



ANALYSIS

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|---|---|
| <p>Title</p> <ol style="list-style-type: none"> 1. Short Title and commencement 2. Interpretation 3. Act to bind the Crown 4. Act not to affect functions, duties, and powers under other Acts or general law <p style="text-align: center;">PART I</p> <p style="text-align: center;">ADMINISTRATION</p> <ol style="list-style-type: none"> 5. Administration of Act 6. Secretary for Civil Defence 7. Director of Civil Defence 8. Functions, duties, and powers of Director 9. Delegation of functions, duties, and powers of Director 10. Civil Defence Commissioners 11. Deputy Civil Defence Commissioners 12. Director may authorise Civil Defence Commissioner to act for another Civil Defence Commissioner 13. Functions, duties, and powers of Civil Defence Commissioners 14. Functions, duties, and powers of Civil Defence Commissioners in respect of districts not forming part of region 15. Other officers and employees 16. Officers to act under direction of Director 17. Civil defence police 18. Civil defence traffic officers <p style="text-align: center;">PART II</p> <p style="text-align: center;">CIVIL DEFENCE PLANNING</p> <p style="text-align: center;"><i>National Planning</i></p> <ol style="list-style-type: none"> 19. National Civil Defence Committee 20. Functions of National Civil Defence Committee 21. Planning committees 22. Preparation and approval of national civil defence plans <p style="text-align: center;"><i>Regional and United Councils</i></p> <ol style="list-style-type: none"> 23. Regional and united councils to plan for civil defence 24. Approval of regional civil defence plan 25. Regional civil defence plan to cease to be operative after 3 years | <ol style="list-style-type: none"> 26. Review of regional civil defence plan 27. Operative regional civil defence plans to be available for public inspection 28. Regional civil defence committee 29. Regional and united councils to maintain regional civil defence organisations 30. Regional Controller 31. Regional or united council may undertake civil defence on behalf of territorial authority 32. Other functions and powers of regional and united councils 33. Delegation of powers by regional or united councils <p style="text-align: center;"><i>Territorial Authorities</i></p> <ol style="list-style-type: none"> 34. Territorial authorities to plan for civil defence 35. Approval of local civil defence plan 36. Local civil defence plan to cease to be operative after 3 years 37. Review of local civil defence plan 38. Operative local civil defence plans to be available for public inspection 39. Local civil defence organisation 40. Local Controller 41. Other functions and powers of territorial authorities 42. Delegation of powers by territorial authorities <p style="text-align: center;"><i>Departments, Organisations, and Public Bodies</i></p> <ol style="list-style-type: none"> 43. Departments, organisations, local authorities, regional and united councils, and territorial authorities to prepare plans to continue functioning during and after national emergency or civil defence emergency 44. Departments, organisations, local authorities, regional and united councils, and territorial authorities to undertake civil defence functions and responsibilities 45. Departments, organisations, local authorities, regional and united councils, and territorial authorities to provide for rescue and relief in their premises |
|---|---|

PART III

DECLARATION OF STATE OF
NATIONAL EMERGENCY

46. Declaration of state of national emergency
47. Commencement and duration of state of national emergency
48. Extension of state of national emergency
49. Procedure for advising Parliament concerning Proclamation or declaration of national emergency

PART IV

DECLARATION OF STATE OF CIVIL
DEFENCE EMERGENCY

50. Declaration of state of national civil defence emergency
51. Declaration of state of regional civil defence emergency
52. Declaration of state of local civil defence emergency
53. Police may request declaration of regional or local civil defence emergency
54. Commencement and duration of state of civil defence emergency
55. Extension of state of civil defence emergency
56. Termination of state of civil defence emergency
57. Form and publication of declaration of state of civil defence emergency and declaration extending or terminating state of civil defence emergency

PART V

PROVISIONS RELATING TO STATE OF
NATIONAL EMERGENCY OR STATE OF
CIVIL DEFENCE EMERGENCY

58. Functions and powers of regional and united councils and territorial authorities
59. Proof of identity
60. Evacuation of premises and places

61. Entry on premises
62. Closing of roads and public places
63. Removal of vehicles
64. Requisitioning powers
65. Compensation payable where property requisitioned
66. Protection from liability
67. Powers of Chairman and others in urgent cases
68. Contracts in urgent cases

PART VI

MISCELLANEOUS PROVISIONS

Disaster Recovery

69. Appointment of Disaster Recovery Co-ordinator
70. Co-ordinator may be Commissioner for Disaster Recovery
71. Functions, duties, and powers of Co-ordinator during state of civil defence emergency
72. Functions, duties, and powers of Co-ordinator after civil defence emergency

General Provisions

73. Minister's power of direction
74. Absence on duty not to affect employment rights
75. Compensation for loss of or damage to personal property
76. Financial provisions
77. Obstruction or personation of officers
78. Penalty for offences
79. Emergency regulations
80. Regulations
81. Savings and transitional provisions
82. Amendment to Local Authorities Loans Act 1956
83. Consequential amendments
84. Repeals and saving
85. Revocations
Schedules

1983, No. 46

An Act to make better provision for the performance by regional and territorial local government of their functions and duties and the exercise of their powers in relation to national emergencies and civil defence, to provide for planning and other responsibilities of Departments of State and other organisations in relation to national emergencies and civil defence, to provide for restoration and rehabilitation following civil defence emergencies, and generally to consolidate, amend, and replace the Civil Defence Act 1962

[29 November 1983]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Civil Defence Act 1983.

(2) This Act shall come into force on the 1st day of December 1983.

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

“Administering territorial authority” means a territorial authority specified as such in a local civil defence plan:

“Chairman” includes the Mayor of a borough or a district council as defined in section 2 (1) of the Local Government Act 1974; and, where there is a vacancy in the office of Chairman, or in the event of the Chairman being unable to act for any reason, means the Deputy Chairman or Deputy Mayor, as the case may be:

“Civil defence” means the measures necessary or desirable for the safety of the public and which are designed to guard against, prevent, reduce, or overcome the effects or possible effects of any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, serious fire, leakage or spillage of any dangerous gas or substance, or other happening that causes or may cause loss of life or injury or distress to persons or in any way endangers or may endanger the safety of the public in New Zealand; and includes the planning, organisation, co-ordination, and implementation of such measures and the conducting of, and participation in, training for such purposes:

“Civil Defence Commissioner” means a Civil Defence Commissioner appointed under section 10 of this Act:

“Civil defence emergency” means a situation (not attributable to an attack by an enemy or to any warlike act) that causes or may cause loss of life or injury or distress or in any way endangers or may endanger the safety of the public and cannot be dealt with by the Police, the New Zealand Fire Service, or otherwise without the adoption of civil defence measures:

“Combined district” means the area comprising the districts of territorial authorities that have united for civil defence purposes in accordance with section 34 of this Act:

- “Controller” means a Regional Controller or a Local Controller appointed under this Act, as the case may require:
- “Department” means a Government Department named in Part I of the First Schedule to the Ombudsmen Act 1975:
- “Director” means the Director of Civil Defence appointed under section 7 of this Act:
- “Disaster Recovery Co-ordinator” or “Co-ordinator” means a Disaster Recovery Co-ordinator appointed under section 69 of this Act:
- “District” means the district of a territorial authority:
- “Local authority” has the same meaning as in the Local Government Act 1974; but does not include any regional council, united council, or territorial authority:
- “Local Controller” means a Local Controller of Civil Defence appointed under section 40 of this Act:
- “Minister” means the Minister of Civil Defence:
- “National emergency” means an emergency due to an actual or imminent attack on New Zealand by an enemy, or to any actual or imminent warlike act whether directed against New Zealand or not, whereby loss of life or injury or distress to persons or danger to the safety of the public is caused or threatened to be caused in New Zealand, or in any part of New Zealand:
- “Operative” means—
- (a) In relation to any national civil defence plan and any amendment to such a plan, a plan or amendment approved or authorised under section 22 of this Act; and
 - (b) In relation to any regional civil defence plan and any amendment to such a plan, a plan or amendment that is approved under section 24 of this Act; and
 - (c) In relation to any local civil defence plan or to any amendment to such a plan, a plan or amendment that is approved under section 35 of this Act:
- “Organisation” means—
- (a) Any Education Board constituted under the Education Act 1964:
 - (b) Any governing body of a secondary school, technical institute, community college, or teachers college within the meaning of the Education Act 1964:
 - (c) The council of any university within the meaning of the Universities Act 1961:

(d) The Earthquake and War Damage Commission constituted under the Earthquake and War Damage Act 1944:

(e) A Hospital Board constituted under the Hospitals Act 1957:

(f) The New Zealand Fire Service Commission constituted under the Fire Service Act 1975:

(g) The Broadcasting Corporation of New Zealand constituted under the Broadcasting Act 1976:

(h) The New Zealand Railways Corporation constituted under the New Zealand Railways Corporation Act 1981:

(i) The Accident Compensation Corporation established under the Accident Compensation Act 1982:

“Public place” means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or reject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward:

“Region” has the same meaning as in the Local Government Act 1974; and includes the Auckland Regional District constituted under section 3 of the Auckland Regional Authority Act 1963:

“Regional Controller” means a Regional Controller of Civil Defence appointed under section 30 of this Act:

“Regional council” means a regional council constituted under Part II of the Local Government Act 1974; and includes the Auckland Regional Authority constituted under section 4 of the Auckland Regional Authority Act 1963:

“Road” includes any motorway, regional motorway, regional road, street, private road, access way, private way, or service lane, and every bridge, culvert, ford, gate, or other thing belonging to any road:

“Secretary” means the Secretary for Civil Defence appointed under section 6 of this Act:

“State of civil defence emergency” means a state of national civil defence emergency, or a state of regional civil defence emergency, or a state of local civil defence emergency, as the case may be:

“State of local civil defence emergency” means a state of local civil defence emergency declared under section 52 of this Act:

“State of national civil defence emergency” means a state of national civil defence emergency declared under section 50 of this Act:

“State of national emergency” means a state of national emergency declared under section 46 of this Act:

“State of regional civil defence emergency” means a state of regional civil defence emergency declared under section 51 of this Act:

“State services” has the same meaning as in the State Services Act 1962:

“Territorial authority” has the same meaning as in the Local Government Act 1974:

“United council” means a united council constituted under Part II of the Local Government Act 1974:

“Uniting territorial authority” means a territorial authority that has united with one or more other territorial authorities under section 34 (2) of this Act.

Cf. 1962, No. 36, s. 2; 1968, No. 133, s. 2; 1975, No. 39, s. 2

3. Act to bind the Crown—This Act shall bind the Crown.

4. Act not to affect functions, duties, and powers under other Acts or general law—Except as otherwise provided in this Act or in any emergency regulations made under section 79 of this Act, nothing in this Act or those regulations shall limit or be in substitution for or in any way affect the functions, duties, or powers of any person under the provisions of any other enactment or any rule of law.

Cf. 1962, No. 36, s. 2

PART I

ADMINISTRATION

5. Administration of Act—Subject to the control of the Minister, the Secretary shall be responsible for the general administration of this Act.

Cf. 1962, No. 36, s. 4 (1); 1965, No. 53, s. 3

6. Secretary for Civil Defence—(1) The person for the time being holding the office of Secretary for Internal Affairs shall be the Secretary for Civil Defence.

(2) On the occurrence from any cause of a vacancy in the office of Secretary for Civil Defence, or in the absence from duty of the Secretary for any reason, and so long as the vacancy or absence continues, the Deputy Secretary for Internal Affairs shall have and may perform and exercise all the functions, duties, and powers of the Secretary under this Act.

(3) On the occurrence from any cause of vacancies in both the office of Secretary and the office of Deputy Secretary for Internal Affairs, or in the absence from duty of both the Secretary and the Deputy Secretary for Internal Affairs for any reason, and so long as the vacancies or absences continue, any person authorised in that behalf by the Minister shall have and may perform and exercise all the functions, duties, and powers of the Secretary for Civil Defence under this Act.

Cf. 1962, No. 36, s. 4; 1965, No. 53, s. 3

7. Director of Civil Defence—(1) The Secretary may, subject to such terms and conditions as the State Services Commission may approve, appoint from time to time, by notice, a suitably qualified and experienced person to be the Director of Civil Defence.

