



Civil Defence Emergency Management Amendment Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 21st day of June 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 115 of the Civil Defence Emergency Management Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Schedule

4

New headings and forms substituted in Schedule 2

Regulations

- 1 Title**

These regulations are the Civil Defence Emergency Management Amendment Regulations 2010.
- 2 Commencement**

These regulations come into force on 1 August 2010.
- 3 Principal regulations amended**

These regulations amend the Civil Defence Emergency Management Regulations 2003.
- 4 Civil defence logo**

Regulation 4 is amended by inserting the following subclause after subclause (1):

“(1A) Despite subclause (1), if the civil defence logo is used on medallions that the Minister issues to recognise outstanding, important, or long-service contributions to civil defence emergency management, the civil defence logo—

 - “(a) may be—
 - “(i) blue and yellow, as specified in clause 1(a) of Schedule 1; or
 - “(ii) black and white, as specified in clause 1(b) of Schedule 1; or
 - “(iii) wholly gold; or
 - “(iv) wholly silver:
 - “(b) may—
 - “(i) exclude the words CIVIL DEFENCE; or
 - “(ii) reposition the words CIVIL DEFENCE outside the circle.”
- 5 New regulation 6 substituted**

Regulation 6 is revoked and the following regulation substituted:

“6 Form of declarations of state of emergency

- “(1) If the Minister makes a declaration—
- “(a) of a state of national emergency under section 66 of the Act, the declaration must be in form 2 of Schedule 2:
 - “(b) extending a state of national emergency under section 71 of the Act, the declaration must be in form 3 of Schedule 2:
 - “(c) terminating a state of national emergency under section 72 of the Act, the declaration must be in form 4 of Schedule 2:
 - “(d) of a state of local emergency under section 69 of the Act, the declaration must be in form 5 of Schedule 2:
 - “(e) extending a state of local emergency under section 71 of the Act, the declaration must be in form 6 of Schedule 2:
 - “(f) terminating a state of local emergency under section 72 of the Act, the declaration must be in form 7 of Schedule 2.
- “(2) Despite subclause (1), the Minister may, when making a declaration,—
- “(a) use a form of similar effect to a form specified in subclause (1):
 - “(b) include additional information in any form.
- “(3) If a person, other than the Minister and who is authorised to declare a state of local emergency, makes a declaration—
- “(a) of a state of local emergency under section 68 of the Act, the declaration must be in form 8 of Schedule 2:
 - “(b) extending a state of local emergency under section 71 of the Act, the declaration must be in form 9 of Schedule 2:
 - “(c) terminating a state of local emergency under section 72 of the Act, the declaration must be in form 10 of Schedule 2.
- “(4) Despite subclause (3), the person may, when making a declaration,—
- “(a) use a form of similar effect to a form specified in subclause (3):
 - “(b) include additional information in any form.”

6 Schedule 2 amended

Schedule 2 is amended by revoking forms 2 to 5 and substituting the headings and forms set out in the Schedule of these regulations.

Schedule
New headings and forms substituted in
Schedule 2

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Ministerial forms for state of national
emergency

Form 2

Declaration by Minister of state of national
emergency

Section 66, Civil Defence Emergency Management Act 2002

I, *[full name]*, declare that a state of national emergency exists over the whole of New Zealand/exists in *[specify names of Civil Defence Emergency Management Group areas or districts]** owing to *[describe emergency]*.

The state of national emergency comes into force immediately on the making of this declaration/into force at *[specify later time and date]**.

The state of national emergency expires with the commencement of the seventh day after the date on which this declaration is made/expires at *[specify time and date, which must not be later than the commencement of the seventh day after the date on which this declaration is made]**.

Declared by: *[signature]*

Designation: Minister of Civil Defence/*[specify other Minister of the Crown]**

*Select one.

Time and date of declaration:

Form 2—*continued***Notes**

- 1 The Minister must advise the House of Representatives as soon as practicable of the making of this declaration.
- 2 This declaration must also be—
 - (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended that publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 3 Calculating “the commencement of the seventh day after the date on which this declaration is made”: If the declaration is made at any time on 1 January, it will expire at the beginning of 8 January. If the declaration is made at any time on a Friday, it will expire at the beginning of the following Friday.

Form 3

Declaration by Minister extending state of
national emergency

Section 71, Civil Defence Emergency Management Act 2002

I, [full name], extend the state of national emergency declared at [specify time and date][†] over the whole of New Zealand/for [specify names of Civil Defence Emergency Management Group areas or districts]* owing to [describe emergency].

The state of national emergency expires with the commencement of the seventh day after the date on which this declaration is made/expires at [specify time and date, which must not be later than the commencement of the seventh day after the date on which this declaration is made]*.

Declared by: [signature]

Designation: Minister of Civil Defence/[specify other Minister of the Crown]*

[†]Include times and dates of any previous extensions.

*Select one.

