

Nru. 4

21. 5. 99

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern, u moqri għall-Ewwel darba fis-Seduta tad-9 ta' Novembru, 1998.

ATT biex jipprovdi għat-twaqqif ta' Dipartiment għall-Protezzjoni Ċivili u ta' Forza ta' Ghajnuna u Helsien, u għal hwejjeġ li għandhom x'jaqsmu ma' dan jew anċillari għall-istess.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs, and read the First time at the Sitting of the 9th November, 1998.

AN ACT to provide for the establishment of a Civil Protection Department and an Assistance and Rescue Force, and for matters connected therewith or ancillary thereto.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jipprovdi għat-twaqqif ta' Dipartiment għall-Protezzjoni Ċivili u ta' Forza ta' Għajnuna u Helsien, u għal hwejjeġ li għandhom x'jaqsmu ma' dan jew anċillari għall-istess.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

1. Dan l-Att jista' jissejjah l-Att ta' l-1999 dwar il-Protezzjoni Ċivili, u għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-Protezzjoni Ċivili jista' jstabbilixxi permezz ta' avviż fil-Gazzetta.

Titolu fil-qosor u bidu fis-seħh.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieġ xort'oħra -

Tifsiriet.

“id-Dipartiment” tfisser id-Dipartiment għall-Protezzjoni Ċivili mwaqqaf bl-artikolu 3 ta' dan l-Att;

“id-Direttur” tfisser id-Direttur tad-Dipartiment għall-Protezzjoni Ċivili u tinkludi lil kull uffiċjal mahtur jew awtorizzat mid-Direttur biex jaġixxi għal xi għan jew klassi ta' għanijiet ta' dan l-Att;

“diżastru” tfisser grajja mhux prevedibbli li tikkaġuna jew thedded li tikkaġuna hsara fil-hajja jew fis-saħħa ta' għadd sew ta' bnedmin, jew lill-proprjetà jew lill-provvista ta' riżorsi vitali tal-popolazzjoni jew lill-ambjent, u l-urgenza tas-sitwazzjoni tkun tehtieġ il-koperazzjoni ta' l-awtoritajiet, istituzzjonijiet u organizzazzjonijiet għal azzjoni immedjata ta' rimedju;

“il-Forza” tfisser il-Forza ta’ Ghajnuna u Helsen mwaqqfa bl-artikolu 8 ta’ dan l-Att;

“il-Kmandant” tfisser il-kmandant mahtur biex jaġixxi bhala tali taht l-artikolu 9 ta’ dan l-Att;

“il-Kunsill” tfisser il-Kunsill għall-Protezzjoni Ċivili mwaqqaf taht l-artikolu 5 ta’ dan l-Att;

“il-Ministru” tfisser il-Ministru responsabbli għall-Protezzjoni Ċivili u tinkludi, sal-limitu u skond l-awtorita` mogħtija, kull persuna jew korp ta’ persuni awtorizzati mill-imsemmi Ministru għal xi għan jew klassi ta’ għanijiet ta’ dan l-Att.

Twaqqif ta’
Dipartiment.

3. Għandu jitwaqqaf Dipartiment għall-Protezzjoni Ċivili li jkun dipartiment tal-Gvern li jitmexxa minn uffiċjal pubbliku li jkun magħruf bhala d-Direttur tal-Protezzjoni Ċivili, li jkollu l-funzjonijiet stabbiliti fl-artikolu 4 ta’ dan l-Att.

Funzjonijiet tad-
Dipartiment.

4. Il-funzjonijiet tad-Dipartiment ikunu -

(a) sabiex ihejji pjanijiet ta’ kontingenza għal kontra xi diżastru kif ukoll dawk l-emerġenzi naturali, industrijali jew oħrajn li jistgħu jinjalghu;

(b) sabiex jorganizza u jikkordina faċilitajiet ta’ taħriġ u korsijiet għall-persunal li jistgħu jenhtieġu f’każ ta’ diżastru nazzjonali jew reġjonali jew ta’ emerġenza kif imsemmi qabel;

(ċ) sabiex iwaqqaf l-infrastruttura meħtieġa li tkun tiżgura li jkun hemm kordinazzjoni bejn id-diversi dipartimenti tal-Gvern, kunsilli lokali u organizzazzjonijiet mhux governattivi li jistgħu jkunu involuti f’li jaġixxu flimkien fil-każ ta’ diżastru nazzjonali jew reġjonali jew ta’ emerġenza kif imsemmi qabel;

(d) sabiex jagħmel riċerka dwar vulnerabbilita’ u *risk assessment*;

(e) sabiex iġib ‘l quddiem konoxxenza pubblika dwar hwejjeġ li għandhom x’jaqsmu mal-protezzjoni ċivili;

(f) sabiex iżomm u jmexxi forza ta’ ghajnuna u helsen;

(g) sabiex ihejji regolamenti bis-sahha ta’ dan l-Att u ta’ l-Att dwar Setgħat ta’ Emerġenza (Kap. 178) li jistgħu jenhtieġu f’każ ta’ diżastru nazzjonali jew reġjonali jew ta’ emerġenza kif imsemmi qabel; u

(h) b'mod generali, sabiex iwettaq kull funzjoni ohra li jkollha x'taqsam mal-protezzjoni ċivili hekk kif jista' jiġi lilha assenjat mill-Ministru minn żmien għal żmien.