(2) The Director shall hold office for such term as shall be specified in the notice by which he is appointed, and may from time to time be reappointed.

(3) The Director may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Secretary.

(4) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956 by reason of his holding the office of Director.

(5) The Secretary may appoint, either by name or by reference to the holder of an office, a person who shall perform the functions and duties and may exercise the powers of the Director on the occurrence from any cause of a vacancy in the office of Director, or in the absence from duty of the Director for any reason, and so long as the vacancy or absence continues.

(6) The Secretary shall ensure that notice of every appointment made under subsection (1) or subsection (5) of this section is published in the *Gazette* as soon as practicable after the appointment is made.

Cf. 1962, No. 36, ss. 5 (1), (2), 6; 1965, No. 53, ss. 4, 5

8. Functions, duties, and powers of Director—(1) The functions of the Director shall be—

- (a) To advise the Minister on operational matters relating to civil defence:
- (b) To advise and assist regional and united councils and territorial authorities in the performance of the duties and exercise of the powers imposed or conferred on them in relation to civil defence by this Act or by any other Act:
- (c) To exercise and perform such functions, duties, and powers with respect to civil defence as are conferred or imposed on him by this or any other Act or any emergency regulations made under section 79 of this Act, and such duties in relation to the administration of this Act as he is required by the Secretary to perform.

(2) Without limiting the generality of the provisions of subsection (1) of this section, the Director shall have the following specific functions:

- (a) The co-ordination of the planning and execution generally of civil defence measures:
- (b) The taking of all steps necessary to provide, or to arrange the provision of, or otherwise to render readily available, personnel, material, and services adequate for the effective carrying out of civil defence measures:
- (c) The direction and control for the purposes of this Act of personnel, material, and services available and at his disposal for civil defence purposes.

(3) In the exercise of his functions, the Director shall have power to—

- (a) Co-ordinate the use of, and during a state of national emergency or state of civil defence emergency use, the personnel, material, and services made available by Departments, organisations, local authorities, regional and united councils, territorial authorities, and other persons for the purposes of civil defence, and in particular, without limiting the generality of the foregoing provisions of this paragraph, for—
 - (i) The provision of transport:
 - (ii) The removal of endangered persons and casualties from any area affected by the national emergency or civil defence emergency to areas of safety or to hospitals:

- (iii) The affording of medical care and attention to casualties:
 - (iv) The relief of distress and suffering:
 - (v) The accommodation, feeding, care, and protection of persons:
 - (vi) The provision of other services necessary to restore community services and provide for the welfare of the public:
- (b) Enter into arrangements with any person whereby that person gives or undertakes to give his services or those of his staff, whether individually or in units under the control of that person, for the purpose of carrying out such civil defence measures as may be agreed upon:
- (c) Devise, promote, and carry out, or cause to be carried out, research and investigations into matters relating to civil defence:
- (d) Issue or cause to be issued warnings of hazards that might lead to or worsen a civil defence emergency:
- (e) Disseminate information and advice on matters relating to civil defence:
- (f) Promote and carry out, or cause to be carried out, the training of personnel for civil defence purposes.

Cf. 1962, No. 36, ss. 5 (3), 8; 1965, No. 53, ss. 5, 6; 1968, No. 133, s. 19 (4)

9. Delegation of functions, duties, and powers of Director—(1) Subject to the direction of the Secretary, the Director may from time to time, by writing under his hand, either generally or particularly, delegate to any person employed in or by any Department all or any of the functions, duties, and powers exercisable by the Director under this Act or any emergency regulations made under section 79 of this Act, except this power of delegation.

(2) Subject to any general or special directions given or conditions attached by the Director, any person to whom any functions, duties, or powers are delegated under this section shall perform and may exercise those functions, duties, and powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Any delegation under this section may be made to a specified employee or to employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable in writing at will, and no such delegation shall prevent the exercise of any function, duty, or power by the Director.

(6) Every delegation under this section shall, until revoked, continue in force according to its tenor notwithstanding that the Director by whom it was made has ceased to hold office.

Cf. 1962, No. 36, s. 9

10. Civil Defence Commissioners—(1) There may from time to time be appointed under the State Services Act 1962 such Civil Defence Commissioners as may be necessary.

(2) A Civil Defence Commissioner shall be appointed for every region.

(3) Where any district does not form part of a region, a Civil Defence Commissioner shall be appointed under section 14 of this Act to exercise the powers conferred upon him in respect of that district.

(4) A Civil Defence Commissioner may be appointed in respect of more than one region or district.

Cf. 1962, No. 36, ss. 15 (5), (6), 16; 1979, No. 40, s. 3

11. Deputy Civil Defence Commissioners—(1) The Director may from time to time appoint any suitable person to be the Deputy Civil Defence Commissioner for any region or district.

(2) The position of Deputy Civil Defence Commissioner may be held in conjunction with any other office in the State Services.

(3) Appointments under this section shall be deemed not to be made under the State Services Act 1962, and no person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956 by reason of his holding the office of Deputy Civil Defence Commissioner.

(4) If at any time there is a vacancy in the office of Civil Defence Commissioner for any region, or in the absence from duty of the Civil Defence Commissioner for any reason and a state of national emergency or a state of civil defence emergency affecting that region or district or any part of the region or district has been declared, or it appears to the Deputy Civil Defence Commissioner that a civil defence emergency

affecting the region or any part of the region has occurred or may occur, the Deputy Civil Defence Commissioner may perform and exercise the functions, duties, and powers conferred or imposed on the Civil Defence Commissioner.

(5) The authority conferred on the Deputy Civil Defence Commissioner under subsection (4) of this section shall cease and determine on any authorisation being made by the Director under section 12 of this Act.

Cf. 1962, No. 36, s. 18; 1968, No. 133, s. 3; 1979, No. 40, s. 4

12. Director may authorise Civil Defence Commissioner to act for another Civil Defence Commissioner—On the occurrence of a vacancy in the office of any Civil Defence Commissioner, or in the absence from duty of any Civil Defence Commissioner for any reason, and so long as the vacancy or absence continues, the Director may authorise any other Civil Defence Commissioner to perform and exercise the functions, duties, and powers of that Civil Defence Commissioner, until the appointment of a new Civil Defence Commissioner is made or, as the case may be, the Civil Defence Commissioner resumes duty.

Cf. 1962, No. 36, s. 19

13. Functions, duties, and powers of Civil Defence Commissioners—(1) Without limiting any function, duty, or power conferred or imposed on him by this or any other Act, a Civil Defence Commissioner shall have the following specific functions:

- (a) The co-ordination of the use of, and during a state of national emergency or of civil defence emergency the use, for the purposes of this Act, of the personnel, material, and services made available by Departments, organisations, local authorities, regional and united councils, territorial authorities, and other persons:
- (b) The co-ordination of the planning of civil defence measures within and between the civil defence regions and districts in respect of which he has been appointed:
- (c) The supplying of advice and assistance to regional and united councils and territorial authorities in the planning, preparation, co-ordination, and carrying out of civil defence measures:

- (d) In accordance with section 73 (2) of this Act, during a state of national emergency or of civil defence emergency to control the exercise and performance of the functions, duties, and powers conferred or imposed on a regional or united council or territorial authority or person by this Act.
- (2) In the exercise of his functions a Civil Defence Commissioner may, in respect of each region or district to which he has been appointed,—
- (a) Enter into arrangements with the regional or united council and with territorial authorities for the purpose of arranging and co-ordinating mutual relief and assistance for civil defence purposes by regional and united councils and territorial authorities:
 - (b) Enter into arrangements with any person whereby that person makes available or undertakes to make available his services or those of his staff, whether individually or in units under the control of that person, for the purpose of carrying out such civil defence measures as may be agreed upon:
 - (c) Promote and carry out, or cause to be carried out, and co-ordinate the training of personnel for civil defence purposes:
 - (d) Enter into arrangements with any regional or united council, territorial authority, or group of territorial authorities or with any person or persons for the purpose of removing or of assisting in the removal of endangered persons and casualties from any areas affected or likely to be affected by a national emergency or civil defence emergency to areas of safety or to hospitals, and for the purpose of arranging or assisting in the provision of first aid and medical supplies, accommodation, food, fuel, bedding, clothing, or other necessaries for the endangered persons and casualties so moved from any affected area:
 - (e) Disseminate to regional and united councils, territorial authorities, and the public, information and advice on matters relating to civil defence.

Cf. 1962, No. 36, s. 17; 1968, No. 133, s. 19 (4); 1971, No. 86, s. 3; 1975, No. 39, s. 14 (2)

14. Functions, duties, and powers of Civil Defence Commissioners in respect of districts not forming part of region—Where a district does not form part of a region, the

Civil Defence Commissioner appointed for that district shall perform the functions and duties and may exercise the powers conferred on regional or united councils by sections 32 (1), 34 (1) (b), 34 (2), 35, 36, and 37 of this Act in respect of that district.

15. Other officers and employees—There may from time to time be appointed under the State Services Act 1962 such officers and employees as may be necessary for the purposes of this Act.

16. Officers to act under direction of Director—The Civil Defence Commissioners, Deputy Civil Defence Commissioners, and all other officers and employees of the Department of Internal Affairs made available by the Secretary for civil defence duties shall act under the direction of the Director in the performance and exercise of the functions, duties, and powers conferred on them by this Act.

Cf. 1962, Nb. 36, s. 7

17. Civil defence police—(1) The Commissioner of Police may from time to time, with the consent of the Minister of Police, appoint and train such persons as he considers necessary to be civil defence police.

(2) Every person appointed under this section shall be sworn in before a Justice of the Peace, and shall, during a state of national emergency or of civil defence emergency but at no other time, be deemed to be a constable and to have all the functions, duties, and powers of a constable.

(3) Notwithstanding subsection (2) of this section, during a state of civil defence emergency, any person appointed under this section shall have the functions, duties, and powers of a constable only in the area in respect of which the state of civil defence emergency is in force and only while that state of civil emergency is in force.

(4) Every person appointed under this section shall hold office at the will of the Commissioner of Police.

Cf. 1962, No. 36, s. 53; 1968, No. 133, s. 17

18. Civil defence traffic officers—(1) The Secretary for Transport (with the consent of the Minister of Transport) and any local or territorial authority that employs full-time traffic officers may, from time to time, appoint and train such persons as he or it considers necessary to be civil defence traffic officers.

(2) Every person appointed under this section shall, during a state of national emergency or of civil defence emergency,

but at no other time, be deemed to be a traffic officer appointed under the Transport Act 1962, and shall have all the functions, duties, and powers of such a traffic officer.

(3) Notwithstanding subsection (2) of this section, during a state of civil defence emergency, any person appointed under this section shall have the functions, duties, and powers of a traffic officer only in the area in respect of which the state of civil defence emergency has been declared.

(4) Every person appointed under this section shall hold office at the will of the Secretary for Transport.

Cf. 1962, No. 36, s. 53A; 1965, No. 53, s. 17; 1967, No. 61, s. 2; 1968, No. 133, s. 18

PART II

CIVIL DEFENCE PLANNING

National Planning

19. National Civil Defence Committee—(1) For the purposes of this Act there shall be a committee, to be called the National Civil Defence Committee.

(2) The membership of the Committee shall be—

- (a) The Secretary, who shall be the Chairman of the Committee:
- (b) The Director:
- (c) The Commissioner of Works:
- (d) The Chief of Defence Staff:
- (e) The Commissioner of Police:
- (f) The Director-General of the Post Office:
- (g) The Secretary to the Treasury:
- (h) The Permanent Head of the Prime Minister's Department:
- (i) The General Manager of the New Zealand Railways Corporation:
- (j) The Secretary for Transport:
- (k) The Secretary of Energy:
- (l) The Director-General of Health:
- (m) The Director-General of Social Welfare:
- (n) The Director-General of the Department of Scientific and Industrial Research:
- (o) The General Manager of the Tourist and Publicity Department:
- (p) The Secretary of the Broadcasting Corporation of New Zealand:
- (q) The Chairman of the New Zealand Fire Service Commission:

(r) Such other persons as are from time to time appointed to be members of the Committee under subsection (3) or subsection (4) of this section.

