



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Disaster Risk Management Act 10 of 2012
section 57

Disaster Risk Management Regulations

Government Notice 349 of 2013

(GG 5380)

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PART 1
DEFINITIONS

Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“authorised officer” means a director or a person designated or appointed as authorised officer under section 32, 37 or 39 of the Act;

“constituency level” means a constituency;

“dependant” means -

- (a) a person in respect of whom a deceased person is legally liable for maintenance, other than in terms of a contract, including a spouse, natural or adopted minor child; or
- (b) a person in respect of whom a deceased person is legally liable for maintenance, had the person not died.

“disablement” means disablement for employment, permanent injury or serious disfigurement;

“disaster relief item” includes material, equipment, money, food or other disaster items provided by Namibian Government or donated for disaster risk management or disaster response;

“head of local authority disaster management centre” means a person appointed as head of a disaster risk management centre in terms of section 17(4) of the Act;

“injury management”, includes any treatment or programme, scheme, course or process intended to restore and relieve physical, mental, emotional, behavioural health and function and redress all forms of impairment caused by a disaster;

“local authority level” means the local authority area as defined by section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992);

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“medical practitioner” means a medical practitioner as defined by section 1 of the Medical and Dental Act, 2004 (Act No. 10 of 2004);

“medical treatment”, includes any treatment or programme, scheme course or process intended to restore physical, mental, emotional, behavioural health and function infirmity of mind and body and redress all forms of impairment and includes hospitalisation;

“regional level” means a region;

“rehabilitation”, includes the restoration of bodily function, any treatment or programme, scheme, course, schooling, training or process intended to improve or restore physical, mental, emotional and behavioural health and function and restore all forms of infirmity of mind and body and includes hospitalisation;

“stakeholder”, includes disaster institution, governmental institution, local authority council, regional council, volunteer, international organisation, non-governmental institution or any other person involved in disaster risk management;

“State Finance Act, 1991” means the State Finance Act, 1991 (Act No. 31 of 1991);

“settlement level” means a settlement area;

“training institution” means a training institution referred to in section 55 of the Act;

“the Act” means the Disaster Risk Management Act, 2012 (Act No. 10 of 2012);

“volunteer unit” means a disaster risk management volunteer unit referred to in section 18 of the Act;

“volunteer unit manager” means a volunteers unit manager appointed under regulation 19.

**[The word “volunteers” in the phrase “volunteers unit manager”
should be singular to accord with the regulation referred to.]**

PART 2
DISASTER RISK MANAGEMENT PLANS

Disaster Risk Management Plans

2. (1) A disaster risk management plan must in addition to other matters prescribed by the Act, make provision for -

- (a) an inclusive and participatory approach of all stakeholders involved in disaster risk management;
- (b) the allocation of the roles, responsibilities and functions of all stakeholders involved in disaster risk management;
- (c) the mobilisation of disaster relief items, personnel, transport, communication and emergency suppliers before, during and after disaster occurrence;

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- (d) local authorities, regional councils and governmental institutions to form mutual assistance scheme with each other for the purposes of -
 - (i) rendering assistance, support and response to disaster occurrence in their respective areas; or
 - (ii) lending or making available any material or equipment owned, possessed or controlled by local authorities, regional councils or governmental institutions to each other;
- (e) the development of up to date forecasting and early warning systems backed by responsive and robust communication and information technology;
- (f) the promotion of partnership in disaster risk management with relevant key stakeholder including -
 - (i) media to create awareness on early warning, emergency alert and public awareness;
 - (ii) meteorological services to provide disaster information on weather forecasts and early warning information;
 - (iii) hydrology services to provide information and monitor water level that may cause floods;
 - (iv) medical and veterinary services to prevent and control the outbreak of human and animal diseases;
 - (v) department responsible for forestry to monitor, prevent and control fire outbreaks; and
 - (vi) any other institution that may assist in any other way in disaster risk management;
- (g) disaster prevention or reduction, preparedness, response, post recovery and rehabilitation;
- (h) the measures aimed at reducing the impact of disaster and to ensure that the post recovery and rehabilitation promote development and decrease future vulnerability;
- (i) capacity building, training and education as a preparedness measure in disaster risk management;
- (j) the testing and reviewing of the contingency plan as required by the Act; and
- (k) the measures aimed at reducing vulnerability on communities and household on areas that a prone to disaster and ensure efficient response teams when disaster occurs.

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- (2) A plan developed in terms of the Act must -
- (a) anticipate the type of disaster likely to occur in an area and prioritise such disaster when planning; and
 - (b) identify the community at risk or situated on areas that are prone to disaster.

(3) A plan developed in terms of the Act is reviewable and updated every three years or at any time as may be considered necessary by a person responsible to develop a plan in terms of the Act.

(4) A copy of the plan developed in terms of the Act must be available to every person involved in disaster risk management to enable him or her to perform his or her function in terms of the plan.

(5) When the national disaster risk management plan referred to in section 21 of the Act, is reviewed in terms of subregulation (3), amendments made in terms of section 23(3)(d) or 25(3)(d) of the Act must be taken into consideration.

PART 3
 INVESTIGATION AND REPORTING OF DISASTER

Investigation of disaster

3. (1) The Prime Minister may order an authorised officer or appoint a person to investigate -

- (a) the cause of disaster occurring or about to occur in Namibia;
- (b) matters relevant to the disaster risk management;
- (c) matters relevant to disaster risk reduction;
- (d) the matters relevant to a claim of compensation under section 43 of the Act;
- (e) the disaster response actions taken or to be taken against disaster occurrence;
- (f) the readiness and capacity of a disaster response team; or
- (g) any matter that the Prime Minister may consider necessary to be investigated.

