

防災庁設置法案 及び

防災庁設置法の施行に伴う関係法律の整備等に関する法律案の概要

趣 旨

防災に関する施策を円滑かつ迅速に推進するため、防災に関する内閣の事務を内閣官房と共に助けるとともに、防災に関する行政事務の円滑かつ迅速な遂行を図ることを任務とする防災庁を設置することとし、その所掌事務及び組織に関する事項を定める。また、防災庁設置法の施行に伴い、災害対策基本法において災害の復旧及び災害からの復興を推進するための本部の設置に関する規定を追加するほか、関係法律の規定の整備等を行う。

概 要

① 防災庁設置法案

1. 内閣に防災庁を設置

2. 防災庁の所掌事務

(1) 内閣補助事務（内閣の重要政策に関する事務）

- ・ 防災の施策に関する基本的な方針及び計画、大規模な災害への対処に関する企画立案・総合調整、関係行政機関が講ずる施策の実施の推進 等

(2) 分担管理事務（自ら実施する事務）

- ・ 中央防災会議、災害対策本部等の防災に関する組織の設置及び運営
- ・ 国・地方公共団体・民間事業者等が防災計画等に基づき実施する事前防災の推進
- ・ 被災者や被災自治体の支援
- ・ 千島海溝地震、日本海溝地震、首都直下地震、南海トラフ地震等への対策 等

3. 防災庁の組織

- (1) 防災庁の長及び主任の大臣を内閣総理大臣とし、防災庁の事務を統括する防災大臣を置く。内閣補助事務を遂行するため、**防災大臣に、関係行政機関の長に対する勧告権を付与し、当該勧告権に基づく勧告を受けた際の関係行政機関の長における尊重義務を規定**する。
- (2) 副大臣及び大臣政務官一人に加え、防災庁の庁務を整理し、各部局等の事務を監督する事務次官一人を置く。
- (3) 防災に関する重要事項等を審議するとともに、重要政策等を推進する**中央防災会議を内閣府から防災庁に移管**する。
- (4) 研修及び研究を行う文教研修施設（防災大学校(仮称)）を置くことを可能とする。
- (5) 地方機関として防災局を置く。

② 防災庁設置法の施行に伴う関係法律の整備等に関する法律案

1. 災害対策基本法の一部改正

- (1) 科学的なリスク評価に基づく事前防災、被災者の良好な生活環境の確保を災害対策の基本理念に追加する。
- (2) 災害からの復旧及び復興を推進するための本部の規定を追加する。

2. 日本海溝・千島海溝地震法、南海トラフ地震法の一部改正

- (1) リスク評価の結果、人口動態の変化、技術の進展等に応じた基本計画の見直し義務を新設する。
- (2) 地方防災会議等が策定する推進計画の実効性を一層確保するため、国からの必要な情報の提供、助言等の援助を行う規定を追加する。

3. 内閣府設置法その他の関係法律の一部改正

施行期日

令和8年中において政令で定める日（防災局に関する規定については公布の日から2年を超えない範囲内において政令で定める日）

Outline of the Bill for Establishment of the National Disaster Management Agency and the Bill on the Arrangement of Relevant Acts Incidental to Enforcement of the Act for Establishment of the National Disaster Management Agency

Purport

In order to smoothly and rapidly promote measures on disaster management, to establish the National Disaster Management Agency whose duty is to assist the Cabinet with its affairs concerning disaster management together with the Cabinet Secretariat and ensure the smooth and rapid execution of administrative affairs concerning disaster management, as well as establish provisions on the affairs under the jurisdiction of the Agency and its organization. Furthermore, along with the enforcement of the Act for Establishment of the National Disaster Management Agency, in addition to adding provisions on the establishment of headquarters to promote recovery and reconstruction from disasters to the Basic Act on Disaster Management, and develop, etc. the provision of related laws.

Outline

I The Bill for Establishment of the National Disaster Management Agency

1. Establishment of the National Disaster Management Agency under the Cabinet

2. Affairs under the Jurisdiction of the National Disaster Management Agency

(1) Affairs Assisting the Cabinet (Affairs concerning Important Policies of the Cabinet)

- Basic policies and plans on disaster management measures, project planning and overall coordination concerning the response to large-scale disasters, and promotion of the implementation of measures taken by relevant administrative bodies, etc.

(2) Affairs under Shared Management (Affairs to be Implemented Directly)

- Establishment and operation of organizations concerning disaster management, such as the National Disaster Management Council and Disaster Management Headquarters, etc.
- Promotion of disaster preparedness and disaster risk reduction implemented by the national government, local governments, and private sector based on disaster management plans, etc.
- Support for disaster-affected victims and local governments
- Implementation of measures, etc. against the Chishima Trench Earthquake, Japan Trench Earthquake, Tokyo Inland Earthquake, and the Nankai Trough Earthquake, etc.

3. Organization of the National Disaster Management Agency

- (1) The Prime Minister is to serve as the head and competent minister of the National Disaster Management Agency, and the Minister for the Disaster Management is to be appointed to oversee the affairs of the National Disaster Management Agency.

To execute the affairs assisting the Cabinet, **the Minister for the National Disaster Management is to be granted the right to give recommendations to the heads of relevant administrative bodies, and the obligation of the heads of the relevant administrative bodies to respect the recommendation is prescribed.**

- (2) In addition to one State Minister and one Parliamentary Vice-Minister, one Administrative Vice-Minister is to be appointed to coordinate the affairs of the National Disaster Management Agency, and supervise the affairs of each department and bureau, etc.
- (3) The National Disaster Management Council that deliberates on important matters, etc. concerning disaster management and promotes important policies, etc. is to be **transferred from the Cabinet Office to the National Disaster Management Agency.**
- (4) To enable the establishment of an educational and training facility (disaster management college (tentative name)) to conduct training and research.
- (5) Disaster Management Bureaus are to be established as local agencies of the National Disaster Management Agency.

II Bill on the Arrangement of Relevant Acts Incidental to Enforcement of the Act for Establishment of the National Disaster Management Agency

1. Partial Amendment of the Basic Act on Disaster Management

- (1) Add disaster preparedness and disaster risk reduction based on scientific risk assessment and securement of a favorable living environment for disaster-affected victims to the basic principles of disaster management.
- (2) Add provisions on headquarters to promote recovery and reconstruction from disasters.

2. Partial Amendment of the Japan Trench Earthquake and Chishima Trench Earthquake Act, and the Nankai Trough Earthquake Act

- (1) Newly establish the obligation to review the basic plan in response to results of the risk assessment, demographic changes, and technological advancements, etc.
- (2) Add provisions for the national government to provide necessary information, advice, and other assistance to further ensure the effectiveness of the promotion plans formulated by Local Disaster Management Councils, etc.

3. Partial Amendment to the Act for Establishment of the Cabinet Office and Other Related Acts

Effective Date

The date specified by Cabinet Order within the year 2026 (for the provisions on the Disaster Management Bureaus, the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation)