



Tuvalu

**NATIONAL DISASTER MANAGEMENT
(AMENDMENT) ACT 2024**



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Tuvalu

NATIONAL DISASTER MANAGEMENT (AMENDMENT) ACT 2024

Act 6 of 2024

AN ACT TO AMEND THE NATIONAL DISASTER MANAGEMENT ACT 2008 TO SET OUT PURPOSE OF THE ACT AND TO PROVIDE PRINCIPLES TO GUIDE THE MANAGEMENT OF A DISASTER, TO IMPROVE THE ORGANISATIONAL STRUCTURE, INCLUDING THE ESTABLISHMENT OF THE NATIONAL DISASTER OPERATIONS CENTRE, TO CLARIFY VARIOUS ROLES AND RESPONSIBILITIES, ENSURE GREATER COMMUNITY INVOLVEMENT AND TO ENABLE A MORE EFFECTIVE AND EFFICIENT RESPONSE TO A NATIONAL DISASTER IN TUVALU.

1 Short Title

This Act may be cited as the National Disaster Management (Amendment) Act 2024.

2 Commencement

This Amendment Act shall come into effect on the date of publication.

3 Amendment to Section 1

Section 1 of the Principal Act is amended by; inserting the following sections:

“1A Purpose of this Act

The purpose of this Act is to:

- (a) provide a proactive legal framework for the effective and systematic management of disaster in Tuvalu;

- (b) enable the effective implementation of international and regional disaster agreements in Tuvalu; and
- (c) to ensure timely support to communities and individuals during disasters (humanitarian approach).”

1B Principles of this Act

The following principles of this Act apply to the management of a disaster in any part of Tuvalu:

- (a) ensure resilience through reduction of disaster risks in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property and the environment;
- (b) encourage the roles and responsibilities for disaster mitigation, preparedness, response, and recovery in Tuvalu; and
- (c) promote accountability, transparency, awareness, and participation on all matters related to disasters in Tuvalu.”

4 Amendment to Section 8

Section 8 of the Principal Act is repealed and replaced with:

“Functions and powers of the Committee

- (1) The Committee’s functions are to:
 - (a) advise the Minister on the emergency response and assistance required; and
 - (b) advise the Minister on the need for a declaration of a state of public emergency under this Act; and
 - (c) co-ordinate and facilitate standard operating procedures (SOPs) for response.
- (2) The Committee has the following powers:
 - (a) the Committee may do anything necessary in the performance of its functions under this Act; and
 - (b) the Committee may direct a government agency to carry out any action or make available assets, premises, or personnel as may be necessary for the purposes of response and relief operations.”

5 Amendment to Section 9

- (1) Section 9 of the Principal Act is amended by inserting after subsection (1):

“(2) The Committee may invite any other person to attend the Committee to provide advice.”

- (2) This subsection is renumbered to subsection (1) and (2) respectively.

6 Amendment to Section 12

Section 12 of the Principal Act is repealed and replaced with:

“Functions of the Office

The Office’s functions are to:

- (a) develop, review, and update the National Disaster Plan and other related policies and procedures; and
- (b) ensure delivery of that post disaster assistance for recovery and assistance; and
- (c) deploy government and non-government agencies to conduct damage assessment and post disaster needs; and
- (d) provide humanitarian assistance and utilise external assistance; and
- (e) issue early warnings and situation updates; and
- (f) provide advice to the Minister and the Committee on all matters relating to disasters;
- (g) develop disaster risk reduction programs for the government and community and to organise disaster training exercises; and
- (h) Implement, where appropriate, the regional and international obligations of Tuvalu in disaster risk management required by the Agreements listed in the Schedule, which the Minister may amend from time to time.”

7 Amendment to Section 13

Section 12 of the Principal Act is repealed and replaced with:

“ Director and Staff

- (1) The Office consists of the Director for Disaster Office (the Director) and subordinate staff appointed by the Public Service Commission.
- (2) The Director, as directed by the Committee, in carrying out the functions of the Office, must:
 - (a) provide clear directions to government and non-government agencies responsible for acting in relation to disasters;
 - (b) provide advice and assist the Minister and the Secretary in matters relating to the Office as required by this Act and in relation to compliance

- with international and regional frameworks established for disaster risk reduction and resilience development;
- (c) ensure that the Office performs its functions properly, efficiently, and effectively; and
 - (d) plan and manage activities in relation to disaster preparedness, response, and recovery.
- (3) The Director has the following powers:
- (a) the Director may require a government agency to make available assets or equipment or personnel necessary for the purpose of response and relief operations; and
 - (b) the Director may in collaboration with the Commissioner of Police order the public to evacuate risk areas if a threat of disaster is imminent.”

