REPUBLIC OF VANUATU

CONSOLIDATION OF THE FRENCH AND ENGLISH TEXTS OF THE LAWS OF VANUATU ACT [CAP 295]

Approval of the English Text of the Disaster Risk Management Consolidation Edition 2025 Order No. 71 of 2025

In exercise of the powers conferred on me by subsection 9(1) of the Consolidation of the French and English Texts of the Laws of Vanuatu Act [CAP 295], I, the Honourable JOB SAM ANDY, Minister of Youth, Justice and Community Services, make the following Order:

1 Approval of the English Text of the Disaster Risk Management Consolidation Edition 2025

The English Text of the Disaster Risk Management Consolidation Edition 2025 is approved.

2 Appointed day

The appointed day for the coming into operation of the Disaster Risk Management Consolidation Edition 2025 is the day on which this Order is made.

3 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 25th **day of** April **, 2025.**

REPUBLIC OF VANUATU Ministry of Justice & Community Service MINISTER Ministère de la Justice et services du Communautée REPUBLIQUE DE VANUATU

Honourable JOB SAM ANDY
Minister of Youth, Justice and Community Services

Commencement: 25 February 2020

DISASTER RISK MANAGEMENT ACT NO. 23 OF 2019

Act 23 of 2019
Act 1 of 2020
Act 3 of 2024

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DISASTER RISK MANAGEMENT ACT NO. 23 OF 2019

An Act to regulate the management of disasters and for related purposes.

PART 1 – PRELIMINARY MATTERS

1. Interpretation

In this Act, unless the contrary intention appears:

"climate change" means any change of climate which:

(a) is attributed directly or indirectly to human activity that alters the composition of the global atmosphere; and

(b) affects the hydrosphere, biosphere, cryosphere and lithosphere; and

(c) is in addition to natural climate variability observed over comparable time periods;

"climate change adaptation" means a response to the impacts of climate change including addressing adverse effects arising from climate change;

"Committee" means the National Disaster Committee established under section 3;

"Director" means the Director of the National Disaster Management Office;

"Director General" means the Director General of the Ministry responsible for Meteorology, Geological Hazards and Climate Change;

"disaster" means a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more losses and impacts of the following nature:

(a) human; or

(b) material; or

(c) economic; or

(d) environment;

"disaster management" means the organization, planning and application of measures to prepare for, respond to and recover from disasters;

"disaster relief" means the goods, equipment, services or funds donated by local and international donors, and funds allocated by the Government to meet the immediate humanitarian needs of disaster affected communities;

"disaster risk management" means the application of disaster risk reduction policies and strategies to prevent new disaster risk, reduce existing disaster risk and manage residual risk, including through disaster preparedness and response, which contributes to the strengthening of resilience and reduction of disaster losses;

"disaster risk reduction" means the concept and practice of reducing disaster risks:

(a) through systematic efforts to analyse and manage the causal factors of disasters; and

(b) through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment and improved preparedness for adverse events;

"emergency" means a hazardous event that does not result in the serious disruption of the functioning of a community or society;

"emergency services officer" means:

(a) an officer of the emergency service providers; or

(b) a staff employed under section 14; or

(c) any other person appointed by the Director for the purposes of this Act;

"emergency service providers" includes police, fire service, ambulance, medical teams or Government agencies and other service providers as authorised by the Director during a disaster response;

"government agency" means:

(a) a Ministry; or

(b) an office or body established under the Constitution; or

(c) an office or body established under an Act of Parliament; or

(d) a prescribed agency;

"Government Lead Agency" means a government agency appointed by the Committee to lead a specific cluster within the National Cluster Framework;

"International actors" means international aid, humanitarian, multilateral and bilateral partners, Non-Government Organisations, United Nations Agencies, civil society and faith based organisations;

"International disaster assistance" means disaster relief assistance that is provided by international actors, or imported or otherwise brought into Vanuatu from abroad by or on behalf of States, including military assistance, and by or on behalf of partner agencies and individuals;

"Minister" means the Minister responsible for Meteorology, Geological Hazards and Climate Change;

"Ministry" means the Ministry of Meteorology, Geological Hazards and Climate Change;

