

REPUBLIC OF VANUATU

BILL FOR THE

DISASTER RISK MANAGEMENT (AMENDMENT)

ACT NO. OF 2024

Explanatory Note

This Bill amends the Disaster Risk Management Act No. 23 of 2019 ("the Act").

The amendment provides that if a declaration of a state of emergency is in force, any decision of the National Disaster Committee ("the Committee") will be subject to the decision of the Council of Ministers.

Subsection 8(4) of the Act provides that the quorum for a meeting of the Committee is 5 members present.

However, subsection 8(5) of the Act further provides that if a quorum is not present, the Chairperson may make decisions with a quorum of 2 members present at the meeting.

The decision of the Committee is not subject to be reviewed by the Council of Ministers. This provision has raised concerns regarding the decision of the Committee made by 3 persons during a state of emergency.

Therefore, it is the intention of the Government that during a declared state of emergency, the Council of Ministers as the executive arm of the Government should have the authority to review the decisions of the Committee. Thus, this amendment will allow for the Council of Ministers to accept, amend or cancel the decision of the Committee during a declared state of emergency.

Additionally, given the urgency with which decisions have to be made and implemented during a declared state of emergency, the amendment further requires the Committee to provide its decision to the Minister within 12 hours after each meeting of the Committee.

Finally, the amendment requires the Minister to provide to the Council of Ministers the decision of the Committee within 3 days after being provided with the decision of the Committee.

Minister of Climate Change Adaptation, Meteorology, Geo-Hazards, Environment, Energy, and Disaster Management



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BILL FOR THE DISASTER RISK MANAGEMENT (AMENDMENT) ACT NO. OF 2024

An Act to amend the Disaster Risk Management Act No. 23 of 2019.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Disaster Risk Management Act No. 23 of 2019 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF DISASTER RISK MANAGEMENT ACT NO. 23 OF 2019

1 After section 34

Insert

“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.

2 Subsection 35(3)

Repeal the subsection.

3 Subsections 35(4), (5) and (6)

Renumber the subsections as (3), (4) and (5)

4 Subsections 35(5) and (6)

Delete “(4)”, substitute “(3)”