

SAINT LUCIA

No. 30 of 2006

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I ASSENT

[L.S.]

MARJORIE BRATHWAITHE,
Deputy Governor-General.

6th October, 2006.

SAINT LUCIA

No. 30 of 2006

AN ACT to provide for disaster management in Saint Lucia and for related matters.

[On Order]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

PART I
PRELIMINARY

Short title and commencement

1. — (1) This Act may be cited as the Disaster Management Act 2006.

(2) This Act shall come into force on a day to be prescribed by the Minister by Order published in the *Gazette*.

Interpretation

2. In this Act —

“Annual Report” means the Annual Report pursuant to section 10(1);

“Accredited Disaster Notification Service” means an agency certified pursuant to section 26;

“alert” means an alert issued pursuant to section 17;

“Community Development Officer” means a Community Development Officer appointed by the Public Service Commission;

“declaration of disaster” means a declaration of disaster pursuant to section 18;

“declaration of state of emergency” means a declaration of state of emergency made by the Governor General pursuant to section 17 of the Constitution of Saint Lucia 1978, Cap. 1.01 and the Emergency Powers (Disaster) Act, Cap. 14.07;

“Director” means the Director of the National Emergency Management Organisation appointed pursuant to section 4;

“disaster” means a natural or man-caused event or an event caused by both of them which causes intense negative impacts on people, goods, services, or the environment, and which exceeds a community’s internal capacity to respond;

“disaster management” includes planning for and responding to disasters, by carrying out both pre-and post-disaster activities which refer to both the risk and the consequences of a disaster;

“disaster mitigation” means measures taken to reduce the loss of life, livelihood and property by disasters, either by reducing vulnerability or by modifying the hazard, where possible;

“disaster preparedness” means measures to be taken to reduce, to the minimum level possible, the loss of human lives and other damage through the organization of prompt and efficient actions of response and rehabilitation;

“emergency” means any instance for which in the determination of the Director assistance is needed —

- (a) to supplement efforts and capabilities to save lives and to protect property and public health and safety; or
- (b) to lessen or avert the threat of a catastrophe in any part of Saint Lucia;

“Emergency Operations Centre” means an Emergency Operations Centre established pursuant to section 12;

“evacuation” includes the removal of persons and their belongings from a specific well defined endangered area, under the threat or impact of a hazard, disaster or emergency, to another safer place, out of the scope of the threat of the impact or the impact of the hazard, disaster or emergency where they can have all their every day needs satisfied until they are relocated either back to the original place or to a place safe and out of reach of the impact or the direct effects of the hazard, disaster or emergency that triggered the initial displacement;

“fire officer” means a member of the Fire Service;

“Fire Service” means the Saint Lucia Fire Service established pursuant to the Fire Service Act, Cap. 14:04;

“hazard” means the potential for a natural or man caused event to occur with negative consequences;

“hazard inspector” means a hazard inspector appointed pursuant to section 23;

“listed premises” means premises listed in the shelters list;

“local government unit” means a District under the Local Authorities Ordinance, Cap. 239, Revised Laws of Saint Lucia 1957;

“Minister” means Minister responsible for disaster management;

“National Emergency Operations Centre” means the National Emergency Operations Centre established pursuant to section 12;

“NEMAC” means the National Emergency Management Advisory Committee established pursuant to section 8(1);

“NEMO” means the National Emergency Management Organisation established pursuant to section 3;

“notice” includes a notice —

- (a) published in the *Gazette*;
- (b) published in a newspaper circulating in Saint Lucia;
- (c) broadcast over the radio and television stations in operation in Saint Lucia;
- (d) issued by any other effective means of broadcast or communication;

“notice of evacuation” means a notice of evacuation issued pursuant to section 20;

“person” includes a body corporate or an unincorporated body;

“Police Force” means the Royal Saint Lucia Police Force established pursuant to the Police Act, Cap. 14:01;

“police officer” means a member of the Police Force;

“Register of Volunteers” means the register maintained pursuant to section 25;

“rehabilitation” means the restoration of basic services and the repair of physical, social and economic damage;

“relief” means material, personnel and services provided to meet the needs of those affected by an emergency or a disaster;

“response” means actions carried out in a disaster or emergency situation with the objective to save lives, alleviate suffering and reduce economic losses;

“Saint Lucia” includes the territory, including areas covered by water of Saint Lucia and maritime areas under the sovereignty or jurisdiction of Saint Lucia;

“shelter” means listed premises used as a shelter pursuant to section 13;

“shelter manager” means a shelter manager appointed or designated pursuant to section 13;

“shelter officer” means a shelter officer appointed or designated pursuant to section 13;

“shelters list” means the list of premises established under section 13(1);

“Special Service Unit” means the branch of the Police Force known as the Special Service Unit;

“statutory board” means a board, committee or other group which is under any statute responsible for the direction, governing or control of any entity other than a Ministry or Department of Government and a majority of the membership of which board, committee or other group would under any Act be constituted by persons to be appointed to that board, committee or other group by a Minister or public officer and by Ministers and public officers who are ex officio members of that board, committee or other group;

“statutory body” means an entity which has been established by or under any Act and which is directed or governed by either a public officer or an officer appointed by a Minister or a public officer or a statutory board;

“volunteer” means a volunteer registered pursuant to section 25.

PART II

NATIONAL EMERGENCY MANAGEMENT ORGANISATION

Establishment of NEMO

3.— (1) There is hereby established an organisation to be known as the National Emergency Management Organisation (NEMO).

(2) NEMO shall comprise the persons as specified in the Fourth Schedule.

(3) The Director shall annually publish the names of the persons who comprise NEMO in the *Gazette*.

Appointment of Director

4. There shall be a Director of NEMO who shall be a public officer appointed by the Public Service Commission.

Functions of Director

5.— (1) The Director shall manage the affairs of NEMO.

(2) The Director shall, subject to section 7, be responsible to the Minister for coordinating the general policy of the Government of

Saint Lucia relating to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.

(3) The Director shall for the purposes of subsection (1) and in addition to discharging other functions conferred on the Director by this Act or any other law —

- (a) review and appraise the various programmes and activities of the Government in the light of the policy of this Act for the purpose of determining the extent to which such programmes and activities are contributing to the achievement of such policy, and to make recommendations to the Minister with respect thereto;
- (b) develop and recommend to the Minister national policies to foster and promote the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia;
- (c) gather timely and authoritative information concerning the conditions and trends in the quality of the environment, both current and prospective, as these relate to the likelihood of disasters in Saint Lucia;
- (d) analyse and interpret the information gathered under paragraph (c) for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy of this Act;
- (e) conduct investigations, studies, surveys, research and analyses relating to ecological systems and environmental quality and document and define changes in the natural environment as these relate to the likelihood of disasters in Saint Lucia;
- (f) prepare and review disaster risk assessment maps of Saint Lucia;
- (g) conduct programmes of public information and education on the mitigation of, preparedness for, response to and recovery from emergencies and disasters;
- (h) liaise with persons and organizations within and outside Saint Lucia for the purpose of exchanging information and facilitating the harmonisation of the policies of such persons and organisations with those of the Government of Saint Lucia relating to the prevention and mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia;

- (i) provide technical advice on draft regulations, whether under this Act or any other legislation, relating to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia;
- (j) coordinate the activities of other agencies involved in emergency and disaster management ;
- (k) evaluate the response capacities of agencies involved in emergency and disaster management, including facilities, personnel and equipment;
- (l) coordinate the determination of risks associated with each hazard to determine the frequency and magnitude of disasters;
- (m) determine specific damage caused by a hazard;
- (n) design disaster simulations for disasters to which Saint Lucia is prone;
- (o) coordinate vulnerability assessment projects to determine vulnerable areas for each hazard to which Saint Lucia is prone;
- (p) consult with the Head of the Physical Planning and Development Division when an Environmental Impact Assessment has been submitted to the Director for comments pursuant to the Physical Planning and Development Act 2001, No. 29.