"Municipal Disaster and Climate Change Committee" means the Municipal Disaster and Climate Change Committee established under section 26;

"National Advisory Board" means the National Advisory Board established under the Meteorology, Geological Hazards and Climate Change Act No. 25 of 2016;

"National Cluster" means a Government lead group of government agencies and humanitarian partners providing humanitarian coordination within the National Cluster as established under section 18;

"National Cluster Framework" means the National Cluster Framework established under section 17;

"non-government agency" means a voluntary non-governmental organisation or any other private body within Vanuatu registered under the Charitable Associations (incorporation) Act [CAP 140];

"Office" means the National Disaster Management Office established under section 9;
"partner agencies" means all organisations implementing disaster risk management activities including non-governmental organisations, international organisations, development partners, United Nations, Red Cross, civil society, faith-based organisations and the private sector;

"Provincial Disaster and Climate Change Committee" means the Provincial Disaster and Climate Change Committee established under section 21;

"response" means actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected;

"state of emergency" means the state of emergency declared by the President under section 32.

2. Objectives

The objectives of this Act are:

(a) to establish the necessary institutions and mandates for effective disaster risk management in Vanuatu, including an integrated approach to disaster risk reduction and climate change adaptation, disaster preparedness and response, at the national, provincial, and municipal level; and

(b) to ensure the development and implementation of disaster risk management policies, strategies and plans at national, provincial and municipal level; and

(c) to support a whole-of-society approach to disaster risk management through education awareness, capacity building and training of elected officials, government employees, the private sector, non-governmental organisations and communities that is also gender responsive and respectful of indigenous and traditional knowledge systems; and

(d) to support a whole-of-government approach to disaster risk management, especially the integration of disaster risk reduction and climate change adaptation across the different sectors and through all levels of Government, through information-sharing, cooperation and joint planning, as appropriate; and

(e) to govern the declaration of emergencies in disaster situations; and

(f) to ensure disaster response operations are coordinated and effective; and

(g) to facilitate the entry and coordination of international humanitarian assistance when required during disaster situations; and

(h) to establish an Emergency Fund.

PART 2 – ESTABLISHMENT OF THE NATIONAL DISASTER COMMITTEE

3. Establishment of the National Disaster Committee

The National Disaster Committee is established.

4. Composition of the Committee

(1) The Committee consists of the following persons:

(a) the Director General; and

(b) the Director General of the Ministry responsible for Finance and Economic Management; and

(c) the Director General of the Ministry responsible for Foreign Affairs and External Trade; and

(d) the Director General of the Ministry responsible for Internal Affairs; and

(e) the Director General of the Ministry responsible for Infrastructure and Public Utilities; and

(f) the Director General of the Prime Minister's Office; and

(g) the Director; and

(h) the Commissioner of Police; and

(i) the Chief Executive Officer of the Vanuatu Red Cross Society.

(2) The Chairperson may invite any other person as he or she considers necessary depending on the type of disaster, to attend a meeting of the Committee to provide advice or information on a matter that is before the Committee.

(3) The person invited under subsection (2) has no right to vote in any meetings of the Committee.

5. Functions of the Committee

The Committee has the following functions:

(a) to advise to the government agencies on disaster risk management including planning, preparation, preparedness and response; and

(b) to advise the Minister on the need for an extension or an end of a state of emergency; and

(c) to oversee the implementation of disaster risk management policies implemented by the Office, government agencies, partner agencies, civil society and the private sector; and

(d) to advise the Minister on emergency response and assistance as required; and

(e) to advise the Minister on the need for a declaration of a state of emergency under this Act; and

(f) to advise the Minister on the need to request international assistance to counter the effect of a disaster and on any agreement proposed to be entered into by the Government in relation to such assistance; and

(g) to carry out such other functions as may be conferred on the Committee under this Act or any other Act.

6. Powers of the Committee

(1) The Committee has the power to do all things necessary or convenient to be done, for or in connection with the performance of its functions under this Act.

(2) Without limiting subsection (1), the Committee may require a government agency to carry out any action or responsibility or make available assets, premises or personnel as is necessary for the purposes of response, rescue and relief operations.

7. Chairperson and Deputy Chairperson of the Committee

(1) The Director General is the Chairperson of the Committee.

(2) The members are to elect from amongst themselves a Deputy Chairperson of the Committee.

(3) The Deputy Chairperson is to hold office for a period of 3 years and is eligible for re-election.

(4) The Deputy Chairperson may resign from his or her office in writing to the Chairperson.

8. Meetings of the Committee

(1) The Committee is to meet at least 4 times in a year and may hold such other meetings as are necessary for the proper performance of its functions under this Act.

(2) The Chairperson is to preside at all meetings of the Committee and in his or her absence, the Deputy Chairperson is to preside at these meetings.

(3) The Office is the secretariat of the Committee.

(4) The quorum for a meeting of the Committee is 5 members of the Committee present at the meeting.

(5) During a declaration of a state of emergency or an occurrence of a disaster, if a quorum is not present, the Chairperson may make decisions with a quorum of 2 members present at a meeting.

(6) A member present at a meeting of the Committee has one vote and issues arising at a meeting are to be decided by a majority of votes.

(7) If the voting at the meeting is equal, the Chairperson or the Deputy Chairperson (if he or she is presiding at the meeting) has a casting vote.

(8) Subject to this Act, the Committee may determine and regulate its own procedures.

PART 3 – ESTABLISHMENT OF THE NATIONAL DISASTER MANAGEMENT OFFICE

Division 1 – Establishment and Functions of the Office

9. Establishment of the National Disaster Management Office

(1) The National Disaster Management Office is established.

(2) The main objectives of the Office are:

(a) to facilitate the development and implementation of integrated disaster risk management in Vanuatu including disaster risk reduction and climate change adaptation; and

(b) to coordinate disaster preparedness, emergency and disaster response, including facilitation of international humanitarian assistance.

10. Functions of the Office

(1) The Office has the following functions:

(a) to act as the national coordinating and monitoring body for disaster risk management; and

(b) to provide disaster risk management advice and administrative support to the Committee; and

(c) to develop disaster management policies and strategies and to facilitate the implementation of the decisions of the Committee; and

(d) to develop and implement a National Disaster Risk Management Plan; and

(e) to collaborate with and provide support and technical assistance to the Government, partner agencies and communities in disaster risk management; and

(f) to identify, analyse and map hazards and conduct related research into their effects and develop responses to the hazards; and

(g) to act as a repository for hazard and other disaster related information; and

(h) to ensure that disaster risk management and climate change adaptation measures are gender responsive, sensitive to indigenous knowledge systems, and respectful of human rights; and

(i) to promote the mainstreaming of disaster risk reductions and climate change in all government policy development; and

(j) to issue community alert messages of potential threats on the advice of the Vanuatu Meteorology, Geo-hazards and Climate Change Department through information and communication channels that are accessible to different groups in the communities; and

(k) to develop Standard Operating Procedures for the National Emergency Operations Centre; and

(l) to perform such other functions as are conferred on the Office by this Act or any other Act.

(2) The Office may carry out its functions either alone or in association with any other person or body pursuant to this Act or any other Act.

Division 2 – Administration

11. Director

(1) The Director is responsible for the day to day management and administration of this Act.

(2) The Director must advise and assist the Minister and the Director General in matters relating to the Office as required under this Act.

12. Functions of the Director

In addition to such functions as are conferred on the Director under this Act and any other Act, the Director has the following functions:

(a) to ensure that the Office performs its functions properly, efficiently and effectively as required under this Act; and

(b) to be the National Controller in the case of a disaster.

13. Powers of the Director

(1) The Director has the power to do all things that are necessary or convenient to be done for or in connection with the proper performance of his or her functions under this Act or any other Act.

(2) Without limiting subsection (1), the Director may:

(a) require a government agency to make available to the Office its vehicles, plant, office space, equipment or personnel as are necessary for the purposes of response, rescue and relief operations; and

(b) give orders to the public to vacate high risk areas during any imminent threat from earthquake, tsunami, cyclone or other forms of disasters, once the official warning is issued through media; and

(c) give orders to emergency service providers to respond to a disaster that threatens human lives.