(2) The person referred to in subregulation (1) must -

- (a) possess the necessary knowledge, skill and expertise on the matter to be investigated; and
- (b) provide the Prime Minister with a report of his or her findings on the matter that he or she has investigated.

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Reporting disaster at local authority level

4. (1) A person may report a disaster occurring at a local authority level to the head of the local authority disaster risk management centre.

(2) Upon receipt of the report referred to in subregulation (1), the head of the local authority disaster risk management centre must, as soon as possible, investigate or cause investigation to be conducted on the report of a disaster and must, in writing, inform the chairperson of a local authority committee of the disaster.

(3) The head of the local authority disaster risk management centre must cause the local authority to respond to the disaster in terms of the local authority plan referred to in section 29 of the Act.

(4) Where at any time it appears that a disaster occurring at a local authority level is of such a nature that extraordinary measures are necessary to assist and protect the persons affected or likely to be affected by the disaster at the local authority level -

(a) the head of the local authority disaster risk management centre may request that volunteers at a local authority level assist in the disaster response;

(b) the chairperson of the local authority committee may request the -

(i) chairperson of the regional committee;

(ii) chairperson of the constituency committee;

(iii) chairperson of the settlement committee; or

(iv) Director,

that volunteers at regional, constituency, settlement or national level or a member of a volunteer unit assist in the disaster response;

(c) the head of the local authority disaster risk management centre may under section 41(2) request that the Prime Minister request that a member of uniformed force or a unit of a uniformed force assist in a disaster response; or

(d) the head of a local authority council may seek assistance from other local authorities to assist in any way in a disaster response.

(5) A disaster at local authority level is declared in terms of the procedure provided for in section 38 of the Act.

Reporting disaster at regional level

5. (1) A person may report a disaster occurring at regional level to the chairperson of the regional committee.

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(2) Upon receipt of the report referred to in subregulation (1) the chairperson of the regional committee must, as soon as possible, investigate or cause investigation to be conducted on the report of a disaster.

(3) The chairperson of the regional committee must cause regional council to respond to a disaster in terms of the regional disaster risk management plan referred to in section 25 of the Act, including the involvement of governmental institutions, local authorities, non-governmental organisations and other persons referred to in that section.

(4) Where at any time it appears that a disaster occurring at a regional level is of a nature that extraordinary measures are necessary to assist and protect persons affected or likely to be affected by the disaster at the regional level -

- (a) the chairperson of the regional committee may request that volunteers at a regional level assist in the disaster response;
- (b) the chairperson of the regional committee may request the -
 - (i) chairperson of the settlement committee;
 - (ii) chairperson of the constituency committee;
 - (iii) head of a local authority disaster risk management centre; or
 - (iv) Director,

that volunteers at settlement, constituency, local authority or national level, or member of a volunteer unit assist in the disaster response;
- (c) the chairperson of the regional committee may under section 41(2) request that the Prime Minister request that a member of a uniformed force or unit of a uniformed force assist in a disaster response; or
- (d) the regional governor may request that the local authority situated outside the boundaries of the regional council area assist in any way in a disaster response.

(5) A disaster at regional level is declared in terms of the procedure provided for in section 35 of the Act.

Reporting disaster at settlement level

6. (1) A person may report a disaster occurring at settlement level to the chairperson of the settlement committee.

(2) Upon receipt of the report referred to in subregulation (1) the chairperson of the settlement committee must, as soon as possible, investigate or cause investigation to be conducted on the report of the disaster.

(3) The chairperson of the settlement committee must cause the settlement area to respond to the disaster in terms of the settlement disaster risk management plan referred to in

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section 27 of the Act, including the involvement of governmental institutions, non-government organisations and other persons referred to in that section.

(4) Where at any time it appears that a disaster occurring at a settlement level is of a nature that extraordinary measures are necessary to assist and protect the persons affected or likely to be affected by the disaster at the settlement level -

- (a) the chairperson of the settlement committee may request that volunteers at a settlement level assist in the disaster response;
- (b) the chairperson of the settlement committee may request the -
 - (i) chairperson of regional committee;
 - (ii) chairperson of the constituency committee;
 - (iii) head of a local authority disaster risk management centre; or
 - (iv) Director,
 that volunteers at regional, constituency, local authority or national level, or member of a volunteer unit assist in the disaster response; or
- (c) the chairperson of the settlement committee may under section 41(2) request that the Prime Minister request that a member of uniformed force or unit of a uniformed force assist in the disaster.

PART 4
 NATIONAL DISASTER FUND, FINANCE AND BUDGETING

Budgeting by regional council

7. (1) The regional council must budget through its line ministry for costs involved in disaster risk management at a regional level.

(2) The Prime Minister must, after consultation with the Minister responsible for regional and local government, housing and rural development, cause the regional council to open and maintain a bank account, other than a bank account referred to in terms of section 33(4) of the Regional Councils Act, 1992, for funds referred to in subregulation (3).

(3) The regional council must deposit into the bank account referred to in subregulation (2) any -

- (a) money received for disaster risk management -
 - (i) by way of donation to the regional council, other than donation referred to in section 33(1)(f) of the Regional Councils Act, 1992); or
 - (ii) money donated for disaster risk management at a constituency or settlement level;

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- (b) money accrued to and vested in the bank account referred to in subregulation (2) from any other source;
- (c) interest and dividends derived from the investment of money in the bank account referred to in subregulation (2); or
- (d) money received for disaster risk management from stakeholders, development partners or from any person at a -
 - (i) regional level, other than the funds referred to in section 33 of the Regional Councils Act, 1992; or
 - (ii) constituency or settlement level.

(4) The regional council must only use the funds referred to in subregulation (3) for the purposes of defraying expenses incurred in connection with the disaster risk management at the regional level.

(5) The Chief Regional Officer as the accounting officer for the regional council in terms of section 34 of the Regional Councils Act, 1992 is responsible for accounting all money received and all payments made from the regional disaster risk management bank account referred to in subregulation (2).

(6) The accounting records of the regional disaster risk management bank account referred to in subregulation (2) must be audited by the Auditor-General in accordance with section 38 of the Regional Council Act, 1992.

(7) The Chief Regional Officer referred to in subregulation (5) must provide the Committee, regional, constituency, local authority and settlement committee with a copy of the audited report within 30 days after receipt of audited report.

Budgeting by other institutions involved in disaster risk management

8. (1) A local authority, governmental institution or any other institution involved in the disaster risk management must budget for disaster risk management at their respective level.

(2) The Permanent Secretary as the accounting officer for a designated governmental institution in terms of section 8 of the State Finance Act, 1991 is charged with the responsibility of accounting for the funds relating to such designated governmental institution, and the accounting records of all funds pertaining to disaster risk management must be audited in terms of the State Finance Act, 1991.

National disaster fund

9. (1) A regional council, local authority council or governmental institution involved in disaster risk management must budget for disaster risk management, and the use of contingency funds from the Fund must only be considered as a measure of last resort.

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(2) Despite subregulation (1), a regional council, local authority council or a governmental institution involved in disaster risk management may, subject to section 49 and 50 of the Act, request that the Committee release contingency fund from the Fund, if the regional council, local authority council or governmental institution has depleted its funds for disaster risk management.

(3) A governmental institution, local authority or regional council responsible for the maintenance of infrastructure must reimburse the Fund in cases where contingency funds are released from the Fund to maintain the infrastructures.

(4) The Prime Minister may, by reason of imminent disaster, direct that a disaster institution or a governmental institution involved in a disaster risk management make emergency procurement of disaster relief items for disaster response or disaster risk management using contingency funds from the Fund.

(5) The Prime Minister may, after consultation with the Minister responsible for finance, request that the emergency procurement of disaster relief items referred to in subregulation (4) be exempted from tender procedures under section 17 of the Tender Board Act, 1996 (Act No. 16 of 1996).

(6) For the purposes of purchasing the disaster relief items referred to in subregulation (4), a governmental institution or a disaster institution referred to in that subregulation must provide the Prime Minister with quotations and other supporting documents necessary for the purchasing of the disaster relief items, and the Prime Minister may pay the supplier directly or as he or she may direct.

(7) The payment of overtime as provided for by the Labour Act, 2007 (Act No. 11 of 2007) or daily subsistence allowance for employees of governmental institution, local authority, regional council or any other institution involved in disaster risk management must be paid from the institution of the employee budget.

(8) Payment of overtime or daily subsistence allowance may, in exceptional cases where a governmental institution, regional council or local authority has depleted its disaster risk management funds, be paid from the Fund if approved by the Prime Minister.

(9) Subject to section 50 of the Act, any money received or donated at a national level for disaster risk management must be deposited into the Fund, and the deposit or withdrawal from the fund may only be made with the approval of the Prime Minister.

PART 5
TRAINING INSTITUTIONS

Training institutions

10. (1) The Prime Minister, after consultation with the committee, may establish, maintain or control an institution for training of persons or recognise an institution established, maintained or controlled by any other person as an institution to conduct training in disaster risk management.

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(2) The training institutions referred to in subregulation (1) or any person to give disaster risk management training at the training institution must comply with the requirements of section 13 of the Namibia Qualification Authority Act, 1996 (Act No. 29 of 1996).

(3) Where the Prime Minister recognise an institution established, maintained or controlled by any other person under section 55 of the Act, the Prime Minister may after consultation with the committee and the person who establish, maintains or controls such institution propose that -

- (a) specialised courses on disaster risk management be offered by the training institution; or
- (b) the disaster risk management courses be offered as a specific component in a specialised course like medicine, nursing, engineering, environmental sciences, architecture, town and town planning, public management and administration or any other relevant course offered by the training institution.

(4) The Prime Minister in consultation with the Minister responsible for education may propose that disaster risk management subjects to be integrated into the education curriculum at primary and secondary levels.

Enrolment for training

11. (1) A person who wishes to enrol for training in disaster risk management must apply on an application form applicable to a training institution, and must comply with other requirements as may be imposed by the training institution.

(2) A person qualify to enrol for training in disaster risk management from the age of 18 years.

[The verb “qualify” should be “qualifies” to be grammatically correct.]

(3) In addition to any training that may be offered by a training institution established, maintained, controlled or recognised in terms of section 55 of the Act, the Directorate, local authority committee, regional committee or governmental institutions involved in disaster risk management may conduct or cause disaster risk management training to be conducted for their officials that participate in disaster response or disaster risk management.

PART 6

EXEMPTION FROM CUSTOM EXCISE DUTY AND GRANTING OF WORK PERMIT

Donations exempted from custom excise duty

12. (1) A donor referred to in section 52(2) of the Act must, within 48 hours prior to the arrival of the disaster relief item donated, furnish the Prime Minister with a list of the disaster relief items to be donated.

