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Civil Defence Emergency Management Act 2002

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the National Emergency Management Agency.

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1 Title

This Act is the Civil Defence Emergency Management Act 2002.

2 Commencement

This Act comes into force on 1 December 2002.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act, which repeals and replaces the Civil Defence Act 1983, is to—

(a) improve and promote the sustainable management of hazards (as that term is defined in this Act) in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property; and

(b) encourage and enable communities to achieve acceptable levels of risk (as that term is defined in this Act), including, without limitation,—

(i) identifying, assessing, and managing risks; and

(ii) consulting and communicating about risks; and

(iii) identifying and implementing cost-effective risk reduction; and

(iv) monitoring and reviewing the process; and

(c) provide for planning and preparation for emergencies and for response and recovery in the event of an emergency; and

(d) require local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the areas of reduction, readiness, response, and recovery, and encourage co-operation and joint action within those regional groups; and

(e) provide a basis for the integration of national and local civil defence emergency management planning and activity through the alignment of local planning with a national strategy and national plan; and

(f) encourage the co-ordination of emergency management, planning, and activities related to civil defence emergency management across the wide range of agencies and organisations preventing or managing emergencies under this Act and the Acts listed in section 17(3).

4 Interpretation

In this Act, unless the context otherwise requires,—

administering authority means, in relation to a Civil Defence Emergency Management Group, the administering authority described in section 23

area, in relation to a Civil Defence Emergency Management Group,—

(a) means all the districts of the local authorities that are members of the Group; and

(b) extends to—

(i) the landward boundary of the territorial authorities in the Group; and

(ii) the seaward boundary of the regions of regional councils or unitary authorities in the Group

chief executive officer, in relation to a provider, means—

(a) in relation to a company, the person occupying the position of chief executive of the company, by whatever name called:

(b) in relation to a partnership, a partner nominated for the purpose by the partnership:

(c) in relation to an individual provider, the provider:

(d) in relation to any other provider, including an unincorporated body, a person occupying a position that is comparable with that of chief executive officer of a company, by whatever name called

civil defence emergency management—

(a) means the application of knowledge, measures, and practices that—

(i) are necessary or desirable for the safety of the public or property; and

(ii) are designed to guard against, prevent, reduce, recover from, or overcome any hazard or harm or loss that may be associated with any emergency; and

(b) includes, without limitation, the planning, organisation, co-ordination, and implementation of those measures, knowledge, and practices

Civil Defence Emergency Management Co-ordinating Executive Group or **Executive Group** means a Group established under section 20

Civil Defence Emergency Management Group or **Group** means a Group established under section 12 or established or re-established under section 22

civil defence emergency management group plan means a plan prepared and approved under section 48

civil defence emergency management plan means a national civil defence emergency management plan or a civil defence emergency management group plan

constable—

(a) has the same meaning as in section 4 of the Policing Act 2008; and

(b) in Part 5B, includes any person acting under the authority of a constable

Controller means the person who is the National Controller in accordance with section 10, or a Group Controller appointed under section 26

department means a public service agency as defined in section 5 of the Public Service Act 2020

Director means the Director of Civil Defence Emergency Management appointed under section 8

district means the district of a local authority; and includes a region

emergency means a situation that—

(a) is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and

(b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand; and

(c) cannot be dealt with by emergency services, or otherwise requires a significant and co-ordinated response under this Act

emergency services means the New Zealand Police, Fire and Emergency New Zealand, and providers of health and disability services

Group Controller means a person appointed as a Group Controller under section 26

Group Recovery Manager means a person appointed as a Group Recovery Manager under section 29

hazard means something that may cause, or contribute substantially to the cause of, an emergency

health and disability services means services as defined in section 4 of the Healthy Futures (Pae Ora) Act 2022

lifeline utility means an entity named or described in Part A of Schedule 1, or that carries on a business described in Part B of Schedule 1

local authority means a local authority within the meaning of the Local Government Act 2002

Local Recovery Manager means a person appointed as a Local Recovery Manager under section 30

local transition period means a local transition period notified under section 94B

member means a local authority that is a member of a Civil Defence Emergency Management Group

Minister means, subject to any enactment, the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

national civil defence emergency management plan means a plan made under section 39

national civil defence emergency management strategy means a strategy completed under section 31

National Controller means the person who is the National Controller in accordance with section 10

National Recovery Manager means the person who is delegated specified functions and powers of the Director under section 11A

national significance includes, without limitation, any case where the Minister or the Director considers that—

(a) there is widespread public concern or interest; or

(b) there is likely to be significant use of resources; or

(c) it is likely that the area of more than 1 Civil Defence Emergency Management Group will be affected; or

(d) it affects or is likely to affect or is relevant to New Zealand's international obligations; or

(e) it involves or is likely to involve technology, processes, or methods that are new to New Zealand; or

(f) it results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment)

national transition period means a national transition period notified under section 94A

owner, in relation to a structure, includes (but is not limited to) a person who owns part of the structure

provider of health and disability services means a provider as defined in section 4 of the Healthy Futures (Pae Ora) Act 2022

public place means a place that, at any material time, is—

(a) open to or is being used by the public, whether free or on payment of a charge, and whether or not any owner or occupier of the place is lawfully entitled to exclude or reject any person; and

(b) includes, without limitation, any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward

recovery means the co-ordinated efforts and processes used to bring about the immediate, medium-term, and long-term holistic regeneration and enhancement of a community following an emergency

recovery activity means an activity carried out under this Act or any civil defence emergency management plan to deal with the consequences of an emergency, including, without limitation,—

(a) the assessment and ongoing monitoring of the needs of a community affected by the emergency; and

(b) the co-ordination and integration of planning, decisions, actions, and resources; and

(c) measures to support—

(i) the regeneration, restoration, and enhancement of communities across the 4 environments (built, natural, social, and economic); and

(ii) the cultural and physical well-being of individuals and their communities; and

(iii) government and non-government organisations and entities working together; and

(d) measures to enable community participation in recovery planning; and

(e) new measures—

(i) to reduce risks from hazards; and

(ii) to build resilience

Recovery Manager means the National Recovery Manager, a Group Recovery Manager, or a Local Recovery Manager, and includes any person acting under the authority of the National Recovery Manager, a Group Recovery Manager, or a Local Recovery Manager

region means a region within the meaning of the Local Government Act 2002

regional council means a regional council within the meaning of the Local Government Act 2002

representative means an elected member of a local authority, including an elected member of a community board

responsible department means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

risk means the likelihood and consequences of a hazard

road has the same meaning as in section 2(1) of the Land Transport Act 1998

state of emergency means a state of national emergency or a state of local emergency

state of local emergency means a state of local emergency declared under section 68 or section 69

state of national emergency means a state of national emergency declared under section 66

State services has the same meaning as in section 5 of the Public Service Act 2020

territorial authority means a territorial authority within the meaning of the Local Government Act 2002

transition period means a national transition period or a local transition period

unitary authority means a unitary authority within the meaning of the Local Government Act 2002

working day means any day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) a day in the period beginning on 25 December in any year and ending with 15 January in the following year.

Section 4 **administering authority**: amended, at 9.59 pm on 29 November 2016, by section 4(1) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **area**: replaced, at 9.59 pm on 29 November 2016, by section 4(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **chief executive officer**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **civil defence emergency management** paragraph (a)(ii): amended, at 9.59 pm on 29 November 2016, by section 4(3) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **constable**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **department**: replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 4 **district**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 4 **emergency services**: amended, on 27 August 2025, by section 111(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 4 **emergency services**: amended, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 4 **emergency services**: amended, at 9.59 pm on 29 November 2016, by section 4(4) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **Group Recovery Manager**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **health and disability services**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 4 **health and disability services**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 4 **hospital and health service**: repealed, at 9.59 pm on 29 November 2016, by section 4(6) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **local authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 4 **Local Recovery Manager**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **local transition period**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **National Recovery Manager**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **national transition period**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **owner**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **provider of health and disability services**: replaced, on 1 July 2022, by section 104 of the Pae Ora (Healthy Futures) Act 2022 (2022 No 30).

Section 4 **provider of health and disability services**: amended, on 10 July 2026, by section 41(1) of the Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40).

Section 4 **recovery**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **recovery activities**: repealed, at 9.59 pm on 29 November 2016, by section 4(7) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **recovery activity**: inserted, at 9.59 pm on 29 November 2016, by section 4(7) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **Recovery Co-ordinator**: repealed, at 9.59 pm on 29 November 2016, by section 4(8) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **Recovery Manager**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **region**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 4 **regional council**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 4 **State services**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 4 **Taumata Arowai**: repealed, on 27 August 2025, by section 111(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 4 **territorial authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 4 **transition period**: inserted, at 9.59 pm on 29 November 2016, by section 4(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 4 **unitary authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 4 **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 4 **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

4A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 4A: inserted, at 9.59 pm on 29 November 2016, by section 5 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

5 Act to bind the Crown

This Act binds the Crown.

Compare: 1983 No 46 s 3

6 Act not to affect functions, duties, and powers under other Acts or general law

Unless this Act otherwise provides, this Act does not limit, is not in substitution for, and does not affect the functions, duties, or powers of any person under the provisions of any enactment or any rule of law.

Compare: 1983 No 46 s 4

7 Precautionary approach

All persons exercising functions in relation to the development and implementation of civil defence emergency management plans under this Act may be cautious in managing risks even if there is scientific and technical uncertainty about those risks.

Part 2
Appointment, functions, and powers of persons involved in civil defence emergency management

Director of Civil Defence Emergency Management

8 Appointment and functions of Director of Civil Defence Emergency Management

(1) The chief executive of the responsible department may appoint under the Public Service Act 2020 a suitably qualified and experienced person as the Director of Civil Defence Emergency Management.

(2) The functions of the Director are to—

(a) provide advice to the Minister on matters relating to civil defence emergency management:

(b) identify hazards and risks that the Director considers are of national significance:

(c) monitor and evaluate the national civil defence emergency management strategy:

(d) develop, monitor, and evaluate the national civil defence emergency management plan:

(e) develop, in consultation with the relevant persons and organisations that have responsibilities under this Act, any guidelines, codes, or technical standards that may be required for the purposes of this Act:

(f) monitor the performance of Civil Defence Emergency Management Groups and persons who have responsibilities under this Act:

(g) promote civil defence emergency management that is consistent with the purpose of this Act:

(h) during a state of national emergency or a national transition period, direct and control for the purposes of this Act the resources available for civil defence emergency management.

(3) The Director also has any other functions that are conferred or imposed on the Director by or under this Act or any other enactment.

Compare: 1983 No 46 ss 7, 8(1), (2)

Section 8(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 8(2)(h): amended, at 9.59 pm on 29 November 2016, by section 6 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

9 Powers of Director

(1) The Director has all the powers that are reasonably necessary or expedient to enable the Director to perform his or her functions.

(2) Without limiting the generality of subsection (1), the Director may—

(a) co-ordinate the use of and, during a state of national emergency or a national transition period, use, for the purposes of this Act, the personnel, material, information, services, and any other resources made available by departments, Civil Defence Emergency Management Groups, emergency services, New Zealand Defence Force (as provided in the Defence Act 1990), and other persons and in particular, without limitation, for—

(i) the provision of transport:

(ii) the removal of endangered persons and casualties from any area affected by the emergency to areas of safety or to hospitals:

(iii) 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) during a state of national emergency, control the performance of the functions and duties and the exercise of the powers of Civil Defence Emergency Management Groups and Group Controllers:

(ba) during a national transition period, control the performance of the functions and duties and the exercise of the powers of Civil Defence Emergency Management Groups and Recovery Managers:

(c) enter into arrangements, including employment arrangements, with any person for the purpose of carrying out civil defence emergency management as may be agreed:

(d) devise, promote, and carry out, or cause to be carried out, research and investigations into matters relating to civil defence emergency management:

(e) issue or cause to be issued warnings of hazards:

(f) disseminate information and advice on matters relating to civil defence emergency management:

(g) promote and carry out, or cause to be carried out, the training of personnel for civil defence emergency management purposes:

(h) co-ordinate the planning of civil defence emergency management between Civil Defence Emergency Management Groups:

(i) advise in relation to, and assist in the planning, preparation, co-ordination, and carrying out of, civil defence emergency management.

(3) Without limiting the generality of subsection (1), the Director may issue guidelines, codes, or technical standards to any person or organisation with responsibilities under this Act, including guidelines, codes, or technical standards for—

(a) the establishment and operation of Civil Defence Emergency Management Groups and Co-ordinating Executive Groups:

(b) the development of Civil Defence Emergency Management Group plans and operational plans for the response to, and recovery from, specific emergencies:

(ba) the development of strategic recovery planning for emergencies:

(c) the development of Civil Defence Emergency Management plans by the Crown, local government agencies, emergency services, and lifeline utilities:

(d) the operational role of controllers, Recovery Managers, and other persons with responsibilities under this Act:

(e) any other matters that—

(i) the Director considers necessary; and

(ii) are consistent with the purposes of this Act.

Compare: 1983 No 46 s 8

Section 9(2)(a): amended, at 9.59 pm on 29 November 2016, by section 7(1) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 9(2)(b): replaced, at 9.59 pm on 29 November 2016, by section 7(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 9(2)(ba): inserted, at 9.59 pm on 29 November 2016, by section 7(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 9(3)(b): amended, at 9.59 pm on 29 November 2016, by section 7(3) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 9(3)(ba): inserted, at 9.59 pm on 29 November 2016, by section 7(4) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 9(3)(d): amended, at 9.59 pm on 29 November 2016, by section 7(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

National Controller

10 Delegation of certain functions and powers of Director to National Controller

(1) The Director may, in writing, either generally or particularly, delegate to any person the functions and powers of the Director referred to in sections 8(2)(h) and 9(2)(a) for the purposes of dealing with any state of national emergency.

(2) The Director may exercise the power of delegation at any time, whether or not a state of national emergency is in force or is imminent.

(3) A person to whom functions and powers are delegated under this section is, while the delegation is in force, the National Controller, and has all the powers conferred on the National Controller by this Act.

(4) If no delegation has been made under this section, the Director is the National Controller and has all the powers conferred on the National Controller by this Act.

11 Further provisions relating to delegation to National Controller

(1) Subject to any general or special directions given or conditions attached by the Director, a person to whom functions and powers are delegated under section 10 may exercise those functions and powers in the same manner and with the same effect as if they had been conferred on him or her directly by that section and not by delegation.

(2) A person purporting to act under any delegation under section 10 is presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) A delegation under section 10 is revocable in writing at will, and no such delegation prevents the exercise of any function or power by the Director.

(4) A delegation under section 10, until revoked, continues in force according to its tenor even if the Director by whom it was made has ceased to hold office.

(5) No person is employed in the service of the Sovereign for the purposes of the Public Service Act 2020 or the Government Superannuation Fund Act 1956 merely because functions and powers are delegated to that person under section 10.

Section 11(5): editorial change made by the PCO, on 30 July 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 11(5): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

National Recovery Manager

Heading: inserted, at 9.59 pm on 29 November 2016, by section 8 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

11A Delegation of certain functions and powers of Director to National Recovery Manager

(1) The Director may, in writing, either generally or particularly, delegate to any person the functions and powers of the Director referred to in sections 8(2)(h) and 9(2)(a) for the purposes of dealing with a national transition period.

(2) The Director may exercise the power of delegation at any time, whether or not a national transition period is in force or is imminent.

(3) A person to whom functions and powers are delegated under this section is, while the delegation is in force, the National Recovery Manager and has all the powers conferred on the National Recovery Manager by this Act.

(4) If no delegation has been made under this section, the Director is the National Recovery Manager and has all the powers conferred on the National Recovery Manager by this Act.

Section 11A: inserted, at 9.59 pm on 29 November 2016, by section 8 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

11B Further provisions relating to delegation to National Recovery Manager

(1) Subject to any general or special directions given or conditions attached by the Director, a person to whom functions and powers are delegated under section 11A may perform those functions and exercise those powers in the same manner and with the same effect as if they had been conferred on him or her directly by that section and not by delegation.

(2) A person purporting to act under any delegation under section 11A is presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(3) A delegation under section 11A is revocable in writing at will, and no such delegation prevents the performance of any function or the exercise of any power by the Director.