14. Other staff

(1) The Director may, with the approval of the Committee, employ other staff of the Office during a disaster response period, as it considers necessary for the proper and efficient performance of the functions of the Office.

(2) The Committee is to determine the terms and conditions of employment of the other staff of the Office.

(3) The employment of the other staff of the Office under subsection (1), must follow a fair and transparent selection process and must be based on merit.

PART 4 – NATIONAL EMERGENCY OPERATIONS CENTER AND OTHER RESPONDING AGENCIES

Division 1 – Establishment of the National Emergency Operations Center

15. Establishment of the National Emergency Operations Center

(1) The National Emergency Operations Center is established.

(2) The National Emergency Operations Center may be activated, operationalised and deactivated by the Director in accordance with the Standard Operating Procedures for the National Emergency Operations Center.

16. Functions of the National Emergency Operations Center

(1) The National Emergency Operations Center has the following functions:

(a) to coordinate the activities of disaster monitoring, warning and disaster response of Government and partner agencies; and

(b) to coordinate actions generated as a result of directions from the Committee; and

(c) to prepare reports and information and disseminate such materials to partner agencies; and

(d) to keep the public informed of disaster warnings, events and responses through the media.

(2) In addition to subsection (1), the Director must ensure that the National Emergency Operations Center performs its functions in accordance with a Standard Operational Procedure.

(3) The National Emergency Operations Center is to be operated by the staff of the Office and officers from government agencies as agreed or determined by the Director.

Division 2 – Establishment of the National Cluster Framework and National Cluster

17. Establishment of the National Cluster Framework

(1) The National Cluster Framework is established.

(2) The objective of the National Cluster Framework is to strengthen disaster preparedness and responses through predictability, accountability, and partnership by ensuring better coordination.

(3) The Office is to determine the terms of reference of the National Cluster Framework which must be set out in the National Disaster Risk Management Plan.

18. National Cluster

(1) The Committee is to establish a National Cluster.

(2) The Committee may:

(a) activate or deactivate a National Cluster; and

(b) appoint a Government Lead Agency for a National Cluster.

(3) The National Cluster is to coordinate all response activities for all agencies that offer aid and assistance as directed by the Office.

(4) A Government Lead Agency is to appoint a partner agency as a cluster co-lead, after consulting with the members of the National Cluster.

(5) The Government Lead Agency must determine the terms of reference of a cluster, after consultation with the members of the National Cluster.

Division 3 – National Responding Agencies

19. Functions of the Vanuatu Police Force during disaster

(1) In addition to such functions as are conferred on the Vanuatu Police Force under this Act or any other Act, the Vanuatu Police Force has the following functions:

(a) to provide search and rescue operations; and

(b) to assist with the clearing of roads or other public infrastructures; and

(c) to assist with maintaining or repairing of damaged roads, buildings or facilities; and

(d) to assist with the evacuation of people and the distribution of disaster relief in affected communities; and

(e) to provide security for disaster relief and persons distributing such relief; and

(f) to have a liaison officer within the National Emergency Operations Centre when it is activated.

20. Coordination of disaster response with other emergency service providers

The Office is to coordinate response to emergency and disaster in collaboration with other emergency service providers and the National Cluster Framework.

PART 5 – ESTABLISHMENT OF PROVINCIAL DISASTER AND CLIMATE CHANGE COMMITTEES, AND MUNICIPAL DISASTER AND CLIMATE CHANGE COMMITTEES

Division 1 – Establishment, Composition and Functions of Provincial Disaster and climate Change Committees

21. Establishment of a Provincial Disaster and Climate Change Committee

(1) The Provincial Disaster and Climate Change Committee is established for each Province.

(2) A Provincial Disaster and Climate Change Committee consists of the following persons:

(a) the Secretary General of the relevant Provincial Government Region; and

(b) the Provincial Disaster Officer of the relevant Provincial Government Region; and

(c) the Police Commander officer in charge of the relevant Provincial Government Region; and

(d) the Planner of the relevant Provincial Government Region; and

(e) the Finance Officer of the relevant Provincial Government Region; and

(f) a senior officer of any Government department in the relevant Provincial Government Region; and

(g) a representative of the gender and protection sector of the relevant Provincial Government Region, nominated by the Ministry of Justice and Community Service; and

(h) a representative of the Local Authorities of the relevant Provincial Government Region, nominated by the Department of Local Authorities; and

(i) a representative of the Non-Government Organisation in the relevant Provincial Government Region nominated by the Vanuatu Association Non-Government Organizations (VANGO).