(2) The Director must ensure that a copy of the list of disaster relief items furnished in terms of subregulation (1) is furnished to the Minister responsible for finance for exemption from customs excise duty.

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(3) A person receiving a donated disaster relief items at a point of entry must ensure that the disaster relief items donated correspond with the list of disaster relief items furnished in terms of subregulation (1).

(4) The exemption of any disaster relief item donated from customs excise duty must be made in terms of the Customs and Excise Act, 1998 (Act No. 20 of 1998).

Granting of work permit

13. (1) A State or international organisation that provides international relief personnel or expert must within 72 hours prior to the arrival of the international relief personnel or experts, provide the Prime Minister with -

- (a) full particulars of the international relief personnel or expert;
- (b) letter of appointment of the international relief personnel or expert; and
- (c) passport details of the disaster relief personnel or expert.

(2) The Director must ensure that -

- (a) details referred to in subregulation (1) are furnished to the Minister responsible for immigration to facilitate the entry of the international relief personnel or expert, including the expeditious granting of visas and waiver of work permits; and
- (b) arrangements are in place for the transportation of international disaster relief personnel or expert as well as disaster relief items donated.

(3) The entry and operation of international relief personnel or experts, the granting of visas and waiver of work permits for relief personnel and experts must be made in terms of the Immigration Control Act, 1993 (Act No. 7 of 1993).

(4) The international community, civil society organisations, the non-governmental organisations may act as disaster relief organisations under the supervision of the disaster institutions.

Procedure for receiving donation

14. (1) A person may not donate or receive disaster relief item at a -

- (a) national level without informing the Prime Minister;
- (b) local authority level without informing the head of a local authority council; or
- (c) regional, constituency or settlement level without informing the Regional Governor.

(2) The person referred to in paragraph (b) to (c) must as soon as possible inform the Prime Minister of the donation.

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(3) A person must not donate food, medicines or other perishable items that is not fit for human consumption or that is closer to its use-by date.

(4) Medical and veterinary medicines donated must comply with the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003) and Animal Health Act, 2011 (Act No. 1 of 2011).

(5) A disaster relief item donated to or on behalf of the Namibian Government for disaster response remains the property of the Namibian Government and may be used throughout Namibia for disaster risk management or disaster response, unless if the Prime Minister direct otherwise.

(6) A person to whom a disaster relief item is entrusted for custody or safekeeping must, from time to time or as the Prime Minister may require, provide the Prime Minister with a report in writing to account for the disaster relief item entrusted to him or her.

(7) The Prime Minister must give a report or cause a report to be given to a person who donated a disaster relief item received for or on behalf of the Namibian Government.

PART 7
 CO-OPERATIVE AGREEMENT AND AUTHORISED OFFICER

Co-operative agreements by Prime Minister

15. The co-operation agreement referred to in section 54 of the Act may include provision -

- (a) for disaster relief personnel and expert, equipment and materials to be used during a disaster;
- (b) for any service to be rendered before, during and after a disaster;
- (c) to render services on early warning and emergency alert information;
- (d) for the purchasing or leasing of material or equipment to be used during a disaster;
or
- (e) for any other matter relating to disaster risk management as the Prime Minister may consider necessary.

Authorised Officer

**[The word “officer” in the heading should not be capitalised;
 it is not capitalised in the ARRANGEMENT OF REGULATIONS.]**

16. (1) The chairperson of the Committee, the regional governor or the chairperson of the local authority committee must issue an authorised officer with an identification card.

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(2) An authorised officer must produce his or her identification card issued under subregulation (1) to a person to whom the authorised officer is exercising a power or is performing a function under the Act.

(3) The identification card of an authorised person referred to in subregulation (1) must contain -

- (a) the full names of the authorised officer;
- (b) the date of appointment of the authorised officer;
- (c) the passport photo of the authorised officer;
- (d) the period of appointment of the authorised officer;
- (e) the card number;
- (f) the signature of the issuing authority;
- (g) the address of the issuing authority; and
- (h) other particulars as the person referred to in subregulation (1) may consider necessary.

PART 8
 CODE OF PRACTICE

Code of practice in disaster risk management

- 17.** (1) A person involved in the disaster risk management must -
- (a) perform his or her duties with due care, skills, diligence and professionalism;
 - (b) act fairly and unbiased in dealing with people affected by a disaster;
 - (c) be familiar with and abide by the Act, regulations, rules, policies and directives issued under the Act on matters pertaining to disaster risk management or disaster response;
 - (d) promote accountability, efficiency, effectiveness and transparency in implementing disaster risk management programmes;
 - (e) report to the Prime Minister or any other relevant authority incidents of fraud, corruption, nepotism, maladministration which comes to his or her knowledge;
 - (f) act in a manner that upholds the reputation of the Namibian Government; and
 - (g) be honest and accountable in dealing with public fund and disaster relief item and must only use the public funds or disaster relief item for the intended purpose.

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(2) A person may not act in a position where he or she has personal, financial or other interest that might influence the way in which he or she exercise power or perform a function under the Act.

(3) A person involved in the disaster risk management may not use his or her position to -

- (a) seek or obtain financial or other advantage for himself or herself or his or her family, friends or any other person;
- (b) obtain private gifts or benefits for himself or herself when exercising his or her power or performing his or her duty; or
- (c) accept any gift or benefit without the approval of the Prime Minister.

(4) A person involved in a disaster risk management must share disaster related information in a transparent way in order to promote co-ordination and more coherent disaster response among every person involved in the disaster risk management or affected by disaster.