(3) The Minister may from time to time, with the approval of the Minister in charge of the Department concerned or, in the case of an organisation, with the approval of the Minister charged with the administration of the Act under which the organisation is constituted, appoint as a member of the Committee, for such period as he thinks fit, the administrative head of any other Department or organisation.

(4) The Minister may from time to time appoint as a member or members of the Committee a person or persons to represent any local authority, regional or united council, territorial authority, public body, or voluntary body, or any combination of such authorities or bodies for such period as he thinks fit.

(5) In the absence of any member from any meeting of the Committee, any other officer of the Department or organisation in which he is employed or any member of the authority or body which any member represents may be authorised by that member to attend the meeting in his stead and shall for all purposes be deemed to be a member of the Committee.

(6) The fact that any person attends any meeting of the Committee under subsection (5) of this section shall, in the absence of proof to the contrary, be sufficient evidence of his authority to do so.

Cf. 1962, No. 36, s. 10; 1965, No. 53, s. 7; 1968, No. 39, s. 16 (3) (c); 1971, No. 86, s. 2; 1972, No. 107, s. 2 (7); 1975, No. 39, s. 3; 1976, No. 132, s. 101 (2)

20. Functions of National Civil Defence Committee—

(1) The Committee shall be responsible to the Minister for the planning and preparations needed to maintain effective civil defence.

(2) It shall be the duty of the Committee—

(a) From time to time to review and report to the Minister the possible threats or causes of disaster which might lead to a civil defence emergency:

(b) To advise and assist the Minister and Director on the implementation of all measures considered necessary for the effective operation of civil defence and the measures considered necessary for restoration of necessary services, amenities, and habitation following a civil defence emergency:

(c) To recommend to the Minister the tasks and composition of national civil defence planning committees:

- (d) To advise and assist the Director in the performance and exercise of his functions, duties, and powers.
- (3) The Committee may from time to time, by resolution,—
 - (a) Appoint or discharge, or alter, continue, or reconstitute such subcommittees as it thinks fit to advise the Committee on such matters concerning civil defence as are referred to them by the Committee:
 - (b) Appoint advisory groups to advise and assist Civil Defence Commissioners in the performance and exercise of their functions, duties, and powers:
 - (c) Appoint any person to be a member of a subcommittee or advisory group under this subsection notwithstanding that he is not a member of the Committee.
- (4) The Committee and, subject to any directions given by the Committee, every subcommittee and advisory group may determine its own procedure.

Cf. 1962, No. 36, ss. 11, 11A, 20; 1965, No. 53, s. 8; 1968, No. 133, s. 19 (4); 1979, No. 40, s. 5

21. Planning committees—(1) The Minister may, on the recommendation of the National Civil Defence Committee, appoint one or more planning committees to prepare plans in respect of any aspect of civil defence or national emergency.

(2) The membership of each planning committee shall be—

- (a) A representative of each Department, organisation, local authority, regional or united council, territorial authority, or voluntary body, or combination of Departments, organisations, and bodies that, in the opinion of the Minister, have a responsibility for or an interest in the matter or matters to which the plan may relate:
- (b) The Director or a person nominated by him:
- (c) Such other persons as the Minister, after consultation with the National Civil Defence Committee, thinks fit.

(3) The Minister shall appoint a member of each planning committee to be the chairman of that committee.

(4) Any planning committee may from time to time appoint working parties comprising such persons as the planning committee thinks fit, whether members of the planning committee or not, for the purpose of considering and reporting to the planning committee on any matter relating to civil defence that is within the competence of the planning committee.

(5) Subject, in the case of a planning committee, to any directions given by the Minister and, in the case of a working party, to any directions given by the planning committee by which it was appointed, every planning committee or working party may determine its own procedure.

Cf. 1962, No. 36, s. 12

22. Preparation and approval of national civil defence plans—(1) It shall be the duty of every planning committee to prepare and forward to the National Civil Defence Committee for its consideration and submission to the Minister a national civil defence plan in respect of the aspect of civil defence or national emergency for which the planning committee was appointed.

(2) Every national civil defence plan so prepared shall specify the civil defence measures to be undertaken and the functions to be exercised by Departments, organisations, local authorities, regional and united councils, and territorial authorities, whether in preparation for possible emergency or during a state of national emergency or civil defence emergency, and shall also specify the functions that voluntary bodies may undertake.

(3) Where the Minister is satisfied that any national civil defence plan submitted to him by the National Civil Defence Committee provides adequately for civil defence measures in respect of the aspect of civil defence to which the plan relates, he may approve that plan, and the plan shall thereupon be deemed to be operative.

(4) The Minister may authorise the National Civil Defence Committee to amend an approved national civil defence plan where, in his view, no important matter of policy or principle is involved.

Cf. 1962, No. 36, s. 13; 1968, No. 133, s. 19 (4)

Regional and United Councils

23. Regional and united councils to plan for civil defence—(1) Every regional or united council shall, before the 1st day of June 1984, or within 6 months after its first meeting, whichever later occurs, and thereafter as required by this Act, prepare a regional civil defence plan to deal with all matters of civil defence within its region.

(2) Every regional civil defence plan shall—

(a) Provide for the maintenance of the regional civil defence committee established under section 28 of this Act:

- (b) Provide for the maintenance and operation of a civil defence organisation as required by section 29 of this Act:
- (c) Be consistent with and give effect to the relevant provisions of every operative national civil defence plan:
- (d) Identify the person who is appointed under section 30 of this Act as the Regional Controller, and the persons who may exercise his powers if his office is vacant or he is absent from duty.

Cf. 1962, No. 36, s. 30A; 1975, No. 39, s. 10 (2)

24. Approval of regional civil defence plan—(1) The regional or united council shall submit the regional civil defence plan and any amendments to the plan to the Civil Defence Commissioner for approval.

(2) The Civil Defence Commissioner shall consider whether or not, in his opinion, the plan together with any proposed amendment is consistent with and gives effect to every operative national civil defence plan and makes adequate provision for the carrying out of civil defence measures in the region, and shall—

- (a) Approve the plan or amendment; or
- (b) Direct that the plan or the amendment to it be amended and resubmitted to him for approval; or
- (c) Decline to approve the plan or the amendment.

(3) Any regional or united council aggrieved by a decision of the Civil Defence Commissioner under subsection (2) of this section may refer the plan or the amendment to the Minister who shall have the powers conferred on the Civil Defence Commissioner by subsection (2) of this section.

(4) The decision of the Minister under subsection (3) of this section shall be final.

(5) Every regional civil defence plan and every amendment to such a plan shall become operative on the date on which it is approved under this section.

Cf. 1962, No. 36, s. 32 (1), (2); 1979, No. 40, s. 7

25. Regional civil defence plan to cease to be operative after 3 years—(1) Every regional civil defence plan shall cease to be operative on the date 3 years after the date on which it becomes operative or such earlier date as may be prescribed by the Civil Defence Commissioner or the Minister in approving the plan under section 24 of this Act.

(2) Every amendment to a regional civil defence plan shall cease to be operative on the date on which the plan to which it relates ceases to be operative.

(3) Notwithstanding subsection (1) of this section, a regional civil defence plan shall continue to be operative while a new plan is prepared for such period or periods of extension, not exceeding 6 months in total, as may be granted by the Civil Defence Commissioner on the application of the regional or united council.

(4) Where the Civil Defence Commissioner declines to grant any period of extension under subsection (3) of this section, the regional or united council may refer the application to the Minister, who shall have the power—

- (a) To grant any period of extension that the Civil Defence Commissioner could have granted; or
- (b) To decline the application.

26. Review of regional civil defence plan—(1) Every regional or united council shall, before or as soon as practicable after the existing regional civil defence plan ceases to be operative, prepare a new plan to replace the existing plan, and refer it to the Civil Defence Commissioner for approval.

(2) Notwithstanding subsection (1) of this section, the Civil Defence Commissioner may at any time require the regional or united council to review its regional civil defence plan and refer the reviewed plan to him if, in his opinion, the plan no longer makes adequate provision for the carrying out of civil defence measures in the region.

(3) Where a plan is referred to the Civil Defence Commissioner under subsection (1) or subsection (2) of this section, subsections (2) to (5) of section 24 of this Act shall apply to that plan.

27. Operative regional civil defence plans to be available for public inspection—(1) A copy of every operative regional civil defence plan shall be available for public inspection without fee during ordinary office hours at the office of the regional or united council, and every constituent territorial authority.

(2) On any regional civil defence plan or any amendment to any such plan becoming operative the regional or united council shall give public notice of the fact that the plan or amendment has become operative and of the place or places at which it may be inspected.

28. Regional civil defence committee—(1) Every regional or united council shall appoint and maintain a regional civil defence committee, comprising a nominee of the Director and such other persons as the regional or united council thinks fit.

(2) The function of the regional civil defence committee shall be to advise the regional or united council on matters relating to civil defence in the region, and it may exercise any powers conferred upon it by delegation under section 32 of this Act.

Cf. 1962, No. 36, s. 20; 1979, No. 40, s. 5

29. Regional and united councils to maintain regional civil defence organisations—Every regional or united council shall maintain a civil defence organisation for the region together with such units and services as are necessary or desirable to enable civil defence measures to be carried out during a state of national emergency or national or regional civil defence emergency.

30. Regional Controller—(1) Every regional or united council shall appoint, either by name or by reference to the holder of an office, a Regional Controller of Civil Defence for the region.

(2) Every regional or united council shall appoint, either by name or by reference to the holder of an office, a person or persons who shall perform the functions and duties and may exercise the powers of the Regional Controller on the occurrence from any cause of a vacancy in the office of Regional Controller, or in the absence from duty of the Regional Controller for any reason, and so long as the vacancy or absence continues.

(3) Where more than one person is appointed under subsection (2) of this section, the regional or united council shall clearly indicate in making the appointments, the order in which subsection (2) of this section is to apply as between the persons so appointed.

(4) In any case where a state of national emergency or national civil defence emergency or a state of regional civil defence emergency is in force in respect of the region for which a Regional Controller is appointed, he shall direct and co-ordinate for the purposes of this Act the use of the personnel, material, and services made available by Departments, organisations, local authorities, regional and united councils, territorial authorities, and other persons.

(5) The Regional Controller shall also perform such functions and duties as are conferred upon him by this or any other Act, and may exercise any power conferred on him by delegation under section 33 of this Act.

31. Regional or united council may undertake civil defence on behalf of territorial authority—Any regional or united council may, by agreement with the territorial authority concerned, undertake civil defence on behalf of any territorial authority within its region, and where it does so, the regional or united council shall include in its regional civil defence plan, civil defence organisation, and civil defence arrangements, the civil defence planning, civil defence organisation, and civil defence arrangements for the territorial authority.

32. Other functions and powers of regional and united councils—(1) Without limiting any other provisions in this Act, every regional or united council shall have the following functions:

- (a) The co-ordination, approval, and review of local civil defence plans prepared by territorial authorities within its region:
 - (b) The provision of advice and assistance to every territorial authority within its region in the planning, preparation for, co-ordination of, and effective carrying out of the civil defence responsibilities of that territorial authority:
 - (c) The promotion and co-ordination of adequate training for civil defence personnel within its region.
- (2) The regional or united council may—
- (a) Enter into arrangements with Departments, organisations, local authorities, territorial authorities, and other persons for the co-ordination and use of personnel, material, and services for civil defence purposes:
 - (b) Enter into arrangements with any person whereby that person makes available or undertakes to give his services or those of his staff, whether individually or in units under the control of that person, for the purpose of carrying out such civil defence measures as may be agreed upon:
 - (c) Recruit and train volunteers for civil defence tasks:
 - (d) Conduct civil defence training exercises, practices, and rehearsals:
 - (e) Issue and control the use of prescribed civil defence signs, badges, insignia, and identification passes:

- (f) Provide, maintain, control, and operate warning systems:
- (g) Provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during a national emergency or a civil defence emergency:
- (h) Exercise all such other powers as are necessary to give effect to any operative civil defence plan.