22. Functions of a Provincial Disaster and Climate Change Committee

(1) A Provincial Disaster and Climate Change Committee has the following functions to perform in their relevant Provincial Government Region:

(a) to endorse strategies and policies of government agencies in relevant province for planning of, preparation for and response to a disaster; and

(b) to ensure that such strategies and policies are implemented by Government agencies and partner agencies; and

(c) to develop provincial disaster response plan; and

(d) to coordinate disaster risk reduction and climate change adaptation programs, activities and initiatives with communities; and

(e) to conduct training and awareness on disaster and climate change related programs and activities; and

(f) to disseminate disaster information warnings through Area Councils and local communities; and

(g) to coordinate assessments of impacts of a disaster in affected areas; and

(h) to make decisions on use and deployment of resources during disaster; and

(i) to liaise with the Office on the type of assistance required during a disaster; and

(j) to coordinate emergency and disaster response; and

(k) to coordinate disaster risk reduction and climate change adaptation programs, activities and initiatives;

(l) to carry out such other functions as may be conferred on the Provincial Disaster and Climate Change Committee under this Act or any other Act.

23. Chairperson and Deputy Chairperson

(1) The Secretary General of the Provincial Government Region is the Chairperson of the relevant Provincial Disaster and Climate Change Committee.

(2) The Assistant Secretary General of the Provincial Government Region is the Deputy Chairperson of the relevant Provincial Disaster and Climate Change Committee.

24. Meetings of the Provincial Disaster and Climate Change Committee

(1) A Provincial Disaster and Climate Change Committee is to meet at least 4 times in a year and may hold such other meetings as are necessary for the proper performance of its functions under this Act.

(2) The Chairperson of the Provincial Disaster and Climate Change Committee is to preside at all meetings of the Provincial Disaster and Climate Change Committee and in his or her absence, the Deputy Chairperson is to preside at these meetings.

(3) The quorum of a meeting of a Provincial Disaster and Climate Change Committee is 5 members of the Provincial Disaster and Climate Change Committee present at the meeting.

25. Secretary of the Provincial Disaster and Climate Change Committee

(1) The Provincial Disaster Officer is the secretary of the relevant Provincial Disaster and Climate Change Committee.

(2) The function of the Secretary is to support the operation of the Provincial Disaster and Climate Change Committee.

Division 2 – Establishment, Composition and Functions of Municipal Disaster and Climate Change Committee

26. Establishment of the Municipal Disaster and Climate Change Committee

The Municipal Disaster and Climate Change Committee is established for each Municipality.

27. Composition of the Municipal Disaster and Climate Change Committee

A Municipal Disaster and Climate Change Committee consists of the following persons:

(a) the Town Clerk of the relevant Municipal Council; and

(b) the Senior Town Planner of the relevant Municipal Council; and

(c) a representative of the Local Authorities nominated by the Department of Local Authorities; and

(d) a Municipal Councillor nominated by the relevant Municipal Council; and

(e) a representative of the gender and protection sector of the relevant Municipality nominated by the Ministry of Justice and Community Service; and

(f) a representative of the Non-Government Organisation located in the relevant Municipality, nominated by the Vanuatu Association Non-Government Organisations (VANGO); and

(g) a representative of the private sector of the relevant Municipality, nominated by the Vanuatu Chamber of Commerce and Industry (VCCI).

28. Functions of a Municipal Disaster and Climate Change Committee

(1) A Municipal Disaster and Climate Change Committee has the following functions to perform in their relevant Municipality:

(a) to endorse strategies and policies of government agencies for planning of, preparation for and response to a disaster; and

(b) to ensure that such strategies and policies are implemented by the government agencies and partner agencies located within the relevant Municipality; and

(c) to coordinate Disaster Risk Reduction and Climate Change Adaptation programs, activities and initiatives with communities; and

(d) to develop the Municipal Disaster Response Plan; and

(e) to conduct training and awareness on disaster and climate change related programmes and activities; and

(f) to coordinate response to emergency and disaster event; and

(g) to coordinate programs and activities in relation to an emergency and disaster; and

(h) to make assessments on impacts of a disaster in a disaster affected area; and

(i) to coordinate disaster risk reduction and climate change adaptation programs, activities and initiatives within the relevant Municipal Area during a disaster; and

(j) to make decisions on the use and deployment of resources during a disaster; and

(k) to liaise with the Office on the type of assistance required during preparedness or response period; and

(l) to carry out such other functions as may be conferred on the Municipal Disaster and Climate Change Committee under this Act or any other Act.

29. Chairperson of the Municipal Disaster and Climate Change Committee

(1) The Town Clerk of the Municipal Council is the Chairperson of the relevant Municipal Disaster and Climate Change Committee.

(2) The members of a Municipal Disaster and Climate Change Committee are to elect from amongst themselves a Deputy Chairperson.

(3) The Deputy Chairperson is to hold office for a period of 1 year and may be re-elected.

30. Meetings of the Municipal Disaster and Climate Change Committee

(1) A Municipal Disaster and Climate Change Committee is to meet at least 4 times in a year and may hold such other meetings as are necessary for the proper performance of its functions under this Act.

(2) The Chairperson of a Municipal Disaster and Climate Change Committee is to preside at all meetings of the Municipal Disaster and Climate Change Committee and in his or her absence, the Deputy Chairperson is to preside at these meetings.

(3) The quorum of a Municipal Disaster and Climate Change Committee meeting is 4 members of the Municipal Disaster and Climate Change Committee present at the meeting.

31. Secretary of a Municipal Disaster and Climate Change Committee

(1) The Provincial Disaster Officer is the secretary of the relevant Municipal Disaster and Climate Change Committee.

(2) The function of the secretary is to support the operation of the Municipal Disaster and Climate Change Committee.

PART 6 – DECLARATION OF STATE OF EMERGENCY

32. Declaration of state of emergency

(1) The President may, on the advice of the Council of Ministers, by Order, declare that a state of emergency exists in whole, or a specified part or parts of Vanuatu in relation to a disaster.

(2) In addition to subsection (1), the President must be satisfied that the disaster:

(a) constitutes a significant and widespread danger to life, property or the environment in Vanuatu; and

(b) exceeds the affected community's capabilities to deal with that disaster.

33. Broadcasting of declaration

After a declaration of a state of emergency under section 32, the Minister must inform the public of the declaration through the media.

34. Duration of the state of emergency

(1) A declaration of a state of emergency has effect immediately on the day it is made.

(2) The declaration of a state of emergency does not prevent the declaration of a further state of emergency in relation to the same or a different disaster.

(3) The declaration of a state of emergency is for a period as recommended by the Committee and approved by the Council of Ministers, unless upon the advice of the Council of Ministers:

(a) the President revokes the declaration sooner if it is no longer necessary for emergency services officers to exercise the emergency powers under this Act; or

(b) the President extends the declaration of a state of emergency for a further period as recommended by the Committee and approved by the Council of Ministers.

(4) The Director must advise in writing, the emergency services officers to cease exercising their powers if the President revokes the declaration of a state of emergency under paragraph (3)(a).

(5) The Office must ensure that a revocation of a state of emergency under paragraph (3)(a) and an extension of a declaration of a state of emergency under paragraph (3)(b), is broadcasted by the media.

34A. Decision of the Committee

(1) If a declaration of a state of emergency is in force, the Committee must provide its decision to the Minister within 12 hours after each meeting of the Committee.

(2) The Minister must provide to the Council of Ministers the decision of the Committee within 3 days after being provided with the decision of the Committee.

(3) The Council of Ministers, after being provided with the decision of the Committee, may accept, amend or cancel the decision of the Committee.

35. Minister's power to direct government agencies

(1) If a declaration of a state of emergency is in force, the Minister may, on the advice of the Committee, direct any government agency to do or refrain from doing any act or to exercise or refrain from exercising any function.

(2) If a direction is given to a government agency under this section, the government agency must comply with the direction despite the provisions of any other Act.