(5) Where possible, a person involved in disaster risk management may -

- (a) use local people on activities pertaining to disaster risk management or disaster response; and
- (b) procuring local resources.

(6) A person involved in disaster risk management or disaster response must take into consideration -

- (a) the need for an unimpeded access to the affected persons before, during and after disaster; and
- (b) the needs of special vulnerable groups in disaster risk management programmes.

Volunteers and code of practice

18. (1) In addition to the provisions of regulation 17, a volunteer referred to in section 19 of the Act must -

- (a) comply with instructions given by the Director, the relevant chairperson of the committees referred to in section 19(4) of the Act or the head of a local authority disaster risk management centre;
- (b) not engage in any activity that undermine the integrity of the Government or the disaster risk management volunteer unit;

[The verb “undermine” should be “undermines” to be grammatically correct.]

- (c) be on stand-by all times and be able to work irregular hours; and

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- (d) not misuse his or her position as a volunteer to gain personal advantage or to perform private transaction from which a profit can be derived.

(2) A person rendering professional services during a disaster must in addition to this regulation comply with the applicable ethical rules applicable to his or her respective area of speciality.

PART 9
VOLUNTEERS AND DISASTER RISK MANAGEMENT VOLUNTEER UNIT

Volunteer unit

19. (1) The Prime Minister may under section 18 of the Act establish one or more volunteer units administered by one or more volunteer unit managers appointed by the -

- (a) Director, where the volunteer unit is at a national level;
- (b) chairperson of the regional, constituency or settlement committee, where the volunteer unit is at a regional, constituency or settlement level; or
- (c) head of a local authority disaster risk management, where the volunteer unit is at a local authority level.

(2) A volunteer unit manager appointed under subregulation (1) must -

- (a) establish a management structure necessary to co-ordinate persons within a volunteer unit;
- (b) conduct needs assessment and identify challenges faced by persons within a volunteer unit; and
- (c) co-ordinate and liaise with disaster institutions, governmental and non-governmental organisations for the distribution of foods and other basic items in a volunteer unit.

Requirements to volunteer, membership and condition of membership

20. (1) A volunteer may qualify as a member of disaster risk management volunteer unit where -

- (a) he or she has made an application under regulation 22 to the -
 - (i) Director;
 - (ii) chairperson of the regional committee;
 - (iii) chairperson of the constituency committee;
 - (iv) chairperson of the settlement committee; or

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(v) head of the local authority disaster risk management centre,

for the person to be a volunteer at a national, regional, constituency, settlement or local authority level.

(b) the person referred to in paragraph (a) has considered and granted the application referred to in that paragraph; and

(c) his or her name is entered into the register referred to in section 19(4) of the Act.

(2) A person making an application under regulation 22 must meet the following requirements -

(a) he or she is of a good character and is physically and mentally capable of rendering services associated with disaster;

(b) he or she is of at least 18 years old;

(c) he or she is willing to undergo training in disaster risk management, disaster risk reduction or disaster response;

(d) he or she is willing to undergo medical examination to determine his or her ability to render services associated with disaster, if he or she is required to do so under subregulation (3);

(e) is willing to co-operate with other stakeholders involved in the disaster risk management or within a volunteer unit;

(f) have the passion to render services on a voluntary basis and is hardworking;

(g) have the ability to use good judgment and remain calm in stress environment; and

(h) have the ability to withstand varied environmental conditions such as extreme heat, cold, moisture and heights.

(3) The person referred to in subregulation (1)(a) may request a person making an application under regulation 22 to undergo medical examination on his or her general health condition in order to determine whether the applicant is capable of rendering services associated with disaster.

Uniforms of volunteers and equipment

21. (1) A person referred to in regulation 22(2) must issue a volunteer with -

(a) uniform, apparel, hat, boots, overalls and other suitable protective clothes for safety and conducive work environment; and

(b) any other necessary equipment to be used during a disaster risk management or disaster response.

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(2) A uniform, apparel, hat, boots, overalls and other suitable protective clothes or any other item or equipment given to a volunteer in terms of subregulation (1), remains the property of the issuing authority and must be returned to the issuing authority upon resignation of a volunteer under section 19(3) of the Act or as the issuing authority may direct.

Application to volunteer

22. (1) An application, referred to in section 19 of the Act, is made in the form set out on Form B of the Annexures.

(2) The Director, chairperson of the regional, constituency or settlement committee or head of a local authority disaster risk management centre must consider the application referred to in subregulation (1) and may grant or refuse the application.

(3) If the application referred to in subregulation (1) is granted under subregulation (2), a person referred to in subregulation (2) must issue a volunteer with an identification card.

(4) The identification card referred to in subregulation (3) must contain -

- (a) the full names of the volunteer;
- (b) the date of appointment of the volunteer;
- (c) passport photo of the volunteer;
- (d) period of appointment of the volunteer;
- (e) card number;
- (f) signature and address of the issuing authority; and
- (g) the area in respect of which the appointment is made.

Training of volunteers

23. (1) The -

- (a) Director;
- (b) chairperson of the regional committee;
- (c) chairperson of the constituency committee;
- (d) chairperson of the settlement committee; or
- (e) head of a local authority disaster risk management centre,

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may, in writing, direct that a volunteer undergo training in disaster risk management, disaster risk reduction or disaster response in connection with a service associated with disaster offered by a training institution.

(2) A volunteer referred to in subregulation (1), may undergo training at no cost and may, during training, receive allowances or other benefits as the Prime Minister may determine under regulation 24.

(3) A person referred to in subregulation (1) must, in the register referred to in section 19(4) of the Act, record -

- (a) the full particulars of a volunteer;
- (b) the name of the course attended by a volunteer;
- (c) the date on which a course referred to in paragraph (b) was offered;
- (d) the training institution which offered the course; and
- (e) any certificate obtained by a volunteer.

Allowances to volunteers

24. The Prime Minister may pay a volunteer an allowance or other benefits to enable the volunteer to perform his or her function under the Act, subject to conditions as the Prime Minister may determine.

PART 10
 UNIFORMED FORCES

Circumstances under which uniformed forces may assist in disaster

25. (1) The Prime Minister at the request of the -

- (a) chairperson of the Committee;
- (b) chairperson of the regional committee;
- (c) chairperson of the constituency committee;
- (d) chairperson of the settlement committee; or
- (e) head of a local authority disaster risk management centre,

may request that a member of uniformed force or unit of a uniformed force assist during a disaster where it appears that extraordinary measures are necessary to assist and protect persons affected or likely to be affected by the disaster.

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(2) Subject to the laws governing the uniformed forces, the Prime Minister may, after consultation with the Minister responsible for defence, police or prison, request that a member of uniformed force or unit of a uniformed force assist -

- (a) in disaster response, disaster risk reduction or disaster risk management to preserve life, property and the environment;
- (b) with the maintenance and restoration of essential services during a disaster;
- (c) with the transportation of disaster relief items by air, road, river route or other form of transportation;
- (d) with the search, rescue and evacuation of persons affected or displaced by the disaster;
- (e) first aid treatment and civil health care services;
- (f) with ambulances and other form of transportation for persons injured during disaster for treatment;
- (g) with crowd control;
- (h) with the identification of injured persons, deceased persons, tracing of missing persons and removal of dead bodies;
- (i) with the cordoning and enforcing restriction of movement or entry into disaster affected areas;
- (j) in any other manner as the Prime Minister may request.

(3) The Prime Minister may, after consultation with the Minister responsible for defence, police or prison, request that a member or a unit of a uniformed force undergoes regular training and rehearsals to carry out search, evacuation, rescue operations and other trainings pertaining to disaster.

PART 11
 COMPENSATION AND PROHIBITION AGAINST CESSION

Payment of compensation and limitations

26. (1) A person referred to in section 43(1) of the Act who dies, suffers bodily harm or is disabled as a result of an event occurring in the course of the performance of his or her duty or function entrusted to such person in terms of the Act or his or her dependants may claim for compensation subject to regulation 27 and 28.

(2) A person may claim compensation for bodily injury or disablement which resulted from an event occurring in the course of performing a duty or function entrusted to such person under the Act for -

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- (a) medical treatment, injury management, rehabilitation or life enhancement in respect of a person injured for an amount not exceeding N\$50 000 regardless of whether or not the person receives one or a combination of the treatment;
- (b) cash grant as compensation to a person injured for an amount not exceeding N\$5 000;
- (c) travelling allowances to a person injured or disabled to appear before a medical practitioner in connection with his or her injury or disablement for an amount not exceeding N\$5 000; or
- (d) loss of income to an amount not exceeding N\$20 000.

(3) The Prime Minister may compensate a dependant of a person whose death results from any event occurring in the course of the performance of any duty or function entrusted to such person under the Act for -

- (a) loss of support to an amount equal to the national pension payable under the National Pensions Act, 1992 (Act No. 10 of 1992);
- (b) funeral costs of a deceased person in an amount of N\$10 000;
- (c) travelling allowance incurred by the dependant for accompanying a person referred to in subregulation (2)(c) for an amount not exceeding N\$5 000.

(4) The claim for compensation for loss of support referred to in subregulation (3)(a) is payable by installments until the dependant -

- (a) who is a minor -
 - (i) attains the age of majority;
 - (ii) completes his or her education after attainment of the age of majority;
 - (iii) becomes self sufficient; or

[The word “self-sufficient” should be hyphenated.]

- (iv) dies,
 whichever occurs first; or

- (b) who is a spouse attain the age of 60 years or dies, whichever occurs first.

[The verb “attain” should be “attains” to be grammatically correct.]

(5) The Prime Minister may review an amount payable to a dependant under subregulation (3)(a) for the purposes of secondary or tertiary education expenses.

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(6) Compensation payable under these regulations must reasonably equate to the injury suffered or to be suffered, loss of income suffered or to be suffered, or expenses incurred or to be incurred by a person referred to in section 43(1) of the Act or his or her dependant.

(7) For the purposes of section 43(2)(a)(ii), the Prime Minister must nominate from members of the Committee, members to administer issue pertaining to compensation, which members consist of -

- (a) the secretary to Cabinet who is the chairperson of other members; and
- (b) other members not exceeding four members as the Prime Minister may determine and appoint.

(8) The members referred to in subregulation (7) must administer issues pertaining to compensation in consultation with, and subject to the control and direction of the Prime Minister.

Conditions for compensation

27. (1) A person who claims compensation under regulation 26(2)(a) or (b), must provide the Prime Minister with a report by a medical practitioner who examined such person on the extent of bodily injury sustained or disablement.

(2) Despite subregulation (1), the Prime Minister may require a person referred to in that subregulation to undergo examination by a medical practitioner appointed by the Prime Minister for the purposes of examining the extent of bodily injury sustained or disablement.

(3) For the purposes of continuation of paying out compensation under regulation 26(2) (a), the condition of a person injured or disabled is assessed by a medical practitioner appointed by the Prime Minister.