5. (1) Għandu jitwaqqaf Kunsill, li jkun magħruf bħala l-Kunsill għall-Protezzjoni Ċivili, li jkollu dawk il-funzjonijiet u dmirijiet stabbiliti f'dan l-Att. Kunsill għall-Protezzjoni Ċivili.

(2) Il-Kunsill jinhatar mill-Prim Ministru kif ġej:

(a) għadd ta' membri rappreżentattivi li jintagħzlu minn fost uffiċjali pubbliċi li jkollhom kariga għolja u li jkunu qegħdin jaqdu dmirijiet fil-ministeri responsabbli għax-xogħlijiet pubbliċi, ambjent, servizzi ta' telekomunikazzjoni u trasport, servizzi tas-saħħa, affarijiet ekonomiċi, affarijiet li għandhom x'jaqsmu ma' karburanti u enerġija, u affarijiet għal Ghawdex;

(b) membru li jintagħzel minn fost persuni li jkollhom għarfien u esperjenza f'dak li għandu x'jaqsam mal-protezzjoni ċivili wara li jiġu ikkonsultati rappreżentanti ta' organizzazzjonijiet volontarji involuti f'dawk l-oqsma;

(ċ) membru li jiġi nominat mill-Assoċjazzjoni tal-Kunsilli Lokali mwaqqfa skond ir-regolament 3 tar-Regolamenti ta' l-1994 dwar l-Assoċjazzjoni tal-Kunsilli Lokali. (A.L. 49 ta' l-1994.)

(3) Iċ-*Chairman* ikun il-Ministru responsabbli għall-Protezzjoni Ċivili u d-*Deputy Chairman* ikun is-Segretarju Permanenti fl-istess Ministeru, u l-Kummissarju tal-Pulizija, il-Kmandant tal-Forzi Armati u d-Direttur tal-Protezzjoni Ċivili jkunu membri *ex officio*.

(4) Il-membri l-mahtura jibqgħu f'dik il-kariga għal dak iż-żmien, li ma jkunx ta' iktar minn tlett snin, hekk kif jista' jiġi speċifikat fl-ittra tal-hatra tagħhom.

(5) Meta jiġi vakat il-post ta' xi membru mahtur qabel ma jkun għadda ż-żmien stabbilit fl-ittra tal-hatra tiegħu, il-Prim Ministru għandu jahtar persuna ohra biex tiehu post dak il-membru għal dak iż-żmien, li ma jkunx żmien ta' iktar minn tlett snin, hekk kif il-Prim Ministru jista' jistabbilixxi fl-ittra tal-hatra tiegħu:

Iżda l-Kunsill jista' dejjem jibqa' jaġixxi minkejja li jkun hemm dik il-vakanza.

(6) Id-*Deputy Chairman* għandu jaġixxi minflok iċ-*Chairman* kull meta iċ-*Chairman* ikun assenti minn laqgħa tal-Kunsill jew inkella ma jkunx jista' jaġixxi ta' *Chairman* għal kull raġuni li tkun.

(7) Minkejja kull dispożizzjoni oħra ta' dan l-artikolu l-Prim Ministru jista' f'kull żmien itemm il-hatra ta' xi membru mahtur, jekk fil-fehma tiegħu dak il-membru mahtur ma jibqax idoneu biex ikompli f'dik il-kariga jew ikun sar inkapaċi milli jwettaq dmirijietu sew.

(8) Id-Direttur tal-Protezzjoni Ċivili għandu jagħmilha ta' segretarju tal-Kunsill.

(9) Il-Kunsill għandu jiltaqa' għal kemm il-darba jkun mehtieg li jiltaqa', iżda f'ebda każ inqas minn darba f'kull tlett xhur kalendarji.

(10) Il-Kunsill għandu jirregola l-proċedimenti tiegħu nnifsu.

Funzjonijiet tal-Kunsill.