Assistance by other persons

6. The Director may be assisted by such number of public officers or other persons as may be appointed or designated for that purpose, including public officers appointed or designated to discharge the functions of hazard inspectors or shelter managers and police officers or volunteers under this Act.

Directions by Minister to Director

7. The Minister may, on any matter relating to the Minister's functions as a Minister that affects the public interests of Saint Lucia, give directions to the Director of a special or general character in relation to the policy to be followed in the exercise of the powers conferred and the duties imposed on the Director by or under this Act.

PART III
NATIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE,
ANNUAL REPORT AND PLAN

National Emergency Management Advisory Committee

8.— (1) There shall be a National Emergency Management Advisory Committee comprising —

- (a) the Minister responsible for disaster management as Chairperson;
- (b) another Minister or public officer nominated by the Minister responsible for disaster management to serve as Chairperson in the absence of the Minister;
- (c) such other members as may be nominated by the Minister responsible for disaster management to represent —
 - (i) the Police Force;
 - (ii) the Special Service Unit;
 - (iii) the Fire Service;
 - (iv) the Ministry responsible for public health and the environment;
 - (v) the Ministry responsible for public works;
 - (vi) the Ministry responsible for local government;
 - (vii) such other Ministries, Departments of Government and statutory bodies as the Minister responsible for disaster management thinks fit;
 - (viii) such other persons or organizations as the Minister responsible for disaster preparedness and response thinks fit who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.

(2) The Chairperson or alternate Chairperson and any four other members of NEMAC shall constitute a quorum for meetings of NEMAC.

(3) The Director shall be the *ex-officio* Secretary of NEMAC.

(4) The members of NEMAC or of any other committee established pursuant to section 9 shall receive such attendance fees and travel or other allowances as the Minister may authorize by Order published in the *Gazette*.

(5) NEMAC may, subject to Regulations made pursuant to section 27(2)(c) and to this Act, determine its own procedure.

Establishment of other committees

9.— (1) The Director shall in consultation with NEMAC establish other committees and sub-committees charged with particular responsibilities, whether defined by geographical area or otherwise, in relation to the preparedness for, mitigation of, response to and recovery from emergencies and disasters in Saint Lucia.

(2) The committees and sub-committees established pursuant to subsection (1) shall be available to be convened for regular planning meetings, whenever an alert, a declaration of disaster, a declaration of state of emergency, or a notice of evacuation is issued or in the event or aftermath of an emergency or disaster.

(3) The names of each chairperson of a committee established pursuant to subsection (1) shall be published in the *Gazette* annually by the Director.

Annual Report

10.— (1) The Director shall prepare an Annual Report related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.

(2) The Director shall submit the Annual Report to the Minister and shall, on or before 1st June in every year, publish the Annual Report in the *Gazette*.

National Emergency and Disaster Response Plan

11.— (1) The Director shall, in consultation with NEMAC, prepare a National Emergency and Disaster Response Plan to be approved by the Minister, comprising the statement of the contingency arrangements under the coordination of the Director for responding to the threat or event and aftermath of an emergency or a disaster in Saint Lucia, whether or not the threat of the emergency or disaster is such as to

prompt the issuance of an alert, a declaration of disaster, a declaration of a state of emergency or a notice of evacuation.

(2) The Director shall in consultation with NEMAC review the National Emergency and Disaster Response Plan annually and may with the approval of the Minister make amendments to the National Emergency and Disaster Response Plan.

(3) The National Emergency and Disaster Response Plan shall include —

- (a) procedures related to preparedness for, mitigation of, response to and recovery from emergencies and disasters by public officers, Ministries and Departments of Government, statutory bodies, local government units, and persons or organizations who volunteer or are required by law to perform functions related to the mitigation of, preparedness for, response to and recovery from emergencies and disasters in Saint Lucia.
- (b) procedures for coordinating the National Emergency and Disaster Response Plan and its implementation with the preparation and implementation of disaster and emergency response plans of persons referred to in paragraph (a).
- (c) procedures for informing persons referred to in paragraph (a) and the public in Saint Lucia and elsewhere of the existence of an alert, a declaration of disaster, a declaration of state of emergency or a notice of evacuation, or the existence of an emergency or disaster;
- (d) procedures for preparing and maintaining inventories of services, systems and supplies for the preparedness for, mitigation of, response to and recovery from emergencies and disasters;
- (e) procedures for mobilizing services and systems for the preparedness for, mitigation of, response to and recovery from emergencies and disasters, including procedures for the provision of manpower for Emergency Operations Centers and for the protection of the family and property of persons required for the purpose of providing manpower to such Centers or required otherwise to perform other duties of protecting the public;
- (f) procedures for the protection and restoration of communications during an alert, a declaration of disaster, a

- declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;
- (g) procedures for informing persons under paragraph (a) and the public in Saint Lucia and elsewhere of the state of affairs during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;
 - (h) procedures for the release, distribution and replenishment of emergency stores of supplies of food, water, clothing and medical supplies during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;
 - (i) procedures established by the Minister responsible for health for safeguarding against epidemics during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;
 - (j) procedures established by the Minister responsible for fire for safeguarding against fires during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;
 - (k) procedures for the provision of shelter for persons during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;
 - (l) procedures for cooperation with international organizations and governments of countries outside Saint Lucia during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;
 - (m) procedures for accepting and facilitating the distribution of volunteer services and relief supplies during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster;
 - (n) procedures to apply where a notice of evacuation is issued pursuant to this Act or any other law in force in Saint Lucia;

- (o) procedures to apply in the event that the requisitioning of private property is considered to be desirable during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster, including procedures for assessing and paying compensation;
- (p) procedures for protecting life and property from the dangers of looting and riotous behaviour during an alert, a declaration of disaster, a declaration of state of emergency, a notice of evacuation or in the event or the aftermath of an emergency or disaster.

PART IV

EMERGENCY OPERATIONS CENTRES AND SHELTERS

Emergency Operations Centres

12. The Director shall be responsible for the establishment and maintenance of a National Emergency Operations Centre to function as the headquarters of the activities undertaken in response to an emergency or disaster and may establish and maintain supplementary Emergency Operations Centres or facilitate the establishment and maintenance of such supplementary Emergency Operations Centres, whether distributed according to geographical location or local government unit or otherwise, by persons or bodies referred to in section 11 (3) (a).

Shelters, shelter managers and shelter officers

13.— (1) The Director shall subject to subsection (10), establish and maintain a list of premises available and suitable for use as shelters during a declaration of emergency or an alert or in the event or the aftermath of an emergency or a disaster.

(2) The Minister shall designate as shelter managers or shelter officers as many public officers as the Minister sees fit provided that where a school is listed as a shelter pursuant to this section, the principal or a teacher of the school shall, with the approval of the Minister responsible for Education, be designated as the shelter manager of the school.

(3) Where a church is listed as a shelter pursuant to this section, the religious leader of the church, or his or her nominee shall be the shelter manager for the shelter.

(4) The Director shall, subject to subsections (2), (3) and (5), assign to each shelter, a shelter manager charged with the responsibility of managing the shelter during any period when the building is being used for that purpose, and may assign shelter officers to assist any shelter manager.

(5) Where listed premises are not in State occupation, the designation of shelter managers or shelter officers for those listed premises shall be subject to the agreement of the occupier of the listed premises which agreement shall not be unreasonably withheld.

(6) Regulations made under section 27(2) (d) shall apply during the period when the listed premises are in use as shelters.

(7) Regulations under section 27(2)(d) may confer enforcement powers on shelter managers and shelter officers for the purpose of keeping order in shelters.

(8) The owner or occupier of listed premises shall not be liable to any person taking shelter in the listed premises for any injury to such person or damage to or loss of any person's property, which injury, damage or loss arises from the condition of the listed premises.

(9) Subsection (8) is without prejudice to any other right or remedy which the person suffering damage or loss may have —

- (a) other than a right or remedy against the owner or occupier of the listed premises; or
- (b) against the owner or occupier of the listed premises for damage or loss arising otherwise than from the condition of the listed premises.