Cf. 1962, No. 36, s. 38A; 1975, No. 39, s. 16; 1979, No. 40, s. 9

33. Delegation of powers by regional or united councils—Any regional or united council may delegate to its Chairman, Deputy Chairman, regional civil defence committee, or to the Regional Controller, such of the powers conferred upon it by this Act as it thinks fit, except—

- (a) Any power conferred by section 76 of this Act (which relates to financial provisions):
- (b) Any power to enter into a contract otherwise than in accordance with section 4 of the Public Bodies Contracts Act 1959:
- (c) Any power to commence proceedings in any Court:
- (d) This power of delegation.

Cf. 1962, No. 36, s. 41; 1968, No. 133, s. 12

Territorial Authorities

34. Territorial authorities to plan for civil defence—(1) Every territorial authority shall prepare a local civil defence plan to deal with all matters of civil defence within its district unless—

- (a) The regional or united council agrees under section 31 of this Act to undertake civil defence on behalf of the territorial authority; or
- (b) The regional or united council acting under subsection (2) of this section authorises 2 or more constituent territorial authorities to unite for civil defence purposes.

(2) A territorial authority may, with the approval of the regional or united council, unite with one or more other territorial authorities in the same region for the purposes of arranging and carrying out civil defence measures in the combined district of the territorial authorities that are parties to the agreement.

(3) Where 2 or more territorial authorities have united for civil defence purposes under this section they shall prepare a local civil defence plan to deal with all matters of civil defence within the combined district.

(4) Every local civil defence plan shall—

- (a) Provide for the maintenance and operation of a civil defence organisation as required by section 39 of this Act:
- (b) Provide for the establishment of such committees, units, and services as are considered necessary or desirable:
- (c) Where territorial authorities have united for civil defence purposes under this section, specify one of the territorial authorities as the administering territorial authority for the uniting territorial authorities:
- (d) Be consistent with and give effect to any operative national or regional civil defence plan:
- (e) Identify the person who is appointed under section 40 of this Act as the Local Controller, and the persons who may exercise his powers if his office is vacant or he is absent from duty:
- (f) Identify the person or persons who are authorised by section 52 of this Act to declare a state of local civil defence emergency.

Cf. 1962, No. 36, ss. 27, 28; 1968, No. 133, s. 7; 1975, No. 39, s. 4 (4)

35. Approval of local civil defence plan—(1) The territorial authority or administering territorial authority, as the case may be, shall refer the local civil defence plan and any amendment to that plan for approval to the regional or united council of which it is a constituent authority.

(2) The regional or united council shall consider whether or not, in its opinion, the plan, together with any proposed amendment is consistent with and gives effect to any operative regional civil defence plan and makes adequate provision for the carrying out of civil defence measures in the district or districts to which it relates, and shall—

- (a) Approve the plan or amendment; or
- (b) Direct that the plan or the amendment to it be amended and resubmitted to it for approval; or
- (c) Decline to approve the plan or the amendment.

(3) Any territorial authority aggrieved by a decision of the regional or united council under subsection (2) of this section

may refer the plan or the amendment to the Minister who shall have the powers conferred on the regional or united council by subsection (2) of this section.

(4) The decision of the Minister under subsection (3) of this section shall be final.

(5) Where any plan or amendment to a plan is approved by the Minister or a regional or united council, the Minister or the regional or united council shall refer a copy of the plan or amendment to the Civil Defence Commissioner.

(6) Every local civil defence plan and every amendment to such a plan shall become operative on the date on which it is approved under this section.

Cf. 1962, No. 36, s. 32A; 1975, No. 39, s. 11 (2)

36. Local civil defence plan to cease to be operative after 3 years—(1) Every local civil defence plan shall cease to be operative on the date 3 years after the date on which it becomes operative or such earlier date as may be prescribed by the regional or united council or the Minister in approving the plan under section 35 of this Act.

(2) Every amendment to a local civil defence plan shall cease to be operative on the date on which the plan to which it relates ceases to be operative.

(3) Notwithstanding subsection (1) of this section, a local civil defence plan shall continue to be operative while a new plan is prepared for such period or periods of extension, not exceeding 6 months in total, as may be granted by the regional or united council on the application of the territorial authority.

(4) Where the regional or united council declines to grant any period of extension under subsection (3) of this section, the territorial authority may refer the application to the Minister, who shall have power—

- (a) To grant any period of extension that the regional or united council could have granted; or
- (b) To decline the application.

37. Review of local civil defence plan—(1) Every territorial authority or group of uniting territorial authorities shall, before or as soon as practicable after any existing local civil defence plan ceases to be operative, prepare a new plan to replace the existing plan, and refer it to the regional or united council for approval.

(2) Notwithstanding subsection (1) of this section, the regional or united council may at any time require the territorial authority or group of uniting territorial authorities to review

its local civil defence plan and refer the reviewed plan to it if, in the opinion of the regional or united council, the plan no longer makes adequate provision for the carrying out of civil defence measures in the district or combined district.

(3) Where a plan is referred to the regional or united council under subsection (1) or subsection (2) of this section, subsections (2) to (6) of section 35 of this Act shall apply to that plan.

(4) Where a territorial authority that has combined with one or more other territorial authorities in the preparation of a local civil defence plan decides to withdraw from that arrangement, the local civil defence plan then in force and any functions, duties, powers, or obligations (financial or otherwise) specified in that plan shall continue in force until new plans have been prepared and approved for all territorial authorities that were parties to the local civil defence plan.

Cf. 1962, No. 36, s. 34A; 1965, No. 53, s. 12

38. Operative local civil defence plans to be available for public inspection—(1) A copy of every operative local civil defence plan shall be available for public inspection without fee during ordinary office hours at the office of every territorial authority to whose district it relates.

(2) On any local civil defence plan or any amendment to any such plan becoming operative the territorial authority or authorities, as the case may be, shall give public notice of the fact that the plan or amendment has become operative and of the place or places at which it may be inspected.

Cf. 1962, No. 36, s. 34; 1965, No. 53, s. 11

39. Local civil defence organisation—Except where a regional council or united council has agreed under section 31 of this Act to undertake civil defence on behalf of a territorial authority, every territorial authority or group of uniting territorial authorities shall maintain a civil defence organisation for the district or combined districts together with such units and services as are considered necessary or desirable to enable civil defence measures to be carried out during a state of national emergency or civil defence emergency.

Cf. 1962, No. 36, ss. 27 (2), 28 (3)

40. Local Controller—(1) Except where a regional or united council has agreed under section 31 of this Act to undertake civil defence on behalf of a territorial authority, every territorial authority or group of uniting territorial authorities shall

appoint, either by name or by reference to the holder of an office, a single Local Controller of Civil Defence for its district or the combined district.

(2) Every territorial authority or group of uniting territorial authorities shall appoint, either by name or by reference to the holder of an office, a person or persons who shall perform the functions and duties and may exercise the powers of the Local Controller on the occurrence from any cause of the vacancy in the office of Local Controller, or in the absence from duty of the Local Controller for any reason, and so long as the vacancy or absence continues.

(3) Where a territorial authority or group of uniting territorial authorities appoints more than one person under subsection (2) of this section, the territorial authority or group of uniting territorial authorities shall clearly indicate in making the appointments the order in which subsection (2) of this section is to apply as between the persons so appointed.

(4) Subject to subsections (6) and (7) of this section, the Local Controller shall, during a state of national emergency or a state of civil defence emergency in force in respect of any district for which he is appointed direct and co-ordinate for the purposes of this Act the use of the personnel, material, and services made available by Departments, organisations, local authorities, regional and united councils, territorial authorities, and other persons.

(5) The Local Controller shall also perform such functions and duties as are conferred on him by this or any other Act, and may exercise any power conferred on him by delegation under section 42 of this Act.

(6) No Local Controller shall exercise any power conferred on Local Controllers by this Act unless the local civil defence plan for the district concerned is operative.

(7) No Local Controller shall exercise any power conferred on him by this Act during any state of national emergency or national or regional civil defence emergency in any manner contrary to any priorities for the use of resources and services that have been determined by the Regional Controller.

41. Other functions and powers of territorial authorities—(1) A territorial authority or uniting territorial authorities may—

- (a) Enter into arrangements with Departments, organisations, local authorities, other territorial authorities, and other persons for the co-ordination and use of personnel, material, and services for civil defence purposes:

- (b) Enter into arrangements with any person whereby that person makes available or undertakes to give his services or those of his staff, whether individually or in units under the control of that person, for the purpose of carrying out such civil defence measures as may be agreed upon:
 - (c) Recruit and train volunteers for civil defence tasks:
 - (d) Conduct civil defence training exercises, practices, and rehearsals:
 - (e) Issue and control the use of prescribed civil defence signs, badges, insignia, and identification passes:
 - (f) Provide, maintain, control, and operate warning systems:
 - (g) Provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during a state of national emergency or of civil defence emergency:
 - (h) Exercise all such other powers as are necessary to give effect to any operative civil defence plan.
- (2) The functions and powers conferred on territorial authorities by subsection (1) of this section shall not be performed or exercised in any case where a regional or united council has agreed to act on behalf of the territorial authority under section 31 of this Act.

Cf. 1962, No. 36, s. 38 (2)

42. Delegation of powers by territorial authorities—Any territorial authority may delegate to its Chairman or Deputy Chairman or to the Local Controller or to any person nominated under section 52 (3) (b) of this Act, or any officer of the territorial authority or uniting territorial authorities such of the powers conferred on it by this Act as it thinks fit, except—

- (a) Any power conferred by section 76 of this Act (which relates to financial provisions):
- (b) Any power to enter into a contract otherwise than in accordance with section 4 of the Public Bodies Contracts Act 1959:
- (c) Any power to commence proceedings in any Court:
- (d) This power of delegation.

Cf. 1962, No. 36, s. 41; 1968, No. 133, s. 12

Departments, Organisations, and Public Bodies

43. Departments, organisations, local authorities, regional and united councils, and territorial authorities to prepare plans to continue functioning during and after national emergency or civil defence emergency—Every

Department, organisation, local authority, regional or united council, and territorial authority shall maintain plans for the continuation to the fullest possible extent of its essential functions during and following a state of national emergency or civil defence emergency.

44. Departments, organisations, local authorities, regional and united councils, and territorial authorities to undertake civil defence functions and responsibilities—

Every Department, organisation, local authority, regional or united council, and territorial authority required by this Act or any regulations made under this Act or any operative national civil defence plan to undertake any civil defence measures or to perform any functions or duties shall take all necessary steps to undertake those measures or to perform those functions and duties.

Cf. 1962, No. 36, s. 14

45. Departments, organisations, local authorities, regional and united councils, and territorial authorities to provide for rescue and relief in their premises—(1) Every

Department, organisation, local authority, regional or united council, and territorial authority shall make adequate provision in premises under its control and occupied by it (whether or not the premises are owned by it) for the purpose of performing its functions and duties or exercising its powers for the rescue of endangered persons in the premises, first aid to casualties occurring there, and the relief of distress during a state of national emergency or of civil defence emergency, and shall provide the necessary training, equipment, facilities, and accommodation to perform those functions.

(2) The interest of any Department, organisation, local authority, regional or united council, or territorial authority as lessor or landlord of any premises shall not be sufficient to bring those premises under the control and occupation of that Department, organisation, local authority, regional or united council, or territorial authority for the purposes of subsection (1) of this section.

(3) The provisions made under subsection (1) of this section shall be consistent with any operative local civil defence plan.

PART III

DECLARATION OF STATE OF NATIONAL EMERGENCY

46. Declaration of state of national emergency—(1) If at any time it appears to the Governor-General that a national emergency exists, the Governor-General, on the

recommendation of the Executive Council, may, by Proclamation (hereinafter referred to as a Proclamation of national emergency), declare that for the purposes of this Act a state of national emergency exists in New Zealand.

(2) Notwithstanding the requirement for the recommendation of the Executive Council to the making of a Proclamation of national emergency set out in subsection (1) of this section, if the Governor-General is of the opinion that the Executive Council is dispersed or for any reason whatsoever it is not possible to hold a meeting of the Council, the Proclamation of national emergency may be made by the Governor-General on the recommendation of the Prime Minister.

(3) If at any time it appears to the members of the Executive Council, not being fewer than 3, present at a meeting of the Council that the Governor-General is out of communication with the Executive Council and that a national emergency exists, those members may, by a declaration in writing signed by the presiding member of the Council, declare that a state of national emergency exists, and that declaration shall, for the purposes of this Act, have the same force and effect as a Proclamation of national emergency.