(4) The Prime Minister, after receiving written report from the medical practitioner referred to in subregulation (3), must determine whether to -

- (a) continue providing payment for compensation with or without changes; or
- (b) discontinue providing the benefit,

and inform the person of such determination.

(5) The medical practitioner referred to in subregulation (1), (2) or (3) must determine the nature of injury, disablement caused or the circumstances leading to the death of a person.

(6) A person referred to in section 43(1) of the Act or his or her dependant must provide the Prime Minister with -

- (a) proof of medical expenses incurred by the person for the purposes of claiming compensation under regulation 26(2)(a);
- (b) a written report by the medical practitioner referred to in subregulation (1), (2) or (3) for the purposes of claiming compensation under regulation 26(2)(b);

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- (c) proof of travelling expenses incurred for the purposes of claiming compensation under regulation 26(2)(c) or 26(3)(c);
- (d) proof of income earned by the person for the purposes of claiming compensation under regulation 26(2)(d);
- (e) full birth certificate, marriage certificate, court order in the case of an adopted child or other identification documents for the purposes of claiming compensation under regulation 26(3)(a); or
- (f) death certificate of the person and document referred to in paragraph (e) for the purposes of claiming compensation under regulation 26(3)(b).
- (7) The Prime Minister may cause a person having the relevant expertise to -
 - (a) investigate the cause of injuries sustained, disablement or death; or
 - (b) assess any claim under regulation 26,

before paying out any compensation under section 43 of the Act.

(8) A person seeking to receive medical treatment, injury management, rehabilitation or life enhancement outside Namibia must obtain prior approval from the Prime Minister.

Exclusions

28. (1) A person whose death, bodily injury or disablement results from an event occurring in the course of the performance of a duty or function entrusted to the person in terms of the Act or a dependant of the person is excluded from claiming compensation in terms of section 43 of the Act in respect of the same event if the person or dependant of the person -

- (a) is entitled to receive benefit under the Employees' Compensation Act, 1941 (Act No. 30 of 1941);
- (b) is entitled to receive benefit under the Social Security Act, 1994 (Act No. 34 of 1994);
- (c) is entitled to receive benefit under the Motor Vehicle Accident Fund, 2007 (Act No. 10 of 2007);
- (d) is entitled to receive medical aid under Medical Aid Funds Act, 1995 (Act No. 23 of 1995) or under any other law that establishes medical aid fund; or
- (e) is entitled to receive benefit for loss of income or loss of support under any other law.
- (2) The Prime Minister may not pay out any compensation in terms of the Act if -
 - (a) death, bodily injury or disablement occur due to the negligence of a person;

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- (b) a person unreasonably refuses or fails -
 - (i) to comply with regulation 29;
 - (ii) on the request by the Prime Minister, to give particulars or document relevant to the claim of compensation required to make determination for the payment of compensation; or
 - (iii) to furnish a document or information relevant to compensation;
- (c) a person who is injured or disabled unreasonably refuses or fails -
 - (i) to furnish the Prime Minister with a medical report in his or her possession that is relevant to the claim of compensation;
 - (ii) at the cost of the Government, to undergo medical examination or assessment by a medical practitioner appointed by the Prime Minister under regulation 27(2) or (3);
- (d) a person who is injured or disabled undergoes medical treatment, injury management, rehabilitation and life enhancement outside Namibia without prior approval of the Prime Minister under regulation 27(8); or
- (e) a person in making the claim for payment of compensation provides false information or withholds information calculated to mislead the Prime Minister or the authority responsible for the administration of compensation in making a determination for the payment of the compensation.

Procedure for making claim

29. (1) A person who wishes to claim compensation under the Act must complete the form set out in Form B of the Annexure and submits the form to the Director for the attention of the Prime Minister.

(2) A claim for compensation under subregulation (1) must be accompanied by the documents and information as required in the form and other documents as the Prime Minister may require.

(3) A claim referred to in subregulation (1) must be submitted to the Prime Minister within 30 days of the person's death, injury or disablement resulting from an event occurring in the course of the performance of a duty or function entrusted to such person in terms of the Act.

(4) A person referred to in subregulation (1) may apply to the Prime Minister for an extension of time for non-compliance with the time required to submit a claim under subregulation (3).

- (5) An application referred to in subregulation (3) must -
 - (a) be in writing; and

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- (b) state the reasons why extension of time must be granted.

Prohibition against cession, assignment or attachment

30. Compensation payable in terms of this Act may not be assigned, transferred, ceded or pledged as security for debt or be liable to attachment or any form of execution under any judgment or order of any court of law.

PART 12
 ADMINISTRATIVE PENALTIES AND OFFENCES

Administrative penalties

- 31.** (1) The Prime Minister may impose administrative penalties on -
- (a) a person responsible for disaster risk management;
 - (b) a disaster institutions referred to in section 3 of the Act; or
 - (c) governmental institutions,

for contravening, or for delay to comply with, the provisions of the Act or with the provision of a general or specific policy directive, issued under section 2 of the Act.

(2) The Prime Minister must, before imposing an administrative penalty referred to in subregulation (1), serve a person, disaster institution or governmental institution with a written notice calling on the person, disaster institution or governmental institution to comply with the provision of the Act or with the provision of the general or specific policy directive referred to in that subregulation.

- (3) The notice referred to in subregulation (2) must -
- (a) inform the person, disaster institution or governmental institution of the alleged failure to comply;
 - (b) inform the person, disaster institution, or governmental institution to, in writing, make representations to the Prime Minister giving reasons why an administrative penalty referred to in paragraph (c) may not be imposed; and
 - (c) specifying the intended amount of the administrative penalty that may be imposed.