(10) A shelters list established pursuant to subsection (2) shall be published as a schedule to Regulations made pursuant to section 27(2) (d).

(11) The Director shall approve in writing the maximum number of persons for which each shelter is suited.

PART V
OBLIGATIONS

Liaison officers

14. Every Permanent Secretary or Head of a Department of Government shall ensure that there is at all times a public officer of his or her Ministry or Department designated as the liaison officer for communication with the Director in relation to the procedures of the Ministry or Department under section 11(3)(a).

Annual Report to Director

15. Every Permanent Secretary or Head of a Department of Government, chairperson of a committee established pursuant to section 9 shall submit annually to the Director, in such form and by such date as may be required by the Director, a report containing such information as may be requested by the Director for the purposes of sections 5 and 11.

Director to be consulted

16.— (1) Before any person other than the Director of Public Prosecutions, a Judge or Magistrate exercises any disaster preparedness and response related powers under this or any other Act, that person shall, subject to subsections (2) to (4), consult the Director.

(2) The obligation to consult in subsection (1) shall not apply —

- (a) during a disaster or emergency, where the person exercising the powers under subsection (1) considers that the urgency of the matter or difficulties of logistics makes such consultation impracticable;
- (b) in respect of the exercise of any power in relation to which a waiver by the Director of his or her right to be consulted is in effect under subsection (3).

(3) The Director may with the approval of the Minister waive his or her right to be consulted, and any such waiver shall take effect when the Minister shall have notified that waiver by Order published in the *Gazette*.

(4) A waiver under subsection (3) may relate to the exercise of any power or category of powers or to the exercise of a power in a specific instance.

PART VI
ALERTS AND DECLARATIONS

Alert

17. The Minister or an Accredited Disaster Notification Service may by notice, in the form prescribed in Form 1 of the First Schedule, after consultation with the Director, issue an alert where the Director has advised that there is a substantial prospect that a hazard of a kind in column 1 of the Second Schedule will strike Saint Lucia or a part of Saint Lucia within the applicable period in column 2 of that Schedule.

Declaration of disaster

18. After consultation with the Director the Minister may, in the form prescribed in Form 2 of the First Schedule, issue a notice of a declaration of disaster where a hazard of a kind in column 1 of the Second Schedule has struck Saint Lucia or a part of Saint Lucia.

PART VII
EVACUATION

Consultation prior to evacuation

19. The Director shall assess the potential for loss of life and injury to persons where there is a threat of a hazard or where a disaster has occurred in Saint Lucia or in a part of Saint Lucia and shall consult with NEMAC and where necessary with an Accredited Notification Service or any other person.

Notice of evacuation

20.— (1) If after a consultation pursuant to section 19 an evacuation is deemed necessary, the Minister acting on the advice of the Director shall subject to subsection (2) issue a notice of evacuation.

(2) A notice of evacuation pursuant to subsection (1) shall specify the nature of the disaster and the area of Saint Lucia required to be evacuated and the potential harm to persons and shall be in the form prescribed in Form 3 of the First Schedule.

(3) Where a notice is issued pursuant to subsection (1), the Director will coordinate the evacuation in accordance with the Regulations and with the assistance of agencies involved in emergency and disaster management including the Police Force and the Fire Service.

(4) No action shall be brought against a person for anything done in good faith in the exercise of any power or duty conferred by a notice of evacuation pursuant to this Act.

(5) A person shall comply with a notice of evacuation issued pursuant to this section.

(6) A person who contravenes subsection (5) commits an offence and upon conviction is liable to imprisonment for a term not exceeding six months or to a fine not exceeding three thousand dollars or to both.

PART VIII

APPLICATION OF TREATIES

Caribbean Disaster Emergency Response Agency

21. (1) The provisions of the Caribbean Disaster Emergency Response Agency Agreement in the Third Schedule shall have the force of law in Saint Lucia.

(2) Where the Caribbean Disaster Emergency Response Agency Agreement is amended, the Third Schedule shall be amended in accordance with section 31.

Application of treaties in time of disaster or emergency

22. Where Saint Lucia is a party to a treaty or other international agreement which the Governor-General considers relevant to the preparedness for, mitigation of, response to and recovery from emergencies and disasters in Saint Lucia, the Governor-General may during any emergency or disaster or at any other time proclaim that treaty or any part of it to be part of the Law of Saint Lucia for the duration of any emergency or disaster or any particular case or class of case of such emergency or disaster, and the provisions of that treaty or part thereof, as the case may be, shall for the duration of that emergency or disaster have effect as if enacted under this Act.

PART IX

MISCELLANEOUS

Hazard inspections

23.— (1) For the purposes of this Act there shall be appointed by the Public Service Commission such hazard inspectors as are required.

(2) Where a hazard inspector reasonably suspects any premises of being in a condition that poses a danger or serious injury to persons in the event of an emergency or disaster, the hazard inspector may apply to the Magistrate for an order to enter and inspect those premises for hazards.

(3) If a Magistrate is satisfied, on evidence on oath by a hazard inspector, that the condition of any premises is reasonably suspected of posing a danger of serious injury to persons in the event of an emergency or a disaster, the Magistrate may issue or renew an order authorising the hazard inspector to enter and inspect those premises for hazards.

(4) An order under this section expires not later than thirty days after the date on which it is made, and may be renewed before expiry for one or more periods each of which is not more than thirty days.

(5) An order under this section shall be carried out during daylight hours unless the order authorises otherwise.

(6) The Director shall annually provide himself or herself and each hazard inspector with a distinctive badge, tag or other identification device which may conveniently be carried by him or her and each hazard inspector while engaged in the performance of their duties under this section.

(7) A hazard inspector who exercises a power under this section shall identify himself or herself as a hazard inspector to any person in control of the premises to be inspected at the time of the inspection, by the production of his or her hazard inspector's badge, tag or other identification device issued pursuant to subsection (6) and the order of the Magistrate issued pursuant to subsection (3) and shall explain the purpose of the inspection.

(8) An order under this section may be issued or renewed on application notwithstanding that no notice of the application is given to any person who may be affected thereby.

(9) A hazard inspector shall prepare a report on the results of any inspection carried out under this section, and shall, in addition to complying with subsection (10), submit a copy of the report to the occupier of the premises, the Director and the Magistrate.

(10) Where the hazard inspector is of the opinion, after carrying out an inspection under this section, that the condition of any premises

poses a danger of serious injury to persons in the event of an emergency or a disaster, the Hazard inspector shall inform the Director in writing of the same.

(11) Where the Director receives information pursuant to subsection (10) from the hazard inspector, the Director shall request that the owner of the premises take remedial action within a specified period of time, subject to subsection (12), with or without the assistance NEMO.

(12) The assistance of NEMO may be at a fee to the owner to be specified by the Director.

(13) An owner of premises who fails to comply with a request made pursuant to subsection (11) commits an offence and upon summary conviction is liable to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding one year or to both and to a further fine of one hundred dollars for every day during which the offence continues.

(14) Where the condition of the premises which gives rise to the danger pursuant to section (10) constitutes a violation of any other law, the Director shall send a copy of the report to the Ministry, Department or other body responsible for the administration of that other law, and notify the owner of the premises that the report has been supplied to the Ministry or Department or other body responsible.

(15) A report of a hazard inspector under this section shall be admissible in any legal proceedings as evidence of the truth of the report's findings of fact, whether or not the State is a party to such proceedings.

Employees who assist in emergency situations

24.— (1) Where the Director certifies in writing that the services of a person is or was needed by NEMO, for the performance of tasks related to recovery from an emergency during a specified period, the employer of that person shall be obliged to pay the salary and all benefits to which the employee was entitled for the period specified.

(2) The period the Director may specify under subsection (1) shall in no case exceed a continuous period of two weeks.

(3) An employer who fails to comply with subsection (1) commits an offence and upon summary conviction is liable to imprisonment for a term not exceeding one year or to a fine not exceeding five thousand dollars or to both.