6. (1) Tkun il-funzjoni tal-Kunsill:–

(a) li jifformula, jmexxi u jikkordina kull kwistjoni u Prattika ta' politika nazzjonali dwar il-protezzjoni ċivili;

(b) li jmexxi u jikkordina fi hdan il-kompetenza tiegħu it-twettiq u t-tnejja għal hidmiet ta' protezzjoni ċivili mehtieġa fil-każ ta' emerġenza pubblika jew diżastru;

(ċ) li jagħti pariri u jirrakkomanda lill-Ministru dwar l-idoneità ta' persuna, minhabba fil-kwalitajiet personali speċjali tagħha ta' deċiżjoni, kompetenza u esperjenza, li tagħxi ta' kmandant u kordinatur nazzjonali suprem tas-servizzi u miżuri ta' protezzjoni ċivili f'xi emerġenza jew diżastru partikolari;

(d) li japprova pjanijiet ta' kontinġenza u linji direttivi u kodiċijiet assoċjati li jkollhom x'jaqsmu ma' emerġenzi u diżastri pubbliċi;

(e) li jissorvelja l-hidmiet tad-Dipartiment għall-Protezzjoni Ċivili;

(f) li jagħti pariri lill-Ministru dwar il-miżuri kollha li jagħtu protezzjoni lill-pubbliku fil-każ ta' emerġenza pubblika jew diżastru;

(g) li jinkoragixxi u jagħti support fuq livelli nazzjonali u lokali dwar it-tnejja għal xi emerġenza ġenerali li tkun kapaċi li ttrrispondi għal kull xorta ta' emerġenza, tkun xi tkun il-kawża tagħha;

(h) li jissorvelja u jinkoraġixxi l-iżvilupp ta' organizzazzjonijiet volontarji ta' protezzjoni ċivili.

(2) Il-Kunsill jista' minn żmien għal żmien, bi ftehim mal-Ministru, jistabbilixxi dawk il-kummissjonijiet li jagħtu parir hekk kif jista' jqis li jkun mehtieġ sabiex jgħinuh fil-funzjonijiet tiegħu; dawk il-kummissjonijiet ikollhom funzjoni konsultattiva u li jagħtu parir, u r-riżultanzi jew ir-rakkomandazzjonijiet tagħhom m'għandhomx ikunu vinkolanti fuq il-Kunsill jew fuq il-Ministru.

7. (1) Il-Ministru responabbli għall-Protezzjoni Ċivili jista' jipprovdi b'regolamenti -

Setgħat tal-Ministru li jagħmel regolamenti.

(a) b'mod ġenerali sabiex jirregola dak kollu li għandu x'jaqsam mal-protezzjoni ċivili;

(b) dwar il-proċeduri li għandhom jittiehdu dwar xi diżastru jew emerġenza pubblika li jiġru f'Malta, inkluża kull investigazzjoni li ssir dwarhom;

u r-regolamenti li jsiru taht dan il-paragrafu jista' jkollhom dispożizzjonijiet -

(i) li jkunu jenhtieġu l-għoti ta' avviż dwar diżastri jew emerġenza bhal dawk kif imsemmi qabel f'dawk iż-żminijiet, b'dak il-mod u minn dawk il-persuni li jistgħu jiġu speċifikati fir-regolamenti;

(ii) li jkunu japplikaw, minghajr tibdil, bil-għan ta' investigazzjonijiet li jsiru dwar xi inċident bhal dak, xi dispożizzjonijiet ta' xi liġi oħra li jkollha x'taqsam ma' investigazzjonijiet f'każijiet ta' diżastru;

(iii) li jkunu jipprojbixxu, sakemm issir l-investigazzjoni, aċċess għal jew dhul ġewwa ż-żona fejn ikun ġara d-diżastru, u li jkunu jawtorizzaw lil xi persuna, kemm jista' jkun mehtieġ għall-għanijiet ta' xi investigazzjoni, li jkollha aċċess għal, teżamina, tneħhi minn, tiehu passi sabiex tiġi preservata, jew xort'oħra tittratta ma', dik iż-żona;

(ċ) sabiex jiġu stabbiliti l-għanijiet u l-provvedimenti, direttivi, kodiċijiet ta' prattika u linji direttivi li jkollhom x'jaqsmu ma' kwistjonijiet ta' thejjija u ta' rispons;

(d) sabiex jiġu stabbiliti s-sistema u l-htigijiet għall-ippjanar tal-protezzjoni ċivili;

(e) sabiex jiġi stabbilit, bi ftehim mal-Ministru responsabbli għall-finanzi, il-metodu u l-hlas ta' livelli ta' kumpens għal telf materjali mgarrab minn persuni matul emerġenza skond l-Att dwar Setgħat ta' Emerġenza u matul diżastru kif imfisser f'dan l-Att;

(f) sabiex jiġi preskritt jew isiru provvedimenti dwar kull haġa li għandha jew tista' tiġi preskritta taht dan l-Att; u

(g) dwar penalitajiet ta' xorta amministrattiva.

(2) Il-hlas ta' kull kumpens taht id-dispozizzjonijiet ta' dawk ir-regolamenti ikun nefqa fuq il-Fond Konsolidat.

8. (1) Qieghda b'dan titwaqqaf forza li tkun maghrufa bhala Forza ta' Ghajnuna u Helsien.

(2) Il-Forza ta' Ghajnuna u Helsien għandha titmexxa minn Uffiċjal Kap għall-Ghajnuna u l-Helsien.

(3) Qabel ma uffiċjal jibda jwettaq il-kariġa tiegħu fil-Forza ta' Ghajnuna u Helsien, huwa għandu jiehu l-gurament tal-kariġa skond ma hemm fl-Iskeda li tinsab ma' dan l-Att.

(4) Il-funzjonijiet tal-Forza ta' Ghajnuna u Helsien ikunu:

(a) li tara li jkun hemm servizz adegwat għal intervent immedjat fil-kaz ta' hruq, gharghar, salvataġġ fuq il-baħar u helsien mill-gharqa u appoġġ fuq il-baħar għal kontra t-tniġġis jew f'kull sitwazzjoni oħra ta' diżastru sew naturali sew kaġunat mill-bniedem li tkun tehtiegħ l-ghajnuna immedjata ta' forza pubblika jew ta' tagħmir speċjali;

(b) li tintervjeni f'kaz ta' emerġenza jew ta' diżastru;

(ċ) li twettaq kull dmir lilha assenjat mid-Direttur tal-Protezzjoni Ċivili.

(5) L-amministrazzjoni u d-dixxiplina tal-Forza jkunu dawk li jistgħu jiġu preskritti b'regolamenti magħmulin mill-Ministru taht l-artikolu 7 ta' dan l-Att u dawk ir-regolamenti jista' jkollhom dispozizzjonijiet dwar ir-reklutaġġ fil-Forza u l-patti u l-kondizzjonijiet tas-servizz, l-ghoti ta' sensja mill-Forza u t-tahriġ tagħha, inkluż it-trasferiment ta' kull membru tagħha għal xi forza oħra, kif ukoll dwar kull haġ oħra li jkollha x'taqsam mal-Forza.

(6) Ir-regolamenti msemija qabel jistghu jkunu jipprovdu dwar l-estensjoni għall-membri tal-Forza ta' xi dmir u setgha, jew dmirijiet u setghat, ta' l-uffiċjali tal-Korp tal-Pulizija jew li jappartjenu lilhom, kif suġġetti għal dawk il-modifiki, adattamenti u restrizzjonijiet, u f'dawk iċ-ċirkostanzi li jistghu jiġu speċifikati fir-regolamenti.

(7) (a) Fl-interess tas-sigurezza pubblika, l-ordni pubbliku u s-saħħa pubblika, fl-ingaġġar ta' kull membru tal-Forza jenhtieg il-kunsens ta' dik il-persuna li tkun qed tiġi ingaġġata, li ma tifformax, ma tidholx fi, jew tkun membru ta' *trade union*; iżda l-membri tal-Forza jistghu jiffurmaw assoċjazzjoni għalihom infushom.

(b) Assoċjazzjoni mwaqqfa taht dan is-subartikolu għandha, bil-għan li tagħmilha possibbli għal min ikun ta' rank hekk kif jiġi stabbilit mill-Ministru jew li jkun taht dak ir-rank, tikkonsidra u ġġib quddiem l-awtoritajiet kompetenti kull haġa li tolqot il-*welfare* u l-effiċjenza professjonali tal-membri ta' dik l-assoċjazzjoni, inkluż dak li jolqot is-sieghat tax-xogħol tagħhom, *leave*, hlas u *allowances*, pensjonijiet u kondizzjonijiet tas-servizz u regoli tad-dixxiplina oħra b'mod ġenerali, u tiddefendi individwi fi proċedimenti dixxiplinari.

(ċ) L-istatut u r-regoli li jirregolaw xi assoċjazzjoni mwaqqfa taht dan is-subartikolu u kull emenda relattiva, għandhom qabel jiġu approvati mill-Ministru.

(d) Assoċjazzjoni mwaqqfa taht dan is-subartikolu għandha tkun għalkollox indipendenti minn, u mhux assoċjata ma', xi korp li ma jkunx jeżisti fi hdan il-Forza.

(e) Is-shubija f'assoċjazzjoni mwaqqfa taht dan is-subartikolu għandha tkun wahda volontarja.

(f) Ebda persuna ma tista' tkun membru ta' xi assoċjazzjoni bhal dik kemm-il darba ma tkunx membru tal-Forza.

(g) Minkejja d-dispozizzjonijiet tal-paragrafu ta' qabel dan, assoċjazzjoni mwaqqfa taht dan is-subartikolu tista' tingaġġa impjegati jew konsulenti minn barra l-Forza.

9. (1) Il-Ministru jista' jahtar, f'xi dizastru jew emergenza nazzjonali jew reġjonali, jew b'antiċipazzjoni ta' dan, persuna biex taġixxi bhala Kmandant suprem kif provdut fil-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 6 ta' dan l-Att.

Hatra u setghat tal-Kmandant.