(4) A delegation under section 11A, until revoked, continues in force according to its tenor even if the Director who made the delegation has ceased to hold office.

(5) A person is not employed in the service of the Sovereign for the purposes of the Public Service Act 2020 or the Government Superannuation Fund Act 1956 merely because functions and powers are delegated to that person under section 11A.

Section 11B: inserted, at 9.59 pm on 29 November 2016, by section 8 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 11B(5): editorial change made by the PCO, on 30 July 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 11B(5): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Civil Defence Emergency Management Groups

12 Local authorities to establish Civil Defence Emergency Management Groups

(1) Within 6 months after the date of the commencement of this Act,—

(a) every regional council and every territorial authority within that region must unite to establish a Civil Defence Emergency Management Group for the purposes of this Act as a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002:

(b) subject to paragraph (c), a unitary authority must establish a Civil Defence Emergency Management Group for the purposes of this Act as a committee under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002:

(c) instead of establishing a Civil Defence Emergency Management Group in accordance with paragraph (b), a unitary authority may unite with a unitary authority or unitary authorities that border it, or a regional council that borders it, or all or any of them, to establish a Civil Defence Emergency Management Group for the purposes of this Act as a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

(1A) If subsection (1)(b) applies and subsection (1)(c) does not apply, a unitary authority is a Group rather than a member of a Group for the purposes of this Act.

(2) Clause 30(5) or (7) of Schedule 7 of the Local Government Act 2002 must not be read as permitting, during a term of local government or as a consequence of a local government election, the discharge or reconstitution of a Civil Defence Emergency Management Group established for the purposes of this Act.

(3) Nothing in this section requires the Minister of Local Government to be a member of a Civil Defence Emergency Management Group.

Section 12(1)(a): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 12(1)(b): replaced, at 9.59 pm on 29 November 2016, by section 9(1) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 12(1)(c): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 12(1A): inserted, at 9.59 pm on 29 November 2016, by section 9(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 12(2): amended, on 25 March 2012, by section 4 of the Civil Defence Emergency Management Amendment Act 2012 (2012 No 6).

Section 12(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

13 Membership of Civil Defence Emergency Management Groups

(1) Every local authority must be a member of a Civil Defence Emergency Management Group.

(2) No Group may have more than 1 regional council as a member unless a merger has been approved under section 21.

(3) Despite subsection (2), unitary authorities that border one another may be members of the same Group.

(4) Each local authority that is a member of a Group with other local authorities must be represented on the Group by 1, and only 1, person, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson.

Section 13(4): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

14 Membership rules for territorial authorities

(1) A territorial authority whose district is completely within the area of a regional council must be a member of the Civil Defence Emergency Management Group of which the regional council is a member.

(2) Each territorial authority whose district is in the area of 2 or more regional councils must, after consulting with the relevant regional councils, join any one, but only 1, of the Groups of which the relevant regional councils are members.

(3) A territorial authority's decision to join a particular Group under subsection (2) is irrevocable, and must be made within 2 months of the establishment of the particular Group.

(4) If a territorial authority's decision under subsection (2) is not made before the expiry of the time limit in subsection (3), the Minister must direct the territorial authority to join one of the relevant Groups.

(5) A territorial authority that is subject to a ministerial direction under subsection (4) must comply with that direction.

15 Appointment of chairperson

(1) Each Civil Defence Emergency Management Group may appoint one of the representatives of its members to act as chairperson.

(2) The appointed chairperson may hold office for the period agreed by the Group at the time of the appointment.

(3) Despite subsection (2), the term of office of an appointed chairperson ends if that person ceases to be a representative of a member of the Group.

16 Powers and obligations of members of Civil Defence Emergency Management Groups

Each member of a Civil Defence Emergency Management Group—

(a) may acquire, hold, and dispose of real or personal property for the use of the Group; and

(b) may remunerate its representative for the cost of that person's participation in the Group; and

(c) must provide to the Group the information or reports that may be required by the Group; and

(d) must pay the costs of administrative and related services in accordance with section 24; and

(e) must pay the costs, or a share of the costs, of any civil defence emergency management activity that the member has agreed to pay; and

(f) may carry out any other functions or duties conferred on a member of a Group under this Act.

17 Functions of Civil Defence Emergency Management Groups

(1) The functions of a Civil Defence Emergency Management Group, and of each member, are to—

(a) in relation to relevant hazards and risks,—

(i) identify, assess, and manage those hazards and risks:

(ii) consult and communicate about risks:

(iii) identify and implement cost-effective risk reduction:

(b) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area:

(c) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in its area:

(d) respond to and manage the adverse effects of emergencies in its area:

(e) plan and carry out recovery activities:

(f) when requested, assist other Groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Group's own area and any other requests for assistance from other Groups):

(g) within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act:

(h) monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act:

(i) develop, approve, implement, and monitor a civil defence emergency management group plan and regularly review the plan:

(j) participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan:

(k) promote civil defence emergency management in its area that is consistent with the purpose of this Act.

(2) A Group also has any other functions that are conferred or imposed by or under this Act or any other enactment.

(3) For the purposes of subsection (1)(g) and (h), legislative provisions relevant to the purpose of this Act include, but are not limited to, the provisions in the following Acts that may be relevant to civil defence emergency management:

(a) Biosecurity Act 1993:

(b) Building Act 2004:

(c) Fire and Emergency New Zealand Act 2017:

(d) *[Repealed]*

(e) Hazardous Substances and New Organisms Act 1996:

(f) Health Act 1956:

(g) Health and Safety at Work Act 2015:

(h) Local Government Act 1974:

(ha) Local Government Act 2002:

(i) Maritime Transport Act 1994:

(j) Resource Management Act 1991:

(k) any enactment passed in substitution for any of the Acts in paragraphs (a) to (j).

Section 17(1)(e): amended, at 9.59 pm on 29 November 2016, by section 10 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 17(3)(b): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 17(3)(c): replaced, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 17(3)(d): repealed, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 17(3)(g): replaced, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 17(3)(ha): inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 17(3)(j): replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

18 General powers of Civil Defence Emergency Management Groups

(1) A Civil Defence Emergency Management Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or other persons.

(2) Without limiting the generality of subsection (1), a Group may—

(a) recruit and train volunteers for civil defence emergency management tasks:

(b) conduct civil defence emergency management training exercises, practices, and rehearsals:

(c) issue and control the use of signs, badges, insignia, and identification passes authorised under this Act, regulations made under this Act, or any civil defence emergency management plan:

(d) provide, maintain, control, and operate warning systems:

(e) provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency:

(f) exercise any other powers that are necessary to give effect to any civil defence emergency management plan.

Compare: 1983 No 46 s 32

19 Civil Defence Emergency Management Groups to follow model standing orders

(1) Unless three-quarters of the representatives of the members of a Civil Defence Emergency Management Group present at a meeting of the Group agree otherwise, at its meetings the Group must follow the New Zealand Standard for standing orders (NZS: 9202:1992) or any New Zealand Standard substituted for that standard.

(2) If the representatives of the members of the Group agree in accordance with subsection (1) to adopt other standing orders, those standing orders must not contravene the provisions of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other enactment.

Section 19(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

20 Appointment and functions of Civil Defence Emergency Management Co-ordinating Executive Groups

(1) A Civil Defence Emergency Management Group must establish and maintain a Civil Defence Emergency Management Co-ordinating Executive Group consisting of—

(a) the chief executive officer of each member local authority or a person acting on the chief executive officer's behalf; and

(b) a senior Police employee who is assigned for the purpose by the Commissioner of Police; and

(c) a senior employee, volunteer, or contractor of Fire and Emergency New Zealand who is assigned for the purpose by the board of Fire and Emergency New Zealand; and

(d) the chief executive or a senior member of a provider of health and disability services operating in the area; and

(e) any other persons that may be co-opted by the Civil Defence Emergency Management Group.

(1A) A person co-opted under subsection (1)(e) may include a senior ambulance service officer.

(2) Each Executive Group is responsible to the Civil Defence Emergency Management Group for—

(a) providing advice to the Civil Defence Emergency Management Group and any subgroups or subcommittees of the Group:

(b) implementing, as appropriate, the decisions of the Civil Defence Emergency Management Group:

(c) overseeing the implementation, development, maintenance, monitoring, and evaluation of the civil defence emergency management group plan.

Section 20(1)(b): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 20(1)(c): replaced, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 20(1)(d): replaced, at 9.59 pm on 29 November 2016, by section 11(1) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 20(1A): inserted, at 9.59 pm on 29 November 2016, by section 11(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

21 Mergers of Civil Defence Emergency Management Groups

(1) The Minister may approve the merger of any 2 or more Civil Defence Emergency Management Groups.

(2) A proposal for a merger under this section must be submitted to the Minister in writing and must state or provide for—

(a) the local authorities that will unite to establish the Group; and

(b) the apportionment between the local authorities of liability for the provision of financial and other resources for the activities of the proposed Group before the making of a civil defence emergency management group plan, and the basis for that apportionment; and

(c) who is to be the administering authority.

22 Membership rules in event of local government reorganisations

(1) This section applies to local authorities affected by a local government reorganisation that—

(a) creates new regional councils or unitary authorities; or

(b) redraws boundaries between regional councils or unitary authorities, or between regional councils and unitary authorities; or

(c) extends the area of a territorial authority into the area of another regional council or unitary authority.

(2) If this section applies, then—

(a) each affected regional council or unitary authority must establish or re-establish, as the case may be, a Civil Defence Emergency Management Group in accordance with this Act within 6 months of the effective date of its reorganisation:

(b) each territorial authority whose district is completely within the affected regional council or unitary authority must be a member of the Group of which that regional council or unitary authority is a member:

(c) each territorial authority whose district is in the district of 2 or more affected regional councils or unitary authorities must, after consulting with the relevant regional councils or unitary authorities, join any one, but only 1, of the Groups of which the relevant regional councils or unitary authorities are members:

(d) each territorial authority whose district is extended into the district of another regional council or unitary authority must, after consulting with the relevant regional councils or unitary authorities, join any one, but only 1, of the Groups of which the relevant regional councils or unitary authorities are members.

(3) A territorial authority's decision to join a particular Group under subsection (2)(c) or (d) is irrevocable, and must be made within 2 months of the establishment of the Group.

(4) If a territorial authority's decision under subsection (2)(c) or (d) is not made before the expiry of the time limit in subsection (3), the Minister must direct the territorial authority to join one of the relevant Groups.

(5) A territorial authority that is subject to a ministerial direction under subsection (4) must comply with that direction.

23 Establishment of administering authorities

(1) The administering authority for each Civil Defence Emergency Management Group is a regional council or unitary authority that is a member of the Group.

(2) If a unitary authority joins a Group that has a regional council as a member, the regional council must be the administering authority for that Group.

(3) If a Group has 2 or more unitary authorities as members, the respective unitary authorities must reach an agreement within 2 months of the date on which the Group is established appointing one of the unitary authorities as the administering authority for that Group.

(4) If the unitary authorities fail to reach an agreement, the Minister must—

(a) appoint one of the unitary authorities as the administering authority; or

(b) direct 1, some, or all of the unitary authorities to establish their own Groups.

(5) A unitary authority that is subject to a ministerial direction under subsection (4)(b) must comply with that direction.

(6) If a Group has 2 or more unitary authorities as members, the unitary authorities may change the administering authority for their Group only if the Minister approves, in writing, an application from the respective unitary authorities to change the administering authority for their Group.

24 Functions and costs of administering authorities and chief executives of administering authorities

(1) An administering authority established under section 23 and, as appropriate, the chief executive of that authority are responsible for the provision of administrative and related services that may from time to time be required by the relevant Civil Defence Emergency Management Group.

(2) The administrative and related services referred to in subsection (1) include services required for the purposes of the Local Government Act 2002, this Act, or any other legislation that applies to the conduct of a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

(3) The cost of the administrative and related services must be agreed from time to time by each Group.

(4) Unless the members of a Group agree otherwise, the costs agreed under subsection (3) must be divided equally among the members and each member must pay 1 share of the cost.

Section 24(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 24(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Persons authorised to declare state of local emergency or give notice of local transition period

Heading: replaced, at 9.59 pm on 29 November 2016, by section 12 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

25 Persons appointed and otherwise authorised to declare state of local emergency or give notice of local transition period

(1) A Civil Defence Emergency Management Group must appoint—

(a) at least 1 person as a person authorised to declare a state of local emergency for its area; and

(b) at least 1 person as a person authorised to give notice of a local transition period for its area.

(2) A person appointed under subsection (1) must be chosen from representatives of the members of the Group.

(3) If a Group appoints more than 1 person under subsection (1)(a) or (b), it must state in the instrument of appointment—

(a) whether the appointees have equal status to make a declaration, or give a notice, or whether any of the appointees is authorised to act only in the absence of another named person; and

(b) any other conditions or limitations.

(4) If no person appointed under subsection (1) is or is likely to be able to perform or exercise his or her functions, duties, and powers under this Act, a representative of any member of the Group may exercise the power to declare a state of local emergency, or give notice of a local transition period.

(5) Despite subsections (1) to (4), the mayor of a territorial authority, or an elected member of that territorial authority designated to act on behalf of the mayor if the mayor is absent, may declare a state of local emergency, or give notice of a local transition period, that covers the district of that territorial authority.

Section 25: replaced, at 9.59 pm on 29 November 2016, by section 13 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Group Controllers

26 Appointment of Group Controllers

(1) A Civil Defence Emergency Management Group must appoint, either by name or by reference to the holder of an office, a suitably qualified and experienced person to be the Group Controller for its area.

(2) A Group must appoint, either by name or by reference to the holder of an office, at least 1 suitably qualified and experienced person to be the person or persons who are to perform the functions and duties and exercise the powers of the Group Controller on the occurrence of a vacancy in the office of Group

Controller or the absence from duty of the Group Controller for any reason, for the duration of the vacancy or absence.

(3) A Group may, at any time, remove from office or replace a Group Controller appointed under subsection (1) or (2).

(4) A Group may—

(a) delegate the authority to replace the Group Controller during a state of emergency with a person appointed under subsection (2) to 1 or more of the representatives who are authorised under section 25(1) to declare a state of emergency for that group area; and

(b) impose limitations on the circumstances in which the authority delegated under paragraph (a) may be used.

Compare: 1983 No 46 ss 30, 40

Section 26(3): amended, at 9.59 pm on 29 November 2016, by section 14 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

27 Appointment of Local Controllers

(1) A Civil Defence Emergency Management Group may appoint 1 or more persons to be a Local Controller, and direct that person or persons to carry out any of the functions and duties of, or delegated to, the Group Controller of the Group and to exercise the powers of Controllers in the area for which the Group Controller is appointed, including, but not limited to, the powers in sections 86 to 94.

(2) Despite anything in subsection (1), a Local Controller must follow any directions given by the Group Controller during an emergency.

Section 27 heading: amended, at 9.59 pm on 29 November 2016, by section 15(1) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 27(1): amended, at 9.59 pm on 29 November 2016, by section 15(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 27(2): amended, at 9.59 pm on 29 November 2016, by section 15(3) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

28 Functions of Group Controllers

(1) The Group Controller must, during a state of local emergency for the area for which the Group Controller is appointed, direct and co-ordinate, for the purposes of this Act, the use of the personnel, material, information, services, and other resources made available by departments, Civil Defence Emergency Management Groups, and other persons.

(2) The Group Controller must also perform any functions or duties delegated to the Group Controller by the Civil Defence Emergency Management Group or conferred on Controllers by this Act or any other enactment, and may exercise any power conferred on the Group Controller by delegation under this Act.

(3) A Group Controller or person directed under section 27 may authorise any suitably qualified and experienced person to perform any function or duty or

exercise any power of that Group Controller or directed person, including the power to authorise the use of those powers, functions, and duties.

(4) No Group Controller or person directed under section 27 may exercise any power conferred on Controllers by this Act during any state of national emergency in any manner contrary to any priorities for the use of resources and services that have been determined by the Director or National Controller.

Section 28(3): amended, at 9.59 pm on 29 November 2016, by section 16 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

28A Application of temporary provision in Part 1 of Schedule 3

[Repealed]

Section 28A: repealed, on the close of 1 October 2024, by section 28A(4).

Group Recovery Managers and Local Recovery Managers

Heading: replaced, at 9.59 pm on 29 November 2016, by section 17 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

29 Appointment of Group Recovery Managers

(1) A Civil Defence Emergency Management Group must appoint, either by name or by reference to the holder of an office, a suitably qualified and experienced person to be the Group Recovery Manager for its area.

(2) A Group must appoint, either by name or by reference to the holder of an office, at least 1 suitably qualified and experienced person to perform the functions and duties and exercise the powers of the Group Recovery Manager on the occurrence of a vacancy in the office of Group Recovery Manager or in the absence from duty of the Group Recovery Manager for any reason, for the duration of the vacancy or absence.

(3) A Group may, at any time, remove from office or replace a Group Recovery Manager appointed under subsection (1) or (2).

(4) A Group may—

(a) delegate the authority to replace the Group Recovery Manager during a transition period with a person appointed under subsection (2) to 1 or more of the representatives who are authorised under section 25(1)(b) to give notice of a transition period for its area; and

(b) impose conditions or limitations on the circumstances in which the authority under paragraph (a) may be used.

Section 29: replaced, at 9.59 pm on 29 November 2016, by section 17 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

30 Appointment of Local Recovery Managers

(1) A Civil Defence Emergency Management Group may appoint, either by name or by reference to the holder of an office, 1 or more suitably qualified and experienced persons to be a Local Recovery Manager, and direct that person

or those persons to perform any of the functions and duties of, or delegated to, the Group Recovery Manager of the Group and to exercise the powers of the Group Recovery Manager in the area for which the Group Recovery Manager is appointed, including, but not limited to, the powers in sections 94H, 94I, and 94K to 94N.

(2) Despite anything in subsection (1), a Local Recovery Manager must follow any directions given by the Group Recovery Manager during a transition period.

Section 30: replaced, at 9.59 pm on 29 November 2016, by section 17 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

30A Functions of Recovery Managers

(1) A Group Recovery Manager must, during a local transition period for the area for which the Group Recovery Manager is appointed, direct and co-ordinate the use of the personnel, material, information, services, and other resources made available by departments, Civil Defence Emergency Management Groups, and other persons for the purpose of carrying out recovery activities.

(2) The Group Recovery Manager must also perform any functions or duties delegated to the Group Recovery Manager by the Civil Defence Emergency Management Group or conferred on Group Recovery Managers by this Act or any other enactment, and may exercise any power conferred on the Group Recovery Manager by delegation under this Act.

(3) A Group Recovery Manager or a Local Recovery Manager may authorise any suitably qualified and experienced person to perform any function or duty or exercise any power of that Group Recovery Manager or Local Recovery Manager, except the power to authorise another person to perform those functions and duties or to exercise those powers.

(4) A Group Recovery Manager or Local Recovery Manager who authorises a person under subsection (3) to perform a function or duty or to exercise a power remains responsible and accountable under this Act for the performance of the function or duty or the exercise of the power.

(5) No Group Recovery Manager or Local Recovery Manager, and no person performing the functions or duties or exercising the powers of a Group Recovery Manager or Local Recovery Manager, may exercise any power conferred on Group Recovery Managers by this Act during any national transition period in any manner contrary to any priorities for the use of resources and services that have been determined by the Director or National Recovery Manager.

Compare: 2012 No 2 s 10(3A)

Section 30A: inserted, at 9.59 pm on 29 November 2016, by section 17 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

30B Application of temporary provision in Part 2 of Schedule 3

[Repealed]

Section 30B: repealed, on the close of 1 October 2024, by section 30B(4).

Part 3
Civil defence emergency management planning and civil defence emergency management duties

National civil defence emergency management strategy

31 National civil defence emergency management strategy

(1) The Minister must, on behalf of the Crown, complete a national civil defence emergency management strategy.

(2) The national civil defence emergency management strategy may include statements of—

(a) the Crown's goals in relation to civil defence emergency management in New Zealand:

(b) the objectives to be pursued to achieve those goals:

(c) the measurable targets to be met to achieve those objectives.

(3) A national civil defence emergency management strategy is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	The maker must notify it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 31(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

32 Procedure for completing national civil defence emergency management strategy

(1) Before completing the national civil defence emergency management strategy, the Minister must—

(a) publicly notify the proposed strategy by—

(i) publishing a notice in the *Gazette*; and

(ii) publishing a notice in 1 or more daily newspapers circulating in the major metropolitan areas; and

(iii) giving any other notification that the Minister considers appropriate having regard to the persons likely to have an interest in the proposal; and

(b) give interested persons a reasonable time, which must be specified in the notice published under paragraph (a), to make submissions on the proposal; and

(c) consult any persons that the Minister in each case considers appropriate.

(2) The Minister may sign the completed national civil defence emergency management strategy and, as soon as possible after signing the strategy, must,—

(a) *[Repealed]*

(b) present a copy of the strategy to the House of Representatives.

Section 32(2)(a): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

33 Timing of first national civil defence emergency management strategy

The Minister must complete the first national civil defence emergency management strategy within 1 year after the date of the commencement of this Act.

34 Currency of national civil defence emergency management strategy

(1) The national civil defence emergency management strategy—

(a) takes effect on the 28th day after the date of its publication under the Legislation Act 2019 or on any later date specified in the strategy; and

(b) subject to section 36, remains current for 10 years or any lesser period specified in the strategy.

(2) The Minister must ensure that, at all times after the completion of the first national civil defence emergency management strategy, there is a current national civil defence emergency management strategy.

Section 34(1)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

35 House of Representatives may resolve not to approve civil defence emergency management strategy

(1) The civil defence emergency management strategy takes effect under section 34 unless, within 15 sitting days after it is presented, the House of Representatives resolves not to approve the civil defence emergency management strategy.

(2) If the House of Representatives resolves not to approve a civil defence emergency management strategy, the Minister must, within 30 working days of that resolution,—

(a) complete a revised civil defence emergency management strategy under section 32; and

(b) present the revised civil defence emergency management strategy to the House of Representatives under section 32.

(3) The revised civil defence emergency management strategy takes effect in accordance with subsection (1).

36 Amendment or revocation of national civil defence emergency management strategy

The Minister may amend or revoke a national civil defence emergency management strategy by following, with any necessary modifications, the procedure provided in section 32 for completing a national civil defence emergency management strategy.

37 Groups and Director must not act inconsistently with national civil defence emergency management strategy

(1) A Civil Defence Emergency Management Group must ensure that its actions in exercising or performing its functions, duties, and powers under this Act are not inconsistent with any national civil defence emergency management strategy that is for the time being in force.

(2) The Director must ensure that his or her actions in exercising or performing his or her functions, duties, and powers under this Act are not inconsistent with any national civil defence emergency management strategy that is for the time being in force.

Matters relevant to development of civil defence emergency management plans

38 Matters relevant to development of civil defence emergency management plans

All persons exercising functions in relation to the development of civil defence emergency management plans under this Act must have regard to—

(a) the responsibility of people and communities to provide for their own well-being and the well-being of future generations:

(b) the benefits to be derived for people and communities from the management of hazards and risks:

(c) New Zealand's international obligations.

National civil defence emergency management plan

39 National civil defence emergency management plan

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make a national civil defence emergency management plan.

(2) The national civil defence emergency management plan must state and provide for—

(a) the hazards and risks to be managed at the national level:

(b) the civil defence emergency management necessary at the national level to manage the hazards and risks described under paragraph (a):

(c) the objectives of the plan and the relationship of each objective to the national civil defence emergency management strategy:

(d) the co-ordination of civil defence emergency management during a state of national emergency or a national transition period:

(e) the period for which the plan remains in force.

(3) The national civil defence emergency management plan may authorise a person to exercise the power in section 88.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the Act.

Section 39(2)(d): amended, at 9.59 pm on 29 November 2016, by section 18 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 39(4): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

40 Incorporation by reference

(1) This section applies if section 64 of the Legislation Act 2019 is relied on to incorporate material by reference in a national civil defence emergency management plan.

(2) When this section applies, sections 63 to 66 and Schedule 2 of the Legislation Act 2019 apply with the following modifications:

(a) clause 1 of that schedule does not apply:

(b) the rest of that schedule applies as if references to the chief executive were references to the Director.

Section 40: replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

41 Notification of proposed national civil defence emergency management plan

(1) The Minister must not recommend to the Governor-General the making of a national civil defence emergency management plan unless the Minister—

(a) has made copies of the proposed plan available for inspection at the office of the Director, free of charge, for a reasonable period; and

(b) has stated where copies of the proposed plan are available for purchase; and

(c) has made copies of the proposed plan available, free of charge, on an Internet site maintained by or on behalf of the Director, except any part

of the proposed plan where making it available in this manner would infringe copyright; and

(d) has publicly notified the proposed plan by—

(i) publishing a notice in the *Gazette*; and

(ii) publishing a notice in 1 or more daily newspapers circulating in the major metropolitan areas; and

(iii) giving any other notification that the Minister considers appropriate, having regard to the persons likely to have an interest in the proposal; and

(e) has presented the proposed plan to the House of Representatives at least 90 days before making the recommendation.

(2) Every notice under this section must include—

(a) a description of the proposed plan:

(b) a statement that submissions on the proposed plan may be made in writing to the Minister by any person:

(c) a closing date for submissions (which must not be earlier than 40 working days after the notification under this section):

(d) a statement that every submission should state—

(i) those aspects of the proposed plan that the submission supports; and

(ii) those aspects of the proposed plan that the submission opposes; and

(iii) the reasons for the support and opposition identified; and

(iv) any specific alternatives to the proposed plan that the person making the submission wishes to recommend:

(e) a list of places where a copy of the proposed plan may be purchased or inspected:

(f) an address for submissions.

(3) The Minister may comply with subsection (1)(c) by providing a hypertext link from an Internet site maintained by or on behalf of the responsible department to a copy of the proposed plan that is available, free of charge, on an Internet site that is maintained by or on behalf of someone else.

(4) For the purposes of subsection (1)(c), the Minister may not rely on section 66 of the Copyright Act 1994 as authority to make available on an Internet site any material that is proposed to be incorporated by reference.

(5) In this section, **proposed plan** includes material incorporated by reference in the plan under section 40, together with a translation in an official New Zealand language, where that material is not in an official New Zealand language.

Section 41: replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

42 National civil defence emergency management plan must not be inconsistent with national civil defence emergency management strategy

The Minister must not recommend to the Governor-General the making of a national civil defence emergency management plan if the plan will be inconsistent with the national civil defence emergency management strategy in force when the plan takes effect.

43 Copy of order to be presented to House of Representatives

[Repealed]

Section 43: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

44 First national civil defence emergency management plan

(1) The Minister must, no later than 3 years after the date of the commencement of this Act, recommend that the Governor-General make an Order in Council under this section making the first national civil defence emergency management plan.

(2) The order is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 44(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

45 Currency of national civil defence emergency management plan

A national civil defence emergency management plan—

(a) takes effect on the date specified in the Order in Council making the plan under section 39, which date must be no earlier than the 28th day after the date of the publication of the order under the Legislation Act 2019; and

(b) remains operative for the period specified in the Order in Council, but if the plan is not replaced before the close of that period it continues in force until replaced.

Section 45(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Review and amendment of national civil defence emergency management plan

46 Review of national civil defence emergency management plan

(1) If a national civil defence emergency management plan has been operative for 5 years or more and it is more than 5 years since the plan has been reviewed under this section, the Minister must review the plan.

(2) The Minister may at any time review a national civil defence emergency management plan.

(3) Following a review, the Minister may recommend that the plan be amended or revoked and replaced or may decide not to recommend that the plan be changed.

(4) A review under this section is commenced by a proposal notified in accordance with section 41, and sections 39, 40, and 45 apply to that review with any necessary modifications.

Section 46(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

47 Minor changes to plan

(1) Subject to subsection (2), a national civil defence emergency management plan may be amended by the Governor-General, by Order in Council made on the recommendation of the Minister, without a review of the plan under section 46.

(2) A plan may be amended under this section only if the Minister is satisfied that the amendment will have no effect or no likely effect on the rights of any person and no effect or no more than a minor effect on the obligations of any person.

(3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 47(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Civil defence emergency management group plans

48 Civil defence emergency management group plans

Every Civil Defence Emergency Management Group must prepare and approve a civil defence emergency management group plan.

49 Proposed plan to be sent to Minister

(1) Before approving a civil defence emergency management group plan, a Civil Defence Emergency Management Group must send a copy of the proposed plan to the Minister for his or her comments and must allow the Minister 20 working days to comment.

(1A) The Civil Defence Emergency Management Group must have regard to any comments made by the Minister.

(2) The plan must state and provide for—

(a) the local authorities that have united to establish the Civil Defence Emergency Management Group:

(b) the hazards and risks to be managed by the Group:

(c) the civil defence emergency management necessary to manage the hazards and risks described under paragraph (b):

(ca) the strategic planning for recovery from the hazards and risks referred to in paragraph (b):

(d) the objectives of the plan and the relationship of each objective to the national civil defence emergency management strategy:

(da) the area of the Group:

(e) the apportionment between local authorities of liability for the provision of financial and other resources for the activities of the Group, and the basis for that apportionment:

(f) the arrangements for declaring a state of emergency:

(fa) the arrangements for giving notice of a local transition period:

(g) the arrangements for co-operation and co-ordination with other Groups:

(h) the period for which the plan remains in force.

(3) The Director must issue written guidelines in relation to the matters described in subsection (2).

(4) The civil defence emergency management group plan may authorise a person to exercise the power in section 88.

Section 49(1A): inserted, at 9.59 pm on 29 November 2016, by section 19(1) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 49(2)(ca): inserted, on 1 June 2018, by section 19(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 49(2)(da): inserted, at 9.59 pm on 29 November 2016, by section 19(3) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 49(2)(f): amended, at 9.59 pm on 29 November 2016, by section 19(4) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 49(2)(fa): inserted, on 1 June 2018, by section 19(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

50 Timing of first issue of guidelines under section 49(3)

The Director must, within 12 months after the commencement of this Act, issue the first written guidelines under section 49(3).

51 Incorporation by reference

(1) Any written material or document that, in the opinion of the Civil Defence Emergency Management Group, is too large or otherwise impractical to be printed as part of a civil defence emergency management group plan may be incorporated by reference.

(2) Any material incorporated by reference under this section is to be treated for all purposes as forming part of the plan.

(3) If any amendment to the material incorporated by reference under this section is made, the amendment does not come into force as part of the plan until—

(a) an amendment to that effect to the plan has been made under this Act; and

(b) a date specified by the Group by notice in the major metropolitan daily newspaper circulating in the Group's area.

(4) All material incorporated by reference under this section must be available at the office of the Group and copies of that material must be available for purchase for a reasonable charge.

Section 51(3)(a): amended, at 9.59 pm on 29 November 2016, by section 20 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

52 Procedure for making civil defence emergency management group plans

(1) Before making a civil defence emergency management group plan, a Civil Defence Emergency Management Group must—

(a) give public notice, and any specific notice that the Group considers appropriate, of the proposal to make a plan; and

(b) specify in every notice given under paragraph (a) a period within which persons interested in the proposal may make submissions on the proposal to—

(i) the Group; or

(ii) a subgroup or committee of the Group; and

(c) ensure that any person who makes written submissions on the proposal within the period specified in the notice given under paragraph (a) is given a reasonable opportunity to be heard by the body to which the submissions are made; and

(d) make all written submissions on the proposal available to the public unless there is some good reason in law why it should not do so; and

(e) ensure that the final decision in relation to the proposal is made at a meeting of the Group.

(2) The period specified under subsection (1)(b)—

(a) must not be less than 1 month; and

(b) unless the Group otherwise directs, must not be more than 3 months.

53 Civil defence emergency management group plan must not be inconsistent with national civil defence emergency management strategy and must take account of Director's guidelines, codes, or technical standards

(1) A civil defence emergency management group plan must not be inconsistent with the national civil defence emergency management strategy in force when the plan is approved.

(2) A civil defence emergency management group plan must take account of the guidelines, codes, or technical standards issued by the Director under this Act.

54 Timing of first civil defence emergency management group plan

Every Civil Defence Emergency Management Group must prepare and approve its first civil defence emergency management group plan within 2 years after the date on which the Group is established.

55 Currency of civil defence emergency management group plan

A civil defence emergency management group plan—

(a) takes effect on the date of the final decision taken under section 52(1)(e); and

(b) remains operative for the period specified in the plan, but if the plan is not replaced before the close of that period it continues in force until replaced.

Review and amendment of civil defence emergency management group plans

56 Review of civil defence emergency management group plans

(1) If a civil defence emergency management group plan has been operative for 5 years or more and it is more than 5 years since the plan has been reviewed under this section, the Civil Defence Emergency Management Group concerned must review the plan.

(2) A Group may at any time review any civil defence emergency management group plan made by it.

(3) Following a review, the Group may amend or revoke and replace the plan or leave the plan unchanged.

(4) A review under this section is commenced by a proposal notified in accordance with section 52, and sections 49, 51, and 55 apply to that review with any necessary modifications.

57 Minor changes to plan

(1) Subject to subsection (2), a civil defence emergency management group plan may be amended by the Civil Defence Emergency Management Group concerned without a review of the plan under section 56.

(2) A plan may be amended under this section only if the Group is satisfied that the amendment will have no effect or no likely effect on the rights of any person and no effect or no more than a minor effect on the obligations of any person.

General duties of government departments and others

58 Departments and interdepartmental ventures to prepare plans to continue functioning during and after emergency

[Repealed]

Section 58: repealed, on 3 June 2026, by section 51 of the Public Service Amendment Act 2026 (2026 No 23).

Section 58 heading: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

59 Departments and others to undertake civil defence emergency management functions and responsibilities

Every department, Civil Defence Emergency Management Group, local authority, emergency service, and lifeline utility, and any other person required by this Act or any regulations made under this Act, or any civil defence emergency management plan, to undertake civil defence emergency management or to perform any functions or duties, must take all necessary steps to undertake civil defence emergency management or to perform those functions and duties.

Compare: 1983 No 46 s 44

Duties of lifeline utilities

60 Duties of lifeline utilities

Every lifeline utility must—

(a) ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency:

(b) make available to the Director in writing, on request, its plan for functioning during and after an emergency:

(c) participate in the development of the national civil defence emergency management strategy and civil defence emergency management plans:

(d) provide, free of charge, any technical advice to any Civil Defence Emergency Management Group or the Director that may be reasonably required by that Group or the Director:

(e) ensure that any information that is disclosed to the lifeline utility is used by the lifeline utility, or disclosed to another person, only for the purposes of this Act.

61 Schedule 1 may be amended by Order in Council

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—

(a) add the name of an entity or description of an entity to Part A of Schedule 1; or

(b) omit the name of an entity or description of an entity from Part A of Schedule 1; or

(c) amend the name of an entity or the description of an entity in Part A of Schedule 1; or

(d) add a description of a class of business to Part B of Schedule 1; or

(e) omit a description of a class of business from Part B of Schedule 1; or

(f) amend the description of a class of business in Part B of Schedule 1; or

(g) otherwise amend Schedule 1 or revoke Schedule 1 or a part of the schedule, and substitute a new schedule or a new part, as the case may require.

(2) The Minister must not recommend the addition of the name of an entity or description of an entity to Part A of Schedule 1 unless the Minister is satisfied that the entity operates a service or system the reduced availability, or non-availability, of which would constitute a hazard.

(3) The Minister must not recommend the addition of a description of a class of business to Part B of Schedule 1 unless the Minister is satisfied that the business provides a service or system the reduced availability, or non-availability, of which would constitute a hazard.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 61(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

62 Minister may exempt lifeline utility

The Minister may, by notice in the *Gazette*, on any conditions that the Minister thinks fit, exempt a particular entity described in, or carrying on a business

described in, Schedule 1 in whole or in part from the provisions of this Act relating to lifeline utilities if the Minister is satisfied that the application of the provisions is not appropriate in the case of that entity.

Duties of emergency services

63 Duties of emergency services

Emergency services must—

(a) participate in the development of the national civil defence emergency management strategy and civil defence emergency management plans:

(b) provide an active member for each of the Civil Defence Emergency Management Co-ordinating Executive Groups, as required by section 20.

Duties of local authorities

64 Duties of local authorities

(1) A local authority must plan and provide for civil defence emergency management within its district.

(2) A local authority must ensure that it is able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.

Compare: 1983 No 46 s 43

General duty to consider alternatives, etc

65 Duties to consider alternatives, assess benefits and costs, etc

(1) In achieving the purpose of this Act, before proposing, recommending, or adopting any provisions or regulations in relation to any function described in subsection (2), any person described in that subsection must—

(a) have regard to—

(i) the extent, if any, to which the provisions or regulations are necessary to achieve the purpose of this Act; and

(ii) other means in addition to or in place of the provisions or regulations that, under this Act or any other enactment, may be used in achieving the purpose of this Act, including the provision of information, services, or incentives; and

(iii) the reasons for and against proposing, recommending, or adopting the proposed provisions or regulations and the principal alternative means available, or of taking no action if this Act does not require otherwise; and

(b) carry out an evaluation, which the Minister or the Civil Defence Emergency Management Group is satisfied is appropriate to the circum-

stances, of the likely benefits and costs of the principal alternative means; and

(c) be satisfied that the provisions or regulations (or any combination of them)—

(i) are necessary to achieve the purpose of this Act; and

(ii) are the most appropriate means to achieve that purpose, having regard to their efficiency and effectiveness relative to other means.

(2) Subsection (1) applies to—

(a) the Minister, in relation to—

(i) proposing any national civil defence emergency management plan provisions:

(ii) recommending the making of regulations for the purpose of this Act that impose requirements on persons other than the Minister, the Director, or Civil Defence Emergency Management Groups (or their employees or agents):

(iii) recommending the making of an order under section 61:

(b) a Civil Defence Emergency Management Group, in relation to adopting any civil defence emergency management group plan provisions that impose requirements on persons other than the Group, its member local authorities, or emergency services (or their employees or agents).

Part 4
Declaration of state of emergency

Declaration of state of national emergency

66 Minister may declare state of national emergency

(1) The Minister may declare that a state of national emergency exists over the whole of New Zealand or any areas or districts if at any time it appears to the Minister that—

(a) an 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 emergency management necessary or desirable in respect of it is, or is likely to be, beyond the resources of the Civil Defence Emergency Management Groups whose areas may be affected by the emergency.

(2) The Minister must advise the House of Representatives as soon as practicable where a state of national emergency has been declared or extended.

(3) If a declaration of a state of national emergency is made, any other state of emergency then in force in the area to which the state of national emergency applies ceases to have effect.

(4) *[Repealed]*

(5) Subsection (4) is repealed when the COVID-19 Public Health Response Act 2020 is repealed.

Compare: 1983 No 46 ss 46, 50

Section 66(4): repealed, on 26 November 2024, by section 66(5).

Section 66(5): inserted, on 13 May 2020, by section 36 of the COVID-19 Public Health Response Act 2020 (2020 No 12).

67 Parliament must meet if state of national emergency declared

(1) Subsection (3) applies if—

(a) a declaration of a state of national emergency is made; and

(b) Parliament—

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

(ii) 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 declaration is made.

(2) Subsection (4) applies if—

(a) a declaration of a state of national emergency is made; and

(b) the House of Representatives is adjourned until a date more than 7 days after the date on which the declaration is made.

(3) If this subsection applies,—

(a) a Proclamation must be made appointing a day for Parliament to meet, being—

(i) a day not later than 7 days after the date of the making of the declaration of a state of national emergency; or

(ii) if the declaration is made after the date on which Parliament has been dissolved or has expired and before the latest day appointed under the Electoral Act 1993 for the return of the writ for the election of members of Parliament, a day not later than 7 days after the latest day appointed for the return of the writ; and

(b) Parliament must meet and sit on the day appointed.

(4) If this subsection applies,—

(a) the Speaker of the House of Representatives must, as soon as practicable, by notice in the *Gazette*, appoint a day and time for the House of

Representatives to meet, being a day not later than 7 days after the date of the making of the declaration; and

(b) the House of Representatives must meet and sit at the time and on the day specified in the notice.

Compare: 1983 No 46 s 49

Declaration of state of local emergency

68 Declaration of state of local emergency

(1) A person appointed for the purpose under section 25 may declare that a state of local emergency exists in the area for which the person is appointed if at any time it appears to the person that an emergency has occurred or may occur within the area.

(2) A person who is authorised to declare a state of local emergency may declare that the state of local emergency exists in respect of the whole area of the Civil Defence Emergency Management Group concerned or 1 or more districts or wards within the area.

(2A) If an authorised person declares a state of local emergency for—

(a) the whole area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more districts or wards within the area ceases to have effect:

(b) a district within the area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more wards within the district ceases to have effect.

(3) A state of local emergency may be declared in respect of an area that is not affected by an emergency if, in the opinion of any person authorised to declare a state of local emergency in respect of that area, the resources of that area are needed to assist any other area where a state of local emergency is in force.

(4) The fact that a person purporting to be authorised by section 25 declares a state of local emergency is, in the absence of proof to the contrary, conclusive evidence that the person is a person authorised under that section to do so.

(5) Nothing in this section authorises a person to declare a state of local emergency for any part of New Zealand while a state of national emergency is in force in respect of that part.

(6) *[Repealed]*

(7) *[Repealed]*

(8) Subsections (6) and (7) are repealed when the COVID-19 Public Health Response Act 2020 is repealed.

Compare: 1983 No 46 ss 51, 52

Section 68(2A): inserted, on 25 March 2012, by section 5 of the Civil Defence Emergency Management Amendment Act 2012 (2012 No 6).

Section 68(6): repealed, on 26 November 2024, by section 68(8).

Section 68(7): repealed, on 26 November 2024, by section 68(8).

Section 68(8): inserted, on 13 May 2020, by section 37 of the COVID-19 Public Health Response Act 2020 (2020 No 12).

69 Minister may declare state of local emergency in certain cases

(1) If at any time it appears to the Minister that an emergency has occurred or may occur in the area of any Civil Defence Emergency Management Group and a state of local emergency has not been declared under section 68, the Minister may declare a state of local emergency for that area.

(1A) If the Minister declares a state of local emergency for—

(a) the whole area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more districts or wards within the area ceases to have effect:

(b) a district within the area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more wards within the district ceases to have effect.

(2) Nothing in this section authorises the Minister to declare a state of local emergency for any part of New Zealand while a state of national emergency is in force in respect of that part.

Section 69(1A): inserted, on 25 March 2012, by section 6 of the Civil Defence Emergency Management Amendment Act 2012 (2012 No 6).

General provisions applying to declaration of state of national emergency or state of local emergency

70 Commencement and duration of state of emergency

(1) A declaration of a state of emergency must specify the time and date on which the declaration is made.

(2) A state of emergency comes into force at the time and on the date that a declaration of the state of emergency is made.

(3) A state of emergency expires 7 days after the time and date on which the state of emergency comes into force.

(4) Nothing in this section prevents—

(a) the extension of a state of emergency under section 71; or

(b) the termination of a state of emergency under section 72.

(5) For the purposes of this section, **7 days after the time and date on which the state of emergency comes into force** means immediately after a period that—

(a) begins immediately after the time of the day on which the state of emergency comes into force; and

(b) ends immediately before the same time of the day on the date that is 7 days after the day on which the state of emergency comes into force.

Example

If a state of emergency came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the state of emergency came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.

Section 70: replaced, on 25 March 2012, by section 7 of the Civil Defence Emergency Management Amendment Act 2012 (2012 No 6).

71 Extension of duration of state of emergency

(1) Before a state of national emergency expires, the Minister may, by declaration, extend the state of national emergency.

(2) Before a state of local emergency expires, a person authorised to declare a state of local emergency for an area may, by declaration, extend the state of local emergency.

(3) An extension of a state of emergency comes into force—

(a) immediately before the state of emergency would have expired under section 70(3); or

(b) if the state of emergency was previously extended under this section, immediately before that extension would have expired under subsection (4).

(4) An extension of a state of emergency expires 7 days after the time and date on which the extension of the state of emergency comes into force.

(5) Nothing in this section prevents—

(a) the further extension of a state of emergency that has been extended under this section; or

(b) the termination of a state of emergency under section 72.

(6) For the purposes of this section, **7 days after the time and date on which the extension of the state of emergency comes into force** means a period that—

(a) begins immediately after the time of the day on which the extension comes into force; and

(b) ends immediately before the same time of the day on the date that is 7 days after the day on which the extension comes into force.

Section 71: replaced, on 25 March 2012, by section 8 of the Civil Defence Emergency Management Amendment Act 2012 (2012 No 6).

72 Termination of state of emergency

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

(2) A declaration made under subsection (1)—

(a) must specify the time and date on which it is made; and

(b) terminates the state of emergency when made.

(3) In addition, a state of local emergency is terminated when a notice of a local transition period given by the Minister under section 94B(3) comes into force.

Compare: 1983 No 46 s 56

Section 72(2): replaced, on 25 March 2012, by section 9 of the Civil Defence Emergency Management Amendment Act 2012 (2012 No 6).

Section 72(3): inserted, at 9.59 pm on 29 November 2016, by section 21 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

73 Form and publication of declaration of state of emergency and declaration extending or terminating state of emergency

(1) A person who declares a state of emergency, or extends or terminates a state of emergency, must do so by a declaration in the appropriate form prescribed in regulations made under section 115, or a form of similar effect.

(2) The validity of a declaration made under subsection (1) is not affected by the inclusion in it of any additional information not specified in the appropriate prescribed form.

(3) A person who makes a declaration in accordance with subsection (1) must immediately give notice to the public of the declaration by any means of communication that are reasonably practicable in the circumstances of the case, and must ensure that the declaration is published in the *Gazette* as soon as practicable.

Compare: 1983 No 46 s 57

73A Application of temporary provisions in Part 3 of Schedule 3

[Repealed]

Section 73A: repealed, on the close of 1 October 2024, by section 73A(4).

Part 5
Powers in relation to civil defence emergency management

74 Statements by Director

(1) The Director may, for the purpose of protecting the public, publish statements relating to any emergency, or to the performance or non-performance of any duty imposed on any person by or under this Act.

(2) Every statement published under this section is protected by qualified privilege.

75 Power of Director to act on default by others

(1) If a Civil Defence Emergency Management Group or person (other than the Minister) fails to commence or to complete the performance of a function or

duty under this Act within the time that the Director considers reasonable, the Director may commence and complete the performance of the function or duty.

(2) For the purposes of this section, the Director may employ any officers, employees, contractors, and others that may be necessary.

(3) Subject to subsections (4) to (6), if a function or duty is performed by or on behalf of the Director under this section, it must be treated for all purposes as having been performed, by the Civil Defence Emergency Management Group or person responsible for performing the function or duty.

(4) All expenses incurred by the Director under this section must be authorised in accordance with the Public Finance Act 1989.

(5) Expenses so incurred, together with reasonable costs for administration, are recoverable as a debt due to the Crown from the Civil Defence Emergency Management Group or the person responsible for performing the function or duty, or may be recovered by deduction from any money payable by the Crown to that Civil Defence Emergency Management Group or the person responsible for performing the function or duty.

(6) All money recovered from a debtor under this section, or deducted under subsection (5), must be paid into a Crown Bank Account or a Departmental Bank Account in accordance with section 65U of the Public Finance Act 1989.

(7) *[Repealed]*

Compare: 1956 No 65 s 123

Section 75(3): amended, at 9.59 pm on 29 November 2016, by section 22(1)(a) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 75(3): amended, at 9.59 pm on 29 November 2016, by section 22(1)(b) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 75(4): amended, at 9.59 pm on 29 November 2016, by section 22(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 75(5): replaced, at 9.59 pm on 29 November 2016, by section 22(3) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 75(6): amended, at 9.59 pm on 29 November 2016, by section 22(4) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 75(6): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 75(7): repealed, at 9.59 pm on 29 November 2016, by section 22(5) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

76 Power to require information

(1) The Director, or a Civil Defence Emergency Management Group, or a person acting under the authority of the Director or Group, may, by notice in writing, require any person to give the Director or the Group information described in subsection (2).

(2) The information referred to in subsection (1) is information that, in the opinion of the Director or the Group, as the case may be, is reasonably necessary for

the exercise of civil defence emergency management by the Director or the Civil Defence Emergency Management Group, as the case may be, and that is—

(a) in the possession of the person who is asked to give the information; and

(b) capable of being provided without unreasonable difficulty or expense.