(4) If at any time it appears to the Prime Minister that a national emergency exists, that the Executive Council is dispersed or for any reason whatsoever it is not possible to hold a meeting of the Council, and that the Governor-General is out of communication with the Prime Minister, the Prime Minister may, by a declaration in writing signed by him, declare that a state of national emergency exists, and that declaration shall, for the purposes of this Act, have the same force and effect as a Proclamation of national emergency.

(5) The Prime Minister, in the case of a Proclamation, or the person who signs any declaration of national emergency shall give public notice of the making of the Proclamation or declaration by such means as are practicable in the circumstances and the Proclamation or declaration shall be published in the *Gazette* as soon as practicable.

(6) The fact that any person authorised by this section declares a state of national emergency shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased.

Cf. 1962, No. 36, s. 21

47. Commencement and duration of state of national emergency—(1) Notwithstanding anything to the contrary in any Act, every Proclamation or declaration of a state of national

emergency made under section 46 of this Act shall come into force when it is signed by the Governor-General or the member presiding at the meeting of the Executive Council or the Prime Minister, as the case may be.

(2) Subject to section 48 (1) of this Act, every state of national emergency shall terminate on the 28th day after the date of its declaration, or on such earlier date as the Governor-General may specify by Proclamation made on the recommendation of the Executive Council.

(3) Where the duration of a state of national emergency is reduced under subsection (2) of this section, subsections (5) and (6) of section 46 of this Act and subsection (1) of this section shall apply as if the Proclamation reducing the duration of the national emergency were a Proclamation of national emergency.

Cf. 1962, No. 36, s. 21 (5)

48. Extension of state of national emergency—(1) The Governor-General may, by Proclamation approved in Executive Council, where he considers that a national emergency exists, from time to time extend the duration of a state of national emergency for such periods, not exceeding 28 days in each instance, as he thinks fit.

(2) Where the duration of a state of national emergency is extended under subsection (1) of this section, subsections (5) and (6) of section 46 and section 47 (1) of this Act shall apply as if the Proclamation extending the duration of the state of national emergency were a Proclamation of national emergency.

Cf. 1962, No. 36, s. 24

49. Procedure for advising Parliament concerning Proclamation or declaration of national emergency—

(1) Where a Proclamation or declaration of national emergency has been made, the person who made the Proclamation or declaration shall forthwith inform Parliament that it has been made.

(2) If, when a Proclamation or declaration of national emergency is made,—

(a) Parliament has been prorogued until a date more than 7 days after the date on which the Proclamation or declaration of national emergency is made, or the date on which Parliament is next to meet has not been determined; or

(b) Parliament has been dissolved or has expired and no Proclamation has been made summoning Parliament to meet on a day not later than 7 days after the date on which the Proclamation or declaration of national emergency is made,—

a Proclamation shall be made appointing a day for the meeting of Parliament, being a day not later than 7 days after the date of the making of the Proclamation or declaration of national emergency, or, where the Proclamation or declaration of national emergency is made after the date on which Parliament has been dissolved or has expired and before the latest day appointed under the Electoral Act 1956 for the return of the writs for the election of the members of Parliament, a day not later than 7 days after the latest day so appointed; and Parliament shall accordingly meet and sit on the day so appointed.

(3) If on the date when a Proclamation or declaration of national emergency is made Parliament has been adjourned until a date more than 7 days after that date, the Speaker of the House of Representatives shall forthwith, by notice in the *Gazette*, appoint a day and time for Parliament to meet, being a day not later than 7 days after the date of the making of the Proclamation or declaration of national emergency; and Parliament shall accordingly meet and sit at the time on the day so specified.

Cf. 1932, No. 3, s. 2 (3)–(5); 1960, No. 36, s. 2

PART IV

DECLARATION OF STATE OF CIVIL DEFENCE EMERGENCY

50. Declaration of state of national civil defence emergency—(1) If at any time it appears to the Minister that—

(a) A civil defence emergency has occurred or may occur; and

(b) The emergency is or is likely to be of such extent, magnitude, or severity that the civil defence measures necessary or desirable in respect of it are, or are likely to be, beyond the resources of the regional or united council or regional or united councils whose region or regions may be affected by the emergency—

he may declare that a state of national civil defence emergency exists over the whole or any part of New Zealand.

(2) In any case where a state of national civil defence emergency has been declared or extended the Minister shall advise Parliament as soon as practicable.

(3) The fact that the Minister declares a state of national civil defence emergency shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased.

(4) Where any declaration of a state of national civil defence emergency is made, any state of regional or local civil defence emergency then in force in the area to which the state of national civil defence emergency applies shall be deemed to be terminated.

(5) Nothing in this section shall authorise the Minister to declare a state of national civil defence emergency while a state of national emergency is in force.

Cf. 1962, No. 36, ss. 22 (1), 23; 1968, No. 133, s. 4; 1975, No. 39, s. 7 (1)

51. Declaration of state of regional civil defence emergency—(1) If at any time it appears to the Chairman of a regional or united council that a civil defence emergency has occurred or may occur within the region, and—

- (a) The civil defence emergency is or is likely to be of such extent, magnitude, or severity that the civil defence measures necessary or desirable in respect of it are, or are likely to be, beyond the resources of the territorial authority or territorial authorities whose district or districts are or may be affected by the emergency; or
- (b) A state of local civil defence emergency cannot be declared in respect of any territorial authority district within the region because no operative local civil defence plan exists for the district of that territorial authority; or
- (c) A state of local civil defence emergency cannot be declared by any of the persons who may declare such a state of civil defence emergency under section 52 of this Act—

that person may declare that a state of regional civil defence emergency exists.

(2) The power conferred on the Chairman of a regional or united council by subsection (1) of this section to declare a state of regional civil defence emergency may be exercised by the Regional Controller, if the Chairman of the regional or united council is out of communication with the Regional Controller.

(3) If at any time it appears to the Director or the appropriate Civil Defence Commissioner that a civil defence emergency has

occurred or may occur in any region and a state of civil defence emergency has not been declared by any other person, the Director or that Civil Defence Commissioner may declare a state of regional civil defence emergency.

(4) Any person who is authorised under this section to declare a state of regional civil defence emergency may declare that the state of regional civil defence emergency exists in respect of the whole or any defined part of the region.

(5) A state of regional civil defence emergency may be declared with a limited purpose where, in the opinion of the person declaring the state of regional civil defence emergency, it is only necessary for the purpose of enabling the Civil Defence Commissioner, a Controller, the Police, or traffic officers to exercise the powers conferred on them by sections 60 to 64 of this Act.

(6) A state of regional civil defence emergency may be declared in a region that is not affected by a civil defence emergency if, in the opinion of any person authorised to declare a state of civil defence emergency in respect of that region, the resources of that region are needed to assist any other region or district in respect of which a state of civil defence emergency is in force.

(7) The fact that any person authorised by this section declares a state of regional civil defence emergency shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased.

(8) Where any declaration of a state of regional civil defence emergency is made, any state of local civil defence emergency then in force in the region or part of the region to which the state of regional civil defence emergency relates shall be deemed to be terminated.

(9) Nothing in this section shall authorise any person to declare a state of regional civil defence emergency while a state of national emergency is in force or a state of national civil defence emergency is in force in respect of the region.

Cf. 1962, No. 36, ss. 22 (9), (9A), 22A (1), 22B; 1968, No. 133, s. 4; 1975, No. 39, ss. 4 (2), 5, 6

52. Declaration of state of local civil defence emergency—(1) Subject to subsection (2) of this section, if at any time it appears to the Chairman of a territorial authority that a civil defence emergency has occurred or may occur within the district of the territorial authority he may declare a state of local civil defence emergency in respect of that district.

(2) The power conferred on the Chairman of a territorial authority by subsection (1) of this section to declare a state of local civil defence emergency shall, in the case of a civil defence emergency that has occurred or may occur in the district of a territorial authority that has combined with other territorial authorities under section 34 (2) of this Act, be exercisable only by the Chairman of the administering territorial authority.

(3) The power conferred on the Chairman of a territorial authority or the Chairman of an administering territorial authority by subsection (1) or subsection (2) of this section to declare a state of local civil defence emergency may be exercised by—

- (a) The Local Controller if the Chairman is out of communication with the Local Controller; or
- (b) Any person nominated for this purpose in the operative local civil defence plan, if both the Chairman and the Local Controller are out of communication with that person.

(4) Nothing in any of subsections (1), (2), and (3) of this section shall authorise any person to declare a state of local civil defence emergency in respect of any district for which there is no operative local civil defence plan.

(5) If at any time it appears to the appropriate Civil Defence Commissioner that a civil defence emergency has occurred or may occur—

- (a) In any district within a region in respect of which he has been appointed under section 10 of this Act; or
- (b) In a district in respect of which he has been appointed under section 14 of this Act—

and a state of local civil defence emergency has not been declared by any other person, the Civil Defence Commissioner may declare a state of local civil defence emergency in respect of that district.

(6) The fact that any person authorised by this section declares a state of local civil defence emergency shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased.

(7) Nothing in this section shall authorise any person to declare a state of local civil defence emergency while a state of national emergency is in force or a state of national civil defence emergency or regional civil defence emergency is in force in respect of the district or combined district.

Cf. 1962, No. 36, s. 22 (3)-(6); 1968, No. 133, s. 4

53. Police may request declaration of regional or local civil defence emergency—If at any time it appears to a senior member of the Police present in any region or district that a state of civil defence emergency has occurred or may occur within the region or district, he may—

- (a) Notify any person who is authorised to declare a state of regional or local civil defence emergency and is not the Director or a Civil Defence Commissioner of the reasons why it appears to him that a state of civil defence emergency should be declared, and request him to exercise his power to declare a state of civil defence emergency; and
- (b) If that person declines to exercise his power to declare a state of civil defence emergency, give similar notification to the Civil Defence Commissioner and request him to declare a state of civil defence emergency.

Cf. 1962, No. 36, s. 22 (7A), (8); 1979, No. 40, s. 6

54. Commencement and duration of state of civil defence emergency—(1) Every state of civil defence emergency shall come into force immediately upon the making of the declaration declaring it, or such later time and date as may be specified in that declaration.

(2) Every state of civil defence emergency shall expire with the commencement of the 7th day after the date on which it was declared, or such earlier time and date as may be specified in the declaration of the state of civil defence emergency.

(3) Nothing in subsection (2) of this section shall prevent the extension or termination of a state of civil defence emergency under section 55 or section 56 of this Act.

Cf. 1962, No. 36, ss. 22 (13), 25; 1968, No. 133, s. 4

55. Extension of state of civil defence emergency—(1) Any state of national civil defence emergency may be extended by declaration made by the Minister.

(2) Any state of regional civil defence emergency may be extended by declaration by the Director or by the Chairman of the regional or united council acting with the concurrence of the Director.

(3) Any state of local civil defence emergency may be extended by declaration by the Civil Defence Commissioner, or by the Chairman of the territorial authority or administering territorial authority acting with the concurrence of the Civil Defence Commissioner.

(4) Every extension of a state of civil defence emergency shall expire with the commencement of the 7th day after the date on which it was declared or such earlier time and date as may be specified in the declaration of the extension of the state of civil defence emergency.

(5) Nothing in subsection (4) of this section shall prevent the termination of a state of civil defence emergency under section 56 of this Act, or the making of another declaration under this section, before the expiration of the state of civil defence emergency (as extended), further extending the state of civil defence emergency.

Cf. 1962, No. 36, s. 26; 1968, No. 133, s. 6; 1975, No. 39, s. 8

56. Termination of state of civil defence emergency—

(1) Any person who is authorised to declare a state of civil defence emergency may, by declaration, terminate that state of civil defence emergency, whether or not the declaration of the state of civil defence emergency or any extension of it was made by that person.

(2) Every declaration under subsection (1) of this section shall take effect from the time and date of the declaration or such later time and date as may be specified in the declaration.