(4) Where a person, disaster institution or government institution fail to comply with the requirements of subregulation (3)(b) within 14 days from the date of receipt of the notice, the Prime Minister may impose an administrative penalty specified in subregulation (3)(c).

(5) An administrative penalty may not exceed an amount of N\$500 for each day of non-compliance and may not exceed an amount of N\$10 000.

Offences and penalties

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- 32.** (1) A person who -
- (a) sells, buys or misuses disaster relief item;
 - (b) whose action or omission endangers life, property or environment;
 - (c) misrepresents for the purposes of acquiring disaster funds or disaster relief item;
 - (d) fails to return, upon his or her resignation, to the issuing authority the identification card, uniform or equipment issued to him or her for disaster risk management or disaster response;
 - (e) buys for consumption or sell any disaster relief item;
 - (f) diverts the delivery of disaster relief items to a person other than the intended person;
 - (g) uses or disposes of disaster relief items for a purpose other than the intended purpose;
 - (h) misrepresents the source of disaster relief item by:
 - (i) covering, replacing or defacing the labels of the disaster relief item to make it appear that the disaster relief item is from another person or is not intended for disaster risk management or disaster response;
 - (ii) repacks the disaster relief item into container with different marking to make it appear that the disaster relief item is from another person or is not intended for disaster risk management or disaster response; or
 - (iii) substitutes or replaces disaster relief item with the same items or of inferior or cheaper quality;
 - (i) uses false information to acquire disaster funding or disaster relief item;
 - (j) steals disaster relief item;
 - (k) distorts or alters evidence or document given, produced or provided by the person appointed to conduct investigation under the Act;
 - (l) refuses or prevent any other person to be relocated from an area where disaster occurs or is about to occur;
 - (m) tempers with any evidence, document or a report relating to compensation under the Act;
 - (n) claims compensation under the Act in respect of the same event that he or she is entitled under any other law,

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commits an offence and upon conviction is liable to a fine not exceeding N\$10 000 or imprisonment for a period not exceeding two years or both to such fine and such imprisonment.

ANNEXURE
(Forms)

To view content without printing, scroll down.

To print at full scale (A4), double-click the icon below.



GN 349/2013
Annexure

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ANNEXURE

Form A
Claim Form
(regulation 29)

This Claim Form must be submitted to:

The Director:
Directorate: Disaster Risk Management
Office of Prime Minister
c/o Titanium and Nickel Streets
Prosperita
P.O Box 11479
Klein Windhoek
Windhoek
Namibia

Note:

- (a) this Claim Form must be submitted by hand or via registered post.
- (b) all the required details in the Form must be completed.
- (c) the declaration of the Claimant must be made before a Commissioner of Oaths.
- (d) it is a criminal offence to state false information or withhold information if such information is within the knowledge of the person completing this Form.
- (e) minor should be assisted by a guardian in completing this Form.

Personal details of the Claimant:

- (a) Surname:
- (b) First Names:
- (c) Identity Number:
- (d) Gender :
- (e) Date of birth:
- (f) Place of birth:
- (g) Nationality:
- (h) Marital status:
- (i) Residential address:
- (j) Postal address:
- (k) Contact details:

Please attach the following documents:

- (a) a certified copy of I.D or passport of the claimant; and

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(b) the relevant documents referred to in regulation 27(6).

Details of Claim for Compensation

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.....
.....

Details of the Deceased

(Only complete if the claim is for loss of support or funeral expenses)

Details of the Deceased

- (a) Surname:
- (b) First names:
- (c) Identity number:
- (d) Date of death:
- (e) Name of clinic or hospital where deceased was treated:
- (f) Name of doctor(s) who treated deceased:
- (g) Place of death:
- (h) What is the relationship of the claimant to the deceased?
- (i) Name of employer
- (j) Occupation
- (k) address of employer:

Give details of other payments claimant entitled to:

- (a) Workmans Compensation:
- (b) Social Security Support benefits:
- (c) Social Security Death benefits:
- (d) Motor Vehicle Fund benefits:
- (e) Medical aid:
- (f) Other benefits:

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Give a summary of the incident that lead to claim of compensation

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Kindly ensure that all documents mentioned above are attached to this claim form, if applicable.

Claimant's Affidavit

I declare that the deponent has sworn to and signed this statement in my presence at on the day of 20.... and he or she declared as follows: that the facts herein contained fall within his or her personal knowledge and that he or she understands the contents hereof; that he or she has no objection to taking the oath; that he or she regards the oath as binding on his or her conscience and has declared as follows:

"I swear that the contents of this Sworn Affidavit are true and correct, so help me God."

Date Signed

Claimant's Name:

SWORN BEFORE ME

Signed

Commissioner's stamp

Commissioner of Oaths/Capacity

Note that if the claimant is under legal disability, this claim form should be signed by the guardian of the claimant, curator or custodian.

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Form B
Application to volunteer
(regulation 22)

Application to:

- (a) Surname:
- (b) First Names:
- (c) Identification Number:
- (d) Gender :
- (e) Date of birth:
- (f) Place of birth:
- (g) Nationality:
- (h) Marital status:
- (i) Residential address:
- (j) Postal address:
- (k) Contact details :
- (l) Employment details:
- (m) Name of employer:
- (n) Nature of service in respect of which the applicant is prepared to volunteer for:
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.....
.....

Signature of the Applicant: Date: