

**THE NATIONAL DISASTER RISK REDUCTION AND
MANAGEMENT ACT 2016**

Act No. 2 of 2016

I assent

BIBI AMEENAH FIRDAUS GURIB-FAKIM

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President of the Republic

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An Act

To provide for disaster risk reduction and management, and for related matters

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Disaster Risk Reduction and Management Act 2016.

2. Interpretation

In this Act –

“Chief Commissioner” has the same meaning as in the Rodrigues Regional Assembly Act;

“Commission” has the same meaning as in the Rodrigues Regional Assembly Act;

“Commissioner” has the same meaning as in the Rodrigues Regional Assembly Act;

“Dangerous Chemicals Advisory Council” means the Dangerous Chemicals Advisory Council established under the Dangerous Chemicals Control Act;

“Deputy Chief Commissioner” has the same meaning as in the Rodrigues Regional Assembly Act;

“Director-General” means the Director-General of the National Centre referred to in section 10;

“disaster” means a serious disruption of the functioning of a community or a society involving widespread human, material,

economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources;

“Disaster Management Coordinator” means a person appointed as such under section 35;

“Disaster Response Unit” means the unit referred to in section 18;

“disaster risk reduction and management” means a continuous and integrated multi-sectoral, multi-disciplinary process of planning, organising, coordinating and implementing measures aimed at –

- (a) preventing and reducing the risk of disasters;
- (b) mitigating the adverse impacts of disasters;
- (c) disaster preparedness;
- (d) rapid and effective response to disasters; and
- (e) managing post-disaster activities, including post-disaster recovery and rehabilitation;

“Divisional Commander” means the Divisional Commander, Rodrigues Police Division;

“early warning system” means the set of capacities needed to generate and disseminate timely and meaningful warning information to enable those threatened by a disaster to prepare and act appropriately and in sufficient time to reduce the possibility of harm or loss;

“emergency services” –

- (a) means specialised agencies that have specific responsibilities and objectives in serving and protecting people, animals and property in emergency situations; and
- (b) includes the Mauritius Police Force, the National Centre, the Rodrigues Centre, the NEOC, the LEOC, the REOC, the Mauritius Meteorological Services, the Mauritius Fire and Rescue Service, the Public Health Emergency Services and any other relevant body;

“General Manager” means the General Manager of the Outer Islands Development Corporation established under the Outer Islands Development Corporation Act;

“hazard” means a dangerous phenomenon, substance, human activity or condition which may cause loss of life, injury or other adverse health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage;

“Island Chief Executive” has the same meaning as in the Rodrigues Regional Assembly Act;

“local authority” –

- (a) has the same meaning as in the Local Government Act; but
- (b) does not include a Village Council;

“local committee” means a Local Disaster Risk Reduction and Management Committee referred to in section 19;

“Local Disaster Management Coordinator” means a person appointed as such under section 21;

“Local Emergency Operations Command” or “LEOC” means Local Emergency Operations Command referred to in section 22;

“Mauritius Fire and Rescue Service” means the Mauritius Fire and Rescue Service referred to in section 4 of the Mauritius Fire and Rescue Service Act;

“Minister” means the Minister to whom responsibility for the subject of disaster management is assigned;

“mitigate”, in relation to a hazard or any related disaster, means to lessen or limit its adverse impacts;

“National Centre” means the National Disaster Risk Reduction and Management Centre referred to in section 9;

“National Council” means the National Disaster Risk Reduction and Management Council referred to in section 4;

“National Crisis Committee” means the committee referred to in section 15;

“National Emergency Operations Command” or “NEOC” means the National Emergency Operations Command referred to in section 17;

“National Plan” means the National Disaster Risk Reduction and Management Plan referred to in section 14;

“National Strategic Framework” means the National Disaster Risk Reduction and Management Strategic Framework referred to in section 13;

“preparedness” means the knowledge and capacities developed by Government and other stakeholders, including professional response and recovery organisations, communities and individuals, to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions;

“prevention” means the outright avoidance of adverse impacts of hazards and related disasters;

“recovery” means the restoration, and improvement, where appropriate, of facilities, livelihoods and living conditions of disaster-affected communities, including efforts to reduce disaster risk factors;

“REOC” means Rodrigues Emergency Operations Command referred to in section 34;

“resilience” means the ability of a system, community or society exposed to hazards to resist, absorb, accommodate and recover from the effects of a hazard in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions;

“respond” means to assist before, during or immediately after a disaster in order to save and protect lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of any person affected;

“risk” means the combination of the probability of an occurrence and its adverse impacts;

“risk transfer” means the process of formally or informally shifting the financial consequences of particular risks from one party to another whereby a household, community, enterprise or ministry, department or other public body will obtain resources from the other party after a disaster occurs, in exchange for ongoing or compensatory social or financial benefits provided to that other party;

“Rodrigues Centre” means the Rodrigues Disaster Risk Reduction and Management Centre referred to in section 26;

“Rodrigues Council” means the Rodrigues Disaster Risk Reduction and Management Committee referred to in section 23;

“Rodrigues Crisis Committee” means the committee referred to in section 32;

“Rodrigues Plan” means the Rodrigues Disaster Risk Reduction and Management Plan referred to in section 31;

“Rodrigues Strategic Framework” means the Rodrigues Disaster Risk Reduction and Management Strategic Framework referred to in section 30;

“supervising officer” means the supervising officer of the Ministry;

“vulnerability”, in relation to a community, system or property, means its characteristics and circumstances which make it susceptible to the damaging effects of a hazard.

