



SIAM-2, C-4 Component  
Environmental, Risk and  
Resource Management

## **Disaster Management**

Discussion Document

# **2**

Key Features and Best Practice Principles  
of Generic Disaster / Emergency  
Management Legislation

Prepared for  
**Ministry of Natural Resources, Environment and  
Meteorology**

by

BECA International Consultants Ltd.



▪ report

# **Discussion Document 2 - Key Features and Best Practice Principles of Generic Emergency Management Legislation**

Prepared for

Ministry of Natural Resources, Environment  
and Meteorology

By

Beca International Consultants Ltd

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Ministry of Natural Resources, Environment and Meteorology  
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**Attention: Vitaua Peleiupu Fuatai**

Dear Sir

**Discussion Document 2 - Key Features and Best Practice Principles of Generic  
Emergency Management Legislation**

Please find enclosed a Discussion Document on Key Features and Best Practice Principles of Generic Disaster / Emergency Management Legislation. This is the second in a series of four discussion documents which are intended to inform discussion at the Emergency Management Review Workshop on 20 June 2005.

Feedback on the issues and options presented in this paper will be used to help develop the draft Disaster / Emergency Management legislation.

Feedback is welcomed ahead of the workshop on the 20<sup>th</sup> June.

Yours faithfully  
Graeme Roberts  
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*on behalf of*

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## Revision History

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A	M Daly	Draft circulated in advance of Disaster Management Review Workshop to be held on 20 June 2005	12 June 2005

## Document Acceptance

Action	Name	Signed	Date
Prepared by	Michele Daly, Kestrel Group Ltd		12 June 2005
Reviewed by	David Brunson, Kestrel Group Ltd		12 June 2005
Approved by	Graeme Roberts, Beca International		13 June 2005
on behalf of	<b>Beca International Consultants Ltd</b>		

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# 1 Introduction

## 1.1 Background

This discussion document is the second in a series of four discussion documents which are intended to inform discussion at the Disaster Management Review Workshop on 20<sup>th</sup> June 2005. The discussion documents are:

1. Proposed improvements to national disaster management structures (key committees and working groups, their membership and terms of reference etc),
2. Key features and best practice principles of generic disaster / emergency management legislation (*this discussion document*),
3. Options regarding organisational and physical location of the NDMO,
4. Key elements of agency response plans.

The Disaster Management Review Workshop is being held as part of the Disaster Management component of the SIAM-2 project, which is a Government of Samoa project supported by the World Bank.

Feedback on the issues presented in this document will be used to help develop the draft National Disaster Management Plan (NDMP) and disaster management legislation.

## 1.2 Purpose and Structure of Discussion Paper

The purpose of this paper is to introduce best practice principles for disaster management legislation and look at how these principles could be applied in the Samoan context.

Feedback from the discussion at the workshop will assist the consultant team to develop draft disaster management legislation for presentation at a later stage as part of the NDMP and legislation consultation phase.

It is recommended that at some stage this consultation include the development of a Cabinet paper on national disaster management structures (which is the subject of Discussion Document 1) and possibly some elements of the legislation, which is presented to Cabinet as early as possible in the process to ensure the development of the NDMP and legislation progresses with their early support.

A summary of the feedback on this Discussion Document will be included in the Workshop Report. It is recommended that a summary of the discussion be presented to the Minister (MNREM) by way of a Ministerial briefing paper to ensure the Minister's early awareness of and involvement in the process.

## 1.3 Definitions

The following definitions and abbreviations are used in this report:

NDMO	National Disaster Management Office (part of MNREM)
NGO	Non-Governmental Organisation (e.g. Red Cross)
MCDEM	Ministry of Civil Defence and Emergency Management (NZ)

MNREM	Ministry of Natural Resources, Environment and Meteorology
MWTI	Ministry of Works, Transport and Infrastructure
NDMP	National Disaster Management Plan
PUMA	Planning and Urban Management Agency
SIAM-2	Second Infrastructure Asset Management Project
SOPAC	South Pacific Applied Geoscience Commission

## 2 Key Features of Disaster / Emergency Management Legislation

### 2.1 Requirements of a Mandate

Political commitment is needed to support disaster management arrangements.

Dependent upon national context and government structure, disaster management arrangements can be given effect through a variety of instruments including dedicated disaster management legislation and supporting regulation, government policy statements or Cabinet or Ministerial Directives.

Currently, the disaster management mandate for Samoa is through its Constitution and Cabinet Directives. The Government of Samoa has expressed a desire to establish dedicated disaster management legislation, a practice which is consistent with many other Pacific Island States.