Volunteers

25. — (1) The Director shall maintain a register to be known as the Register of Volunteers.

(2) A person who wishes to volunteer for the purposes of assisting in an emergency or a disaster shall submit his or her name to the Director for registration as a volunteer and the Director shall if he or she sees fit register in the Register of Volunteers the person as a volunteer.

(3) The Chairperson of each district and national committee shall submit in writing to the Director on or before 31st May in each year the names of the members of their committees and the Director shall include the names of these members as volunteers and register their names in the Register of Volunteers.

(4) The Director shall annually publish the names of all volunteers registered in the Register of Volunteers in the *Gazette*.

(5) A volunteer who exercises the duties assigned to him or her pursuant to this Act in good faith shall not be liable for injury to persons or loss to property caused as a result of those duties.

Accredited Disaster Notification Service

26.— (1) The Director may certify any agency, whether within Saint Lucia or otherwise, which he or she considers to have a high level of technical expertise in the prediction or assessment of risk of any kind of disaster, as an Accredited Disaster Notification Service for the purposes of this Act.

(2) A certification under subsection (1) may be general or limited to specified kinds of disaster.

Regulations

27.— (1) The Minister may make Regulations to give effect to the purposes of this Act.

(2) Without prejudice to the generality of the subsection (1), the Minister may make Regulations –

- (a) for the purpose of implementing the National Emergency and Disaster Response Plan;

- (b) prescribing the procedures for simulation for an emergency or disaster by persons in the private or public sector;
- (c) prescribing rules of procedure for NEMAC;
- (d) regulating, subject to section 13, the use of any listed premises by persons taking shelter therein.

(3) Regulations made pursuant to subsections (1) and (2) of this Act shall be subject to a negative resolution.

(4) During any alert, disaster or emergency, statutory instruments made under this Act, other than Regulations made pursuant to subsections (1) and (2) , may be published either—

- (a) by announcement in any radio, television or wireless transmission media licensed for transmission and reception in Saint Lucia pursuant to the law in force in Saint Lucia; or
- (b) by notice affixed to the outside of every District Court and every police station located in the area of Saint Lucia to which the Regulations apply.

(5) Publication under subsection (3) shall be deemed to be sufficient compliance, for the duration of any period of alert, disaster or emergency, with any requirement of publication under this Act or any other law.

(6) The means of authentication of Regulations published under subsection (4) shall be—

- (a) in the case of media announcements under subsection (4)(a), the voice of the Minister, a Permanent Secretary, the Director or a Head of a Department of Government on behalf of the Minister;
- (b) in the case of posted notices under subsection (4)(b), the actual or facsimile signature of the Minister, or any other Minister, a Permanent Secretary, the Director or a Head of a Department of Government on behalf of the Minister.

Enforcement powers, assaulting or obstructing

28. — (1) The Director or police officer shall have all the enforcement powers of a hazard inspector , shelter manager or shelter officer pursuant to section 13 and 23.

(2) A person shall not assault or obstruct the Director, a hazard inspector, a shelter manager, a shelter officer, a police officer, fire officer or a volunteer in the execution of his or her duty pursuant to this Act.

(3) A person who contravenes subsection (2) commits an offence and upon summary conviction is liable to imprisonment for a term not exceeding one year or to a fine not exceeding five thousand dollars or to both.

Penalties

29. A person who commits an offence under this Act for which no penalty is prescribed is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years or to both.

Act binds the State

30. This Act binds the State.

Amendment of Schedules

31. The Minister may by Order published in the *Gazette* amend the First Schedule, Second Schedule, Third Schedule or Fourth Schedule.

Repeal

32. The Disaster Preparedness and Response Act, Cap. 14:06 is repealed.

No. 30] *Disaster Management Act* [2006.

FIRST SCHEDULE

FORM 1

(Sections 17, 31)

GOVERNMENT NOTICE

ALERT

The [Minister responsible for disaster management or an Accredited Notification Service] notifies the public that an alert is hereby issued pursuant to section 17 of the Disaster Preparedness and Response Act 200[-] No [].

The issue of this Alert is expedient owing to the imminent threat of [description of threatened disaster] which is likely to affect [Sector e.g. Health, Tourism, Economy] in [description of area].

This Alert requires prompt coordination of action or special regulation of persons or property to protect [health/ safety/welfare of people or to limit damage to property].

By the issue of this alert, employees, servants and agents of the Crown are empowered pursuant to the Emergency Powers (Disasters) Act, Cap.14:07 and the Disaster Management Act 200 [], No.[] to do all acts and implement procedures that are considered necessary to prevent or to alleviate the effects of the emergency.

This Alert is effective the [day] day of [month] [year] and remains in effect until [further notice/ date]

Made this day of , 2—

[Minister responsible for disaster management / Accredited Disaster Notification Service]

No. 30] *Disaster Management Act* [2006.

FORM 2

(Sections 18, 31)

**GOVERNMENT NOTICE
DECLARATION OF DISASTER**

The Minister responsible for disaster preparedness and response notifies the public that a Declaration of Disaster is hereby issued pursuant to section 18 of the Disaster Management Act 200[], No.[] .

The issue of this Declaration is expedient owing to the [description of threatened disaster] which is affecting [Sector e.g. Health, Tourism, Economy] in [description of area].

This Declaration of Disaster requires prompt coordination of action or special regulation of persons or property to protect [health/ safety/welfare of people or to limit damage to property].

By the issue of this Declaration of Disaster, employees, servants and agents of the Crown are empowered pursuant to the Emergency Powers (Disasters) Act, Cap. 14.07 and the Disaster Management Act 200[], No. [] to do all acts and implement procedures that are considered necessary to prevent or to alleviate the effects of the Disaster.

This Declaration of Disaster is effective the [day] day of [month] [year] and remains in effect until [further notice/ date]

Made this day of , 2 ----.

.....
Minister responsible for disaster management

FORM 3

Sections (20, 31)

GOVERNMENT NOTICE

NOTICE OF EVACUATION

The Minister responsible for disaster management notifies the public that a notice of evacuation is hereby issued pursuant to section 20 of the Disasters Management Act 200[], No.[].

The issue of this notice of evacuation is expedient owing to the imminent threat of [description of threatened disaster] which is likely to affect in [description of area].

This notice of evacuation requires prompt coordination of action or special regulation of persons or property to protect [health/ safety/welfare of people or to limit damage to property].

By the issue of this notice persons are requested to evacuate [description of area] with [period of time for evacuation].

By the issue of this notice of evacuation, employees, servants and agents of the Crown are empowered pursuant to the Disaster Management Act 200[], No. [] to do all acts and implement procedures that are considered necessary to prevent or to alleviate the effects of the emergency.

This notice of evacuation is effective the [day] day of [month] [year] and remains in effect until [further notice/ date]

Made this day of , 2 ____ .

.....
Minister responsible for disaster management

SECOND SCHEDULE

(Sections 17, 31)

ALERT ADVANCE SCHEDULES***Column 1:******Column 2 :******Type of Hazard******Advance Schedules***

Earthquakes

[]

Fires

[]

Floods

[]

Hurricanes

Storm Warnings:

When winds are expected to affect the island within 24 hours

Hurricane Watch:

When there is a threat of hurricane conditions affecting the island within 24 - 36 hours

Hurricane Warnings:

When hurricane conditions are expected to affect the island within 24 hours.

Landslides or slope failures

[]

Storm surges

[]

Tsunamis or tidal waves

[]

Volcanic eruptions:

Alert Level**Symptoms****Action by scientists
(SRU)****GREEN**

Volcano is quiescent, seismic and fumarolic (steam vent) activity are at or below the historical level at this volcano. No other unusual activity has been observed.