(3) The information required to be given under subsection (1) must be given—

(a) in the form specified by the Director or the Group; and

(b) within the reasonable time that is specified by the Director or the Group; and

(c) free of charge.

77 Appeal against requirement to give information

(1) A person who is required to give information under section 76 (including as applied and modified by section 94I(2)) may appeal to the District Court on the grounds that the requirement is unreasonable.

(2) The appeal must be brought within 10 working days after the date on which the requirement to give information was imposed, or within any further time that the District Court may allow.

(3) The court must inquire into the circumstances of the requirement and may vary, rescind, or confirm it.

(4) An appeal against a requirement to give information operates as a stay of the requirement.

Section 77(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 77(1): amended, at 9.59 pm on 29 November 2016, by section 23 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 77(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

78 Power of entry to obtain information in urgent cases

(1) This section applies if a state of emergency is in force or the Director, a Controller, or a person authorised by a Civil Defence Emergency Management Group considers that an imminent threat of an emergency exists.

(2) If this section applies, a District Court Judge may, by warrant, authorise any constable to enter and search any premises, not being a dwellinghouse, to obtain information if satisfied on oath by the Director, a Controller, or a person authorised by a Civil Defence Emergency Management Group that—

(a) the information is urgently required in order to prevent or limit the extent of the emergency; and

(b) the person in possession of the information has refused to provide the information.

(3) A warrant may be issued under this section—

(a) even if a requirement to give the information referred to in subsection (2) has been imposed at an earlier time under section 76; and

(b) whether or not appeal proceedings or the prosecution of an offence in respect of that requirement have been completed.

Section 78(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

79 Form and content of warrant

A warrant issued under section 78 must—

(a) be in the prescribed form; and

(b) state the period, not exceeding 10 days, for which it is valid; and

(c) be directed to any constable by name, or to any class of constables stated in the warrant, or generally to every constable; and

(d) be subject to any special conditions that the District Court Judge may state in the warrant.

Section 79(c): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

80 Powers conferred by warrant

(1) Subject to any special conditions stated in the warrant under section 79, every warrant issued under section 78 authorises the constable executing the warrant—

(a) to enter and search the premises stated in the warrant at any time by day or night during the currency of the warrant; and

(b) to use any assistants that may be reasonable in the circumstances for the purpose of the entry and search; and

(c) to use any force that is reasonable in the circumstances for the purposes of effecting entry, and for breaking open anything in or on the place searched; and

(d) to search for and seize the information referred to in section 78, and for that purpose,—

(i) to take copies of any document, or extracts from any document; and

(ii) to require any person who has a document in his or her possession or under his or her control to reproduce, or to assist the person executing the warrant to reproduce, in usable form, any information recorded or stored in the document.

(2) Every person called on to assist any constable executing a warrant issued under section 78 has the powers described in paragraphs (c) and (d) of subsection (1).

Section 80(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 80(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

81 Disposal of information

(1) If a constable seizes any information or document under section 80, the constable must—

(a) give it to the Director, a Controller, or a person authorised by a Civil Defence Emergency Management Group; or

(b) if it is no longer required for the purpose for which it was seized, return it to the person from whom it was seized.

(2) Any person to whom a constable gives any information or document under subsection (1)(a) must return it to the person from whom it was seized when the information is no longer required for the purpose for which it was seized.

Section 81(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 81(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

82 Certain information not to be disclosed or seized

(1) No requirement to give information that is imposed under section 76 (including as applied and modified by section 94I(2)) requires any person to give—

(a) information concerning the medical condition or history of any person; or

(b) information that is protected by legal professional privilege.

(2) Nothing in section 80 authorises the seizure of information that is of a kind described in subsection (1).

Section 82(1): amended, at 9.59 pm on 29 November 2016, by section 24 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

83 Restriction on disclosure of information

(1) A person who receives information following a requirement to give information imposed under section 60, 76, 91(2), or 94N(2), or in the execution of a warrant issued under section 78, may use or disclose that information only for the purposes of this Act.

(2) Despite subsection (1), the person may disclose to a responsible person information that—

(a) is relevant to the exercise of powers under subpart 6B of Part 2 of the Building Act 2004 in an area for which a state of emergency has been declared or a notice of transition period has been given; and

(b) is to be used in connection with the exercise of those powers in that area.

(3) In subsection (2), **responsible person** has the same meaning as in section 133BB(1) of the Building Act 2004.

Section 83: replaced, at 9.59 pm on 29 November 2016, by section 25 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 83(2): inserted, on 17 December 2019, by section 30 of the Building Amendment Act 2019 (2019 No 27).

Section 83(3): inserted, on 17 December 2019, by section 30 of the Building Amendment Act 2019 (2019 No 27).

84 Minister's power of direction

(1) This section applies if—

(a) a state of emergency is in force, or the Minister considers that an imminent threat of an emergency exists; and

(b) the Minister considers that, having regard to all the circumstances, it is expedient to exercise the power in subsection (2).

(2) If subsection (1) applies, the Minister may direct the Director or any Civil Defence Emergency Management Group or person—

(a) to perform or exercise any of the functions, duties, or powers conferred on that person or Group under this Act; or

(b) to cease to perform or exercise any of the functions, duties, or powers conferred on that person or Group under this Act.

(2A) Subsection (2B) applies if—

(a) an area is subject to—

(i) a state of emergency; and

(ii) a designation under subpart 6B of Part 2 of the Building Act 2004; and

(b) a person who may exercise powers under this Act in relation to the state of emergency is the responsible person under that subpart (*see* section 133BK of the Building Act 2004).

(2B) The Minister may direct that responsible person—

(a) to exercise any of the powers conferred on the person under that subpart; or

(b) to cease to exercise any of those powers.

(3) If, under this section, the Minister directs any Civil Defence Emergency Management Group or person to perform any function or duty or exercise any power, the Minister may direct that the function, duty, or power must be performed or exercised under the control and to the satisfaction of the Director.

Compare: 1983 No 46 s 73

Section 84(2): amended, on 17 December 2019, by section 31(1) of the Building Amendment Act 2019 (2019 No 27).

Section 84(2A): inserted, on 17 December 2019, by section 31(2) of the Building Amendment Act 2019 (2019 No 27).

Section 84(2B): inserted, on 17 December 2019, by section 31(2) of the Building Amendment Act 2019 (2019 No 27).

85 Emergency powers of Civil Defence Emergency Management Groups

(1) While a state of emergency is in force in its area, a Civil Defence Emergency Management Group may—

(a) carry out or require to be carried out all or any of the following:

(i) works:

(ii) clearing roads and other public places:

(iii) removing or disposing of, or securing or otherwise making safe, dangerous structures and materials wherever they may be:

(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 be given to casualties and for their movement to hospital, other place of treatment, 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 area or district to the extent necessary to conduct civil defence emergency management:

(g) undertake emergency measures for the disposal of dead persons or animals if it is satisfied that the measures are urgently necessary in the interests of public health:

(h) disseminate information and advice to the public:

(i) enter into arrangements, including employment arrangements, with any person for the purpose of carrying out civil defence emergency management as may be agreed:

(j) provide equipment, accommodation, and facilities for the exercise of any of the powers conferred by this subsection.

(2) A Civil Defence Emergency Management Group must not act inconsistently with any directions given by the Minister or the Director.

Compare: 1983 No 46 s 58(5)

86 Evacuation of premises and places

If a state of emergency is in force and, in the opinion of a Controller or any constable, the action authorised by this section is necessary for the preservation of human life, that person or a person authorised by him or her may direct, within the area or district in which the emergency is in force,—

(a) the evacuation of any premises or place, including any public place; or

(b) the exclusion of persons or vehicles from any premises or place, including any public place.

Compare: 1983 No 46 s 60(1)

Section 86: amended, at 9.59 pm on 29 November 2016, by section 26 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 86: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

87 Entry on premises

If a state of emergency is in force in any area, a Controller or a constable, or any person acting under the authority of a Controller or constable, may enter on, and if necessary break into, any premises or place within the area or district in respect of which the state of emergency is in force if he or she believes on reasonable grounds that the action is necessary for—

(a) saving life, preventing injury, or rescuing and removing injured or endangered persons; or

(b) permitting or facilitating the carrying out of any urgent measure for the relief of suffering or distress.

Compare: 1983 No 46 s 61

Section 87: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

88 Closing roads and public places

If a state of emergency is in force, a Controller or a constable, or any person acting under the authority of a Controller or constable, or any person so authorised in a relevant civil defence emergency management plan, may, in order to prevent or limit the extent of the emergency, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place within the area or district in respect of which the state of emergency is in force.

Compare: 1983 No 46 s 62(1)

Section 88: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

89 Removal of aircraft, vessels, vehicles, etc

If a state of emergency is in force, a Controller or a constable, or any other person acting under the authority of a Controller or constable, may, in order to prevent or limit the extent of the emergency,—

(a) remove from any place within the area or district in respect of which the state of emergency is in force, any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle impeding civil defence emergency management; and

(b) if reasonably necessary for that purpose, use force or break into the aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle.

Compare: 1983 No 46 s 63

Section 89: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

90 Requisitioning powers

(1) This section applies if a state of emergency is in force and, in the opinion of a Controller or a constable, the action authorised by this section is necessary for the preservation of human life.

(2) The Controller or constable, or a person authorised by him or her, may direct the owner or person for the time being in control of any land, building, vehicle, animal, boat, apparatus, implement, earth-moving equipment, construction materials or equipment, furniture, bedding, food, medicines, medical supplies, or any other equipment, materials, or supplies, to immediately place that property (**requisitioned property**)—

(a) under his or her control and direction; or

(b) under the control and direction of a Controller or a constable, or person authorised by that Controller or constable, if that person has requested the person making the requisition to do so on his or her behalf.

(3) A person exercising any power conferred on him or her by this section must 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.

(4) If the owner or person for the time being in control of any property that may be requisitioned under this section cannot be immediately found, a Controller or a constable, or a person authorised by a Controller or constable, may assume immediately the control and direction of the requisitioned property.

(5) If a person assumes the control and direction of requisitioned property under subsection (4), that person must ensure that, as soon as is 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.

(6) The owner or person in control of any property immediately before it is requisitioned under this section must provide the person exercising the power under this section with any assistance that the person may reasonably require for the effective and safe use of that property.

Compare: 1983 No 46 s 64(1)–(4)

Section 90(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 90(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 90(2)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 90(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

91 Power to give directions

(1) While a state of emergency is in force, a Controller or a constable, or any person acting under the authority of a Controller or constable, may—

(a) direct any person to stop any activity that may cause or substantially contribute to an emergency:

(b) request any person, either verbally or in writing, to take any action to prevent or limit the extent of the emergency.

(2) While a state of emergency is in force, a Controller or a constable, or any person acting under the authority of a Controller or constable, may direct—

(a) the owner of a structure (or the owner's agent) to obtain an assessment of the effect of the emergency (and any related subsequent events) on the structure:

(b) the owners of structures of a particular type (or the owners' agents) to obtain assessments of the effect of the emergency (and any related subsequent events) on the structures of that type that they own.

(3) A person may not give a direction under subsection (2) unless the person has had regard to whether the structure or type of structure may, in the circumstances, pose a risk of injury or a risk to the safety of life or the safety of other property.

(4) A direction given under subsection (2) must—

(a) state the purpose of the assessment and specify the assessment that is required; and

(b) specify a reasonable time within which the assessment must be concluded; and

(c) require the owner (or the owner's agent) to give a copy of the assessment to the person who gave the direction.

(5) An owner (or owner's agent) who is given a direction under subsection (2) must—

(a) obtain the assessment, which must be conducted in accordance with the direction and at the owner's expense; and

(b) give a copy of the assessment to the person who gave the direction.

(6) The owner (or the owner's agent) may appeal to the District Court on the grounds that the direction is unreasonable.

(7) Section 77(2) and (3) applies in relation to an appeal under subsection (6) with any necessary modifications, and section 77(4) does not apply.

(8) Any relief that may be granted under subsection (6) is limited to the reasonable costs associated with obtaining the assessment.

Compare: 1996 No 30 s 137(1)(d), (e)

Section 91(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 91(2): inserted, at 9.59 pm on 29 November 2016, by section 26A of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 91(3): inserted, at 9.59 pm on 29 November 2016, by section 26A of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 91(4): inserted, at 9.59 pm on 29 November 2016, by section 26A of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 91(5): inserted, at 9.59 pm on 29 November 2016, by section 26A of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 91(6): inserted, at 9.59 pm on 29 November 2016, by section 26A of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 91(7): inserted, at 9.59 pm on 29 November 2016, by section 26A of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 91(8): inserted, at 9.59 pm on 29 November 2016, by section 26A of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

91A Notice requirements

(1) A person who gives a direction under section 91(2)(a) or (b)—

(a) must use reasonable endeavours, in accordance with section 114, to notify—

(i) each owner (or each owner's agent) and each occupier of the structure of the direction; and

(ii) each owner (or each owner's agent) and each occupier of any adjacent structure or adjoining land of the direction; and

(b) must attach a copy of the notice to a prominent place on, or adjacent to, the structure.

(2) A person who gives a direction under section 91(2)(b) must also give public notice of the direction that is reasonable in the circumstances.

(3) A notice given under this section must—

(a) state the reasons for giving the direction; and

(b) describe the matter to which the direction applies; and

(c) state when the assessments are to be carried out; and

(d) state where any further information may be viewed; and

(e) be published in the *Gazette* as soon as practicable.

Section 91A: inserted, at 9.59 pm on 29 November 2016, by section 26B of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

92 Power to carry out inspections, etc

While a state of emergency is in force, a Controller or a constable, or any person acting under the authority of a Controller or constable, may examine, mark, seize, sample, secure, disinfect, or destroy any property, animal, or any other thing in order to prevent or limit the extent of the emergency.

Section 92: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

93 Person exercising emergency powers to provide proof of identity

A person exercising a power conferred on him or her by this Part must—

(a) have with him or her, and produce if requested to do so, evidence of his or her identity; and

(b) if requested to do so, produce evidence of or give a general explanation of the authority under which he or she is acting and the power or powers he or she is exercising.

Compare: 1983 No 46 s 59

94 Contracts in urgent cases

(1) Despite anything in the Public Bodies Contracts Act 1959, the following persons may, during a state of emergency, enter into any contract on behalf of a Civil Defence Emergency Management Group for any of the purposes of this Act:

(a) the chairperson of the Group:

(b) the deputy chairperson of the Group:

(c) any employee of the Group who is authorised for the purpose in the Group's civil defence emergency management plan:

(d) the Group Controller.

(2) A person who exercises the power conferred on him or her by this section must report the full circumstances of its exercise to the Civil Defence Emergency Management Group at its next ordinary meeting or, if that is not practicable, at its next succeeding ordinary meeting.

Compare: 1983 No 46 s 68

Part 5A
Transition periods

Part 5A: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94A Minister may give notice of national transition period

(1) After a state of emergency has been declared for any area, or after an emergency arises for which a state of emergency has not been declared, the Minister may give notice of a national transition period over the whole of New Zealand or any areas or districts if it appears to the Minister that a national transition period is required.

(2) Without limiting subsection (1), the Minister must be satisfied that invoking the powers to manage, co-ordinate, or direct recovery activities is—

(a) in the public interest; and

(b) necessary or desirable to ensure a timely and effective recovery.

(3) In deciding whether a national transition period is required, the Minister must have regard to—

(a) the areas or districts affected by the emergency; and

(b) whether the focus of activities in any area or district is moving from response to recovery, including whether a state of emergency is about to expire or be terminated; and

(c) the capacity of any Civil Defence Emergency Management Group and any local authority in any area or district affected by the emergency to carry out recovery activities.

(4) If the Minister gives notice of a national transition period,—

(a) the Minister must advise the House of Representatives as soon as practicable; and

(b) any other transition period then in force in any area or district to which the national transition period applies ceases to have effect.

Section 94A: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94B Notice of local transition period

(1) A person who is authorised to give notice of a local transition period by being appointed for the purpose under section 25(1)(b) or otherwise authorised by section 25(4) or (5) may, after a state of emergency has been declared for the area of the Civil Defence Emergency Management Group concerned, give notice of a local transition period for the area of the Civil Defence Emergency Management Group concerned, or for 1 or more districts or wards within the area, if it appears to the person that a local transition period is required.

(2) After an emergency arises, for which a state of emergency has not been declared, a person who is appointed or otherwise authorised under section 25 to give notice of a local transition period may do so in accordance with subsection (1) with the approval of the Minister.

(3) After a state of emergency has been declared for the area of a Civil Defence Emergency Management Group, or after an emergency arises for which a state of emergency has not been declared, the Minister may give notice of a local transition period for the area or for 1 or more districts or wards within the area if—

(a) it appears to the Minister that a local transition period is required for the whole or any part of the area; and

(b) notice of a local transition period has not been given under subsection (1).

(4) Without limiting subsections (1) to (3), the Minister or the appointed or otherwise authorised person must not give notice of a local transition period unless satisfied that invoking the powers to manage, co-ordinate, or direct recovery activities is—

(a) in the public interest; and

(b) necessary or desirable to ensure a timely and effective recovery.

(5) In deciding whether a local transition period is required, the Minister or the appointed or otherwise authorised person must have regard to—

(a) the areas, districts, or wards affected by the emergency; and

(b) whether the focus of activities in any area, district, or ward is moving from response to recovery, including whether a state of emergency is about to expire or be terminated.

(6) The Minister must also have regard to the capacity of any Civil Defence Emergency Management Group and any local authority in any area, district, or ward affected by the emergency to carry out recovery activities.

(7) Before giving notice under subsection (3), the Minister must, in a manner the Minister considers appropriate, seek and consider comment from any affected Civil Defence Emergency Management Group and the Mayor of any affected local authority, unless—

(a) it is impracticable in the circumstances; or

(b) in the opinion of the Minister, the urgency of the situation requires the notice of transition to be given immediately.

(8) If notice of a local transition period is given under this section over—

(a) the whole area of a Civil Defence Emergency Management Group, any other local transition period already in force for 1 or more districts or wards within the area ceases to have effect:

(b) a district within the area of a Civil Defence Emergency Management Group, any other local transition period already in force for 1 or more wards within the district ceases to have effect.

(9) After notice of a local transition period has been given for an area (the **first area**) in accordance with subsections (1) to (3), a further notice of a local transition period may be given, in accordance with those subsections, for another district or ward in the area of the relevant Civil Defence Emergency Management Group that is not affected by an emergency if it appears to the person giving notice that the resources of that other district or ward are needed to assist the first area.

(10) The fact that a person purporting to be authorised under section 25 gives notice of a local transition period is, in the absence of proof to the contrary, conclusive evidence that the person is authorised to do so.

(11) However, nothing in this section authorises notice of a local transition period to be given for any part of New Zealand while a national transition period is in force for that part.

(12) *[Repealed]*

(13) *[Repealed]*

(14) Subsections (12) and (13) are repealed when the COVID-19 Public Health Response Act 2020 is repealed.

Section 94B: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 94B(12): repealed, on 26 November 2024, by section 94B(14).

Section 94B(13): repealed, on 26 November 2024, by section 94B(14).

Section 94B(14): inserted, on 13 May 2020, by section 38 of the COVID-19 Public Health Response Act 2020 (2020 No 12).

94C Commencement and duration of transition periods

(1) A transition period for an area, or part of an area, for which a state of emergency has been declared comes into force—

(a) on the termination of the state of emergency under section 72(1); or

(b) on the expiry of the state of emergency under section 70(3) or 71(4), if the transition notice states that the transition period comes into force on the expiry of the state of emergency.

(2) In any other case, a transition period comes into force at the time and on the date the notice of transition is given.

(3) A national transition period ends 90 days after the time and date on which the period comes into force, unless extended or terminated earlier.

(4) A local transition period ends 28 days after the time and date on which the period comes into force, unless extended or terminated earlier.

Section 94C: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94D Extension of transition periods

(1) Before a national transition period ends, the Minister may by notice extend the national transition period if it appears to the Minister that the extension is required.

(2) Before a local transition period ends, the person who gave notice of that local transition period (or another person, including the Minister, authorised to give that notice) may by notice extend the local transition period if it appears to the person that the extension is required.

(3) In deciding whether an extension of a transition period is required,—

(a) the Minister or other person must have regard to the areas, districts, or wards affected by the emergency; and

(b) the Minister or other person must be satisfied that invoking the powers to manage, co-ordinate, or direct recovery activities is—

(i) in the public interest; and

(ii) necessary or desirable to ensure a timely and effective recovery.

(4) In deciding whether an extension is required, the Minister must also have regard to the capacity of any Civil Defence Emergency Management Group and any local authority in any area, district, or ward affected by the emergency to carry out recovery activities.

(5) Before giving notice under subsection (2), the Minister must, in a manner the Minister considers appropriate, seek and consider comment from any affected Civil Defence Emergency Management Group and the Mayor of any affected local authority, unless—

(a) it is impracticable in the circumstances; or

(b) in the opinion of the Minister, the urgency of the situation requires the notice of extension to be given immediately.

(6) An extension of a transition period comes into force immediately before the end of the transition period that is extended and ends,—

(a) in the case of a national transition period, 90 days after the time and date on which the extension comes into force, unless terminated earlier; or

(b) in the case of a local transition period, 28 days after the time and date on which the extension comes into force, unless terminated earlier.

(7) A transition period may be extended more than once.

(8) If the Minister extends a national transition period, the Minister must advise the House of Representatives as soon as practicable.

(9) If a local transition period is extended a third or further time,—

(a) the person (other than the Minister) who extends the period must give the Minister a copy of the notice at the same time as notifying the public of that extension under section 94F(4); and

(b) the Minister must advise the House of Representatives as soon as practicable.

Section 94D: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94E Termination of transition periods

(1) The Minister may by notice terminate a national transition period.

(2) The person who gave notice of a local transition period (or the Minister or another person appointed or otherwise authorised to give that notice) may by notice terminate the local transition period.

(3) A notice terminating a transition period terminates the relevant transition period when given.

(4) Before giving notice under subsection (2), the Minister must, in a manner the Minister considers appropriate, seek and consider comment from any affected Civil Defence Emergency Management Group and the Mayor of any affected local authority, unless—

(a) it is impracticable in the circumstances; or

(b) in the opinion of the Minister, the urgency of the situation requires the notice of termination to be given immediately.

(5) A notice terminating a transition period must—

(a) specify the time and date on which it is given; and

(b) specify the areas, districts, or wards to which the transition period applies; and

(c) be in the form prescribed by regulations made under section 115 or a form of similar effect.

(6) A person who terminates a transition period must—

(a) immediately notify the public by any means of communication that are reasonably practicable in the circumstances of the case; and

(b) ensure that the notice of termination is published in the *Gazette* as soon as practicable after it is given.

(7) If a state of emergency is declared over an area (or any part of an area) to which a transition period applies, the transition period ends without a termination notice being given.

(8) *[Repealed]*

(9) Subsection (8) is repealed when the COVID-19 Public Health Response Act 2020 is repealed.

Section 94E: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 94E(8): repealed, on 26 November 2024, by section 94E(9).

Section 94E(9): inserted, on 13 May 2020, by section 39 of the COVID-19 Public Health Response Act 2020 (2020 No 12).

94F Content and publication of transition period notices and their extensions

(1) A notice of a transition period must—

(a) specify the time and date on which the notice is given; and

(b) specify the areas, districts, or wards to which it applies; and

(c) be in the form prescribed by regulations made under section 115 or a form of similar effect.

(2) A notice of an extension of a transition period must—

(a) specify the time and date on which the notice is given; and

(b) specify the areas, districts, or wards to which it applies; and

(c) be in the form prescribed by regulations made under section 115 or a form of similar effect.

(3) The validity of a notice of a transition period or a notice of an extension of a transition period is not affected by the inclusion of any additional information.

(4) A person who gives notice of a transition period, or who extends a transition period, must,—

(a) as soon as practicable, notify the public of the notice by publishing the notice—

(i) in 1 or more newspapers circulating in the areas, districts, or wards to which the notice relates; and

(ii) on an Internet site to which the public has free access; and

(b) ensure that the notice or extension is published in the *Gazette* as soon as practicable.

Section 94F: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94FA Application of temporary provisions in Part 4 of Schedule 3

[Repealed]

Section 94FA: repealed, on the close of 1 October 2024, by section 94FA(4).

Part 5B
Powers in relation to transition periods

Part 5B: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94G Application

(1) This Part applies if a transition period is in force.

(2) In addition, Part 5 (other than those provisions that apply only during a state of emergency) applies if a transition period is in force.

(3) A Recovery Manager may exercise the powers conferred on Recovery Managers under this Part if the exercise of the powers—

(a) is in respect of those areas, districts, or wards for which the Recovery Manager is responsible; and

(b) is, in the opinion of the Recovery Manager,—

(i) in the public interest; and

(ii) necessary or desirable to ensure a timely and effective recovery; and

(iii) proportionate in the circumstances.

(4) A constable may exercise the powers conferred on constables under this Part if the exercise of the powers is, in the opinion of the constable,—

(a) in the public interest; and

(b) necessary or desirable to ensure a timely and effective recovery; and

(c) proportionate in the circumstances.

Section 94G: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94H General transition period powers

A Recovery Manager may—

(a) carry out or require to be carried out all or any of the following:

(i) works:

(ii) clearing roads and other public places:

(iii) examining and marking any property, animal, or any other thing:

(iv) removing or disposing of, or securing or otherwise making safe, dangerous structures and materials wherever they may be:

(b) provide for the conservation and supply of food, fuel, and other essential supplies:

(c) disseminate information and advice to the public.

Section 94H: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94I Power to require information

(1) A Recovery Manager may require any person to give the Recovery Manager information in accordance with section 76, as if a reference in that section to a Civil Defence Emergency Management Group were a reference to the Recovery Manager.

(2) The provisions of sections 76, 77, 82, and 83 apply to a requirement under subsection (1) as if it were a requirement by a Civil Defence Emergency Management Group under section 76(1).

Section 94I: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94J Minister's power of direction

(1) This section applies if the Minister considers that, having regard to all the circumstances, it is expedient to exercise the power in subsection (2).

(2) If subsection (1) applies, the Minister may direct the Director or any Civil Defence Emergency Management Group or person—

(a) to perform any of the functions or duties or exercise any of the powers conferred on the Director, Group, or person under this Part; or

(b) to cease to perform any of the functions or duties or to exercise any of the powers conferred on the Director, Group, or person under this Part.

(2A) Subsection (2B) applies if—

(a) an area is subject to—

(i) a transition period; and

(ii) a designation under subpart 6B of Part 2 of the Building Act 2004; and

(b) a person who may exercise powers under this Act in relation to the transition period is the responsible person under that subpart (*see* section 133BK of the Building Act 2004).

(2B) The Minister may direct that responsible person—

(a) to exercise any of the powers conferred on the person under that subpart; or

(b) to cease to exercise any of those powers.

(3) If the Minister directs a person or a Civil Defence Emergency Management Group under this section, the Minister may direct that the functions or duties be performed or the powers be exercised under the control and to the satisfaction of the Director.

Section 94J: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 94J(2): amended, on 17 December 2019, by section 32(1) of the Building Amendment Act 2019 (2019 No 27).

Section 94J(2A): inserted, on 17 December 2019, by section 32(2) of the Building Amendment Act 2019 (2019 No 27).

Section 94J(2B): inserted, on 17 December 2019, by section 32(2) of the Building Amendment Act 2019 (2019 No 27).

94K Evacuation of premises and places

Despite anything in section 94G, a Recovery Manager or a constable may, if necessary, in his or her opinion, for the preservation of human life, direct—

(a) the evacuation of any premises or place, including any public place:

(b) the exclusion of any persons or vehicles from any premises or place, including any public place.

Section 94K: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94L Entry on premises and places

A Recovery Manager or a constable may enter, and if necessary break into, any premises or place if he or she believes on reasonable grounds that the action is necessary for—

(a) saving life, preventing injury, or rescuing and removing injured or endangered persons; or

(b) permitting or facilitating the carrying out of any urgent measure for the relief of suffering or distress.

Section 94L: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94M Closing roads and public places

A Recovery Manager or constable may, in order to prevent, limit, or reduce the consequences of an emergency, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place.

Section 94M: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94N Power to give directions

(1) A Recovery Manager or a constable may—

(a) direct any person to stop any activity that—

(i) may cause, or substantially contribute to the consequences of, an emergency; or

(ii) may prevent or substantially hinder recovery from an emergency:

(b) request any person, either verbally or in writing, to take any action to prevent or limit or reduce the consequences of the emergency.

(2) A Recovery Manager or a constable may direct—

(a) the owner of a structure (or the owner's agent) to obtain an assessment of the effect of the emergency (and any related subsequent events) on the structure:

(b) the owners of structures of a particular type (or the owners' agents) to obtain assessments of the effect of the emergency (and any related subsequent events) on the structures of that type that they own.

(3) A person may not give a direction under subsection (2) unless the person has had regard to whether the structure or type of structure may, in the circumstances, pose a risk of injury or a risk to the safety of life or the safety of other property.

(4) A direction given under subsection (2) must—

(a) state the purpose of the assessment and specify the assessment that is required; and

(b) specify a reasonable time within which the assessment must be concluded; and

(c) require the owner (or the owner's agent) to give a copy of the assessment to the person who gave the direction.

(5) An owner (or owner's agent) who is given a direction under subsection (2) must—

(a) obtain the assessment, which must be conducted in accordance with the direction and at the owner's expense; and

(b) give a copy of the assessment to the person who gave the direction.

(6) The owner (or the owner's agent) may appeal to the District Court on the grounds that the direction is unreasonable.

(7) Section 77(2) and (3) applies in relation to an appeal under subsection (6) with any necessary modifications, and section 77(4) does not apply.

(8) Any relief that may be granted under subsection (6) is limited to the reasonable costs associated with obtaining the assessment.

Section 94N: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94NA Notice requirements

(1) A person who gives a direction under section 94N(2)(a) or (b)—

(a) must use reasonable endeavours, in accordance with section 114, to notify—

(i) each owner (or each owner's agent) and each occupier of the structure of the direction; and

(ii) each owner (or each owner's agent) and each occupier of any adjacent structure or adjoining land of the direction; and

(b) must attach a copy of the notice to a prominent place on, or adjacent to, the structure.

(2) A person giving a direction under section 94N(2)(b) also must give public notice of the direction that is reasonable in the circumstances.

(3) A notice given under this section must—

(a) state the reasons for giving the direction; and

(b) describe the matter to which the direction applies; and

(c) state when the assessments are to be carried out; and

(d) state where any further information may be viewed; and

(e) be published in the *Gazette* as soon as practicable.

Section 94NA: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94O Person exercising emergency powers to provide proof of identity

A person exercising a power conferred on him or her by this Part must—

(a) have with him or her, and produce if requested to do so, evidence of his or her identity; and

(b) if requested to do so, produce evidence of or give a general explanation of the authority under which he or she is acting and the power or powers he or she is exercising.

Section 94O: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

94P Reporting

(1) If a Recovery Manager or a person acting under the authority of a Recovery Manager exercises a power under this Part in relation to a national transition period, the National Recovery Manager must give a written report to the Director.

(2) If a Recovery Manager or a person acting under the authority of a Recovery Manager exercises a power under this Part in relation to a local transition period, the Recovery Manager must give—

(a) a written report to the Director; and

(b) a copy of the report to the Civil Defence Emergency Management Group.

(3) A report and a copy of a report under subsection (1) or (2) must be given within 7 days after the date on which the relevant transition period ends.

(4) If a power was exercised by a person other than the Recovery Manager giving the report, that Recovery Manager must consult with that person in preparing the report.

(5) The report must—

(a) identify the power or powers exercised under this Part and the person who exercised the power or powers; and

(b) include the reasons for the exercise of that power or those powers.

(6) On receiving a report under—

(a) subsection (1), the Director must give a copy of the report to the Minister; and

(b) subsection (2)(a), the Director may give a copy of the report to the Minister.

(7) If the Minister receives a copy of a report under subsection (6), the Minister must present it to the House of Representatives as soon as practicable.

(8) If the National Recovery Manager gives a report to the Director under subsection (1), the National Recovery Manager must also publish a copy of the report on an Internet site as soon as practicable.

(9) On receiving a copy of a report under subsection (2)(b), a Civil Defence Emergency Management Group must publish it on the Group's Internet site as soon as practicable.

(10) In this section, **Recovery Manager** means a person appointed under section 29 or 30, but does not include any person authorised by the Recovery Manager.

Section 94P: inserted, at 9.59 pm on 29 November 2016, by section 27 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Part 6
Offences, penalties, and proceedings

95 Failure to comply with requirement in civil defence emergency management plan

A person commits an offence who intentionally fails to comply with a requirement in a civil defence emergency management plan.

96 Withholding information or giving false or misleading information

(1) A person commits an offence who, when required under section 76, 91, 94I(1), or 94N to provide information,—

(a) intentionally fails or refuses to supply the information within the time specified in the request; or

(b) knowingly gives false information.

(2) No prosecution may be brought under this section before the time for appeal has expired under section 77 (including as applied and modified by section 94I(2)) and, if a person appeals under that section, no prosecution may be brought under this section pending the determination of the appeal.

Section 96(1): amended, at 9.59 pm on 29 November 2016, by section 28(1) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 96(2): amended, at 9.59 pm on 29 November 2016, by section 28(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

97 Disclosing information

A person who intentionally discloses or uses information in breach of section 83 (including as applied and modified by section 94I(2)) commits an offence.

Section 97: amended, at 9.59 pm on 29 November 2016, by section 29 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

98 Obstruction

A person commits an offence who, during a state of emergency or transition period, threatens, assaults, or intentionally obstructs or hinders any person in that person's exercise or performance of a function, power, or duty under this Act.

Compare: 1983 No 46 s 77(a)

Section 98: amended, at 9.59 pm on 29 November 2016, by section 30 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

99 Failure to comply with direction to evacuate premises or place

(1) A person commits an offence who intentionally fails to comply with any direction given to the person under section 86 or 94K.

(2) It is a defence to any proceedings for an offence against this section if the court is satisfied that the Controller, Recovery Manager, or constable did not have reasonable grounds for believing that in all the circumstances of the case the requirement was necessary for the preservation of human life.

Compare: 1983 No 46 s 60(2), (3)

Section 99(1): amended, at 9.59 pm on 29 November 2016, by section 31(1) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 99(2): amended, at 9.59 pm on 29 November 2016, by section 31(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 99(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

100 Failure to comply with prohibition or restriction on access to road or public place

A person commits an offence who intentionally fails to comply with any prohibition or restriction imposed under section 88 or 94M.

Compare: 1983 No 46 s 62(2)

Section 100: amended, at 9.59 pm on 29 November 2016, by section 32 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

101 Offences in relation to requisitioning

(1) A person commits an offence who—

(a) intentionally fails to comply with any direction given to him or her under section 90(2); or

(b) intentionally fails to provide assistance under section 90(6).

(2) It is a defence in any proceedings for an offence against subsection (1)(a) if the court is satisfied that the Controller or the constable did not have reasonable grounds for believing that in all the circumstances of the case the direction requisitioning property was necessary for the preservation of human life.

(3) It is a defence in any proceedings for an offence against subsection (1)(b) if the court is satisfied that the person had reasonable grounds for not providing assistance.

Compare: 1983 No 46 s 64(5), (6)

Section 101(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

102 Failure to comply with direction

A person commits an offence who intentionally fails to comply with a direction given under section 91 or 94N.

Section 102: amended, at 9.59 pm on 29 November 2016, by section 33 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

103 Personation

A person commits an offence who intentionally personates or falsely represents himself or herself to be the Director, a Controller, a Recovery Manager, a member of a Civil Defence Emergency Management Group, or a person acting under the authority of any of those persons, or any person duly authorised or employed for carrying out any provision of this Act or any civil defence emergency management plan.

Compare: 1983 No 46 s 77(b)

Section 103: amended, at 9.59 pm on 29 November 2016, by section 34 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

104 Penalty for offences

A person who commits an offence against this Act is liable on conviction,—

(a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding $5,000, or both:

(b) in the case of a body corporate, to a fine not exceeding $50,000.

Compare: 1983 No 46 s 78

Section 104: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 7
Miscellaneous provisions

105 Delegation of powers of Director

(1) The Director may, in writing, either generally or particularly, delegate to any person employed in the State services all or any of the functions, duties,

and powers exercisable by the Director under this Act, except this power of delegation.

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

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

(4) A 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) A delegation under this section is revocable in writing at will, and no delegation prevents the exercise of any function, duty, or power by the Director.

(6) A delegation under this section, until revoked, continues in force according to its tenor even if the Director by whom it was made has ceased to hold office.

(7) Nothing in this section limits section 10 or section 11.

Compare: 1983 No 46 s 9

106 Acting Director

(1) In the case of absence from duty of the Director (arising from whatever cause) or on the occurrence from any cause of a vacancy in that position (whether by reason of death, resignation, or otherwise) and while the absence or vacancy continues, all or any of the functions, duties, and powers of the Director or pertaining to the position may be exercised and performed by any other person for the time being directed or appointed by the chief executive of the responsible department to exercise and perform them.

(2) The direction may be given or the appointment may be made before the absence or vacancy occurs or while the absence or vacancy continues.

(3) No direction or appointment under this section, and no acts done by a person acting under the direction or appointment, may in proceedings be questioned on the ground that the occasion for the direction or appointment had not arisen or had ceased, or on the ground that the person has not been appointed to the position of Director.

(4) If a person appointed under this section is an employee within the meaning of that term in the Public Service Act 2020, nothing in clause 2 of Schedule 8 of that Act applies.

(5) Except as provided in subsection (4), this section does not limit or affect the application of the Public Service Act 2020.

Section 106(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 106(5): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

107 Compensation if property requisitioned

(1) Subsection (2) applies if any requisitioned property has come under the control of the National Controller, any constable, or a person authorised by the National Controller or constable, while acting under section 90 in a state of emergency.

(2) There is payable, on application by any person having an interest in the requisitioned property, 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.

(3) Subsection (4) applies if any requisitioned property has come under the control of a Civil Defence Emergency Management Group, a Group Controller, or a person authorised by the Group or Group Controller, while acting under section 90 in a state of emergency.

(4) There is payable, on application by any person having an interest in the requisitioned property, by the Civil Defence Emergency Management Group that appointed the Group Controller, 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.

(5) In determining the amount of compensation payable under this section for any loss of, or damage or injury to, requisitioned property, any amount that the person having an interest in the property has, or is likely to, recover under a contract of insurance or by any other means must be taken into account.

(6) If there is any dispute as to the entitlement of any person to compensation under this section, or as to the amount of the compensation, or as to the liability of the Crown or any Civil Defence Emergency Management Group or other person to pay the compensation, the matter may be determined by a court of competent jurisdiction.

Compare: 1983 No 46 s 65

Section 107(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

108 Compensation for loss or damage to personal property

(1) Subject to subsections (3) and (4), every member of a Civil Defence Emergency Management Group, and any other person who carries out civil defence

emergency management under the direction of the Director or a Civil Defence Emergency Management Group or a Controller or a Recovery Manager, and who suffers loss of or damage to his or her personal property occasioned by the exercise or performance of work or duties arising from a state of emergency or a transition period is 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) Subsection (1) may, at the discretion of the Minister, be applied to any person who is not a person referred to in that subsection.

(3) Subsection (1) does not apply to any loss of or damage to property to the extent to which that loss or damage is covered by a contract of insurance.

(4) A person is not entitled to receive any compensation under subsection (1) to the extent to which the 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 for the loss or damage.

(5) Any compensation payable under subsection (1) must 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 emergency management under the control of the Director, the National Controller, or the National Recovery Manager or any person acting under the authority of the Director, the National Controller, or the National Recovery Manager:

(b) the Civil Defence Emergency Management Group if the person entitled to the payment was, at the time of the loss or damage, carrying out civil defence emergency management under the control of—

(i) the Civil Defence Emergency Management Group; or

(ii) the Group Controller appointed by the Civil Defence Emergency Management Group; or

(iii) a Recovery Manager; or

(iv) any person acting under the authority of the Civil Defence Emergency Management Group, the Group Controller, or a Group Recovery Manager appointed by the Group.

(6) If there is any dispute as to the entitlement of any person to compensation under this section, or as to the amount of the compensation, or as to the liability of the Crown or any Civil Defence Emergency Management Group to pay the compensation, the matter may be determined by a court of competent jurisdiction.

(7) A payment of compensation by the Crown under this section must be made out of public money appropriated by Parliament for the purpose.

(8) Despite anything to the contrary in the Social Security Act 2018, nothing in this section may be construed as to in any way limit or affect the entitlement of any person to any benefit under that Act.

Compare: 1983 No 46 s 75

Section 108(1): amended, at 9.59 pm on 29 November 2016, by section 35(1)(a) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 108(1): amended, at 9.59 pm on 29 November 2016, by section 35(1)(b) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 108(5)(a): amended, at 9.59 pm on 29 November 2016, by section 35(2) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 108(5)(b)(iii): amended, at 9.59 pm on 29 November 2016, by section 35(3) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 108(5)(b)(iv): amended, at 9.59 pm on 29 November 2016, by section 35(4) of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 108(8): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

109 Compensation for other matters

(1) This section does not apply if section 107 or section 108 applies.

(2) A person who has suffered loss or damage, as a result of any action or measure duly taken under instructions issued under any of sections 86 to 92 by the National Controller or a constable, or a person authorised by the National Controller or constable, may recover compensation from the Crown if the action or measure was such that the good done, or likely to be done, by the action or measure for that person was disproportionately less than the loss or damage suffered by that person as a result of that action or that measure.

(3) A person who has suffered loss or damage, as a result of any action or measure duly taken under instructions issued under any of sections 86 to 92 by a Group Controller, or a person authorised by him or her, may recover compensation from the Civil Defence Emergency Management Group that appointed the Group Controller if the action or measure was such that the good done, or likely to be done, by the action or measure for that person was disproportionately less than the loss or damage suffered by that person as a result of that action or that measure.

(3A) A person who has suffered loss or damage as a result of any action or measure duly taken under instructions issued under any of sections 94K to 94N by the National Recovery Manager or a constable, or a person authorised by the National Recovery Manager or constable, may recover compensation from the Crown if the action or measure was such that the good done, or likely to be done, by the action or measure for that person was disproportionately less than the loss or damage suffered by that person as a result of that action or that measure.

(3B) A person who has suffered loss or damage as a result of any action or measure duly taken under instructions issued under any of sections 94K to 94N

by a Group Recovery Manager or a Local Recovery Manager, or a person authorised by the Group Recovery Manager or Local Recovery Manager, may recover compensation from the Civil Defence Emergency Management Group that appointed the Group Recovery Manager or Local Recovery Manager if the action or measure was such that the good done, or likely to be done, by the action or measure for that person was disproportionately less than the loss or damage suffered by that person as a result of that action or that measure.

(4) In determining the amount of compensation payable under this section for any loss or damage, any amount that the person has, or is likely to, recover under a contract of insurance or by any other means must be taken into account.

(5) If a claim is brought against the Crown or a Civil Defence Emergency Management Group for compensation under this section, a court, in determining whether subsection (2) or subsection (3) applies, must take into account—

(a) the probability of the adverse effect to the claimant's property that the action or measure in the relevant section is intended to avert occurring if the action or measure had not been taken; and

(b) the extent of the loss or damage that has been caused by the action or measure taken.

(6) Any claim for compensation brought against the Crown or a Civil Defence Emergency Management Group—

(a) may only be brought for direct loss or damage suffered in relation to property; and

(b) may only be brought in respect of uninsured loss or damage that does not exceed the replacement value of that property; and

(c) may not be brought by any insurer in relation to any person who has insured against the loss or damage.

(7) If loss or damage to property is caused by the Crown, the Group Controller, any member of a Civil Defence Emergency Management Group, or any other person in the performance in good faith of his or her functions or duties or the exercise in good faith of his or her powers at, or in connection with, any emergency, liability for that loss or damage may not exceed the replacement value of the property and is covered as follows:

(a) in relation to insured property,—

(i) by any contract of insurance that covers the property regardless of how it describes loss or damage; and

(ii) with respect to any loss or damage exceeding the cover of that contract of insurance,—

(A) by the local authorities that are members of the Civil Defence Emergency Management Group or Groups if the action or measure that caused the damage was undertaken by or on behalf of the Group or Groups; or

(B) by the Crown if the action or measure that caused the damage was undertaken by or on behalf of the Crown; and

(b) in the case of uninsured property,—

(i) by the local authorities that are members of the relevant Civil Defence Emergency Management Group or Groups if the action or measure that caused the damage was undertaken by or on behalf of the Group or Groups; or

(ii) by the Crown if the action or measure that caused the damage was undertaken by or on behalf of the Crown.

(8) Despite anything in subsection (7), if any emergency or anticipated emergency is a natural hazard within the meaning of the Natural Hazards Insurance Act 2023 or within the meaning of any policy or contract of insurance, the loss or damage is to be treated as natural hazard damage for the purposes of that Act, policy, or contract.

(9) Nothing in this section prevents the Crown or a Civil Defence Emergency Management Group from making any *ex gratia* payments it considers justifiable on the basis of hardship or fairness.

(10) For the purposes of this section,—

insurer means any provider of insurance

property means—

(a) real property; and

(b) livestock; and

(c) personal property, excluding livestock, not exceeding $20,000 less any insurance cover for that personal property (if any).

Section 109(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 109(3A): inserted, at 9.59 pm on 29 November 2016, by section 36 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 109(3B): inserted, at 9.59 pm on 29 November 2016, by section 36 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 109(8): amended, on 1 July 2024, by section 163 of the Natural Hazards Insurance Act 2023 (2023 No 1).

110 Protection from liability

(1) Except as provided in sections 107 to 109, there is no cause of action against the Crown, or a Civil Defence Emergency Management Group, or an officer or employee or member of any of them, or against any other person, to recover damages for any loss or damage that is due directly or indirectly to a state of emergency or a transition period.

(2) Subsection (1) applies whether the loss or damage is caused by any person taking any action or failing to take any action, so long as the act or omission

occurred in the exercise or performance of his or her functions, duties, or powers under this Act.

(3) No person is exempted from liability under subsection (1) for any act or omission to act that constitutes bad faith or gross negligence on the part of that person.

Compare: 1983 No 46 s 66

Section 110(1): amended, at 9.59 pm on 29 November 2016, by section 37 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

111 Restricted application of Resource Management Act 1991

If a state of emergency is declared, or notice of a transition period is given, under this Act, the Resource Management Act 1991 applies to emergency works as provided for in section 330B of that Act.

Section 111 heading: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 111: amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 111: amended, at 9.59 pm on 29 November 2016, by section 38 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

112 Absence on duty not to affect employment rights

(1) No person who is required by the Director or a Controller to be absent from his or her accustomed employment on civil defence emergency management duties during a state of emergency is liable to dismissal from that employment merely because of his or her absence on civil defence emergency management duties, whether or not his or her accustomed employer has consented to that absence.

(2) A person is to be treated as having been required by the Director or a Controller to be absent from his or her employment on civil defence emergency management duties if the person was so required personally or was required to participate in the duties performed by an organisation so required.

(3) Nothing in this section is to be construed as imposing on the employer of any person any obligation to pay to him or her any remuneration in respect of any period of absence from his or her employment on civil defence emergency management duties.

Compare: 1983 No 46 s 74

113 Recovery of costs by Civil Defence Emergency Management Groups

Subject to any agreement entered into between them, if a Civil Defence Emergency Management Group agrees to undertake civil defence emergency management at the request of another Civil Defence Emergency Management Group under section 17(1)(f), it may recover as a debt due to it from that

other Group all actual and reasonable costs and expenses incurred for that civil defence emergency management.

Compare: 1983 No 46 s 76(5)

114 Service of documents

(1) If a document under this Act is to be served on a person, it may be served—

(a) by delivering it personally to the person (other than a Minister of the Crown); or

(b) by delivering it at the usual or last known place of residence or business of the person by any means, including by facsimile; or

(c) by sending it by pre-paid post addressed to the person at the usual or last known place of residence or business of that person.