8 Amendment to Section 14

Section 14 of the Principal Act is repealed and replaced with:

“National Disaster Preparedness Working Group

- (1) A National Disaster Preparedness Working Group is established within the National Disaster Management Office.
- (2) The National Disaster Preparedness Working Group consists of:
 - (a) the persons and bodies stipulated in the National Disaster Plan; and
 - (b) the following technical working groups:
 - (i) the National Steering Committee (established to facilitate projects implemented under the Office);
 - (ii) the Drought Committee;
 - (iii) the Cyclone Preparedness Working Group; and
 - (iv) the Rapid Assessment Team.”

9 Amendment to Section 16

Section 16 of the Principal Act is repealed and replaced with:

“16A National Disaster Operations Centre

- (1) The National Disaster Operations Centre (the Centre) is established within the National Coordination Centre in Funafuti.
- (2) The Centre becomes operational in the event of a disaster in accordance with the instructions of the Commissioner of Police and may operate whether or not a state of public emergency is declared.
- (3) The Centre functions in the event of a disaster are to:

- (a) convene Committee meetings;
 - (b) control and direct disaster response and relief efforts provided by government and non-government agencies;
 - (c) coordinate requests for disaster assistance; and
 - (d) prepare situation reports and disseminate those reports and other information through public broadcasting networks, other media outlets, and other communication facilities to keep members of the public throughout Tuvalu well informed.
- (4) In the event of a disaster the Centre may be moved to a more appropriate location and must be staffed on a 24-hour basis by the members of the Committee and any other government officers directed by the Commissioner of Police.”

10 Amendment to Section 17

Section 17 of the Principal Act is repealed and replaced with:

“Island Disaster Committees’ Responsibilities

The Island Disaster Committees are responsible for:

- (a) preparing and relaying timely situation reports to the Committee;
- (b) identifying disaster risk reduction priorities for inclusion into the Island Strategic Plans;
- (c) developing and reviewing the Island Disaster Management Plan in accordance with section 22 of this Act;
- (d) allocating an annual budget line for operating expenses of the Island Disaster Committee;
- (e) maintaining access to, and condition of, assigned evacuation centres on the Island and ensuring the safety of vulnerable groups;
- (f) conducting initial assessment of the disaster on human life, health, property and the environment on the island using procedures and templates set by the Office and shall be submitted to the Falekaupule;
- (g) issuing early warnings received from the Tuvalu Meteorological Service and acting as the main communication link between the Committee and the local community in all disaster related matters;
- (h) coordinating immediate response and disaster relief efforts; and
- (i) assisting and coordinating the relief supply.”

11 Amendment to Section 18

Section 18 of the Principal Act is repealed and replaced with:

“Island Disaster Committee Members

- (1) The members of the Island Disaster Committee are:
 - (a) the Pule Kaupule who is the Chairperson of the Island Disaster Committee;
 - (b) the Kaupule Secretary;
 - (c) a registered nurse;
 - (d) a Red Cross representative;
 - (e) a Police officer;
 - (f) a local school principal;
 - (g) a woman’s representative appointed by the Island Women’s Group; and
 - (h) the Meteorological Officer (if present on the Island);
 - (i) the Tuvalu Telecommunications Cooperation Operator;
 - (j) the Tuvalu Electricity Corporation Supervisor;
 - (k) a representative of the Falekaupule;
 - (l) the Ekalesia Kelisiano Tuvalu Pastor;
 - (m) a representative of the youths;
 - (n) a representative from each island village within the Falekaupule area;
 - (o) any other person appointed by the Island Disaster Committee.
- (2) The Minister shall make rules of procedures of the Island Disaster Committee.”

12 Amendment to Section 19

Section 19 of the Principal Act is repealed and replaced with:

“National Disaster Plan

- (1) The Office shall draft a National Disaster Plan (the Plan) in consultation with the government and non-government agencies which shall be submitted to the Cabinet for approval.
- (2) The Plan comes into force when approved by the Cabinet.
- (3) The Plan shall:
 - (a) state the actions and procedures to be taken to deal with disasters in Tuvalu;
 - (b) cover requirements for disaster mitigation, preparedness, response, and recovery with particular attention to the specific needs of vulnerable groups; and
 - (c) set out the roles and responsibilities of government and non-government agencies.

- (4) The Director shall ensure that the Office and the Committee review the Plan annually and make any amendments that are necessary to keep the Plan up to date.
- (5) An amendment comes into force when approved by Cabinet.”

13 Repeal of Section 20

Section 20 of the Principal Act is repealed.

14 Repeal of Section 21

Section 21 of the Principal Act is repealed.

15 Amendment to Section 22

Section 22 of the Principal Act is repealed and replaced with:

“Government and Non-government agencies

- (1) Every Government and Non-Government Agencies must:
 - (a) adopt and update as necessary its own set of procedures and other arrangements necessary to fulfil their roles under the plans required under this Act and any relevant legislation; and
 - (b) provide an annual report of notification to the Office on the status of their procedures and arrangements.
- (2) Every non-Government agency must liaise with the Office and the National Disaster Preparedness Working Group as required under the Plan.”

16 Repeal of Section 23

Section 23 of the Principal Act is repealed.

17 Repeal of Section 24

Section 24 of the Principal Act is repealed.

18 Amendment to Section 25

Section 25 of the Principal Act is amended by; inserting the following sections:

“25A Island Disaster Management Plans

- (1) Each Island Kaupule must adopt and update as necessary its own Island Disaster Management Plan.

- (2) The Island Disaster Management Plan must:
- (a) identify disaster risks and actions to deal with a disaster event on land and sea under its jurisdiction;
 - (b) specify evacuation procedures for the island, including safe evacuation for vulnerable groups;
 - (c) include an up to date emergency contact list for the island; and
 - (d) set out the roles and responsibilities of the Island Disaster Committee and other Government and non-government agencies.
- (3) Each Kaupule in collaboration with the Office must review and develop its Island Disaster Management Plan and submit it to the Committee every year.”

19 Amendment to Part 4

Part 4 of the Principal Act is amended by inserting the new heading:

“State of Public Emergency relating to a disaster”

20 Amendment to Section 26

Section 26 of the Principal Act is repealed and replaced with:

“Application of Part 4

This Part applies if the Head of State has by proclamation declared a state of public emergency under section 35 of the Constitution of Tuvalu and the emergency relates to a disaster that:

- (a) appears likely to become beyond the scope, provisions, and resources of the National Disaster Plan; and
- (b) exceeds the capabilities of the affected communities to deal with the disaster.”

21 Amendment to Section 28

(1) Section 28 of the Principal Act is repealed and replaced with:

“Emergencies and Threatened Emergencies (Special Powers) Act 1987 applies

The Emergencies and Threatened Emergencies (Special Powers) Act 1987 applies, and emergency regulations may be made in accordance with section 4 of that Act.”

(2) After section 28, insert:

“Duration of declaration

- (1) A declaration of a public emergency relating to a disaster under this Act has effect immediately and remains in force in accordance with section 34 and 35 of the Constitution of Tuvalu.
- (2) A declaration does not prevent the declaration of a further public emergency relating to the same or a different disaster.”

23 Amendment to Section 31

Section 31 of the Principal Act is repealed and replaced with:

“Immunity

No civil or criminal action lies against the Minister, or any person appointed under this Act, with respect to anything done or omitted to be done by them pursuant to the powers of functions conferred on them under this Act unless they have acted or omitted to act in bad faith and without reasonable cause.”

24 Amendment to Section 32

Section 32 of the Principal Act is repealed and replaced with:

“Claims for Compensation or Assistance

- (1) A person who has sustained damage from a disaster may request the Government through the Office for assistance.
- (2) The Tuvalu Survival Fund Officer must collaborate closely with the Director in making assessments of the requests for assistance under subsection (1) to ensure clarity of information.
- (3) A claim must be made within one (1) year from the date the damage occurred.
- (4) A claim received by the government must be assessed in accordance with the Tuvalu Climate Change and Disaster Survival Fund Act 2015 and regulations made under that Act.
- (5) A claim for damages relating to a disaster that occurred before the commencement of this Act may not be made under this Act.

25 Repeal of Section 33

Section 33 of the Principal Act is repealed.

26 Amendment to Section 39

Section 39 of the Principal Act is repealed and replaced with:

“Relationship of this Act to other Acts

This Act does not affect the provisions of any other Act nor does any Act affect the provisions of this Act unless specifically provided for by regulation under a declared state of emergency.”

27 National Disaster Management (Amendment) Act 2021 repealed

The National Disaster Management (Amendment) Act 2021 is repealed.

SCHEDULE*(section 12(h))***LIST OF AGREEMENTS**

International Agreement

- 1 *Sendai Framework for Disaster Risk Reduction 2015 – 2030* adopted at [World Conference on Disaster Risk Reduction \(2015 : Sendai, Japan\) \(DHLAUTH\)807709](#);
- 2 *The World Agenda for Humanity: Report of the Secretary-General on the outcomes of the World Humanitarian Summit (A/71/353)*;

Regional Agreement

- 3 *Framework for Resilient Development in the Pacific: An Integrated Approach to Address Climate Change and Disaster Risk Management (FRDP) 2017–2030, Pacific Community (SPC), Secretariat of the Pacific Regional Environment Programme (SPREP), Pacific Islands Forum Secretariat (PIFS), United Nations Development Programme (UNDP), United Nations Office for Disaster Risk Reduction (UNISDR) and University of the South Pacific (USP), 2016.*