Normal monitoring

<i>YELLOW</i>	Volcano is restless; seismicity or fumarolic activity or both are above the historical level at this volcano or other unusual activity has been observed (this activity will be specified at the time that the alert level is raised).	Monitoring system will be brought up to full capability. Civil authorities alerted. Communication system tested.
<i>ORANGE</i>	Highly elevated level of seismicity or fumarolic activity or both, or other highly unusual symptoms. Eruption may occur with less than 24 hours-notice.	Monitoring system continuously manned. Regular visual inspection of potential vent areas. Continuous ground deformation and hydrothermal monitoring. Daily assessment reports to civil authorities. Entry to the restricted-access zone will be permitted to scientists after a evaluation on a case-to-case basis.
<i>RED</i>	Eruption is in progress or may occur without further warning.	Measurements as permitted by safety conditions. Civil authorities advised continuously.
<i>BLUE</i>	A volcanic eruption is about to occur or is occurring near Saint Lucia and is likely to have effects in Saint Lucia's territory. Alert given by the NEMO within Saint Lucia.	Warning. Providing NEMO with information about the location of the volcanic activity, the possible type of eruption, the expected time for eruption (months, days, hours), the expected effects in Saint Lucia due to the volcanic eruption and give suggestions of actions to be taken.

the

THIRD SCHEDULE

(Sections 21, 31)

**AGREEMENT ESTABLISHING
THE CARIBBEAN DISASTER EMERGENCY RESPONSE
AGENCY**

THE STATES PARTIES:

CONSCIOUS that the fragile economies and ecosystems of Caribbean States are extremely vulnerable to natural and man-made disasters;

RECALLING that during recent decades many Caribbean States have been adversely affected by a succession of hurricanes, namely Barbados (1955); Cuba, Trinidad and Tobago, Jamaica and Haiti (1964); Dominica and the Dominican Republic (1979); Saint Lucia, Haiti and Jamaica (1980) and Antigua and Barbuda, St. Kitts and Nevis and Montserrat (1989);

RECALLING FURTHER the volcanic eruptions in Martinique and St. Vincent and the Grenadines (1902); Guadeloupe (1976); St. Vincent and the Grenadines (1979) as well as the earthquakes in Jamaica (1902); Puerto Rico (1918); the Dominican Republic (1946) and Antigua and Barbuda (1974);

MINDFUL that, from time to time, several States of the Caribbean are subject to disastrous floods and landslides;

AWARE of the need to complement the initiatives of the Pan Caribbean Disaster Preparedness and Prevention Project by establishing a mechanism among Caribbean States in order to facilitate immediate and coordinated assistance to States participating therein in the event of a disaster;

HAVE AGREED AS FOLLOWS:

ARTICLE 1**Definitions**

In this Agreement, unless the context otherwise requires:

- (a) "Caribbean" means the territories of Member Countries of the Pan Caribbean Disaster Preparedness and Prevention Project.
- (b) "CARICOM" means the Caribbean Community;
- (c) "Coordinator" means the Disaster Emergency Response Coordinator appointed pursuant to Article 7;
- (d) "disaster" means the sudden event attributable directly and solely either to the operation of the forces of nature or to human intervention

or to both of them and characterised by widespread destruction of lives or property accompanied by extensive dislocation of public services, but excluding events occasioned by war, military confrontation or mismanagement;

- (e) “national Relief” means the governmental agency organisation charged with responsibility for disaster relief management;
- (f) “Participating State” means a State party to this Agreement; and “affected Participating State” means such a State in the territory which a disaster has occurred;
- (g) “State” includes a dependent political entity of the Caribbean.

ARTICLE 2

Establishment of the Agency

The Caribbean Disaster Emergency Response Agency (herein-after referred to as “the Agency”) is hereby established with the membership, structure, powers and functions herein set forth.

ARTICLE 3

Membership

Membership of the Agency shall be open to —

- (a) the States listed in the Annex to this Agreement; and
- (b) other States admitted to membership thereof in accordance with Article 32.

ARTICLE 4

Objectives

The Agency shall have the following objectives:

- (a) to make an immediate and coordinated response by means of emergency disaster relief to an affected Participating State;
- (b) to secure, coordinate and channel to interested inter-governmental and non-governmental organisations reliable and comprehensive information on disasters affecting a Participating State;
- (c) to mobilise and coordinate disaster relief from governmental and non-governmental organisations for affected Participating States;
- (d) to mitigate or eliminate, as far as practicable, the immediate consequences of disasters in Participating States;

- (e) to promote the establishment, enhancement and maintenance on a sustainable basis adequate emergency disaster response capabilities among the Members of the Agency.

ARTICLE 5

Organs of the Agency

The Agency shall have the following Organs with the powers and functions specified in this Agreement:

- (a) The Council;
- (b) The Board of Directors; and
- (c) The Coordinating Unit.

ARTICLE 6

The Council

1. The Council shall consist of the Heads of Government of the Participating States.
2. Every member of the Council shall be entitled to nominate any other person to represent that member at meetings of the Council.
3. The Council shall meet in ordinary session at least once in every calendar year and shall convene in extraordinary sessions at the request of three-quarters of the membership of the Agency.
4. Subject to the provisions of paragraph 3 of this Article, the Council shall regulate its own procedure.

ARTICLE 7

Functions of the Council

The Council shall:

- (a) determine the policy of the Agency;
- (b) determine the organisation with which the Agency may establish functional relationships;
- (c) appoint the Disaster Emergency Reponse Coordinator on the recommendation of the Board of Directors;
- (d) designate such national disaster relief organisations as it may deem expedient as Sub-Regional Disaster Emergency Response Operational

Units with the prior consent of the Government of the Participating States concerned;

- (e) approve the budgets of the Agency and the contributions of Participating States thereto;
- (f) perform such other functions as it may deem necessary or expedient to achieve the objectives of the Agreement.

ARTICLE 8

The Board of Directors

1. The Board of Directors shall consist of the heads of national disaster relief organisations of Participating States, with the Coordinator as its Chairman.
2. The Chairman shall convene the meetings of the Board of Directors which shall meet at least once in every calendar year. The Chairman shall convene extraordinary meetings of the Board at the request of not less than one-half of its members.
3. Subject to the foregoing provisions, the Board of Directors shall regulate its own procedure.

ARTICLE 9

Functions of the Board of Directors

The Board of Directors shall:

- (a) establish procedures for mobilising national resources to provide assistance in a timely and efficacious manner;
- (b) establish a system for maintaining and sharing inventories of critical resources likely to be needed by Participating States in the event of a disaster;
- (c) establish arrangements for rapidly accessing financial resources to cover the cost of mobilisation in the event of disaster in a Participating State;
- (d) establish and maintain systems for facilitating the movement of resources originating in or transiting a Participating State having regard to the requirements of immigration and customs authorities;
- (e) establish pro forma lists of the likely requirements of Participating States in the event of disaster;

- (f) establish standards and procedures for the fair and equitable deployment of resources made available by Participating States in response to a disaster;
- (g) determine the standard and procedures for a phased triggering of the disaster response mechanism;
- (h) assess the contributions of Participating States to the administrative budget of the Agency and the Emergency Assistance Fund referred to in Article 25 and make recommendations to the Council;
- (i) perform such other functions as the Council may determine.

ARTICLE 10

The Coordinating Unit

1. The Coordinating Unit shall be the administrative headquarters of the Agency and it shall be located in such place as the Council shall decide.
2. The Coordinator shall be the Chief Administrative Officer of the Agency and shall act in that capacity at all meetings of the Council.
3. The appointment of the Coordinator shall be for a term not exceeding five years and he may be re-appointed.
4. The Coordinator shall make an annual report to the Council on the work of the Agency.
5. The Coordinator shall appoint the staff of Unit. In particular, he shall appoint a Deputy Disaster Emergency Response Coordinator (hereinafter referred to as "the Deputy Coordinator") who shall be appointed from among persons with experience of, and shown capacity in, matters relating to emergency relief operations, social welfare or administration. The Deputy Coordinator shall serve for a period not exceeding two years and he may be re-appointed.
6. The paramount consideration in the recruitment and appointment of staff in the Coordinating Unit and in the determination of their conditions of service shall be the need to ensure the highest standards of competence, efficiency and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting staff on as wide a geographical basis as possible.
7. In the performance of their duties the Coordinator and his staff shall not seek or receive instructions from the Government of any Participating State or from any source external to the Agency. They shall refrain from

any action which may reflect adversely on their positions as international officials responsible only to the Agency.