Time and date of declaration:

Notes

- 1 The Minister must advise the House of Representatives as soon as practicable of the making of this declaration.
- 2 This declaration must also be—
 - (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended that publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 3 Calculating “the commencement of the seventh day after the date on which this declaration is made”: If the declaration is made at any time on 1 January, it will expire at the beginning

Form 3—*continued*

of 8 January. If the declaration is made at any time on a Friday, it will expire at the beginning of the following Friday.

- 4 If this is a second or subsequent extension of a state of emergency, specify the time and date each previous extension was made, as well as the time and date the state of emergency was first declared.

Form 4

Declaration by Minister terminating state of
national emergency

Section 72, Civil Defence Emergency Management Act 2002

I, *[full name]*, terminate the state of national emergency declared at *[specify time and date]*[†] over the whole of New Zealand/for *[specify names of Civil Defence Emergency Management Group areas or districts]** owing to *[describe emergency]*.

The termination of the state of national emergency takes effect from the time and date of this declaration/from *[specify time and date, which must not be later than the commencement of the seventh day after the date on which the state of national emergency was declared or last extended]**.

Declared by: *[signature]*

Designation: Minister of Civil Defence/*[specify other Minister of the Crown]**

[†]Include times and dates of any extensions.

*Select one.

Time and date of declaration:

Notes

- 1 This declaration must be—
 - (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended that publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 2 Calculating “the commencement of the seventh day after the date on which the state of national emergency was declared”: If the declaration was made at any time on 1 January, it would expire at the beginning of 8 January. If the declaration was made at any time on a Friday, it would expire at the beginning of the following Friday.

Form 4—*continued*

- 3 If any extension of the state of emergency was made, specify the time and date each extension was made, as well as the time and date the state of emergency was first declared.

Ministerial forms for state of local emergency

Form 5 Declaration by Minister of state of local emergency

Section 69, Civil Defence Emergency Management Act 2002

I, [full name], declare that a state of local emergency exists in [specify names of Civil Defence Emergency Management Group area, districts, or wards] owing to [describe emergency].

The state of local emergency comes into force immediately on the making of this declaration/into force at [specify later time and date]*.

The state of local emergency expires with the commencement of the seventh day after the date on which this declaration is made/expires at [specify time and date, which must not be later than the commencement of the seventh day after the date on which this declaration is made]*.

Declared by: [signature]

Designation: Minister of Civil Defence/[specify other Minister of the Crown]*

*Select one.

Time and date of declaration:

Notes

- 1 This declaration must be—
 - (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended that publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 2 Calculating “the commencement of the seventh day after the date on which this declaration is made”: If the declaration is made at any time on 1 January, it will expire at the beginning

Form 5—continued

of 8 January. If the declaration is made at any time on a Friday, it will expire at the beginning of the following Friday.

Form 6

Declaration by Minister extending state of local
emergency

Section 71, Civil Defence Emergency Management Act 2002

I, [full name], extend the state of local emergency declared at [specify time and date][†] for [specify names of Civil Defence Emergency Management Group area, districts, or wards] owing to [describe emergency].

The state of local emergency expires with the commencement of the seventh day after the date on which this declaration is made/expires at [specify time and date, which must not be later than the commencement of the seventh day after the date on which this declaration is made]*.

Declared by: [signature]

Designation: Minister of Civil Defence/[specify other Minister of the Crown]*

[†]Include times and dates of any previous extensions.

*Select one.

Time and date of declaration:

Notes

- 1 This declaration must be—
 - (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended that publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 2 Calculating “the commencement of the seventh day after the date on which this declaration is made”: If the declaration is made at any time on 1 January, it will expire at the beginning of 8 January. If the declaration is made at any time on a Friday, it will expire at the beginning of the following Friday.

Form 6—*continued*

- 3 If this is a second or subsequent extension of a state of emergency, specify the time and date each previous extension was made, as well as the time and date the state of emergency was first declared.

Form 7

Declaration by Minister terminating state of
local emergency

Section 72, Civil Defence Emergency Management Act 2002

I, [full name], terminate the state of local emergency declared at [specify time and date][†] for [specify names of Civil Defence Emergency Management Group area, districts, or wards] owing to [describe emergency].

The termination of the state of local emergency takes effect from the time and date of this declaration/from [specify time and date, which must not be later than the commencement of the seventh day after the date on which the state of local emergency was declared or last extended]^{*}.

Declared by: [signature]

Designation: Minister of Civil Defence/[specify other Minister of the Crown]^{*}

[†]Include times and dates of any extensions.

^{*}Select one.

Time and date of declaration:

Notes

- 1 This declaration must be—
 - (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended that publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 2 Calculating “the commencement of the seventh day after the date on which the state of local emergency was declared”: If the declaration was declared at any time on 1 January, it would expire at the beginning of 8 January. If the declaration was made at any time on a Friday, it would expire at the beginning of the following Friday.

Form 7—continued

- 3 If any extension of the state of emergency was made, specify the time and date each extension was made, as well as the time and date the state of emergency was first declared.