3. Application of Act

- (1) Part II, III, IV and V shall apply to the State of Mauritius.
- (2) Part VI shall only apply to Rodrigues.
- (3) Part VII shall only apply to Agaléga and Cargados Carajos.

**PART II – THE NATIONAL DISASTER RISK REDUCTION AND
MANAGEMENT COUNCIL**

4. National Council

(1) There shall be a National Disaster Risk Reduction and Management Council.

(2) The National Council shall consist of –

- (a) the Minister, who shall be the Chairperson;
- (b) the Secretary to Cabinet and Head of the Civil Service;
- (c) the Commissioner of Police;
- (d) the supervising officer or a representative of the Ministry;
- (e) the supervising officer or a representative of the Ministry responsible for the subject of agriculture;
- (f) the supervising officer or a representative of the Ministry responsible for the subject of civil service;
- (g) the supervising officer or a representative of the Ministry responsible for the subject of education;
- (h) the supervising officer or a representative of the Ministry responsible for the subject of external affairs;
- (i) the supervising officer or a representative of the Ministry responsible for the subject of external communications;
- (j) the supervising officer or a representative of the Ministry responsible for the subject of finance;
- (k) the supervising officer or a representative of the Ministry responsible for the subject of fisheries;
- (l) the supervising officer or a representative of the Ministry responsible for the subject of gender equality;

- (m) the supervising officer or a representative of the Ministry responsible for the subject of health;
- (n) the supervising officer or a representative of the Ministry responsible for the subject of home affairs;
- (o) the supervising officer or a representative of the Ministry responsible for the subject of housing and lands;
- (p) the supervising officer or a representative of the Ministry responsible for the subject of local government;
- (q) the supervising officer or a representative of the Ministry responsible for the subject of oceanography;
- (r) the supervising officer or a representative of the Ministry responsible for the subject of public infrastructure;
- (s) the supervising officer or a representative of the Ministry responsible for the subject of public utilities;
- (t) the supervising officer or a representative of the Ministry responsible for the subject of social security;
- (u) the supervising officer or a representative of the Ministry responsible for the subject of tourism;
- (v) the Chief Fire Officer, Mauritius Fire and Rescue Service;
- (w) the Director, Mauritius Meteorological Services;
- (x) the Port Master, Mauritius Ports Authority;
- (y) a representative of the Business Mauritius;
- (z) a representative of the Mauritius Red Cross Society; and
- (za) a representative of the Mauritius Council of Social Service.

(3) The National Council may, where it considers necessary, co-opt any other person with relevant expertise not already available to it so as to assist it in relation to any matter before it.

5. Objects of National Council

The objects of the National Council shall be to –

- (a) promote a culture of safety and resilience to disasters, through the use of knowledge, innovation and education;
- (b) promote and strengthen scientific research and technical capacity in multi-hazard risk assessments and disaster risk reduction and management; and
- (c) promote the implementation of the obligations of Mauritius under disaster management treaties to which Mauritius is a party.

6. Functions of National Council

The National Council shall –

- (a) formulate the National Disaster Risk Reduction and Management Policy;
- (b) oversee the implementation of the National Strategic Framework and National Plan;
- (c) ensure that Ministries, departments and local authorities have adequate human resources, tools, materials and other resources for the effective implementation of disaster risk reduction and management activities at all levels;
- (d) oversee the implementation of post-disaster recovery and reconstruction activities;
- (e) examine post-disaster review reports carried out by the National Centre and recommend on remedial measures to be taken, if any;
- (f) ensure that disaster risk reduction becomes an integral objective of environment-related policies and plans, land use planning, natural resource management, educational plans, social development plans, economic policies, sectoral policies, as well as infrastructure through enforcement of building codes;

- (g) promote research and development and commission studies on disaster risk reduction and management;
- (h) promote regional and international cooperation related to disaster risk reduction and management;
- (i) review the National warning system for multi-hazard;
- (j) formulate policies on relief assistance; and
- (k) where appropriate, advise the Prime Minister to declare a state of disaster.

7. Powers of National Council

The National Council shall have such powers as may be necessary to discharge its functions most effectively and may, within the purview of this Act –

- (a) require any Ministry, Government department, local authority or any other body to provide such information in such manner and within such time as it may determine;
- (b) cause any Ministry, Government department, local authority or any other body to provide their facilities and resources for the protection and preservation of life and property in disaster risk reduction and management; and
- (c) set up any advisory or technical sub committees on matters related to disaster risks reduction and management.

8. Meetings of National Council

(1) The National Council shall meet as often as its Chairperson may determine but at least once every month.

(2) Where the Chairperson is absent from a meeting of the National Council, the members present shall elect from among themselves a member to chair the meeting.

(3) (a) The supervising officer shall designate an officer of the rank of Deputy Permanent Secretary of the Ministry to be the Secretary to the National Council.

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- (b) The Secretary to the National Council shall –
- (i) be responsible for keeping record of minutes of proceedings of every meeting of the National Council;
 - (ii) at the request of the Chairperson, convene members to every meeting of the National Council; and
 - (iii) attend every meeting of the National Council.