8. Participating States undertake to respect the international character of the responsibilities of the Coordinator and his staff and not seek to influence them in the discharge of their duties.
9. Subject to the approval of the Board of Directors, the Coordinator shall establish the terms and conditions of service of the staff of the Coordinating Unit.

ARTICLE 11

Functions of the Coordinating Unit

In addition to any other functions which may be allocated to it by the Council or the Board of Directors, the Coordinating Unit Shall:

- (a) develop and maintain a reliable damage assessment system and procedures to facilitate rapid and effective evaluation of a national disaster;
- (b) develop and maintain a comprehensive and reliable data base of key relevant resources (persons, facilities, equipment supplies) and a system for updating it;
- (c) establish, equip and maintain an emergency operations system capable of handling emergency telecommunications and facilitating coordination of emergency responses involving many services, supplies and facilities;
- (d) establish and maintain an efficient and reliable system of communications with sub-regional operational focal points in order to facilitate the mobilisation, deployment and coordination of disaster response supplies and services;
- (e) establish arrangements with regional airlines and shipping lines in order to ensure access to their facilities on a priority basis in the event of a disaster;
- (f) establish arrangements with regional media houses designed to ensure the dissemination of reliable information on national disasters to the public;
- (g) establish arrangements with CARICOM Committees of Ambassadors in various metropolitan Centers in order to ensure the dissemination to them of reliable information on national disasters in Member States and to enlist their cooperation in mobilising disaster relief resources on a timely and structured basis;

- (h) establish and maintain a reliable system of communications with the heads of national relief organisations and ensure that their disaster response capabilities are maintained at agreed levels of operational efficiency;
- (i) establish and maintain relations with international relief organisations in order to facilitate accessing of their resources in the event of a disaster;
- (j) mobilise and organise technical assistance from interested national and international bodies to assist in the development of disaster response capabilities of Participating States;
- (k) provide a clearing house for relevant information and intelligence in all matters relating to disasters including current research being undertaken in all related regional institutions;
- (l) on the basis of a distress call or on such other basis as may be agreed and in consultation with, Sub-Regional Disaster Response Operational Units, trigger the mechanism;
- (m) provide assistance on request to the heads of national relief organisations in the event of a disaster;
- (n) liaise with the disciplined forces of the sending States both in the planning and response stage of any operation mounted after the activation of the triggering mechanism;
- (o) review periodically disaster response capabilities of Participating States and ensure that resources identified for the purpose are immediately available in the event of disasters in Participating States;
- (p) prepare the administrative and emergency budgets of the Agency for submission to the Board of Directors.

ARTICLE 12

Sub-Regional Disaster Emergency Response Operational Units

1. Where, pursuant to paragraph (d) of Article 7, the Council has designated Sub-Regional Disaster Emergency Response Operational Units, such bodies shall:
 - (a) acquire and maintain on an updated basis comprehensive information on the facilities and services available in each of the Participating States for which they bear responsibility;
 - (b) maintain and test on a regular basis communications with the Coordinating Unit and with critical response agencies under the control of national relief organisations;

- (c) maintain independent fuel and power supplies and ensure that relevant physical facilities are in a condition to withstand a major disaster;
 - (d) keep and maintain at the operational focal point in serviceable and optimal working condition an equipment package containing essential items determined by the Board of Directors, subject to the approval of the Council.
2. In making a designation referred to in paragraph 1 of this Article, the Council shall identify the States for which the Sub-Regional Disaster Response Operational Unit concerned shall have responsibility.

ARTICLE 13

Undertaking of Participating States

Without prejudice to the requirement to discharge any other obligations assumed under or in connection with this Agreement, Participating States undertake:

- (a) to establish or maintain, as the case may be, national relief organisations capable of responding swiftly, effectively and in a coordinated manner to disasters in Participating States;
- (b) to establish emergency disaster planning groups and define national policies and priorities in the event of disasters;
- (c) provide national relief organisations with adequate support including named emergency coordinators, liaison officers with key Ministries, emergency services, utilities and the like;
- (d) to task the named agencies (including the emergency services, Health and Public Works) and their coordinators with specific functions and responsibilities to ensure the development of an adequate response capability to support national disaster action;
- (e) to define the role and functions of key agencies such as the Security Services, Health and Public Works in disaster emergency response management and establish a system for regular review of their procedures for coordinated response;
- (f) establish and equip suitable emergency operations centres capable of handling emergency telecommunications and coordinating emergency response involving many services;
- (g) develop and maintain an emergency telecommunications system based on the most appropriate technology to ensure the coordination of emergency operations involving the emergency services mentioned above as well as voluntary private sector services;

- (h) establish and strengthen procedures for coping with major disaster threats and scenarios and review systems for treating the procedures by drills and simulations;
- (i) to review and rationalise legal arrangements for disaster mitigation and emergency action;
- (j) to review and catalogue past disaster events and list credible future emergency event scenarios and identify and map areas with special problems like flood prone and landslide prone areas;
- (k) to establish data bases of key resources, both human and material, and a system for keeping them current and to computerise and integrate them into an automated emergency information system;
- (l) to develop, in collaboration with competent governmental agencies, an emergency shelter policy programme involving the full participation of local officials in community-based organisations;
- (m) to develop and review a system for community participation, local mobilisation and counter disaster action in the event of isolation;
- (n) to develop strategies for loss reduction in the public and private sectors focussing on vital economic activities and life-line activities like water supply;
- (o) to develop a system and procedures for damage assessment in order to facilitate rapid and effective post impact evaluation;
- (p) to develop and implement a comprehensive disaster public awareness, information and education programme involving media houses, schools, voluntary agencies and other institutions in order to ensure public participation and community involvement in the disaster management system;
- (q) develop and implement appropriate training programmes for persons involved in the disaster management system;
- (r) identify and seek participation in bilateral and multilateral technical cooperation programmes designed to develop disaster management capabilities;
- (s) to identify, maintain in a state of readiness and make available immediately on request by the Coordinator relevant material and human resources in the event of disaster.

ARTICLE 14

Relations with Government and Non-Governmental Institutions

1. The Agency may conclude agreements with Governmental, Inter-Governmental and Non-Governmental Organisations or Agencies in order to achieve the objectives of the Agency.

2. Unless the Council decides otherwise, the Coordinator may negotiate and conclude such Agreements on behalf of the Agency.

ARTICLE 15

Disciplined Forces

1. Where, in response to a request for assistance by any Participating State, members of the disciplined forces are despatched to any part of the territory of the requesting State, designate a Special Coordinator from among the senior officers of such forces, acting after consultation with the Chiefs of Staff or Commanding Officers of the disciplined forces concerned.
2. The Special Coordinator shall be charged with responsibility for coordinating the disaster relief efforts of the disciplined forces to the Participating State concerned for the purpose.
3. No member of the disciplined forces shall be despatched to the territory of an affected Participating State without the express prior consent of that State.
4. In the absence of a contrary agreement between the requesting State and the sending State to that effect, members of the disciplined forces of the sending State shall be under the control and disciplinary authority of their commanding officer.

ARTICLE 16

Direction and Control of Assistance

1. Subject to paragraph 2 of this Article, the overall direction, control, coordination and supervision of assistance despatched to a requesting State shall be the responsibility within its territory of the requesting State.
2. Where the assistance from a sending State involves personnel other than disciplined forces, the sending State shall designate in consultation with the requesting State the person who should be in charge of, retain immediate operational supervision over the personnel, equipment and supplies provided by it. The person so designated shall exercise such supervision in cooperation with the competent authorities of the requesting State.
3. The requesting State shall provide to the extent of its capabilities local facilities and services for proper and efficient administration of communications assistance. In particular, the requesting State shall ensure that any ground stations brought into its territory for the purpose of rendering assistance shall be duly licensed to transmit and receive information in accordance with its domestic laws and regulations.