(2) Fil-każ ta' xi emerġenza, diżastru jew hidma ohra li taqa' taht dan l-Att, il-Kmandant, jekk ikun ġie mahtur, jew id-Direttur jew l-oghla ufficjal ghall-Ghajjnuna u Helsien li jkun hemmhekk preżenti, ghandu jkollu dawn is-setghat, b'żieda ma' kull setgha ohra li jkollu skond il-kariga tieghu taht dan l-Att jew kull liġi ohra:–

(a) li jordna t-tehid immedjat ta' kull haġa mobbli jew immobbli, li fil-fehma tieghu tkun b'mod indispensabbli mehtieġa ghal xi hidma;

(b) li jordna l-evakwazzjoni ta' persuni minn kull fond u li ma jhallix persuni jidhlu f'dak il-fond;

(c) li jidhol ġewwa fond, inkluza residenza privata, f'kull hin minghajr il-htieġa ta' xi *warrant* minn awtorita' superjuri;

(d) li jaghmel hsara fi proprjeta' privata meta dan ikun mehtieġ b'mod indispensabbli sabiex tiġi evitata kull theddida ghall-hajja ta' l-ohrajn, jew inkella t-tifrix ta' l-effetti ta' xi avveniment.

(3) F'kull wiehed mill-każijiet imsemmija fil-paragrafi (a), (b) u (d) ta' l-artikolu ta' qabel dan, is-sid ikollu jedd ghal kumpens.

(4) It-talba ghal dak il-kumpens ghandha ssir fi żmien sena minn meta jkun gara l-avveniment, u l-Qorti tal-Maġistrati fil-ġurisdizzjoni ċivili taghha tkun kompetenti li tittratta u tiddeċiedi dwar kull talba bhal dik, minkejja kull liġi ohra li tkun tillimita l-kompetenza taghha.

Reati.

10. (1) Kull min inehhi minn xi post u juża minghajr ebda dritt ghal benefiċċju tieghu jew dak ta' l-ohrajn xi haġa li tkun ġiet abbandunata minn sidha, minhabba f'xi diżastru, hruq, jew avveniment iehor li matulu hajjet is-sid jew ta' xi persuna ohra kienet fil-periklu, ikun hati ta' reat u jista', meta jinsab hati, jehel prigunerija ghal żmien mhux inqas minn sitt xhur u mhux iżjed minn għaxar snin:

Iżda meta l-Qorti tiġi biex taghti l-piena, hija ghandha tqis mhux biss il-valur tal-haġa, iżda wkoll iċ-ċirkostanzi ta' tbatija li s-sid kien jinsab fihom meta abbanduna dik il-haġa.

(2) Meta r-reat isir minn persuna li jkollha x'inkarigu bis-sahha ta' dan l-Att jew ta' xi liġi ohra sabiex tghin lil persuni li jkunu fil-periklu li jtilfu hajjithom jew ġidhom, il-piena ghandha dejjem tiżdied b'zewġ gradi.

(3) Kull min jidhol minghajr awtorizzazzjoni ġewwa xi zona li tkun indikata bhala zona fejn wiehed ma jistax jidhol minn uffiċjali tad-Dipartiment tal-Protezzjoni Ċivili, ikun hati, minhabba biss fil-fatt li jkun daħal f'dik iż-żona, ta' reat u jista' jehel, meta jinsab hati, prigunerija għal żmien mhux inqas minn xahar u mhux iżjed minn sitt xhur.

(4) Kull min jirrifjuta li minnufih ihares xi ordni ta' tehid ta' xi haġa li ssir taht xi setgħa mogħtija b'dan l-Att, ukoll jekk din tiġi mogħtija lil bil-fomm biss, ikun hati ta' reat u jista' jehel, meta jinsab hati, prigunerija għal żmien ta' mhux iżjed minn tlett xhur.

(5) Kull min jirrifjuta, jew jonqos milli jhares xi ordni li tinghatalu, ukoll jekk bil-fomm biss, minn uffiċjal li jkun qed jaġixxi bis-saħħa tas-setgħat mogħtija b'dan l-Att, jew li jindaħal jew jostakola l-hidmiet ta' għajnuna u li ma jiqafx milli jkompli jagħmel dan meta jinghata ordni, ukoll jekk bil-fomm biss, ikun hati ta' reat u jista' jehel, meta jinsab hati, prigunerija għal żmien ta' mhux iżjed minn tlett xhur.

(6) Kull min jonqos milli jhares xi regolament mahruġ taht dan l-Att ikun hati ta' kontravvenzjoni, kemm-il darba regolament speċifiku ma jimponix piena li tiġi dikjarata bhala piena ta' xorta amministrattiva.

(7) Ma jistax jingħad b'difiża f'każ ta' akkuza taht dan l-artikolu li l-persuna kienet qed twettaq dmirjietha fil-professjoni ta' komunikazzjonijiet tal-massa u li l-aġir tagħha kien biss mahsub bhala twettiq tal-jedd tagħha li tgharraf lill-ohrajn.

11. (1) Il-liġijiet elenkati fis-subartikolu (2) ta' dan l-artikolu qegħdin b'dan jithassru.

Thassir ta' ċerti liġijiet.

(2) Il-liġijiet imhassrin huma:

(a) l-Att dwar Korp tax-Xogħol ta' Emergenza; u

(Kap. 227)

(b) l-Att dwar Għajnuna minhabba Gharghar.