(3) All officers, employees and agents of government agencies must exercise due care in using any Government or non-government property to carry out any direction given by the Minister.

(4) The persons referred to under subsection (3) are entitled to be paid overtime claims and extra responsibility allowances, from their respective budgets in carrying out a direction under this Act.

(5) For the purpose of subsection (3), "property" means any Government or non-government vehicles, plant, office space, equipment or personnel as are necessary for the purposes of response, rescue and relief operations during a state of emergency.

36. Other special powers when declaration is in force

(1) The powers in this section apply only during a state of emergency as declared under section 32.

(2) If the Director is satisfied that it is necessary in the interest of safety, he or she may authorize an emergency services officer:

(a) to direct a person to do any or all of the following:

(i) to leave particular premises and to move out of a disaster area; or

(ii) to take any children or adults present in particular premises who are in the person's care and to move them out of a disaster area; or

(iii) not to enter a disaster area; or

(b) to close traffic on any street, road, lane, thoroughfare or footpath or place open to or used by the public in a disaster area; or

(c) to close any other public or private place in a disaster area; or

(d) to order any wall or premises that have been damaged or rendered insecure in a disaster area to be pulled down or repaired at the expense of the owner; or

(e) to shut off or disconnect the supply of any water, gas or electricity in a disaster area; or

(f) to take possession of, and remove, any material or thing in a disaster area that may be dangerous to life or property.

(3) If the person does not comply with the direction under subsection (2), the emergency services officer may do all such things as are reasonably necessary to ensure compliance with it, using such force as is reasonably necessary in the circumstances.

(4) The Commissioner of Police may exercise the powers of the Director set out under subsection (2).

PART 7 – FACILITATION OF INTERNATIONAL DISASTER ASSISTANCE

Division 1 – Request for International Disaster Assistance

37. Request for international disaster assistance

(1) The Committee may make a recommendation to the Council of Ministers that international disaster assistance is required based on the determination of the Director.

(2) The Prime Minister may, on the advice of the Council of Ministers and on the recommendation of the Committee under subsection (1):

(a) make a request for international disaster assistance specifically directed to a particular international actor; or

(b) make a general request for international disaster assistance directed to the international community as a whole.

(3) A request made under subsection (2) must be made through the Ministry of Foreign Affairs, International Cooperation and External Trade and be accompanied with:

(a) information as to the extent and type of assistance required; and

(b) information on the procedures for international actors to make offers or provide assistance as set out in the Regulations.

38. Offers and acceptance of International disaster assistance

(1) International actors must not provide international disaster assistance to affected areas in Vanuatu without having first made an offer and such offer has been accepted under this section.

(2) An offer to provide international disaster assistance must be made in writing and must be directed to the following authorities:

(a) in the case of offers made by foreign States and Governments including International Organisations, to the Department of Foreign Affairs and External Trade; or

(b) in the case of offers made by foreign non-governmental organisations and other individuals, to the Office.

(3) The offers made under this section must include the following details:

(a) the kind and amount of assistance to be provided; and

(b) the estimated duration of assistance to be provided; and

(c) confirmation that the international disaster assistance offered has been expressly requested by the Government.

(4) The Director may, on the advice of the Committee:

(a) direct the Department of Foreign Affairs and External Trade to reject or accept an offer under paragraph (2)(a), in whole or in part and may impose terms and conditions of acceptance of the offer; or

(b) direct the Office to reject or accept an offer under paragraph (2)(b), in whole or in part and may impose terms and conditions of acceptance of the offer.

(5) The Department of Foreign Affairs, International Cooperation and External Trade must in writing, notify the State, Government or the International Organisation of the decision made under paragraph (4)(a).

(6) The Office must in writing, notify the foreign non-government organisations or other individuals of the decision made under paragraph (4)(b).

Division 2 – Focal Point Agency

39. National Disaster Management Office to be focal point agency

(1) The Office is to be the focal point agency between the Government and personnel of international actors intending to arrive into Vanuatu.

(2) The entry of international actors must be facilitated and integrated into a relevant National Cluster, upon arrival in Vanuatu.

PART 8 – ESTABLISHMENT OF THE EMERGENCY FUND

40. Establishment of the Emergency Fund

(1) The Emergency Fund is established.

(2) The Fund consists of:

(a) monies appropriated by Parliament; and

(b) any contribution or donation by other sources; and

(c) any other monies required by this Act or any other Act to be paid into the Fund.

41. Purpose of fund

The Fund is to be administered by the Department of Finance for purposes of emergency and disasters.

42. Guidelines for use of fund

The Minister is to prescribe a guideline for the use of funds including procedures for urgent request of funds and types of emergencies or disasters for which the funds could be utilized.

PART 9 – OFFENCES AND IMMUNITY

43. Offences

(1) A person who:

(a) obstructs or hinders a government agency, partner agency, emergency service officer in the carrying out of his or her functions under this Act; or

(b) falsely informs the affected population that he or she is acting on behalf of the Office with the intention of obstructing a response operation; or

(c) distributes false information about disaster response; or

(d) buy from or sell to, government agencies or partner agencies, any disaster relief which are intended for distribution to disaster affected victims; or

(e) buys from the recipient disaster affected victims any disaster relief received by them; or

(f) uses force to prevent disaster relief response intended for or consigned to a specific group of disaster affected victims or partner agency; or

(g) diverts disaster relief to persons other than the rightful recipient or consignee; or

(h) accepts, processes, uses or disposes disaster relief not intended for nor consigned to him or her; or

(i) misrepresents the source of disaster relief; or

(j) substitutes or replaces disaster relief with the same items of inferior quality; or

(k) deliberately uses false data in support of the request for disaster relief for emergency response; or

commits an offence punishable on conviction by a fine not exceeding VT1,000,000 or by a term of imprisonment not exceeding 3 years, or both.

44. Immunity from legal proceeding

The following persons are immune from any legal proceedings for any damage, loss, death or injury sustained during a state of emergency or because of anything done or omitted to be done in good faith under this Act:

(a) the Minister on behalf of the State; and

(b) the Director General; and

(c) the Director; and

(d) an emergency services officer; and

(e) any other person nominated by the Director to carry out his or her functions under this Act.

PART 10 – MISCELLANEOUS PROVISIONS

45. Annual Report

(1) The Director must within 2 months after the end of each year:

(a) provide the Director General with a report of the activities of the National Disaster Management Office for that year; and

(b) provide the Director General with any additional information that he or she may require about a matter contained in the report.

(2) The Director General must include the Director's report in the annual report as required under the Public Service Act [CAP 246].

46. Regulations

(1) The Minister may, by Order make Regulations not inconsistent with this Act for the better carrying out or to give effect to the provisions of this Act.

(2) Without limiting the generality of subsection (1), the Minister may make Regulations for all or any of the following:

(a) to prescribe any form required to be used for the purpose of this Act;

(b) to prescribe fees for any services by the Office as required by this Act;

(c) to facilitate entry and coordination of international humanitarian assistance when required during disaster situations;

(d) to provide for the safety of any installation, facility and equipment used by the Office, or collect any data for any purpose under this Act;

(e) to provide for the safety of any person performing functions under this Act;

(f) any other matter required to be prescribed under this Act.

47. Repeal

The National Disaster Act [CAP 267] is repealed.

Table of Amendments

34(3)	*Amended by Act 1 of 2020*	*35(4) – (6)*	*Renumbered by Act 3 of 2024*
34A	*Inserted by Act 3 of 2024*	*35(5), (6)*	*Amended by Act 3 of 2024*
35(3)	*Repealed by Act 3 of 2024*		

Transitional

Act 23 of 2019

(1) *A reference in any Act or any document or Act to the National Disaster Act [CAP 267] made before the commencement of this Act is taken to be a reference to this Act, on and after the commencement of this Act.*

(2) *Any act undertaken under the National Disaster Act [CAP 267] before the commencement of this Act is to continue to have effect under this Act, on and after the commencement of this Act, until such time it is amended or revoked under this Act.*

(3) *A person who was employed under the National Disaster Act [CAP 267] immediately before the commencement of this Act continues to be employed as an employee of the Office under this Act, on and after the commencement of this Act, on the same terms and conditions of service with accrued entitlements.*