The MCDEM/SOPAC Disaster Management Planning guidelines<sup>1</sup> state that a mandate must include:

1. Social, economic, built environment, cultural and environmental development goals.
2. Comprehensive disaster management, encompassing all types of hazards and embracing prevention/ mitigation, preparedness, response and relief/ recovery programmes.
3. Integration, ensuring the involvement of all relevant agencies and organisations both government, private sector and non government.
4. Community participation and preparedness by both understanding and addressing levels of exposure to disasters.
5. Effective enactment of disaster management arrangements.
6. Identification and definition of roles and responsibilities with delegation of authority to the most appropriate level of control.

In addition, the legislation should support a disaster management framework which:

- Separates governance (authority and direction) from management (systems, processes, activity),
- Mainstreams risk reduction (mitigation) within departments or ministries responsible for planning, to build on organisational strengths,
- Places responsibility with affected communities while at the same time supporting them with a coordinated multi-agency approach at the national level.

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<sup>1</sup> Pacific Disaster Management Planning: Guideline for Pacific Small Island Developing States. MCDEM and SOPAC, June 2005

## 2.2 Generic Outline

A generic outline of what the legislation could contain for Samoa is illustrated in Appendix A. This outline has been based on content in existing disaster management legislation from around the Pacific (Fiji, Solomon Islands, New Zealand).

The content will be further refined and developed over the coming months in parallel with the development of a revised national disaster management structure (refer discussion document 1), the positioning of the National Disaster Management Office (refer discussion document 3) and the revision of the National Disaster Management Plan.

## 2.3 Understanding the Samoan Context

A number of contextual issues are emerging which will be discussed at the workshop. These include:

- The use of the terms *disaster* and *emergency*

While many countries are using these terms interchangeably, they are different and can have different implications for a planning and legislative framework. A move toward best emergency management practice in a national disaster management context need not necessarily mean a change in terminology.

The MCDEM/SOPAC Disaster Management Planning guidelines suggest that Pacific nations should use the term that is best suited to their people's recognition and understanding.

- Prescriptive versus enabling legislation

Many countries have moved toward more prescriptive disaster management legislation in an attempt to more clearly define the roles and responsibilities of different organisations (e.g. key responding agencies and lifeline utilities such as power, water and communications). In some cases this has extended to community structures and defines what roles and responsibilities various village and district committees should have.

The pro's and con's of the various approaches will be discussed at the workshop.

- Appendix A

## **Generic Outline of Disaster / Emergency Management Legislation**

# Generic Outline of Content for Legislation

## **Part 1: Preliminary**

- Title and commencement
- Purpose
  - Goals/ principles
- Interpretation
  - Definitions

## **Part 2: Appointment, Functions and Powers of Persons and Entities involved in Disaster Management**

- ND Council
  - ND Council Committees (membership in Schedules)
  - (Regulations)
  - Working Groups
- Disaster Advisory Committee (membership in Schedules)
- NDM Office
  - Director, Disaster Management
  - Principal NDM Officer
- Recovery Coordinator
- National Coordination Centre
- Liaison Officers
- District Disaster Management Committees
- Village Development Committees

## **Part 3: Disaster Management Planning and Duties**

- National DM Plan
  - Content
  - Support plans (provision for e.g. contingency plans; island plans; SOPs etc)
  - Review
- District Response Plans
- Duties of government departments
- Duties of emergency services (Police, Fire, Hospital)
- Duties of Lifeline Utilities (relevant utilities listed in Schedule)
- Duties of NGOs (relevant agencies listed in Schedule)
- Duties of members of the public

#### **Part 4: Emergency Response Operations**

- Declaration of state of national emergency / disaster
  - Special powers (regulations)
- Command and control arrangements
  - Government Resources
  - NCC
  - Special powers
    - Acquisitions; temporary regulations etc
  - Immunity from liability
- Funding Operations and Disaster Relief Funds
  - Departmental expenditure (contingency funds)

#### **Part 5: Recovery**

- Roles and responsibilities
- International assistance
- Post disaster review

#### **Part 6: Offences and Penalties**

#### **Part 7: Miscellaneous Provisions**

- Compensation
- Regulations (e.g. prescribed forms for declarations)
- Repeal of (any relevant Cabinet directives)
- Amendments to other Acts

#### **Schedules**

1. ND Committee membership
2. DA Committee membership
3. Lifeline Utilities
4. NGOs
5. Acts amended