4. In the absence of a contrary agreement, ownership of equipment and materials despatched to the requesting State by a sending State during periods of assistance shall be unaffected and their prompt return shall be ensured.
5. The requesting State shall ensure the protection of personnel, equipment and materials brought into its territory for the purpose of rendering assistance in the event of a disaster.

ARTICLE 17

Competent Authorities and Contract Points

1. In the absence of a contrary indication from a Participating State the competent authority and contact point to make requests for and accept offers of assistance in the event of a disaster shall be the head of the national relief organisation.
2. Contact points and a focal point within the Coordinating Unit shall be made available continuously.
3. The Coordinating Unit shall regularly and expeditiously provide Participating States and relevant international organisations with the information referred to in paragraphs 1 and 2 of this Article.

ARTICLE 18

Confidentiality and Public Statements

1. Participating States shall respect the confidentiality of any confidential information becoming available to them in connection with assistance requested in the event of a disaster. Such information shall be used exclusively for the purpose of the assistance agreed upon.
2. The sending State shall use its best endeavours to coordinate with the requesting State before releasing information to the public on the assistance provided in connection with a disaster.

ARTICLE 19

Costs of Providing Assistance

Except as may otherwise be agreed between them, the expenses incurred by a sending State in providing assistance to a requesting State shall be defrayed by the sending State.

ARTICLE 20**Termination of Assistance**

1. The Coordinator shall, subject to paragraph 2 of this Article, in consultation with the requesting State, determine the period of response to a disaster.
2. The requesting or sending State may, at any time, after appropriate consultation and by notification in writing request the termination of assistance provided or received under this Agreement.
3. Upon a request being made in that behalf, the parties concerned shall consult with each other to make arrangements for the termination of the assistance.

ARTICLE 21**Privileges, Immunities and Facilities
to be accorded a Sending State and its Personnel**

1. The requesting State shall accord to personnel of the sending State and personnel acting on its behalf the necessary privileges, immunities and facilities for the performance of their functions in rendering assistance.
2. Subject to prior notification by the sending State and acceptance by the requesting State of the personnel of the sending State or personnel acting on its behalf, the requesting State shall:
 - (a) grant to such personnel immunity from arrest, detention and legal process including criminal, civil and administrative jurisdiction of the requesting State, in respect of acts or omissions in the performance of their functions in rendering assistance;
 - (b) grant to such personnel exemption from taxes, duties or other charges, in respect of the performance of their functions in rendering assistance, as is accorded to diplomatic personnel in accordance with international law;
 - (c) facilitate the entry into, stay in and departure from its territory of personnel so notified and accepted.
3. The requesting State shall:
 - (a) accord the sending State exemption from taxes, duties or other charges on equipment and property brought into the territory of the requesting State by the sending State for the purpose of rendering assistance;
 - (b) confer immunity from seizure, attachment or Requisition of such equipment and property and ensure they return to the sending State.

4. Nothing in this Article shall require the requesting State to accord its nationals or permanent residents the privileges and immunities provided for in paragraph 2 (b) of this Article.
5. All persons enjoying privileges and immunities under this Article have a duty to respect the law and regulations of the requesting State and shall not interfere in the domestic affairs of the requesting State.

ARTICLE 22

Transit of personnel, equipment and Property

Participating States shall, at the request of the requesting State or the sending State, take all measures necessary to facilitate the transit through their territory of duly notified personnel, equipment and property involved in rendering assistance to and from the requesting State.

ARTICLE 23

Claims and Compensation

1. Participating States shall cooperate in order to facilitate the settlement or legal proceedings and claims under this Article.
2. In the absence of a contrary agreement, the requesting State shall, in respect of death to the environment caused within its territory or under its control or jurisdiction in the course of providing the assistance requested:
 - (a) not bringing any legal proceedings against the sending State or persons or other legal entities acting on its behalf;
 - (b) assume responsibility for dealing with legal proceedings and claims brought by third parties against the sending State or against persons or other legal entities acting on its behalf except in cases of wilful misconduct or gross negligence;
 - (c) hold the sending State or persons or other legal entities acting on its behalf harmless in respect of legal proceedings referred to in subparagraph (b) hereof;
 - (d) compensate the sending State or persons or other legal entities acting on its behalf for death or injury to personnel of the sending State or persons or other legal entities acting on its behalf and for loss of or damage to non-consumable equipment or materials related to the assistance except in cases of wilful misconduct or gross negligence by individuals causing the death, injury or loss or damage.

3. Nothing in the Article shall be construed to prevent compensation or indemnity available under any applicable international agreement or national law of a Participating State nor to require the requesting State to apply paragraph 2 of this Article, in whole or in part, to its nationals or permanent residents.

ARTICLE 24

The Administrative Budget

1. The Agency shall establish an administrative budget, the funds of which shall be used to defray the ordinary expenses incurred in administering its affairs.
2. Participating States shall contribute to the administrative budget in accordance with a scale of assessment to be determined by the Board of Directors and approved by the Council.
3. The administrative budget shall be established on a biennial basis and the Coordinator shall cause the accounts of the Agency to be audited annually by external auditors approved by the Board of Directors.
4. The report of the auditors shall be presented by the Coordinator to the Board of Directors as soon as practicable for the consideration and approval of the Board.
5. The Coordinator, with the approval of the board of Directors, shall establish financial regulations for the Agency.

ARTICLE 25

Emergency Assistance Fund

1. The Agency shall establish an Emergency Assistance Fund (hereinafter in the Article referred to as “the Fund”) which shall be used solely to defray expenses incurred in connection with the rendering of assistance in the event of a disaster occurring in a Participating State.
2. Participating States shall contribute to the Fund in accordance with a scale of assessment to be determined by the Board of Directors and approved by the Council.
3. The Coordinator may accept contributions to the Fund from sources external to the Agency on such conditions as may be prescribed by them and agreed by the Board of Directors but without discrimination as to the Participating States to receive such assistance.

4. The Coordinator shall cause the accounts of the Fund to be audited annually by the auditors referred to in paragraph 3 of Article 24.
5. Paragraph 4 of Article 24 shall apply for the purposes of the Fund.

ARTICLE 26

Privileges and Immunities of the Agency

1. The Agency shall have international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its objectives.
2. The Agency, its property and assets shall enjoy in the territories of the Participating States immunity from legal process except to the extent that the Agency waives this immunity expressly in any particular case.
3. The property and assets of the Agency in Participating States wherever located and by whomsoever held shall be immune from search, requisition, confiscation, appropriation or any other form of seizure by executive or legislative action.
4. The property and assets of the Agency shall be exempt from restrictions, regulations, controls and moratoria of any kind.
5. The archives of the Agency, wherever located, shall be inviolable. Proprietary data, confidential information and personnel records shall not be placed in archives open to public inspection.
6. In respect of its official communications the Agency shall be accorded by each Participating State treatment no less favourable than that accorded by that State to other international organisations.

ARTICLE 27

Representatives and Staff of the Agency

Representatives of Participating States attending meetings of the Council of the Board of Directors and the Coordinator and other staff of the Unit shall enjoy in the Territory of each Participating State:

- (a) immunity from legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the State which they represent or the Agency as appropriate expressly waives this immunity in any particular case;

- (b) where they are not nationals of that Participating State, the same exemptions from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by that Participating State to the representatives, officials and employees of comparable rank of other Participating States.