(4) Subject to this section, the National Council shall regulate its meetings and proceedings in such manner as it may determine.

PART III – THE NATIONAL DISASTER RISK REDUCTION AND MANAGEMENT CENTRE

9. National Centre

(1) There shall be, within the Ministry, a department to be known as the National Disaster Risk Reduction and Management Centre.

- (2) The National Centre shall –
- (a) act as the main institution in Mauritius for coordinating and monitoring the implementation of disaster risk reduction and management activities as per the National Strategic Framework and National Plan;
 - (b) ensure the implementation of the National Strategic Framework and National Plan;
 - (c) coordinate and monitor all disaster risk reduction and management activities;
 - (d) coordinate and monitor the implementation of the disaster risk reduction and management programmes through community participation and public awareness campaigns;

- (e) work in close collaboration with the Mauritius Meteorological Services, which shall develop and improve warnings and advisories systems for all natural hazards affecting Mauritius;
- (f) implement a national multi-hazard emergency alert system to provide accurate and timely advice to the public and key stakeholders;
- (g) support Ministries, Government departments, local authorities and communities in building capacity for disaster risk reduction and management;
- (h) facilitate and coordinate the conduct of regular trainings, drills and simulation exercises to test the adequacy of disaster response plans;
- (i) undertake and participate in post-disaster reviews, including lessons drawn from previous disasters in disaster preparedness and response plans;
- (j) assist relevant stakeholders to develop an appropriate risk transfer mechanism for post-disaster recovery and rehabilitation purposes;
- (k) collaborate with all relevant stakeholders so that disaster risk reduction and management becomes an integral objective of environment-related policies and plans, sound land use planning, natural resources management, education and social development plans, economic and sectoral policies, as well as infrastructure through enforcement of building codes;
- (l) foster regional and international cooperation in disaster risk reduction management issues, including best practices and sharing of expertise;
- (m) promote research and development and commission studies on disaster risk reduction and management matters;
- (n) publish and disseminate information concerning disaster risk reduction and management; and

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- (o) carry out such other activities as may be necessary or expedient for the administration of this Act.

10. Director-General

(1) There shall be a Director-General of the National Centre who shall be a public officer.

(2) The Director-General shall, in the discharge of his functions –

- (a) be responsible for the effective and efficient management of the National Centre; and
- (b) ensure the effective implementation and reviewing of the National Strategic Framework and National Plan.

(3) The Director-General shall attend every meeting of the Council.

11. Powers of Director-General

The Director-General shall have such powers as may be necessary to discharge its functions most effectively and may, in the interest of public safety –

- (a) cause any department or agency to conduct investigations, surveys, researches and analysis related to risks and hazards to disasters;
- (b) may cause contingency plans to be prepared and submitted to the National Centre as regards any risk or hazard exposed by any public or private body; and
- (c) issue such communiqué as may be required through the media.

12. Staff of National Centre

(1) (a) The Public Service Commission shall appoint such public officers as may be necessary to assist the National Centre in the proper discharge of its functions.

(b) The Commissioner of Police may, after consultation with the Director-General, designate any police officer to assist the National Centre.

- (2) Every officer of the National Centre shall be –
 - (a) under the administrative control of the Director-General; and
 - (b) authorised to act as Disaster Management Officer and shall bear distinctive badges or other identification as the Director-General may determine.

(3) The Director-General may delegate his powers to any Disaster Management Officer.

13. National Strategic Framework

The National Centre shall develop a National Disaster Risk Reduction and Management Strategic Framework for disaster risk reduction and management, to be reviewed and updated as and when necessary, to –

- (a) articulate the national vision for disaster risk reduction and management;
- (b) be a guide for the formulation of the National Plan;
- (c) ensure that the approach of Mauritius in national disaster risk reduction and management is aligned with regional and international norms;
- (d) provide for the adaptation of best practices to the local context;
- (e) seek to engage every resident of Mauritius in the disaster risk reduction and management process; and
- (f) set out stakeholders' roles and responsibilities in national disaster risk reduction and management programmes.

14. National Plan

The National Centre shall develop a National Disaster Risk Reduction and Management Plan for disaster risk reduction and management, to be reviewed and updated as and when necessary, to provide for –

- (a) measures to be taken for the prevention of disasters or the reduction of their impacts;

- (b) integration of disaster risk reduction up to local level;
- (c) measures to be taken for preparedness and capacity building to respond effectively to disasters;
- (d) the roles and responsibilities of every Ministry, department, local authorities and other stakeholders in disaster risk reduction and management activities; and
- (e) operational arrangements for disaster risk reduction and management at all levels.

PART IV – THE NATIONAL CRISIS COMMITTEE AND DISASTER RESPONSE OPERATIONS

Sub-Part A – National Crisis Committee

15. National Crisis Committee

(1) There shall be, in the event of a disaster, a National Crisis Committee which shall consist of –

- (a) the Minister, who shall be the chairperson;
- (b) the Secretary to Cabinet and Head of the Civil Service ;
- (c) the Secretary for Home Affairs;
- (d) the supervising officer;
- (e) the Commissioner of Police;
- (f) the Director-General;
- (g) the Chief Fire Officer, Mauritius Fire and Rescue Service;
- (h) the Director of the Mauritius Meteorological Services;
- (i) the Director of SAMU; and
- (j) such other person as the Chairperson may determine.