Non-ministerial forms for state of local emergency

Form 8

Declaration of state of local emergency

Section 68, Civil Defence Emergency Management Act 2002

I, *[full name]*, declare that a state of local emergency exists in *[specify names of Civil Defence Emergency Management Group area, districts, or wards]* owing to *[describe emergency]*.

The state of local emergency comes into force immediately on the making of this declaration/into force at *[specify later time and date]**.

The state of local emergency expires with the commencement of the seventh day after the date on which this declaration is made/expires at *[specify time and date, which must not be later than the commencement of the seventh day after the date on which this declaration is made]**.

*Select one.

Declared by: *[signature]*

Designation:

Select the applicable designation.

- Person appointed and authorised by the Civil Defence Emergency Management Group to declare a state of local emergency for its area.
- Representative of a member of the Civil Defence Emergency Management Group *[select this designation where no appointed person is or is likely to be able to exercise the power to declare a state of local emergency]*.
- Mayor of the district for which the state of local emergency is declared.
- Elected member of the district for which the state of local emergency is declared (designated to act on behalf of the mayor when the mayor is absent).

Time and date of declaration:

Form 8—*continued***Notes**

- 1 This declaration must be—
 - (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended that publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 2 Calculating “the commencement of the seventh day after the date on which this declaration is made”: If the declaration is made at any time on 1 January, it will expire at the beginning of 8 January. If the declaration is made at any time on a Friday, it will expire at the beginning of the following Friday.

Form 9

Declaration extending state of local emergency

Section 71, Civil Defence Emergency Management Act 2002

I, [full name], extend the state of local emergency declared at [specify time and date][†] for [specify names of Civil Defence Emergency Management Group area, districts, or wards] owing to [describe emergency].

The state of local emergency expires with the commencement of the seventh day after the date on which this declaration is made/expires at [specify time and date, which must not be later than the commencement of the seventh day after the date on which this declaration is made]*.

[†]Include times and dates of any previous extensions.

*Select one.

Declared by: [signature]

Declaration:

Select applicable designation.

- Person appointed and authorised by the Civil Defence Emergency Management Group to declare a state of local emergency for its area.
- Representative of a member of the Civil Defence Emergency Management Group [*select this designation where no appointed person is or is likely to be able to exercise the power to declare a state of local emergency*].
- Mayor of the district for which the state of local emergency is declared.
- Elected member of the district for which the state of local emergency is declared (designated to act on behalf of the mayor when the mayor is absent).

Time and date of declaration:

Notes

- 1 This declaration must be—

Form 9—*continued*

- (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended that publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 2 Calculating “the commencement of the seventh day after the date on which this declaration is made”: If the declaration is made at any time on 1 January, it will expire at the beginning of 8 January. If the declaration is made at any time on a Friday, it will expire at the beginning of the following Friday.
- 3 If this is a second or subsequent extension of a state of emergency, specify the time and date each previous extension was made, as well as the time and date the state of emergency was first declared.

Form 10

Declaration terminating state of local emergency

Section 72, Civil Defence Emergency Management Act 2002

I, *[full name]*, terminate the state of local emergency declared at *[specify time and date]*[†] for *[specify names of Civil Defence Emergency Management Group area, districts, or wards]* owing to *[describe emergency]*.

The termination of the state of local emergency takes effect from the time and date of this declaration/from *[specify time and date, which must not be later than the commencement of the seventh day after the date on which the state of local emergency was declared or last extended]*^{*}.

[†]Include times and dates of any extensions.

^{*}Select one.

Declared by: *[signature]*

Designation:

Select applicable designation.

- Person appointed and authorised by the Civil Defence Emergency Management Group to declare a state of local emergency for its area.
- Representative of a member of the Civil Defence Emergency Management Group *[select this designation where no appointed person is or is likely to be able to exercise the power to declare a state of local emergency]*.
- Mayor of the district for which the state of local emergency is declared.
- Elected member of the district for which the state of local emergency is declared (designated to act on behalf of the mayor when the mayor is absent).

Time and date of declaration:

Form 10—*continued***Notes**

- 1 This declaration must be—
 - (a) notified to the public immediately by any means of communication that are reasonably practicable in the circumstances; and
 - (b) published in the *Gazette* as soon as practicable. It is recommended publication in the *Gazette* occur within 20 working days after the state of emergency is terminated.
- 2 Calculating “the commencement of the seventh day after the date on which the state of local emergency was declared”: If the declaration was declared at any time on 1 January, it would expire at the beginning of 8 January. If the declaration was made at any time on a Friday, it would expire at the beginning of the following Friday.
- 3 If any extension of the state of emergency was made, specify the time and date each extension was made, as well as the time and date the state of emergency was first declared.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 August 2010, amend the Civil Defence Emergency Management Regulations 2003. The amendments adjust the specifications regarding the civil defence logo to accommodate the issuing of medallions recognising outstanding, important, or long-service contributions to civil defence emergency management. The amendments also prescribe new forms to be used for the declaration of a state of national emergency or a state of local emergency, and the extension or termination of either type of emergency.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered by the Ministry of Civil Defence and Emergency Management.