(2) If a notice or other document is to be served on a body (whether incorporated or not) for the purposes of this Act, service on an officer of the body, or on the registered office of the body, in accordance with subsection (1) must be treated as service on the body.

(3) If a notice or other document is to be served on a Civil Defence Emergency Management Group for the purposes of this Act, service on the chairperson of the Group or the administering authority of the Group must be treated as service on the Group.

(4) If a notice or other document is to be served on a partnership for the purposes of this Act, service on any one of the partners in accordance with subsection (1) must be treated as service on the partnership.

(5) If a notice or other document is sent by post to a person in accordance with subsection (1)(c), it must be treated, in the absence of proof to the contrary, as having been received by the person at the time at which the letter would have been delivered in the ordinary course of the post.

115 Regulations

(1) The Governor-General may, 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 emergency management personnel, and regulating the use and wearing of those warrants, badges, or other insignia:

(b) prescribing the form of identification passes for civil defence emergency management purposes, and regulating their use:

(c) prescribing matters relating to the provision, maintenance, control, and operation of warning systems:

(d) prescribing the level of competence or standard to be met by persons carrying out specified civil defence emergency management functions:

(e) prescribing technical standards, performance standards, operating procedures, training systems, and qualifications for the purposes of this Act:

(f) providing for the identification and promotion of civil defence emergency management services:

(g) prohibiting or regulating any activity or class of activity that may impede or adversely affect measures taken for the purpose of implementing a civil defence emergency management plan:

(h) prescribing the form of warrant for the purposes of section 79:

(i) prescribing forms that may be used for the purposes of this Act:

(j) prescribing fines not exceeding $500 for the breach of any regulation made under this section:

(k) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1983 No 46 s 80

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 115(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

115A Permanent legislative authority for payment of certain expenses

(1) The Crown may, without further appropriation than this section, incur expenses to reimburse a local authority or a water organisation for, or to pay public money for the purpose of meeting, expenses incurred by a local authority or a water organisation in connection with an emergency if the expenses—

(a) are incurred in respect of civil defence emergency management activities; and

(b) meet the criteria for being reimbursed or paid in a Government policy that was in force before the emergency occurred.

(2) In this section, **water organisation** has the same meaning as in section 4 of the Local Government (Water Services) Act 2025.

Section 115A: inserted, at 9.59 pm on 29 November 2016, by section 39 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Section 115A(1): amended, on 27 August 2025, by section 4(1) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 115A(1): amended, on 1 July 2025, by section 117 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

Section 115A(2): inserted, on 27 August 2025, by section 4(2) of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

116 Repeal of Civil Defence Act 1983

The Civil Defence Act 1983 (1983 No 46) is repealed.

117 Amendments to other Acts

The Acts specified in Schedule 2 are amended in the manner set out in that schedule.

Transitional provisions

118 Civil defence plans to continue

(1) Every national civil defence plan in force immediately before the commencement of this Act continues in force until the first national civil defence emergency management plan becomes operative.

(2) Every regional civil defence plan in force immediately before the commencement of this Act continues in force until—

(a) the regional council has joined a Civil Defence Emergency Management Group; and

(b) the first civil defence emergency management group plan for the area becomes operative.

(3) Every local civil defence plan in force immediately before the commencement of this Act continues in force until—

(a) the territorial authority has joined a Civil Defence Emergency Management Group; and

(b) the first civil defence emergency management group plan for the area becomes operative.

119 Provisions of Civil Defence Act 1983 that continue

(1) Sections 23 to 42 of the Civil Defence Act 1983 (which relate to the functions, duties, and powers of regional councils and territorial authorities) continue to apply in each district until the regional council or the territorial authority, as the case may be, has joined a Civil Defence Emergency Management Group and the first plan for that Group becomes operative.

(2) Sections 50 to 52 and 54 to 57 of the Civil Defence Act 1983 (which relate to the declaration of states of emergency) continue to apply until,—

(a) in the case of a local or regional emergency, the first relevant civil defence emergency management group plan becomes operative; and

(b) in the case of a national emergency, the first national civil defence emergency management plan becomes operative.

(3) Sections 58 to 68 of the Civil Defence Act 1983 (which relate to emergency powers) continue to apply while the provisions referred to in subsection (2) continue to apply.

(4) *[Repealed]*

(5) Sections 73 to 79 of the Civil Defence Act 1983 (which are general provisions) continue to apply for the purposes of provisions continued by this section.

Section 119(4): repealed, at 9.59 pm on 29 November 2016, by section 40 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

120 Amendments to references in documents to civil defence personnel and entities

Unless the context otherwise requires, in any Order in Council, agreement, deed, instrument, application, notice, direction, contract, lease, or other document in force at the commencement of this Act,—

(a) every reference to the Director of Civil Defence, a Civil Defence Commissioner, the National Civil Defence Committee, or a Planning Committee appointed under section 21 of the Civil Defence Act 1983 is a reference to the Director of Civil Defence Emergency Management:

(b) every reference to a regional council or territorial authority, if the reference relates to functions, duties, or powers under the Civil Defence Act 1983, is a reference to the Civil Defence Emergency Management Group once the Group is formed for the area and the first plan for that Group becomes operative:

(c) every reference to Regional Controllers or Group Controllers appointed under the Civil Defence Act 1983 is a reference to a Group Controller under this Act once the first civil defence emergency management group plan for the area concerned becomes operative:

(d) every reference to a state of national emergency or a state of national civil defence emergency is a reference to a state of national emergency under this Act once the first national civil defence emergency management plan becomes operative:

(e) every reference to a state of regional civil defence emergency or a state of local civil defence emergency is a reference to a state of local emergency under this Act once the first civil defence emergency management group plan for the area concerned becomes operative.

121 Proceedings not affected

(1) Nothing in this Act affects the rights of any party to any proceedings commenced in any court before the commencement of this Act.

(2) All claims for compensation commenced under any provisions repealed by this Act may be continued and completed in all respects as if the Civil Defence Act 1983 remained in force.

Schedule 1AA
Transitional, savings, and related provisions

s 4A

Section 1AA Part 1: inserted, at 9.59 pm on 29 November 2016, by section 41 of the Civil Defence Emergency Management Amendment Act 2016 (2016 No 88).

Part 1
Provisions relating to this Act as enacted

1 Interpretation

In this schedule, **Recovery Co-ordinator** has the same meaning as it had in this Act immediately before the commencement of the Civil Defence Emergency Management Amendment Act 2016.

2 Civil Defence Emergency Management Groups

Any Civil Defence Emergency Management Group established under section 12(1)(b) of this Act (as it read immediately before the commencement of the Civil Defence Emergency Management Amendment Act 2016) is to be treated as having been established as a committee under clause 30(1)(a) of Schedule 7 of the Local Government Act 2002.

3 Recovery Co-ordinators

(1) Any Recovery Co-ordinator who was appointed and in office under section 29 of this Act (as it read immediately before the commencement of the Civil Defence Emergency Management Amendment Act 2016) may remain in office until his or her term of appointment expires.

(2) A Recovery Co-ordinator who remains in office under subclause (1) may continue to exercise powers under section 30 (as it read immediately before the commencement of the Civil Defence Emergency Management Amendment Act 2016) and section 30 remains in force for the purposes of this clause.

4 Appointment of persons to give notice of local transition period

[Repealed]

Schedule 1AA clause 4: repealed, on 1 June 2017, by Schedule 1AA clause 7(1).

5 Appointment of Group Recovery Managers

[Repealed]

Schedule 1AA clause 5: repealed, on 1 June 2017, by Schedule 1AA clause 7(1).

6 Form of certain notices

[Repealed]

Schedule 1AA clause 6: repealed, on 1 June 2017, by Schedule 1AA clause 7(1).

7 Repeals

[Repealed]

Schedule 1AA clause 7: repealed, on 2 June 2017, by Schedule 1AA clause 7(2).

Part 2
Provision relating to Civil Defence Emergency Management Amendment Act 2017

Schedule 1AA Part 2: inserted, on 8 August 2017, by section 4 of the Civil Defence Emergency Management Amendment Act 2017 (2017 No 33).

8 Continuation of national civil defence emergency management strategy to 2019

Despite section 34(1)(b), the national civil defence emergency management strategy that took effect on 10 January 2008, unless it is earlier amended or replaced, remains current (in effect) until the close of 9 April 2019.

Schedule 1
Lifeline utilities

s 4

Part A
Specific entities

1 Radio New Zealand Limited and Television New Zealand Limited.

2 The company (as defined in section 2 of the Auckland Airport Act 1987) that operates Auckland international airport.

3 The company (as defined in section 2 of the Wellington Airport Act 1990) that operates Wellington international airport.

4 The company that operates Christchurch International Airport.

Schedule 1 Part A clause 4: replaced, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

5 The entity (being an airport authority as defined in section 2 of the Airport Authorities Act 1966, whether or not it is also an airport company as defined in that section, or an airport operator as defined in section 5 of the Civil Aviation Act 2023) that operates the primary airport at Bay of Islands, Blenheim, Dunedin, Gisborne, Hamilton, Hokitika, Invercargill, Napier, Nelson, New Plymouth, Palmerston North, Queenstown, Rotorua, Tauranga, Wanganui, Westport, Whakatane, or Whangarei.

Schedule 1 Part A clause 5: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

6 The port company (as defined in section 2(1) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Port Chalmers, Gisborne, Lyttelton, Napier, Nelson, Picton, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei.

Schedule 1 Part A clause 6: amended, on 25 March 2012, by section 10 of the Civil Defence Emergency Management Amendment Act 2012 (2012 No 6).

7 The Grey District Council, acting as the Greymouth harbour authority and owner and operator of the Port of Greymouth under Parts 4 and 6 of the Local Government (West Coast Region) Reorganisation Order 1989, Part 39A of the Local Government Act 1974, and section 16 of the Local Government Amendment Act (No 2) 1999.

Part B
Entities carrying on certain businesses

1 An entity that produces, supplies, or distributes manufactured gas or natural gas (whether it is supplied or distributed through a network or in bottles of more than 20 kg of gas).

2 An entity that generates electricity for distribution through a network or distributes electricity through a network.

3 An entity that supplies or distributes water to the inhabitants of a city, district, or other place.

4 An entity that provides a waste water or sewerage network or that disposes of sewage or storm water.

5 An entity that provides a telecommunications network (within the meaning of the Telecommunications Act 1987).

6 An entity that provides a road network (including State highways).

7 An entity that produces, processes, or distributes to retail outlets and bulk customers any petroleum products used as an energy source or an essential lubricant or additive for motors for machinery.

8 An entity that provides a rail network or service.

Schedule 2
Acts amended

s 117

Burial and Cremation Act 1964 (1964 No 75)
Amendment(s) incorporated in the Act(s).

Civil Aviation Act 1990 (1990 No 98)
Amendment(s) incorporated in the Act(s).

Constitution Act 1986 (1986 No 114)
Amendment(s) incorporated in the Act(s).

Crown Research Institutes Act 1992 (1992 No 47)
Amendment(s) incorporated in the Act(s).

Customs and Excise Act 1996 (1996 No 27)
Amendment(s) incorporated in the Act(s).

Defence Act 1990 (1990 No 28)
Amendment(s) incorporated in the Act(s).

Finance Act 1968 (1968 No 54)
Amendment(s) incorporated in the Act(s).

Fire Service Act 1975 (1975 No 42)
Amendment(s) incorporated in the Act(s).

Forest and Rural Fires Act 1977 (1977 No 52)
Amendment(s) incorporated in the Act(s).

Hazardous Substances and New Organisms Act 1996 (1996 No 30)
Amendment(s) incorporated in the Act(s).

Health Act 1956 (1956 No 65)
Amendment(s) incorporated in the Act(s).

Layout Designs Act 1994 (1994 No 116)
Amendment(s) incorporated in the Act(s).

Local Authorities (Members' Interests) Act 1968 (1968 No 147)
Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66)

Amendment(s) incorporated in the Act(s).

Maritime Transport Act 1994 (1994 No 104)

Amendment(s) incorporated in the Act(s).

Ombudsmen Act 1975 (1975 No 9)

Amendment(s) incorporated in the Act(s).

Patents Act 1953 (1953 No 64)

Amendment(s) incorporated in the Act(s).

Petroleum Demand Restraint Act 1981 (1981 No 12)

Amendment(s) incorporated in the Act(s).

Plant Variety Rights Act 1987 (1987 No 5)

Amendment(s) incorporated in the Act(s).

Public Finance Act 1989 (1989 No 44)

Amendment(s) incorporated in the Act(s).

Resource Management Act 1991 (1991 No 69)

Amendment(s) incorporated in the Act(s).

Transport Services Licensing Act 1989 (1989 No 74)

Amendment(s) incorporated in the Act(s).

Schedule 3
Temporary Provisions

[Repealed]

ss 28A, 30B, 73A, 94FA

Schedule 3: repealed, on the close of 1 October 2024, pursuant to section 94FA(4).

Part 1
Temporary provision relating to functions of Group Controllers

[Repealed]

Schedule 3 Part 1: repealed, on the close of 1 October 2024, by section 28A(4).

1 Functions of Group Controllers

[Repealed]

Schedule 3 clause 1: repealed, on the close of 1 October 2024, by section 28A(4).

Part 2
Functions of Recovery Managers

[Repealed]

Schedule 3 Part 2: repealed, on the close of 1 October 2024, by section 30B(4).

2 Functions of Recovery Managers

[Repealed]

Schedule 3 clause 2: repealed, on the close of 1 October 2024, by section 30B(4).

Part 3
Temporary provisions relating to declarations of state of emergency

[Repealed]

Schedule 3 Part 3: repealed, on the close of 1 October 2024, by section 73A(4).

3 Minister may declare state of national emergency

[Repealed]

Schedule 3 clause 3: repealed, on the close of 1 October 2024, by section 73A(4).

4 Declaration of state of local emergency

[Repealed]

Schedule 3 clause 4: repealed, on the close of 1 October 2024, by section 73A(4).

Part 4
Temporary provisions relating to transition periods

[Repealed]

Schedule 3 Part 4: repealed, on the close of 1 October 2024, by section 94FA(4).

5 Minister may give notice of national transition period

[Repealed]

Schedule 3 clause 5: repealed, on the close of 1 October 2024, by section 94FA(4).

6 Notice of local transition period

[Repealed]

Schedule 3 clause 6: repealed, on the close of 1 October 2024, by section 94FA(4).

7 Termination of transition periods

[Repealed]

Schedule 3 clause 7: repealed, on the close of 1 October 2024, by section 94FA(4).

Notes

1 General

This is a consolidation of the Civil Defence Emergency Management Act 2002 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Healthy Futures (Pae Ora) Amendment Act 2026 (2026 No 40): section 41(1)

Public Service Amendment Act 2026 (2026 No 23): section 51

Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43): sections 4, 111(2)

Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31): section 117

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Civil Aviation Act 2023 (2023 No 10): section 486

Natural Hazards Insurance Act 2023 (2023 No 1): section 163

Pae Ora (Healthy Futures) Act 2022 (2022 No 30): section 104

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

COVID-19 Public Health Response Act 2020 (2020 No 12): Part 3

Building Amendment Act 2019 (2019 No 27): Part 2 subpart 1

Social Security Act 2018 (2018 No 32): section 459

Civil Defence Emergency Management Amendment Act 2017 (2017 No 33)

Fire and Emergency New Zealand Act 2017 (2017 No 17): section 197

Civil Defence Emergency Management Amendment Act 2016 (2016 No 88) (as amended by Civil Defence Emergency Management Amendment Act 2016 Amendment Act 2016 (2016 No 92))

District Court Act 2016 (2016 No 49): section 261

Health and Safety at Work Act 2015 (2015 No 70): section 232

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Legislation Act 2012 (2012 No 119): section 77(3)

Civil Defence Emergency Management Amendment Act 2012 (2012 No 6)

Criminal Procedure Act 2011 (2011 No 81): section 413

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 130(1)

Building Act 2004 (2004 No 72): section 414

Local Government Act 2002 (2002 No 84): section 262

Civil Defence Emergency Management Act 2002 (2002 No 33): sections 28A(4), 30B(4), 66(5), 68(8), 73A(4), 94B(14), 94E(9), 94FA(4), Schedule 1AA clause 7

Public Finance Act 1989 (1989 No 44): section 65R(3)

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