(2) A representative of the National Centre, to be appointed by the Director-General, shall act as secretary to the National Crisis Committee.

16. Functions and powers of National Crisis Committee

(1) The National Crisis Committee shall have all the functions and powers of the National Council and shall take decisive and timely actions through the NEOC to –

- (a) ensure that general preparedness plans are activated at all levels;
- (b) safeguard the life of persons in danger, including evacuation of persons at risk;
- (c) supervise the organisation of disaster response operations;
- (d) provide relief assistance;
- (e) take appropriate measures during the initial recovery phase; and
- (f) take such other measures as may be appropriate in the circumstances.

(2) Notwithstanding any other enactment, the National Crisis Committee may, to safeguard the life of any person, issue, after consultation with the Prime Minister –

- (a) an order directing any person to remain indoors as long as it is unsafe to venture outside;
- (b) an order directing any person to evacuate their premises or any public place;
- (c) an order directing any person in a particular area to be evacuated within a certain specified time;
- (d) an order directing any person not to venture near rivers, canals, water courses and cliffs;
- (e) an order directing any person, including any fisherman, not to venture at sea, on beaches or on islets during heavy rainfall or inundation, and to stop any outdoor activity;

- (f) an order declaring a localised area a disaster or potential disaster area and cause the evacuation and restrict access thereat; and
- (g) any other order as may be appropriate in the circumstances.

Sub-Part B – Disaster Response Operations

17. National Emergency Operations Command

(1) There shall be a National Emergency Operations Command which shall, in the event of a disaster, be activated to coordinate and monitor all response and recovery activities.

(2) The NEOC shall be a multi-agency with members from the public and private sectors and it shall report to the National Crisis Committee.

(3) (a) Subject to paragraph (b), the Commissioner of Police shall head the NEOC and lead disaster response operations as may be appropriate in the circumstances.

(b) The Commissioner of Police may, depending on the nature of the disaster, delegate his powers to any other appropriate person.

(4) The NEOC shall have such powers as may be necessary to discharge its functions most effectively and may, in the interest of public safety –

- (a) cause to be closed or diverted any public road which represents a potential risk to road users;
- (b) cause the evacuation, either voluntarily or by using such force as may be necessary, of persons who are at risk;
- (c) cause public facilities such as emergency shelters, educational institutions, stadiums, gymnasiums, parking spaces or any other public place to be used for the purpose of sheltering displaced persons or storage of emergency supplies;
- (d) direct the closure of any underground facilities, subways, underpasses or such other places or facilities as may be necessary; and

- (e) cause to be deployed such resources that may be required in the circumstances.

Sub-Part C – Disaster Response Unit

18. Disaster Response Unit

(1) There shall be, within the Special Mobile Force, a specialised unit to be known as the Disaster Response Unit and which shall assist the NEOC, LEOC and REOC in disaster response operations.

(2) The Disaster Response Unit shall be composed of police officers, who shall be posted on a rotation basis and shall be under the control of the Commanding Officer of the Special Mobile Force.

(3) The police officers of the Disaster Response Unit shall be trained to respond to any disaster.

(4) The Disaster Response Unit shall be provided with all the required resources and facilities to discharge its duties safely and effectively.

PART V – LOCAL DISASTER RISK REDUCTION AND MANAGEMENT COMMITTEE OF LOCAL AUTHORITY

Sub-Part A – Local Committee

19. Local committee

(1) There shall be a Local Disaster Risk Reduction and Management Committee for every local authority.

(2) Every local committee shall consist of –

- (a) the Lord Mayor, Mayor or Chairperson of the local authority, as the case may be, who shall be the chairperson;
- (b) the chief executive of the local authority, who shall be the vice-chairperson;
- (c) the Local Disaster Management Coordinator of the local authority;
- (d) a representative of the Ministry responsible for the subject of education;

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- (e) a representative of the Ministry responsible for the subject of health;
 - (f) a representative of the Ministry responsible for the subject of public infrastructure;
 - (g) a representative of the Ministry responsible for the subject of social integration;
 - (h) a representative of the Ministry responsible for the subject of social security;
 - (i) a representative of the Mauritius Police Force;
 - (j) a representative of the Mauritius Fire and Rescue Service;
 - (k) a representative of the Central Electricity Board;
 - (l) a representative of the Central Water Authority;
 - (m) a representative of the Road Development Authority; and
 - (n) a representative of the Mauritius Red Cross Society.

(3) The chairperson of a local committee may, where he considers necessary, co-opt any other person with relevant expertise not already available to assist the committee.

(4) A local committee shall meet as often as the chairperson of the local authority may determine but at least once every 3 months.

(5) Subject to this section, a local committee shall regulate its meetings and proceedings in such manner as it may determine.

(6) The chief executive of a local authority shall designate an officer from its staff to act as secretary to the local committee.

20. Functions of local committee

Every local committee shall, in respect of the area under its jurisdiction and under the supervision of the National Centre –

- (a) work closely with its local community in disaster risk analysis and vulnerability assessment;

- (b) prepare and implement, in accordance with any guidelines laid down by the National Council, the Local Plan to be approved by the National Centre;
- (c) promote and implement disaster risk reduction and management education and public awareness programmes;
- (d) build capacity, acquire resources and coordinate disaster risk reduction and management activities;
- (e) conduct trainings, drills and simulation exercises; and
- (f) every 6 months, submit a periodical report related to its activities to the National Centre.

21. Local Disaster Management Coordinator

(1) The Local Government Service Commission shall, for every local authority, appoint a Local Disaster Management Coordinator to coordinate all disaster risk reduction and management activities in respect of the area under the jurisdiction of that local authority.

(2) The Local Disaster Management Coordinator shall act as the liaison officer between the National Centre and the local authority.

Sub-Part B – Disaster Response Operations in Local Authority

22. Local Emergency Operations Command

(1) There shall be, in the event of a disaster in a local authority, a Local Emergency Operations Command to lead disaster response operations for that local authority.

(2) The LEOC shall consist of key personnel from the local authority concerned as the chairperson of the local committee of the local authority may determine and be supported by designated members from emergency services.

(3) (a) Subject to paragraph (b), the Police Divisional Commander of the Division under which a local authority falls shall assist the chairperson of the local committee of that local authority to lead disaster response operations as may be appropriate in the circumstances.

(b) The Police Divisional Commander may, depending on the nature of the disaster and with the approval of the Commissioner of Police, delegate his powers to any other appropriate person.

(c) The Police Divisional Commander or the person delegated with the powers under paragraph (b) shall report to the NEOC.

(4) The LEOC shall, within the purview of a local authority concerned, exercise the same powers of the NEOC.

PART VI – DISASTER RISK REDUCTION AND MANAGEMENT IN RODRIGUES

Sub-Part A – Rodrigues Council

23. Rodrigues Council

(1) There shall be a Rodrigues Disaster Risk Reduction and Management Council.

(2) The Rodrigues Council shall consist of –

- (a) the Chief Commissioner, who shall be the chairperson;
- (b) the Deputy Chief Commissioner, who shall be the vice-chairperson;
- (c) every Commissioner who is assigned responsibility for a Department of the Rodrigues Regional Assembly;
- (d) the Island Chief Executive;
- (e) the Departmental Head of every Commission;
- (f) the Divisional Commander;
- (g) the Director, Health Services, Rodrigues;
- (h) the Officer in Charge, Meteorological Services, Rodrigues;
- (i) the Officer in Charge, Fire Services, Rodrigues;
- (j) the Officer in Charge, Water Unit, Rodrigues;
- (k) the Manager, Central Electricity Board, Rodrigues;
- (l) the chairperson, Rodrigues Council for Social Services;
- (m) a representative from the private sector; and
- (n) a representative of the Mauritius Red Cross Society.

(3) The Rodrigues Council may, where it considers necessary, co-opt any other person with relevant expertise not already available so as to assist it in relation to any matter before it.

(4) The Rodrigues Council shall meet as often as its chairperson may determine but at least once every 3 months.

(5) The Island Chief Executive shall designate an officer of the Chief Commissioner's Office to act as secretary to the Rodrigues Council.

(6) Subject to this section, the Rodrigues Council shall regulate its meetings and proceedings in such manner as it may determine.

24. Functions of Rodrigues Council

The Rodrigues Council shall –

- (a) liaise and coordinate with the National Council in disaster risk reduction and management activities;
- (b) formulate policies on disaster risk reduction and management;
- (c) oversee the implementation of the Rodrigues Disaster Risk Reduction and Management Strategic Framework and Rodrigues Disaster Risk Reduction and Management Plan;
- (d) ensure that Commissions and departments have adequate human resources, tools, materials and other resources for the effective implementation of disaster risk reduction and management activities at all levels;
- (e) oversee the implementation of post-disaster recovery and reconstruction activities;
- (f) examine post-disaster review reports carried out by the Rodrigues Centre and recommend on remedial measures to be taken, if any;
- (g) ensure that disaster risk reduction becomes an integral objective of environment-related policies and plans, land use planning, natural resource management, educational plans, social development plans, economic policies, sectoral policies, as well as infrastructure through enforcement of building codes;

- (h) promote research and development and commission studies on disaster risk reduction and management and related matters; and
- (i) where appropriate, advise the Prime Minister to declare a state of disaster in Rodrigues.

25. Powers of Rodrigues Council

The Rodrigues Council shall have such powers as may be necessary to discharge its functions most effectively and may, within the purview of this Act –

- (a) require any Commission or any other body to provide such information in such manner and within such time as it may determine;
- (b) cause any Commission or any other body to provide their facilities and resources for the protection and preservation of life and property in the whole cycle of disaster risk reduction and management; and
- (c) set up any advisory or technical sub committees on matters related to disaster risks reduction and management.

Sub-Part B – Rodrigues Centre

26. Rodrigues Centre

(1) There shall be a Rodrigues Disaster Risk Reduction and Management Centre, which shall be a department of the Chief Commissioner's Office.

- (2) The Rodrigues Centre shall –
 - (a) act as the main institution in Rodrigues for coordinating and monitoring the implementation of disaster risk reduction and management activities as per the Rodrigues Strategic Framework and Plan;
 - (b) coordinate and monitor the implementation of the disaster risk reduction and management programmes through community participation and public awareness campaigns;

- (c) work in close collaboration with the Mauritius Meteorological Services, which shall develop and improve warnings and advisories systems for all natural hazards affecting Rodrigues;
- (d) implement a multi-hazard emergency alert system with the support of the National Centre which will provide accurate and timely advice to the public and key stakeholders;
- (e) support Commissions, departments and communities in building capacity for disaster risk reduction and management;
- (f) facilitate and coordinate the conduct of regular trainings, drills and simulation exercises to test the adequacy of disaster response plans;
- (g) undertake and participate in post-disaster reviews, including lessons drawn from previous disasters in disaster preparedness and response plans;
- (h) assist relevant stakeholders to develop an appropriate risk transfer mechanism for post-disaster recovery and rehabilitation purposes;
- (i) collaborate with all relevant stakeholders so that disaster risk reduction and management becomes an integral objective of environment-related policies and plans, sound land use planning, natural resources management, education and social development plans, economic and sectoral policies, as well as infrastructure through enforcement of building codes;
- (j) foster cooperation in disaster risk reduction management issues, including best practices and sharing of expertise; and
- (k) every 6 months, submit a periodical report related to its activities to the Rodrigues Council.

27. Director of Rodrigues Centre

(1) The Island Chief Executive shall designate a public officer as the Director of the Rodrigues Centre.

(2) The Director of the Rodrigues Centre shall, in the discharge of his functions –

- (a) be responsible for the effective and efficient management of the Rodrigues Centre;
- (b) ensure that the effective implementation of disaster risk reduction and management policies, frameworks, plans, programmes and projects are in line with the National Disaster Risk Reduction and Management Policy; and
- (c) work in collaboration with the Director-General.

(3) The Director of the Rodrigues Centre shall, unless otherwise directed by the Rodrigues Council, attend every meeting of the Rodrigues Council.

28. Powers of Director

The Director shall have such powers as may be necessary to discharge its functions most effectively and may, in the interest of public safety –

- (a) cause any department or agency to conduct investigations, surveys, researches and analysis related to risks and hazards to disasters;
- (b) may cause contingency plans to be prepared and submitted to the Rodrigues Centre as regards any risk or hazard exposed by any public or private body; and
- (c) issue such communiqué as may be required through the media.

29. Staff of Rodrigues Centre

(1) The Public Service Commission shall appoint such public officers as may be necessary to assist the Rodrigues Centre in the proper discharge of its functions.

- (2) Every officer of the Rodrigues Centre shall be –
- (a) under the administrative control of the Director; and
 - (b) authorised to act as Disaster Management Officer and shall bear distinctive badges or other identification as may be deemed necessary.

(3) The Director may delegate his powers to any Disaster Management Officer.

30. Rodrigues Disaster Risk Reduction and Management Strategic Framework

The Rodrigues Centre shall, in consultation with the National Centre, develop a Rodrigues Disaster Risk Reduction and Management Strategic Framework, to be reviewed and updated as and when necessary, to –

- (a) articulate the vision for disaster risk reduction and management;
- (b) be a guide for the formulation of the Rodrigues Disaster Risk Reduction and Management Plan;
- (c) ensure that the approach of Rodrigues in disaster risk reduction and management is aligned with the National Strategic Framework;
- (d) provide for the adaptation of best practices to the local context;
- (e) seek to engage every resident of Rodrigues in the disaster risk reduction and management process; and
- (f) set out stakeholders' roles and responsibilities in disaster risk reduction and management programmes.

31. Rodrigues Disaster Risk Reduction and Management Plan

The Rodrigues Centre shall, in consultation with the National Centre, develop a Rodrigues Disaster Risk Reduction and Management Plan, to be reviewed and updated as and when necessary, to provide for –

- (a) measures to be taken for the prevention of disasters or the reduction of their impacts;

- (b) integration of disaster risk reduction up to local level;
- (c) measures to be taken for preparedness and capacity building to respond effectively to disasters;
- (d) the roles and responsibilities of every Commission, department and other stakeholder in disaster risk reduction and management activities;
- (e) harmonising the approach of Rodrigues in disaster risk reduction and management with the National Plan; and
- (f) operational arrangements for disaster risk reduction and management at all levels.

Sub-Part C – Rodrigues Crisis Committee

32. Rodrigues Crisis Committee

There shall be, in the event of a disaster in Rodrigues, a Rodrigues Crisis Committee which shall consist of –

- (a) the Chief Commissioner, who shall be the chairperson;
- (b) the Island Chief Executive;
- (c) the Divisional Commander;
- (d) the Director of the Rodrigues Centre;
- (e) the Officer-in-Charge, Fire Services; and
- (f) such other person as the chairperson of the Rodrigues Crisis Committee may determine.

33. Functions and powers of Rodrigues Crisis Committee

(1) The Rodrigues Crisis Committee shall have all the functions and powers of the Rodrigues Council and shall take decisive and timely actions through the REOC to –

- (a) ensure that general preparedness plans are activated at all levels;
- (b) safeguard the life of persons in danger, including evacuation of persons at risk;

- (c) supervise the organisation of disaster response operations;
- (d) provide effective relief assistance;
- (e) take appropriate measures during the initial recovery phase; and
- (f) take such other measures as may be appropriate in the circumstances.

(2) Notwithstanding any other enactment, the Rodrigues Crisis Committee may, to safeguard the life of persons, issue, after consultation with the Chief Commissioner –

- (a) an order directing any person to remain indoors as long as it is unsafe to venture outside;
- (b) an order directing any person to evacuate their premises or any public place;
- (c) an order directing any person in a particular area to be evacuated within a certain specified time;
- (d) an order directing any person not to venture near rivers, canals, water courses and cliffs;
- (e) an order directing any person, including any fisherman, not to venture at sea, on beaches or on islets during heavy rainfall or inundation, and to stop any outdoor activity;
- (f) an order declaring a localised area a disaster or potential disaster area and cause the evacuation and restrict access thereat; and
- (g) any other order as may be appropriate in the circumstances.

Sub-Part D – Disaster Response Operations in Rodrigues

34. Rodrigues Emergency Operations Command

(1) There shall be, at the Rodrigues Centre, a Rodrigues Emergency Operations Command which shall, in the event of a disaster, be activated to coordinate and monitor all response and recovery activities.

(2) The REOC shall be a multi-agency with members from the public and private sectors and it shall report to the Rodrigues Crisis Committee.

(3) (a) The Divisional Commander shall head the REOC and lead disaster response operations as may be appropriate in the circumstances

(b) The Divisional Commander may, depending on the nature of the disaster, delegate his powers to any other appropriate person.

(4) The REOC shall have such powers as may be necessary to discharge its functions most effectively and may, in the interest of public safety –

(a) cause to be closed or diverted such public roads which represent a potential risk to road users;

(b) cause the evacuation, either voluntarily or by using such reasonable force as may be necessary, to displace persons who are at risk;

(c) cause public facilities such as emergency shelters, educational institutions, stadiums, gymnasiums, parking spaces or any other public place to be used for the purpose of sheltering displaced persons or storage of emergency supplies;

(d) direct the closure of any underground facilities, subways, underpasses or such other places or facilities as may be necessary; and

(e) cause to be deployed such resources that may be required in the circumstances.

PART VII – DISASTER RISK REDUCTION AND MANAGEMENT IN AGALEGA AND CARGADOS CARAJOS

35. Disaster Management Coordinator for Agaléga and Cargados Carajos

(1) The General Manager shall, after consultation with the Council, appoint, on such terms and conditions as he may determine, a Disaster Management Coordinator for Agaléga and a Disaster Management Coordinator for Cargados Carajos.

- (2) A Disaster Management Coordinator referred to in subsection (1) shall –
- (a) under the supervision of the General Manager and guidance of the Director-General, and in respect of the islands under its jurisdiction –
 - (i) oversee and manage disaster risk reduction and management activities;
 - (ii) carry out disaster risk analysis and vulnerability assessment; and
 - (iii) take such other step in relation to disaster risk reduction and management as he considers necessary.
 - (b) every 6 months, submit a periodical report related to its activities to the Ministry.
- (3) Both the Disaster Management Coordinators shall be under the administrative control of the General Manager.

36. Disaster response operations in Agaléga and Cargados Carajos

- (1) Subject to paragraph (2), the General Manager shall, in consultation with the National Centre, lead all disaster response operations in Agaléga or Cargados Carajos, as the case may be.
- (2) Where the NEOC is activated, disaster response operations will be led by the NEOC with the assistance of the General Manager and the National Centre.

PART VIII – DECLARATION OF STATE OF DISASTER

37. Declaration of State of Disaster

- (1) Where a disaster in any part of the State of Mauritius is of such a nature and extent that exceptional measures are necessary to assist and protect the public in that area or where circumstances are likely to arise making such measures necessary in that area, the Prime Minister may, on

his own motion, or after consultation with the chairperson of the National Crisis Committee or, in the case of Rodrigues, after consultation with the Minister to whom responsibility for the subject of Rodrigues is assigned, chairperson of the Rodrigues Council and chairperson of the Rodrigues Crisis Committee, declare a state of disaster in any area in Mauritius.

(2) Where a state of disaster is declared under subsection (1), the Prime Minister may issue directions or authorise the issue of directions concerning –

- (a) the release of any available resources of a Ministry or department, including food items, non-food items, equipment, vehicles and facilities;
- (b) the release of personnel from any Ministry or department to provide emergency services;
- (c) the evacuation of any person from the disaster affected area to temporary shelters;
- (d) the regulation of the movement of persons and goods to, from and within the disaster affected areas;
- (e) the regulation of traffic to, from and within the disaster affected area;
- (f) the control and occupancy of premises in the disaster affected area;
- (g) the facilitation of response and post disaster recovery and reconstruction;
- (h) steps to facilitate the delivery of international relief assistance; and
- (i) any other measure that may be necessary to prevent the escalation of the disaster or to alleviate, contain and minimise the impact of the disaster.

(3) The powers referred to in subsection (2) may be exercised only to the extent that is necessary for the purpose of –

- (a) assisting and protecting the public;

- (b) providing relief to the public;
- (c) protecting property; or
- (d) dealing with the destructive and other impacts of the disaster.

(4) A state of disaster declared under subsection (1) shall remain in force until such time as the Prime Minister may determine.

38. Request for international relief assistance

(1) Where it is beyond the national capabilities to deal with a disaster or an emergency situation, the Prime Minister may, on the recommendation of the chairperson of the National Crisis Committee, chairperson of the Rodrigues Crisis Committee or General Manager, as the case may be, or on his own initiative, seek international relief assistance.

(2) Any relief assistance under paragraph (1) shall be coordinated according to international norms.

(3) Any international assisting agency and its personnel shall abide by the laws of Mauritius and shall coordinate with domestic authorities in the relief efforts.

(4) Any international assisting agency shall ensure that the disaster relief and initial recovery assistance are provided in accordance with this Act and principles of humanity, neutrality and impartiality.

(5) Where, as a result of a request for international relief assistance under subsection (1), any goods are imported as aid to persons affected by a disaster, the goods shall, pursuant to section 30(3) of the Customs Act, be released, free of duty, excise duty and taxes.

(6) Notwithstanding any other enactment, the Government shall ensure that necessary facilities are provided to those who are providing international relief assistance assisting in the aftermath of a disaster under this section.

PART IX – MISCELLANEOUS**39. Budget**

Every Ministry, Government department, local authority and every Commission in Rodrigues which is involved in disaster risk reduction and management activities shall allocate an adequate budgetary provision for that purpose within its annual budgetary estimates.

40. Annual report

(1) (a) Every local committee, the General Manager and the Rodrigues Centre shall, not later than 2 months after the end of a financial year, submit its annual report in relation to its activities to the National Centre.

(b) The Rodrigues Centre shall send its report through the Rodrigues Council.

(2) The Director-General shall, not later than 4 months after the end of a financial year, submit to the National Council an annual report on the activities of the National Centre, every local committee, Rodrigues Centre and the Disaster Management Coordinator setting out –

- (a) results of monitoring of prevention and mitigation initiatives;
- (b) details of disaster response activities performed during the year; and
- (c) an evaluation of the implementation of the –
 - (i) National Strategic Framework and National Plan;
 - (ii) Rodrigues Strategic Framework and Rodrigues Plan;
 - (iii) Local Disaster Risk Reduction and Management Plan,

as the case may be.

41. Protection from liability

No liability, civil or criminal, shall be incurred by any person in respect of any act done or omitted in good faith in the discharge of his functions, or the exercise of his powers, under this Act.

42. Offences

- (1) Any person who –
 - (a) assaults, obstructs, threatens, intimidates, abuses or insults a person in the discharge of his functions or exercise of his powers under this Act;
 - (b) diverts relief goods, equipment or other aid commodities to persons other than the rightful recipient or consignee;
 - (c) substitutes or replaces relief goods, equipment or other aid commodities with items of inferior or cheaper quality;
 - (d) prevents, obstructs or deliberately hinders relief activities;
 - (e) makes false claims of losses due to a disaster;
 - (f) publishes or broadcasts false news about disasters through the media;
 - (g) causes or provokes a disaster;
 - (h) refuses to provide assistance or resources when requested under this Act;
 - (i) contravenes any order issued under this Act;
 - (j) wilfully fails or refuses to comply with any direction in a state of disaster,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

(2) Where any person refuses to evacuate an area, a police officer may use such reasonable force as may be necessary to remove that person from that area.

43. Regulations

(1) The Minister may for the purposes of this Act make such regulations as he thinks fit.

(2) Any regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on

conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 12 months.

(3) Any regulations made under subsection (1) shall be made after consultation with the National Council, the Rodrigues Council or the General Manager, as the case may be.

44. Consequential amendments

(1) The Customs Act is amended, in section 30(3), by inserting, after the words “relief consignments”, the words “or such other goods imported as aid to those affected by a disaster in Mauritius”.

(2) The Mauritius Fire and Rescue Service Act is amended –

(a) in section 2 –

(i) by deleting the definition of “emergency” and replacing it by the following definition –

“emergency” –

(a) means a fire outbreak; and

(b) includes a disaster;

(ii) by deleting the definition of “National Disaster and Operations Coordination Centre”;

(iii) by inserting, in the appropriate alphabetical order, the following new definitions –

“disaster” has the same meaning as in the National Disaster Risk Reduction and Management Act 2016;

“disaster risk reduction and management” has the same meaning as in the National Disaster Risk Reduction and Management Act 2016;

“National Disaster Risk Reduction and Management Centre” has the same meaning as in the National Disaster Risk Reduction and Management Act 2016;

- (b) in section 5, by repealing subsection (3) and replacing it by the following subsection –

(3) The Service shall, for the effective implementation of disaster risk reduction and management activities by the National Disaster Risk Reduction and Management Centre, assist the Centre in the discharge of its functions and powers under the National Disaster Risk Reduction and Management Act 2016.

45. Transitional provisions

(1) Notwithstanding section 10(1), the Secretary to Cabinet and Head of the Civil Service shall, at the commencement of this Act, designate, for such period as may be necessary, such public officers as may be required to assist the National Centre in the proper discharge of its functions under this Act.

(2) Notwithstanding section 20(1), the Island Chief Executive shall, at the commencement of this Act, designate, for such period as may be necessary, such public officers as may be required to assist the Rodrigues Centre in the proper discharge of its functions under this Act.

46. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.

Passed by the National Assembly on the twelfth day of April two thousand and sixteen.

Bibi Safeena Lotun (Mrs)
Clerk of the National Assembly