57. Form and publication of declaration of state of civil defence emergency and declaration extending or terminating state of civil defence emergency—

(1) Every person who declares a state of civil defence emergency, or extends or terminates a state of civil defence emergency, shall do so by a declaration in the appropriate form set out in the First Schedule to this Act or a form of similar effect, but in any event containing the following particulars:

- (a) His name, office, and authority for making the declaration; and
- (b) The time and date of the declaration; and
- (c) The area affected; and
- (d) The limited purpose of the state of emergency, where it is declared with a limited purpose under section 51 (5) of this Act.

(2) The validity of any declaration under subsection (1) of this section shall not be affected by the inclusion in it of any additional information not specified in the appropriate form set out in the First Schedule to this Act or in subsection (1) of this section.

(3) Every person who makes a declaration in accordance with subsection (1) of this section shall forthwith give public notice of the declaration by such means of communication as are reasonably practicable in the circumstances of the case and shall ensure that the declaration is published in the *Gazette* as soon as practicable.

Cf. 1962, No. 36, s. 22 (10)–(12); 1968, No. 133, s. 4; 1975, No. 39, s. 4 (3)

PART V

PROVISIONS RELATING TO STATE OF NATIONAL EMERGENCY OR STATE OF CIVIL DEFENCE EMERGENCY

58. Functions and powers of regional and united councils and territorial authorities—(1) Every regional or united council and territorial authority shall, during any state of national emergency or civil defence emergency in force in its region or district, implement civil defence measures within its region or district and grant assistance to other regional and united councils and territorial authorities in the implementation of civil defence measures in their regions or districts.

(2) While a state of national emergency or a state of national or regional civil defence emergency is in force in respect of a region or any part of a region, the regional or united council may exercise any of the powers specified in subsection (5) of this section.

(3) Subject to subsection (4) of this section, any territorial authority in respect of whose district there is an operative local civil defence plan may, while a state of national emergency or a state of civil defence emergency is in force in respect of its district, exercise any of the powers specified in subsection (5) of this section.

(4) Where any territorial authority is exercising any power specified in subsection (5) of this section during a state of national emergency or national or regional civil defence emergency, the territorial authority shall exercise its powers subject to the directions and requirements of the Regional Controller or, if there is no Regional Controller, subject to the directions and requirements of the Civil Defence Commissioner.

(5) For the purposes of civil defence any regional or united council or territorial authority may, in the circumstances specified in subsection (2) or subsection (3) of this section, as the case may be,—

- (a) Carry out or require to be carried out works, clearing of roads and other public places, and the removal and disposal of dangerous structures and materials:
 - (b) Provide for the rescue of endangered persons and their removal to areas of safety:
 - (c) Set up first-aid posts, and provide for first aid to casualties and their movement to hospital or areas of safety:
 - (d) Provide for the relief of distress including emergency food, clothing, and shelter:
 - (e) Provide for the conservation and supply of food, fuel, and other essential supplies:
 - (f) Prohibit or regulate land, air, and water traffic within the region or district to give effect to civil defence measures:
 - (g) Undertake emergency measures for the disposal of the dead where it is satisfied that such measures are urgently necessary in the interests of public health:
 - (h) Disseminate information and advice to the public:
 - (i) Provide equipment, accommodation, and facilities for the exercise of any of the powers conferred by this subsection.
- (6) Where—
- (a) A state of national emergency or civil defence emergency has been declared in respect of any district or combined district; and
 - (b) Owing to the suddenness of the occurrence, the interruption of communications, or any other cause, the territorial authority or the uniting territorial authorities are prevented from carrying out immediate and effective civil defence measures in that district or combined district—
- the senior member of the Police present in the district or combined district may exercise such of the powers specified in subsection (5) of this section as are in his opinion necessary in the circumstances.
- (7) The authority conferred by subsection (6) of this section shall cease when the territorial authority or the uniting territorial authorities or any person authorised to act on its or their behalf under section 67 of this Act, or the Local Controller is able to exercise the powers conferred by subsection (5) of this section.

Cf. 1962, No. 36, ss. 38A, 42 (4); 1968, No. 133, s. 19 (4); 1975, No. 39, s. 16; 1979, No. 40, s. 9

59. Proof of identity—Any person exercising any power conferred upon him by any of sections 60 to 64 of this Act shall—

- (a) Have with him, and produce if requested to do so, evidence of his identity; and
- (b) If requested to do so, produce evidence of or give a general explanation of the authority under which he is acting and the power or powers he is exercising.

60. Evacuation of premises and places—(1) Where a state of national emergency or civil defence emergency is in force, and, in the opinion of the Civil Defence Commissioner, a Regional or Local Controller, or any constable, the action authorised by this subsection is urgently necessary for the preservation of human life, that person or any person authorised by him may, without any further authority than this subsection, require the evacuation of any premises or place (including any public place), or the exclusion of persons or vehicles from any premises or place (including any public place) within the area in respect of which the state of national emergency or civil defence emergency is in force.

(2) Every person commits an offence against this Act who wilfully fails to comply with any direction given to him under subsection (1) of this section.

(3) It shall be a defence to any proceedings for an offence against this section if the Court is satisfied that the Civil Defence Commissioner, Controller, or constable did not have reasonable grounds for believing that in all the circumstances of the case the requirement was urgently necessary for the preservation of human life.

Cf. 1962, No. 36, s. 49; 1968, No. 133, s. 19 (4)

61. Entry on premises—Where a state of national emergency or civil defence emergency is in force in any area, the Civil Defence Commissioner, the Regional and Local Controllers, any constable, or any person acting under the authority of any such person may enter upon, and if necessary break into, any premises or place within the area in respect of which the state of national emergency or civil defence emergency is in force, where he believes on reasonable grounds that such action is necessary for saving life, or preventing injury, or rescuing and removing injured or endangered persons, or permitting or facilitating the carrying out of any urgent measure in respect of the relief of suffering or distress.

Cf. 1962, No. 36, s. 52; 1968, No. 133, s. 19 (4)

62. Closing of roads and public places—(1) Where a state of national emergency or civil defence emergency is in force the Civil Defence Commissioner, the Regional and Local Controllers, any constable, or any person so authorised in the operative regional or local civil defence plan may totally or partially prohibit or restrict public access, with or without vehicles on any road or public place within the area in respect of which the state of national emergency or civil defence emergency is in force.

(2) Every person commits an offence against this Act who fails to comply with any prohibition or restriction imposed under this section.

Cf. 1962, No. 36, s. 50; 1968, No. 133, s. 19 (4); 1979, No. 59, s. 8 (3)

63. Removal of vehicles—Where a state of national emergency or civil defence emergency is in force, the Civil Defence Commissioner, the Regional and Local Controllers, any constable or traffic officer, or any other person acting under the authority of any such person may remove from any road or public place within the area in respect of which the state of national emergency or civil defence emergency is in force, any vehicle impeding civil defence operations; and, where reasonably necessary for that purpose, he may use force or may break into any such vehicle.

Cf. 1962, No. 36, s. 51; 1968, No. 133, s. 19 (4)

64. Requisitioning powers—(1) Where a state of national emergency or civil defence emergency is in force, and, in the opinion of the Civil Defence Commissioner or the Regional or Local Controller, or any constable, the action authorised by this subsection is urgently necessary for the preservation of human life, he or any person authorised by him may, without any further authority than this subsection, require the owner or person for the time being in control of any land, building, vehicle, horse, boat, apparatus, implement, earth-moving equipment, construction materials or equipment, furniture, bedding, food, medicines, medical supplies, or any other equipment, materials, or supplies (in this section referred to as requisitioned property) forthwith to place that requisitioned property under his control and direction or control and direction of a Civil Defence Commissioner, Controller, constable, or person so authorised if that person has requested the person making the requisition to do so on his behalf.

(2) Any person exercising any power conferred upon him by subsection (1) of this section shall give to the owner or person in charge of the requisitioned property a written statement specifying the property that is requisitioned and the person under whose control the property is to be placed.

(3) Where the owner or person for the time being in control of any property that may be requisitioned under subsection (1) of this section cannot be immediately found the Civil Defence Commissioner, Controller, constable, or person so authorised may assume forthwith the control and direction of the requisitioned property.

(4) Where any person assumes the control and direction of requisitioned property under subsection (3) of this section that person shall ensure that, as soon as reasonably practicable in the circumstances, a written statement specifying the property that has been requisitioned and the person under whose control it has been placed is given to the owner or person formerly in charge of the requisitioned property.

(5) Every person commits an offence against this Act who fails to comply with any direction given to him under subsection (1) of this section.

(6) It shall be a defence in any proceedings for an offence against this section if the Court is satisfied that the Civil Defence Commissioner, Controller, or constable did not have reasonable grounds for believing that in all the circumstances of the case the requirement was urgently necessary for the preservation of human life.

Cf. 1962, No. 36, s. 48; 1965, No. 53, s. 15; 1968, No. 133, s. 19 (4)

65. Compensation payable where property requisitioned—(1) Where any requisitioned property has come under the control of any person acting under section 64 of this Act, other than a Regional or Local Controller or person authorised by him and acting in a state of regional or local civil defence emergency, there shall, on application by any person having an interest in the requisitioned property, be payable, out of money appropriated by Parliament, reasonable compensation for—

- (a) The use of that requisitioned property while under that control; and
- (b) Any loss of or damage or injury to that requisitioned property suffered or incurred while under that control.

(2) Where any requisitioned property has come under the control of a Regional or Local Controller or of a person authorised by a Regional or Local Controller during a state of regional or local civil defence emergency, there shall, on application by any person having an interest in the requisitioned property be payable, by the regional or united council or by the territorial authority or the uniting territorial authorities, as the case may be, reasonable compensation for—

- (a) The use of that requisitioned property while under that control; and
- (b) Any loss of or damage or injury to that requisitioned property suffered while under that control.

(3) Where there is any dispute as to the entitlement of any person to compensation under this section, or as to the amount of such compensation, or as to the liability of the Crown or any regional or united council or territorial authority to pay any such compensation, the matter shall be determined by any Court of competent jurisdiction.

Cf. 1962, No. 36, s. 48 (3), (4); 1965, No. 53, s. 15 (b), (c); 1968, No. 133, s. 19 (4)

66. Protection from liability—Except as provided in sections 65 and 75 of this Act, no action or proceeding shall be brought against the Crown, or any organisation, local authority, regional or united council or territorial authority, or any officer or employee of them, or any member of a regional or united council or territorial authority, or against any other person whatsoever, to recover damages for any loss of or damage to property that is due directly or indirectly to a state of national emergency or civil defence emergency, whether the loss or damage is caused by any person taking any action, or failing to take any action, in the exercise or performance in good faith of his functions, duties, or powers under this Act.

Cf. 1962, No. 36, s. 47; 1979, No. 40, s. 10

67. Powers of Chairman and others in urgent cases—

(1) Where—

- (a) A state of national emergency or civil defence emergency is in force in respect of any region; and
- (b) For any reason whatsoever the regional or united council is prevented from exercising all or any of the powers conferred by this Act, or fails to do so; and

(c) No delegation has been made by the regional or united council under section 33 of this Act, or in the opinion of the Chairman of the regional or united council any such delegation is inadequate or inoperable—
the Chairman of the regional or united council may, if he considers it necessary or desirable, exercise on behalf of the regional or united council such of the powers conferred on the regional or united council by this Act as he thinks fit until such time as the regional or united council assumes or resumes the exercise of those powers.

(2) Where—

(a) A state of national emergency or civil defence emergency is in force in respect of any district or combined district; and

(b) For any reason whatsoever the territorial authority or the uniting territorial authorities are prevented from exercising all or any of the powers conferred by this Act, or fail to do so; and

(c) No delegation has been made by the territorial authority or uniting territorial authorities under section 42 of this Act, or in the opinion of the Chairman of the territorial authority or, as the case may be, of the administering territorial authority, any such delegation is inadequate or inoperable—

the Chairman of the territorial authority or, as the case may be, of the administering territorial authority, may, if he considers it necessary or desirable, exercise on behalf of the territorial authority or uniting territorial authorities such of the powers conferred on the territorial authority or uniting territorial authorities by this Act as he thinks fit until such time as the territorial authority or uniting territorial authorities assume or resume the exercise of those powers.

(3) On the occurrence from any cause of vacancies in both the office of Chairman and the office of Deputy Chairman or in the incapacity of both the Chairman and the Deputy Chairman for any reason, and so long as the vacancies or incapacities continue, the Regional Controller in the case of a regional or united council, or the Local Controller, in the case of a territorial authority, may exercise the powers conferred on the Chairman by this section.

(4) The fact that any person specified in this section exercises any power conferred by this section shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion authorising him to do so has arisen or ceased.

(5) Nothing in this section shall apply where a Commissioner for Disaster Recovery has been appointed pursuant to section 692B of the Local Government Act 1974.

Cf. 1962, No. 36, s. 42

68. Contracts in urgent cases—(1) Notwithstanding anything in the Public Bodies Contracts Act 1959 or in section 33 (b) of this Act, the Chairman, Deputy Chairman, principal administrative officer, treasurer, engineer, or any other employee of a regional or united council specified in the operative plan of the regional or united council or the Regional Controller may from time to time during a state of national emergency or regional civil defence emergency enter into any contract on behalf of the regional or united council for any of the purposes of this Act.

(2) Notwithstanding anything in the Public Bodies Contracts Act 1959 or section 42 (b) of this Act, the Chairman, Deputy Chairman, principal administrative officer, treasurer, engineer, or any other employee of a territorial authority specified in the operative local civil defence plan or the Local Controller may from time to time during a state of national emergency or local civil defence emergency enter into any contract on behalf of the territorial authority for any of the purposes of this Act.

(3) Any person who exercises the power conferred upon him by this section shall report the full circumstances of its exercise to the regional or united council or the territorial authority, as the case may be, at its next ordinary meeting or, where that is not practicable, at its next succeeding ordinary meeting.

Cf. 1962, No. 36, s. 43

PART VI

MISCELLANEOUS PROVISIONS

Disaster Recovery

69. Appointment of Disaster Recovery Co-ordinator—

(1) If a state of civil defence emergency is in force, and the Minister is satisfied that the regional or united council or territorial authority, as the case may be, is or is likely to be unable to ensure the effective co-ordination of the resources necessary to restore necessary services, amenities, and habitation, the Minister may appoint, upon such terms and conditions as he considers fit, a Disaster Recovery Co-ordinator for the region or district.

(2) Every Co-ordinator shall hold office for a specified term, not exceeding 28 days, and may from time to time be reappointed, whether or not the state of civil defence emergency is then in force.

(3) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956 by reason of his holding the office of Disaster Recovery Co-ordinator.

(4) Every notice appointing or reappointing a Co-ordinator shall—

- (a) Specify the term of his appointment:
- (b) Specify the region or district in respect of which his powers may be exercised:
- (c) Specify whether or not the Co-ordinator has powers that may be conferred upon him under subsection (2) or subsection (3) of section 71 of this Act:
- (d) Be published in the *Gazette* as soon as practicable.

70. Co-ordinator may be Commissioner for Disaster Recovery—Any person who is appointed as a Co-ordinator under section 69 of this Act may also be appointed as a Commissioner for Disaster Recovery or a Deputy Commissioner for Disaster Recovery under section 692B or section 692C of the Local Government Act 1974.

71. Functions, duties, and powers of Co-ordinator during state of civil defence emergency—(1) Where a Co-ordinator is appointed and a state of civil defence emergency is in force he shall, in respect of the region or district for which he has been appointed, be responsible to the Civil Defence Commissioner for the direction and co-ordination of the use of all resources and services made available by Departments, organisations, local authorities, regional or united councils, and territorial authorities for the restoration of necessary services, amenities, and habitation.

(2) Where a Co-ordinator is appointed in respect of any region or district for which a regional or united council has responsibility for civil defence measures under this Act, and a state of regional civil defence emergency is in force he shall—

- (a) Where there is no operative regional civil defence plan;
or
- (b) Where the Minister is satisfied that the Regional Controller is or is likely to be unable to direct and co-ordinate the necessary civil defence measures—

assume and may exercise, subject to the direction of the Civil Defence Commissioner, all the functions, duties, and powers of the Regional Controller.

(3) Where a Co-ordinator is appointed in respect of the district of a territorial authority and a state of local civil defence emergency is in force, he shall—

(a) Where there is no operative local civil defence plan; or

(b) Where the Minister is satisfied that the Local Controller is or is likely to be unable to direct and co-ordinate the necessary civil defence measures—

assume and may exercise, subject to the direction of the Civil Defence Commissioner, all the functions, duties, and powers that the Local Controller would be required or entitled to perform or exercise if there was an operative local civil defence plan.

(4) Where the powers referred to in subsection (2) or subsection (3) of this section are conferred upon any Co-ordinator, the Co-ordinator shall be deemed to be the Regional Controller or Local Controller, as the case may be, for the purposes of this Act.

72. Functions, duties, and powers of Co-ordinator after civil defence emergency—Where a state of regional or local civil defence emergency is no longer in force the Co-ordinator shall be responsible to the Secretary for the direction and co-ordination of the use of all resources made available by Departments, local authorities, organisations, regional or united councils, and territorial authorities for the restoration of necessary services, amenities, and habitation in the region or district.

General Provisions

73. Minister's power of direction—(1) Where a state of national emergency or civil defence emergency is in force, or the Minister considers that an imminent threat of a national emergency or civil defence emergency exists, the Minister may, if he considers that, having regard to all the circumstances, it is expedient to do so, direct any regional or united council, territorial authority, uniting territorial authorities, or person to perform any functions or duties or exercise any of the powers conferred by this Act on that regional or united council, territorial authority, or those uniting territorial authorities, or that person or to cease to perform those functions or duties or exercise any of those powers being performed or exercised by the regional or united council, territorial authority, uniting territorial authorities, or person.

(2) Where, under subsection (1) of this section, the Minister directs any regional or united council or territorial authority or uniting territorial authorities or person to perform any function or duty or exercise any power, he may direct that that function, duty, or power shall be performed or exercised under the control and to the satisfaction of the appropriate Civil Defence Commissioner.

Cf. 1962, No. 36, s. 44; 1968, No. 133, s. 19 (4)

74. Absence on duty not to affect employment rights—

(1) No person who is absent from his accustomed employment on civil defence operations during a state of national emergency or civil defence emergency shall be liable to dismissal from that employment by reason only of his absence on civil defence operations, whether or not his accustomed employer has consented to that absence.

(2) Nothing in this section shall be construed as imposing on the employer of any person any obligation to pay to him any remuneration in respect of any period of absence from his employment on civil defence operations.

Cf. 1962, No. 36, s. 54; 1968, No. 133, s. 19 (4)

75. Compensation for loss of or damage to personal property—

(1) Subject to subsections (4) and (5) of this section, every member of a civil defence organisation established by a regional or united council, territorial authority, or uniting territorial authorities, and any other person who carries out civil defence work or duties under the direction of a Civil Defence Commissioner, Controller, or Co-ordinator and who suffers loss of or damage to his personal property occasioned by the exercise or performance of work or duties arising from a state of national emergency or civil defence emergency shall be entitled to receive compensation equal to—

- (a) The value of any personal property that has been lost;
or
- (b) The diminution in value of any personal property that has been damaged.

(2) Subject to subsections (4) and (5) of this section every member of a civil defence organisation established by a regional or united council, territorial authority, or uniting territorial authorities who carries out civil defence work, duties, or training conducted at any time under the control or authority of—

- (a) The regional or united council, territorial authority, or uniting territorial authorities that established the civil defence organisation of which the claimant is a member; or
- (b) The Director or a Civil Defence Commissioner, or any person authorised to act in place of the Director or the Civil Defence Commissioner; or
- (c) A Controller; or
- (d) Any person acting under the authority of any council, authority, or person specified in paragraphs (a) to (c) of this subsection—

and who suffers loss of or damage to his personal property occasioned by the civil defence work, duties, or training shall be entitled to receive compensation equal to—

- (e) The value of any personal property that has been lost; or
- (f) The diminution in value of any personal property that has been damaged.

(3) Subsection (2) of this section may, at the discretion of the Minister, be applied in respect of any person who is not a member of a civil defence organisation established by a regional or united council, territorial authority, or uniting territorial authorities.

(4) Subsections (1) and (2) of this section shall not apply in respect of any loss of or damage to property to the extent to which that loss or damage is covered by a contract of insurance.

(5) To the extent to which in respect of any loss of or damage to personal property, any person has recovered or having regard to the circumstances of the case may reasonably be expected to recover any damages, compensation, or *ex gratia* payment he shall not be entitled to receive any compensation under subsection (1) or subsection (2) of this section.

(6) Any compensation payable under subsection (1) or subsection (2) of this section shall be paid by—

- (a) The Crown, if the person entitled to the payment was, at the time of the loss or damage, carrying out civil defence work, duties, or training under the control of the Director or a Civil Defence Commissioner or any person acting under the authority of the Director or the Civil Defence Commissioner;
- (b) The regional or united council, the territorial authority, or uniting territorial authorities, if the person entitled to the payment was, at the time of the loss or damage, carrying out civil defence work, duties, or training under the control of—

- (i) The regional or united council, territorial authority, or uniting territorial authorities; or
- (ii) A Controller; or
- (iii) Any person acting under the authority of any of those bodies or persons.

(7) Where there is any dispute as to the entitlement of any person to compensation under this section, or as to the amount of such compensation, or as to the liability of the Crown or any regional or united council or territorial authority to pay any such compensation, the matter shall be determined by any Court of competent jurisdiction.

(8) Every payment of compensation by the Crown under this section shall be made from the Consolidated Account, out of money appropriated by Parliament for the purpose.

(9) For the purposes of this section, every traffic officer employed by a territorial authority shall be deemed to be a member of the civil defence organisation of that territorial authority, and, in the carrying out of any civil defence work, training, or duties, to be doing so under the control of the territorial authority.

(10) Notwithstanding anything to the contrary in the Social Security Act 1964, nothing in this section shall be so construed as to in any way limit or affect the entitlement of any person to any benefit under Part I or Part II of that Act.

Cf. 1962, No. 36, ss. 45A, 45B (2) (3); 1968, No. 113, s. 15; 1975, No. 39, ss. 21, 22 (2)

76. Financial provisions—(1) Any local authority, regional or united council, or territorial authority, may spend money out of its general revenues for any of the purposes of this Act.

(2) Any local authority, regional or united council, or territorial authority may, from time to time, raise a special loan under the Local Authorities Loans Act 1956 for any of the purposes specified in this Act pursuant to a special order, and notwithstanding anything in section 34 of the Local Authorities Loans Act 1956, without the prior consent of its ratepayers.

(3) Any regional or united council, territorial authority, or local authority may, out of money borrowed under subsection (2) of this section, repay to its general revenues any sum or sums or any portion of any sums from its general revenues applied during the immediately preceding period of 12 months towards any of the purposes specified in this Act.

(4) Where any territorial authorities have united for civil defence purposes under section 34 (2) of this Act, they may at

any time, by agreement, determine the apportionment of costs between them for the maintenance of civil defence in the combined district including costs relating to civil defence incurred during a state of civil defence emergency.

(5) Subject to any agreement entered into between the regional or united council and the territorial authority concerned, where a regional or united council agrees under section 31 of this Act to undertake civil defence on behalf of a territorial authority, the regional or united council may recover as a debt due to it from that territorial authority all costs and expenses incurred in respect of that civil defence.

(6) Where a state of regional civil defence emergency has been declared under paragraph (b) or paragraph (c) of section 51 (1) of this Act, the regional or united council may recover from the territorial authority or territorial authorities in respect of whose district or districts the state of regional civil defence emergency was declared all costs and expenses incurred in respect of civil defence measures taken by it in that district or those districts during the state of civil defence emergency.

Cf. 1962, No. 36, s. 46; 1968, No. 133, s. 19 (4)

77. Obstruction or personation of officers—Every person commits an offence who, during a state of national emergency or civil defence emergency, wilfully—

- (a) Prevents the Director, any Civil Defence Commissioner, Controller, member or officer of the regional or united council or territorial authority, or any person acting under the authority of any such person, or any person duly authorised or employed for carrying out any provision of this Act or any regulations made under this Act, or of any operative regional or local civil defence plan, from carrying out any such provision or obstructs or impedes any such person who is carrying out or attempting to carry out any such provision; or
- (b) Not being a person referred to in paragraph (a) of this section, for the purpose of committing or facilitating the commission of any offence under any enactment, by words, conduct, or demeanour pretends that he is such a person, or puts on or assumes the dress, name, designation, or description of such a person.

Cf. 1962, No. 36, s. 56

78. Penalty for offences—Every person who commits an offence against this Act is liable on summary conviction—

- (a) In the case of an offence committed by an individual, to imprisonment for a term not exceeding 3 months or a fine not exceeding \$1,000:
- (b) In the case of an offence committed by a body corporate, to a fine not exceeding \$10,000.

Cf. 1962, No. 36, s. 57

79. Emergency regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for such matters as are necessary or expedient for the purpose of securing the public safety and generally safeguarding the interests of the public during any state of national emergency or civil defence emergency.

(2) Without limiting the generality of subsection (1) of this section, regulations made under this section may provide for or confer upon any person holding any office under this Act or any Department, organisation, local authority, regional or united council, territorial authority, constable, or traffic officer functions, duties, or powers to provide for:

- (a) The compulsory evacuation of areas of population:
- (b) The control and provision of transport:
- (c) Emergency health measures:
- (d) The prohibition and regulation of entry into specified areas (whether public places or otherwise):
- (e) The control and distribution of food, fuel, and other essential supplies:
- (f) The provision of temporary accommodation:
- (g) The restoration of essential community services.

(3) Regulations made under this section may—

- (a) Prescribe offences in respect of the contravention of or wilful non-compliance with any provision of any regulations made under this section or of any direction given by any person acting under such regulations:
- (b) Prescribe the maximum amount of the fines that may, on summary conviction, be imposed in respect of offences against any regulations made under this section, which fines shall be an amount—
 - (i) Not exceeding \$1,000 in the case of an offence committed by a corporation:
 - (ii) Not exceeding \$500 in the case of an offence committed by an individual.

(4) Regulations made under this section may confer functions, duties, and powers on the Director for the purpose of giving effect to those regulations.

(5) In the event of any conflict between any regulations made under this section or any function, duty, or power exercisable under and in accordance with those regulations, and any Act, regulation, or bylaw other than this Act, the regulations made under this section shall prevail.

(6) No regulation made under this section shall be invalid because it deals with any matter already provided for by any Act, or because of any repugnancy to or inconsistency with any Act other than this Act.

(7) Regulations may be made under this section at any time, but such regulations shall only be in force while a state of national emergency or civil defence emergency is in force, and such regulations shall only be in force in respect of the area to which the state of civil defence emergency relates.

(8) Where—

(a) Any regulations made under this section have been laid before Parliament in accordance with section 8 of the Regulations Act 1936; or

(b) Parliament has met in accordance with subsection (2) or subsection (3) of section 49 of this Act or is otherwise sitting, and any regulations made under this section are in force—

Parliament may, by resolution, amend or revoke any regulations made under this section.

Cf. 1962, No. 36, s. 55 (1); 1968, No. 133, s. 19 (4)

80. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the form of distinguishing warrants, badges, or other insignia for civil defence personnel, and regulating the use and wearing of such warrants, badges, or other insignia:
- (b) Prescribing the form of identification passes for civil defence purposes, and regulating their use:
- (c) Prescribing matters relating to the provision, maintenance, control, and operation of warning systems:
- (d) Prescribing forms that may be used for the purposes of this Act:
- (e) Prescribing fines not exceeding \$500 for the breach of any regulation made under this section:

- (f) Providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

Cf. 1962, No. 36, s. 55 (4)

81. Savings and transitional provisions—(1) Every national, regional, or local civil defence plan that has been approved under the Civil Defence Act 1962 and is operative immediately before the commencement of this Act shall be deemed to have been approved under this Act.

(2) Where any plan referred to in subsection (1) of this section has been submitted to any person for approval under the Civil Defence Act 1962 it shall be deemed to have been so submitted under this Act and shall be considered and dealt with as if it had been submitted under this Act.

(3) Nothing in this Act shall affect the rights of any party to any proceedings commenced in any Court before the commencement of this Act.

(4) All claims for compensation commenced under any provisions repealed by this Act shall be continued and completed in all respects as if the Civil Defence Act 1962 remained in force.

82. Amendment to Local Authorities Loans Act 1956—Section 21 (1) of the Local Authorities Loans Act 1956 is hereby amended by inserting, before the word “flood”, the words “national emergency, civil defence emergency,”.

83. Consequential amendments—The enactments specified in the first column of the Second Schedule to this Act are hereby consequentially amended in the manner indicated in the second column of that Schedule.

84. Repeals and saving—(1) The enactments specified in the Third Schedule to this Act are hereby repealed.

(2) Notwithstanding the repeal of the enactments specified in the Third Schedule to this Act by subsection (1) of this section, the amendments to sections 2 and 4 (1) of the Public Safety Conservation Act 1932 effected by section 58 (2) of the Civil Defence Act 1962 and section 19 of the Civil Defence Amendment Act 1968 shall continue in force as if those enactments had not been repealed.

85. Revocations—The regulations and notices specified in the Fourth Schedule to this Act are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Section 57

FORMS

Declaration of State of National Civil Defence Emergency

PURSUANT to section 50 of the Civil Defence Act 1983, I, [Name] hereby declare a state of national civil defence emergency to be in force throughout all New Zealand (or omit final words and specify a part of New Zealand).

The state of national civil defence emergency shall come into force on the time and date of the making of this declaration (or omit final words and substitute a later specified time and date).

Declared by:

Designation:

Time and date of declaration:

PUBLIC NOTICE OF THIS DECLARATION MUST BE GIVEN FORTHWITH BY SUCH MEANS AS ARE REASONABLY PRACTICABLE, AND IT MUST BE PUBLISHED IN THE GAZETTE AS SOON AS PRACTICABLE.

Declaration of State of Regional Civil Defence Emergency

PURSUANT to section 51 of the Civil Defence Act 1983, I [Name] hereby declare a state of regional civil defence emergency to be in force in [Name of region or description of part of region].

The state of regional civil defence emergency has been declared for a limited purpose only, in order to enable the exercise of the powers conferred by [Specify all or any of sections 60 to 64] of the Civil Defence Act 1983. [Delete if inapplicable].

The state of regional civil defence emergency shall come into force on the time and date of the making of this declaration (or omit final words and substitute a later specified time and date).

Declared by:

Designation:

Time and date of declaration:

PUBLIC NOTICE OF THIS DECLARATION MUST BE GIVEN FORTHWITH BY SUCH MEANS AS ARE REASONABLY PRACTICABLE, AND IT MUST BE PUBLISHED IN THE GAZETTE AS SOON AS PRACTICABLE.

Declaration of State of Local Civil Defence Emergency

PURSUANT to section 52 of the Civil Defence Act 1983, I, [Name] hereby declare a state of local civil defence emergency to be in force in [Name of district or combined district].

FIRST SCHEDULE—*continued*

The state of local civil defence emergency shall come into force on the time and date of the making of this declaration (*or omit final words and substitute a later specified time and date*).

Declared by:

Designation:

Time and date of declaration:

PUBLIC NOTICE OF THIS DECLARATION MUST BE GIVEN FORTHWITH BY SUCH MEANS AS ARE REASONABLY PRACTICABLE, AND IT MUST BE PUBLISHED IN THE GAZETTE AS SOON AS PRACTICABLE.

Declaration Extending State of Civil Defence Emergency

PURSUANT to section 55 of the Civil Defence Act 1983, I, [Name] hereby extend the state of (*national, regional, local*) civil defence emergency declared in respect of (*New Zealand or part of New Zealand, region or part of region, district or combined district*) on (*Date*) until (*Specify time and date which must not be later than the commencement of the 7th day after the date of this declaration*).

Declared by:

Designation:

Time and date of declaration:

PUBLIC NOTICE OF THIS DECLARATION MUST BE GIVEN FORTHWITH BY SUCH MEANS AS ARE REASONABLY PRACTICABLE, AND IT MUST BE PUBLISHED IN THE GAZETTE AS SOON AS PRACTICABLE.

Declaration Terminating State of Civil Defence Emergency

PURSUANT to section 56 of the Civil Defence Act 1983, I, [Name] hereby terminate the state of (*national, regional, local*) civil defence emergency declared in respect of (*New Zealand or part of New Zealand, region or part of region, district or combined district*) on [*Date*].

The termination of the state of (*national, regional, local*) civil defence emergency shall take effect from the time and date of the making of this declaration (*or omit final words and substitute a later specified time and date*).

Declared by:

Designation:

Time and date of declaration:

PUBLIC NOTICE OF THIS DECLARATION MUST BE GIVEN FORTHWITH BY SUCH MEANS AS ARE REASONABLY PRACTICABLE, AND IT MUST BE PUBLISHED IN THE GAZETTE AS SOON AS PRACTICABLE.

SECOND SCHEDULE

Section 83

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

Act Amended	Amendment
1971, No. 52—The Defence Act 1971	<p>By omitting from section 43 (b) (as amended by section 2 (1) of the Defence Amendment Act 1973) the words “or during any state of national, regional, or local civil defence emergency declared under Part III of the Civil Defence Act 1962”, and substituting the words “or during any state of national or civil defence emergency declared under Part III or Part IV of the Civil Defence Act 1983”.</p> <p>By omitting from section 44 (2) (as amended by section 2 (1) of the Defence Amendment Act 1973) the words “or during any state of national, regional, or local civil defence emergency declared under Part III of the Civil Defence Act 1962”, and substituting the words “or during any state of national or civil defence emergency under Part III or Part IV of the Civil Defence Act 1983”.</p>
1974, No. 66—The Local Government Act 1974 (R.S. Vol. 5, p. 77)	<p>By adding to the Second Schedule (as enacted by section 4 (1) of the Local Government Amendment Act (No. 2) 1977) the following paragraphs:</p> <p>“11. Where any area of land is included in the district of another territorial authority, the operative local civil defence plan for the district in which the land is included shall apply to the area so included, and shall be the only operative local civil defence plan to apply in that area.</p> <p>“12. Where a new district is constituted every operative local civil defence plan that is in force in respect of any area included in that district shall continue in force until a new plan is prepared and approved for the district under Part II of the Civil Defence Act 1983.”</p>
1975, No. 42—The Fire Service Act 1975	<p>By omitting from section 30 (1) the words “Local Controller of Civil Defence”, and substituting the words “Regional or Local Controller of Civil Defence, as the case may be,”.</p>
1977, No. 52—The Forest and Rural Fires Act 1977	<p>By omitting from section 36 (1) (f) the words “Local Controller of Civil Defence”, and substituting the words “Regional or Local Controller of Civil Defence, as the case may be,”.</p>

THIRD SCHEDULE

Section 84 (1)

ENACTMENTS REPEALED

- 1962, No. 36—The Civil Defence Act 1962. (Reprinted 1976, Vol. 3, p. 2379.)
- 1965, No. 53—The Civil Defence Amendment Act 1965. (Reprinted 1976, Vol. 3, p. 2435.)
- 1967, No. 61—The Civil Defence Amendment Act 1967. (Reprinted 1976, Vol. 3, p. 2436.)
- 1968, No. 133—The Civil Defence Amendment Act 1968. (Reprinted 1976, Vol. 3, p. 2437.)
- 1971, No. 86—The Civil Defence Amendment Act 1971. (Reprinted 1976, Vol. 3, p. 2440.)
- 1973, No. 57—The Defence Amendment Act 1973.
- 1975, No. 39—The Civil Defence Amendment Act 1975. (Reprinted 1976, Vol. 3, p. 2440.)
- 1976, No. 132—The Broadcasting Act 1976: So much of the Schedule as relates to the Civil Defence Act 1962.
- 1979, No. 40—The Civil Defence Amendment Act 1979.

FOURTH SCHEDULE

Section 85

REGULATIONS AND NOTICES REVOKED

Title	Statutory Regulations Serial Number
The Civil Defence Emergency Regulations 1978 ..	S.R. 1978/231
The Civil Defence Regions Notice 1983 ..	S.R. 1983/75

This Act is administered in the Department of Internal Affairs.