an occurrence by which there is a serious disruption of general safety endangering the life and health of many people or large material interests which requires co-ordinated action by services of different disciplines and floods, earthquakes, drought, rainstorm, war, civil strife, industrial accidents;

“**district committee**” means a district disaster management committee established by section 15;

“**management**” includes rehabilitation;

“**Minister**” means Minister responsible for the Interior;

“**national committee**” means the national disaster management committee established by section 8;

“Organisation” means the National Disaster Management Organisation established by section 1;

“Region” means a Region of the Republic;

“regional committee” means a regional disaster management committee;

“resident” means living or having a home in the country.