(Kap. 286)

12. Membru tal-Korp tal-Pulizija li jiġi trasferit għall-Forza ta' Għajnuna u Helsien imwaqqfa taht dan l-Att jew li jtemm milli jkun membru tal-Korp tal-Pulizija minnufih qabel, u għall-ghanijiet li, isir membru tal-Forza ta' Għajnuna u Helsien, għandu għall-ghanijiet ta' kull ligi li tapplika għal pensjonijiet li jithallsu lil membri tal-Korp tal-Pulizija, jitqies bhallikieku huwa baqa' fil-Korp tal-Pulizija matul iż-żmien ta' servizz tiegħu mal-Forza ta' Għajnuna u Helsien, u għall-ghanijiet ta' dawk il-liġijiet servizz mal-Forza ta' Għajnuna u Helsien minn dawk il-membri għandu jitqies bhala servizz mal-Korp tal-Pulizija, u l-jedd tiegħu għal pensjoni taht dawk il-liġijiet għandu jkun regolat skond hekk.

Dispożizzjonijiet transitorji.

Skeda

(Artikolu 8)

Gurament tal-Kariga ta' Uffiċjal fil-Forza ta' Ghajnuna u Helsien

“Jien solennement nahlef/niddikjara li naqdi fedelment skond il-liġi u minghajr biża' jew favur il-kariga ta' * fil-Forza ta' Ghajnuna u Helsien imwaqqfa bi u skond l-artikolu 8 ta' l-Att ta' l-1999 dwar il-Protezzjoni Ċivili.”

* *hawnhekk indika xi tkun il-kariga fil-Forza ta' Ghajnuna u Helsien.*

Ghanijiet u Raġunijiet

L-ghan ta' dan l-Abbozz hu sabiex jipprovdi dwar il-protezzjoni ċivili li ghandha tinghata kontra diżastri u emergenzi naturali u ohrajn.

**A BILL
entitled**

AN ACT to provide for the establishment of a Civil Protection Department and an Assistance and Rescue Force, and for matters connected therewith or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. This Act may be cited as the Civil Protection Act 1999, and shall come into force on such date as the Minister responsible for Civil Protection may by notice in the Gazette appoint. Short title
and
commencement.

2. In this Act, unless the context otherwise requires:- Interpretation.

“the Commander” means the Commander appointed to act as such under section 9 of this Act;

“the Council” means the Civil Protection Council established under section 5 of this Act;

“the Department” means the Department of Civil Protection established by section 3 of this Act;

“the Director” means the Director of the Department of Civil Protection and includes any officer designated or authorised by the Director to act for a purpose or class of purposes of this Act;

“disaster” means an unforeseen event which causes or threatens to cause damage to the lives and health of a significant number of people, or to other property or to vital supply resources of the population or to the environment, and the urgency of the situation requires the co-operation of authorities, institutions, and organisations for prompt remedial action;

“the Force” means the Rescue and Assistance Force established by section 8 of this Act;

“the Minister” means the Minister responsible for Civil Protection and includes, to the extent and authority given, any person or body of persons authorised by the said Minister for any purpose or class of purposes of this Act.

Establishment
of Department.

3. There shall be a Civil Protection Department which shall be a department of Government headed by a public officer to be styled Director of Civil Protection and which shall have the functions set out in section 4 of this Act.

Functions
of the
department.

4. The functions of the Department shall be:-

(a) to prepare contingency plans to respond to a disaster as well as to natural, industrial and other emergencies that may occur;

(b) to organise and co-ordinate training facilities and courses for personnel that may be required in a national or regional disaster or in an emergency as aforesaid;

(c) to establish the infrastructural set-up required to ensure co-ordination between the various departments of Government, local councils and non-governmental organisations which could be called upon to respond in a national or regional disaster or in an emergency as aforesaid;

(d) to carry out vulnerability and risk assessment studies;

(e) to promote public awareness of civil protection issues;

(f) to maintain an assistance and rescue force;

(g) to prepare regulations under this Act and under the Emergency Powers Act (Cap. 178) that may be required to respond to a national or regional disaster or an emergency as aforesaid; and

(h) in general to perform such other functions in connection with civil protection as the Minister may from time to time assign to it.

5. (1) There shall be established a Council to be designated the "Civil Protection Council" having the functions and duties set out in this Act. Civil
Protection
Council.

(2) The Council shall be appointed by the Prime Minister as follows:-

(a) a number of representative members, being not more than five, who shall be chosen from amongst public officers occupying a senior position and performing duties in the ministries responsible for public works, environment, telecommunication and transport services, health services, economic affairs, fuel and energy affairs, and Gozo affairs;

(b) one member who shall be chosen from amongst persons having knowledge and experience in matters relating to civil protection after consultations with representatives of voluntary organisations concerned with such matters;

(c) one member who shall be nominated by the Local Councils Association established in terms of regulation 3 of the Local Councils Association Regulations, 1994. (L.N. 49 of 1994.)

(3) The Chairman shall be the Minister responsible for Civil Protection and the Deputy Chairman shall be the Permanent Secretary in the same Ministry, and the Commissioner of Police, the Commander Armed Forces and the Director of Civil Protection shall be ex officio members.

(4) The appointed members shall hold office for such term, not being more than three years, as may be specified in their letter of appointment.

(5) Where the seat of any appointed member is vacated before the expiration of the term fixed in his letter of appointment, the Prime Minister shall appoint another person to replace such member for such term, not being a term of more than three years, as the Prime Minister may specify in his letter of appointment.

Provided that the Council may act notwithstanding any such vacancy.

(6) The Deputy Chairman shall act instead of the Chairman whenever the Chairman is absent from a meeting of the Council or is unable to act as Chairman for any reason.

(7) Notwithstanding any other provision of this section the Prime Minister may at any time terminate the appointment of an appointed member, if in his opinion such appointed member is unfit to continue in office or has become incapable of properly performing his functions.

(8) The Director of Civil Protection shall act as secretary of the Council.

(9) The Council shall meet as often as necessary but in no case less frequently than once in every three calendar months.

(10) The Council shall regulate its own proceedings.

Functions of
the Council.

6. (1) It shall be the function of the Council:-

(a) to formulate, direct and co-ordinate all national policy issues and practices relating to civil protection;

(b) to direct and co-ordinate within its sphere of competence the carrying out of and preparations for the civil protection tasks required in the event of a public emergency or disaster;

(c) to advise and recommend to the Minister on the appropriate person, based on his special personal qualities of decision making, competencies and experience, to act as commander and overall national co-ordinator of civil protection services and measures in any particular emergency or disaster;

(d) to approve contingency plans and associated guidelines and codes relating to public emergencies and disasters;

(e) to monitor the workings of the Department of Civil Protection;

(f) to advise the Minister on any measures that afford protection to the public in the event of a public emergency or a disaster;

(g) to encourage and support at national and local level general emergency preparedness capable of responding to all kinds of emergencies, whatever the cause;

(h) to monitor and encourage the development of civil protection voluntary organisations.

(2) The Council may, with the concurrence of the Minister, from time to time establish such advisory commissions as it may consider necessary to assist it in its functions; any such commission shall have an advisory and consultative function, and its findings or recommendations shall not be binding on the Council or the Minister.

7. (1) The Minister responsible for Civil Protection may by regulation provide:-

Powers of
Minister
to make
regulations.

(a) generally for regulating civil protection matters;

(b) for the procedures to be adopted with respect to any disaster or public emergency occurring in Malta, including any investigation relating thereto;

and regulations under this paragraph may contain provisions:-

(i) requiring notice to be given of any such disasters or emergency as aforesaid at such times, in such manner and by such persons as may be specified in the regulations;

(ii) applying, without modification, for the purpose of investigations held with respect to any such accident any of the provisions of any other enactment relating to investigations in cases of disaster;

(iii) prohibiting, pending investigation, access to or interference in the area where a disaster has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such area.

(c) for establishing the objectives and provisions, directives, codes of practice and guidelines relating to preparedness and response issues;

(d) for establishing the system and requirements for civil protection planning;

(e) for determining, with the concurrence of the Minister responsible for finance, of the method and payment of compensation levels for material losses incurred by persons during an emergency in terms of the Emergency Powers Act (Cap. 178) and during a disaster as defined in this Act;

(f) for prescribing or making provision for any matter that is to be or may be prescribed under this Act;

(g) for penalties of an administrative nature.

(2) The payment of any compensation under the provision of such regulations shall be a charge upon the Consolidated Fund.

Establishment
of an Assistance
and Rescue
Force.

8. (1) There is hereby established a force to be known as the Assistance and Rescue Force.

(2) The Assistance and Rescue Force shall be headed by a Chief Assistance and Rescue Officer.

(3) Before entering upon his duties an officer of the Assistance and Rescue Force shall take the oath of office according to the Schedule to this Act.

(4) The functions of the Assistance and Rescue Force shall be:-

(a) to maintain an adequate service for prompt intervention in the case of fire and rescue on land, flooding, sea salvage, rescue and anti-pollution support at sea, or any other natural or man-made disaster situation which requires the immediate assistance of a public force or special equipment;

(b) to intervene in any emergency or disaster;

(c) to carry out any of the duties assigned to it by the Director of Civil Protection.

(5) The government and discipline of the Force shall be such as may be prescribed by regulations made by the Minister under section 7 of this Act and such regulations may contain provisions concerning the recruitment to the Force and the terms and conditions of service, the discharge from and the training of the Force, including the transfer of any member thereof to any other force, as well as any other matter relating to the Force.

(6) Regulations as aforesaid may provide for the extension to the members of the Force of any one or more of the duties and powers of or competent to officers of the Police Force, subject to such modifications, adaptations and restrictions, and in such circumstances as may be specified in the regulations.

(7) (a) In the interest of public safety, public order and public health, the enlistment of every member of the Force shall require the consent of the person enlisting not to form, join or be a member of a trade union; but the members of the Force may form their own association.

(b) An association established under this subsection shall be for the purpose of enabling those of and below a rank established by the Minister to consider and bring to the notice of the competent authorities all matters affecting the welfare and professional efficiency of the members of that association, including matters concerning their hours of work, leave, pay and allowances, pensions and other conditions of service and rules of discipline in general, and for the defence of individuals in disciplinary proceedings.

(c) The statute and rules governing any association established under this subsection and any amendments thereto, shall be subject to the approval of the Minister.

(d) An association established under this subsection shall be entirely independent of, and unassociated with, any body outside the Force.

(e) Membership of an association established under this subsection shall be voluntary.

(f) No person may be a member of any such association unless he is a member of the Force.

(g) Notwithstanding the provisions of the preceding paragraph, an association established under this subsection may engage employees or advisers from outside the Force.

9. (1) The Minister may, in any national or regional disaster or emergency, or in anticipation thereof, appoint a person to act as overall Commander as provided in paragraph (c) of subsection (1) of section 6 of this Act.

Appointment
and powers of
the Commander.

(2) In any emergency, disaster or other operation covered by this Act, the Commander, if one has been appointed, or the Director or the highest ranking officer of the Assistance and Rescue Force present on the scene shall have the following powers, in addition to all other powers pertaining to his office under this Act or any other law:-

(a) to order the immediate requisition of any movable or immovable thing, which is indispensably necessary in his judgement for any operation;

(b) to order the evacuation from any premises of persons and to debar any person from entering on any such premises;

(c) to enter any premises, including a private residence, at any time without the need of a warrant from any higher authority;

(d) to cause damage to private property where this is indispensably necessary to avoid any threat to the life of others, or the spreading of the effects of any event.

(3) In any of the cases mentioned in paragraphs (a), (b) and (d) of the preceding section, the owner shall have the right for compensation.

(4) The demand for any such compensation shall be made within one year from the date of the occurrence, and the Court of Magistrates in its civil jurisdiction shall be competent to hear and decide any such claim, notwithstanding any other law delimiting its jurisdiction.

Offences.

10. (1) Any person who removes and applies for his own benefit or that of any other person any thing which is abandoned by its owner on account of any disaster, fire, or other event when the life of the owner or any other person was in jeopardy, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period of not less than six months and not more than ten years.

Provided that in assessing punishment, the Court shall take into consideration not only the value of the thing, but also the circumstances of hardship to which the owner was exposed in abandoning the thing.

(2) When the offence is committed by any person who is lawfully entrusted under this Act or any other law to assist persons in danger of losing their life or their property, the punishment shall be increased by two degrees.

(3) Any person who enters without due authorisation any area delimited by officers of the Department of Civil Protection shall, for the mere fact of entering, be guilty of an offence, and shall be liable on conviction to imprisonment for a period of not less than one month and not more than six months.

(4) Any person who refuses to comply immediately with a requisition of any thing ordered under any power conferred by this Act, even if verbally communicated to him, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three months.

(5) Any person who refuses or fails to comply with any order, even if verbally given by an officer acting within the powers of this Act, or who interferes or obstructs with operations of assistance and does not desist from his actions when warned, even verbally, shall be guilty of an offence, and shall be liable on conviction to imprisonment for a term not exceeding three months.

(6) Any person who fails to comply with any regulation issued under this Act shall be guilty of a contravention, unless the specific regulation imposes a penalty which is stated to be of an administrative nature.

(7) It shall not be a defence to a charge under this section that the person was acting as a professional person in mass communications and that the acts were intended as an exercise of the right to inform.

11. (1) The enactments listed in subsection (2) of this section are hereby repealed. Repeal of certain laws.

(2) The repealed enactments are:-

(a) The Emergency Labour Corps Act; and (Cap. 227)

(b) The Floods Relief Act. (Cap. 286)

12. Any member of the Police Force who is transferred to the Assistance and Rescue Force set up under this Act or who ceases to be a member of the Police Force immediately before, and for the purposes of, becoming a member of the Assistance and Rescue Force, shall for the purposes of any law applicable to pensions payable to members of the Police Force, be deemed to have remained in the Police Force during their period of service with the Assistance and Rescue Force, and for the purposes of such laws service with the Assistance and Rescue Force by such members shall be deemed to be service with the Police Force, and his entitlement to a pension under such laws shall be regulated accordingly. Transitory provision.

Schedule

(Section 8)

**Oath of Office of Officer
in the Assistance and Rescue Force**

“I
solemnly swear/affirm that I shall faithfully execute according to law and without fear
or favour the office of * in
the Assistance and Rescue Force established by and in terms of section 8 of the Civil
Protection Act, 1999.”

* *specify here the name of the office in the Assistance and Rescue Force.*



Objects and Reasons

The object of this bill is to make provision with the respect to civil protection against natural and other disasters and emergencies.