ARTICLE 28

Exemptions from Taxes and Customs Duties

1. The Agency, its assets and property, its income, and its operations and transactions within the contemplation of this Agreement, shall be exempt from all direct taxation and goods imported or exported for its official use shall be exempt from all customs duties. The Agency shall not claim exemption from taxes which are no more than charges for services rendered.
2. Where purchases of goods or services of substantial value necessary for the official activities of the Agency are made by or on behalf of the Agency, and where the price of such goods or services includes taxes or duties, appropriate measures shall, to the extent practicable, be taken by Participating States to grant exemptions from such taxes or duties or provide for their reimbursement.
3. Goods imported or purchased under an exemption provided for in this Article shall not be sold or otherwise disposed of in the territory of the Participating State granting the exemptions, except under conditions agreed with that Participating State granting the exemptions, except under conditions agreed with that Participating Member State.
4. No tax shall be levied by Participating States or in respect of salaries and other emoluments paid or any other form of payment made by the Agency to the Coordinator and staff of the Agency as well as experts performing missions for the Agency, not being their nationals.

ARTICLE 29

Suspension of Rights and Privileges of Membership

1. A Participating State which is in arrears in the payment of its financial contribution to the administrative budget of the Agency shall have no vote in the Council or the Board of Directors if the amount of the arrears equals or exceeds the amount of the contributions due from it for the preceding two financial years.

2. A Participating State which has grossly and persistently violated the obligations assumed under this Agreement may be suspended from the exercise of the rights and privileges of membership by the Council.
3. A determination within the meaning of paragraph 2 of this Article shall be made by the Council.

ARTICLE 30

Settlement of Disputes

In the absence of a contrary agreement between the parties concerned, all disputes arising from or in connection with the interpretation or application of this Agreement shall be settled by the Council.

ARTICLE 31

Signature and Ratification

The Agreement shall be open for signature by the States listed in the Annex to this Agreement and shall be subject to ratification in accordance with their respective constitutional procedures.

ARTICLE 32

Entry into Force

1. This Agreement shall enter into force when Instruments of Ratification have been deposited by at least seven of the States listed in the Annex to this Agreement including Barbados, Jamaica and Trinidad and Tobago.
2. Any other Caribbean State not listed in the Annex to this Agreement may apply to become a member of the Agency. Applications for membership shall be submitted to the Coordinating Unit. Admission to membership of the Agency shall be determined by the Council on the recommendation of the Board of Directors.
3. A State admitted to membership in accordance with paragraph 2 of this Article shall deposit an appropriate Instrument of Accession with the CARICOM Secretariat before becoming entitled to enjoy the privileges of membership of the Agency.

Article 33**Depositary**

1. The original of this Agreement and any amendments thereto shall be deposited with the CARICOM Secretariat.
2. The Secretary-General of CARICOM shall notify the Coordinating Unit of the Agency of the Deposit of Instruments of Ratification or Accession, as the case may be.

ARTICLE 34**Amendments**

1. Any Participating State may propose amendments to this Agreement.
2. Any proposal for an amendment to this Agreement shall be submitted to the Coordinating Unit which shall transmit it to the Board of Directors with its comments.
3. The Board of Directors shall consider the proposal together with the comments of the Coordinating Unit and make a recommendation to the Council.
4. The Council shall consider the proposal for amendment and may adopt it with such modifications as it deems necessary.
5. Amendments shall enter into force when ratified by all Participating States.

ARTICLE 35**Denunciation and Withdrawal**

1. Any Participating State may denounce this Agreement and withdraw from the Agency.
2. Any Participating State wishing to withdraw from the Agency shall give to the Coordinating Unit twelve months' notice of its intention to do so and the Coordinator shall immediately notify the other Participating States.
3. The notice mentioned in paragraph 2 of this Article may be withdrawn at any time prior to the date on which withdrawal is to take effect.
4. A Participating State withdrawing from the Agency shall honour any financial obligations duly assumed by it during the period of its membership.

ARTICLE 36**Provisional Application**

1. Seven or more of the Participating States listed in the Annex to this Agreement including Barbados, Jamaica and Trinidad and Tobago, may, upon signature, or at any later date before this Agreement enters into force, declare their intention to apply it provisionally.
2. Upon any such declaration, the Secretary-General of CARICOM shall convene an inaugural meeting of the Council.

IN WITNESS WHEREOF the undersigned representatives, being duly authorised by their respective Governments, have signed this Agreement —

Signed by

For the Government of Antigua and Barbuda on 7th March, 1991 at St. John's Antigua

Signed by

For the Government of the Bahamas on 2nd July, 1991 at Basseterre, St. . Kitts and Nevis

Signed by

For the Government of Barbados on 26th February 1991 at Port-of-Spain, in Trinidad and Tobago

Signed by

For the Government of Belize on 26th February 1991 at Port-of-Spain, in Trinidad and Tobago

No. 30] *Disaster Management Act* [2006.

Signed by

For the Government of the British Virgin Islands on at

Signed by

For the Government of Dominica on at

Signed by

For the Government of Grenada on 14th May, 1991 at Bridgetown, Barbados

Signed by

For the Government of Guyana on 2nd July, 1991 at Basseterre, St. Kitts and Nevis

Signed by

For the Government of Jamaica on 26th February, 1991 at Port-of-Spain, Trinidad and Tobago

Signed by

For the Government of Montserrat on 4th March, 1991 at Plymouth, Montserrat

Signed by

For the Government of St. Kitts and Nevis on 26th February, 1991 at Port-of-Spain, Trinidad and Tobago

Signed by

For the Government of Saint Lucia on 26th February, 1991 at Port-of-Spain, Trinidad and Tobago

Signed by

For the Government of Saint Vincent and the Grenadines on 14th May, 1991 at Bridgetown, Barbados

Signed by

For the Government of Trinidad and Tobago on 26th February, 1991 at Port-of-Spain, Trinidad and Tobago

ANNEX

Antigua and Barbuda
The Bahamas
Barbados
Belize
British Virgin Islands
Dominica
Grenada
Guyana
Jamaica
Montserrat
St. Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Trinidad and Tobago

FOURTH SCHEDULE

(Section 3, 31)

MEMBERS OF NEMO

Chairman – Minister responsible for disaster preparedness and response
 Deputy Chairman – Cabinet Secretary
 Director – NEMO
 Deputy Director – NEMO
 Admin Secretary
 Commissioner of Police
 Chief Fire Officer
 Chief Medical Officer
 PS – Ministry of Finance
 PS – Ministry of Public Service
 PS – Ministry of Foreign Affairs
 PS – Ministry of Planning
 PS – Ministry of Tourism
 PS – Ministry of Agriculture
 PS – Social Transformation
 Director - Meteorological Services
 Comptroller - Customs and Excise
 Coordinator - Crisis Management Unit
 Chairman, Damage Assessment and Needs Analysis National Committee
 Chairman, Telecommunications National Committee
 Chairman, Transportation National Committee
 Chairman, Welfare National Committee
 Chairman, Emergency Works National Committee
 Chairman, Supply Management National Committee
 Chairman, Emergency Shelters National Committee
 Chairman, Information National Committee
 Chairman, Oil Spills National Committee
 Director General, Saint Lucia Red Cross
 Chief of Ports Police, Saint Lucia Air and Sea Ports Authority
 General Manager, Saint Lucia Air and Sea Ports Authority

Coordinator Crisis Management Unit: Ministry of Tourism
Chairman, District Disaster Committee Vieux Fort South
Chairman, District Disaster Committee Vieux Fort North
Chairman, District Disaster Committee Gros Islet
Chairman, District Disaster Committee Castries North West/Babonneau
Chairman, District Disaster Committee Castries North
Chairman, Chairman, District Disaster Committee Castries South
Chairman, District Disaster Committee Castries South East
Chairman, District Disaster Committee Castries East
Chairman, District Disaster Committee Dennery North
Chairman, District Disaster Committee Dennery South
Chairman, District Disaster Committee Micoud North
Chairman, District Disaster Committee Micoud South
Chairman, District Disaster Committee Laborie
Chairman, District Disaster Committee Choiseul
Chairman, District Disaster Committee Soufriere
Chairman, District Disaster Committee Canaries
Chairman, District Disaster Committee Anse la Raye

Passed in the House of Assembly this 27th day of June, 2006.

J. BADEN ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 20th day of July, 2006.

HILFORD DETERVILLE,
President of the Senate.