

CIVIL DEFENCE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Civil Defence Act 1962. With the exception of those set out in *clauses 3, 5, 6, and 25*, the changes proposed are largely consequential upon the Local Government Act 1974 and the Accident Compensation Act 1972.

Clause 1 relates to the Short Title.

Clause 2 amends the definitions of the terms “Controlier”, “district”, and “local authority”, set out in section 2 of the principal Act. It also adds a definition of the term “Regional Council”. Each of these amendments is consequential upon the Local Government Act 1974.

Clause 3 removes from the membership of the National Civil Defence Committee the Chairman of the Social Security Commission, and substitutes the Director-General of Social Welfare.

Clause 4 makes a number of amendments to section 22 of the principal Act, which relates to the declaration of a state of civil defence emergency. Under that section, the authority to declare that a civil defence emergency exists in a particular district or part of a district is vested in the Minister of Civil Defence, the Regional Commissioner, the Local Authority Chairman or Controller, and, in special circumstances, the Police. *Subclause (2)* adds to this list the Director of Civil Defence. The other amendments in this clause are of a consequential nature.

Clause 5 inserts a new *section 22A*, which provides that a declaration of civil defence emergency may be made in a district that is itself not directly affected by the emergency (in the section referred to as the assisting district). Such a declaration may be made where—

- (a) A state of civil defence emergency has been declared in any other district (in the section referred to as the affected district); and
- (b) It appears to the Minister, the Director, or the Regional Commissioner having jurisdiction in the assisting district that, having regard to the magnitude or severity of the emergency and to the resources of the local authority or local authorities having civil defence responsibilities within the affected district, it is necessary or desirable for the purposes of the principal Act to do so.

Clause 6 inserts a new section 22B, which authorises the declaration of a limited state of civil defence emergency. At present, upon the declaration of a state of civil defence emergency all the powers under the Act become exercisable. Under the new provision a declaration may be expressed to be made for the limited purpose of requiring any person holding any specified office under the principal Act or any other person to perform any civil defence function, or of authorising any such person to exercise any civil defence powers conferred on him by the Act.

Clause 7 substitutes a new provision for section 23 of the principal Act. The only substantive change is to extend the present requirement that Parliament be informed when a state of national emergency, national civil defence emergency, or regional civil defence emergency has been declared or extended to cover cases where the declaration or extension has been made by the Director. The clause is consequential upon *clause 4*.

Clause 8 is also consequential upon *clause 4*. It amends section 26 of the principal Act, which relates to the extension and termination of existing states of civil defence emergency, by empowering the Director to extend the duration of such an emergency, and to specify the time and date on which the state of emergency shall terminate.

Clause 9 repeals section 28A of the principal Act, which required each local authority to have taken the necessary steps to have an operative civil defence plan in force in its district by the 31st day of December 1969, and substitutes a new section. Under the new section,—

- (a) Every local authority in respect of whose district a local civil defence plan or a joint civil defence plan is not operative at the date of the commencement of the section; and
- (b) Every local authority constituted after that date; and
- (c) Every local authority required to prepare a new plan under *section 35 (3) (b)* of the Act (set out in *clause 13* of the Bill)—

is required to take the necessary steps within 6 months after the commencement of the section, or after the first meeting of the local authority, or after being so required, as the case may require.

Provision is made, in case of default, for the Regional Council or (if there is no Regional Council having jurisdiction in the district concerned) the Regional Commissioner to prepare a plan for the district, and for the cost of so doing to be recovered from the defaulting local authority.

Clause 10 inserts a new section 30A, which requires every regional council to appoint a suitable person to be the Regional Controller of Civil Defence for the region.

Clause 11 inserts a new section 32A, and makes a consequential amendment to section 32 of the principal Act relating to the approval of plans. Under the present section, each local or joint civil defence plan is required to be submitted for approval by the appropriate Regional Commissioner. He may approve the plan, decline to approve it, or approve it subject to such modifications as he thinks fit. Under the amendments proposed in the Bill, this system is to continue in the case of plans prepared in respect of

any district that does not constitute part of a region within the meaning of the Local Government Act 1974. However, in the case of a district constituting part of such a region, the functions presently performed by the Regional Commissioner are to be carried out by the Regional Council.

The plan prepared by the Regional Council for the whole region will, however, require the approval of the Regional Commissioner.

Clause 12 amends section 33 of the principal Act relating to appeals against a decision of the Regional Commissioner given under section 32. If the Regional Commissioner declines to approve the plan or attaches conditions to his approval the local authority concerned may appeal to the Minister, whose decision is final. This right of appeal is to remain. However, where the plan is to be approved by the Regional Council there is to be no specific right of appeal against the Council's decision. Instead, the local authority may object in writing to the Regional Council which shall either accept the objection and amend its decision accordingly, or refer it to the Regional Commissioner for consideration when forwarding its own plan to him for approval.

Clause 13 amends section 35 of the principal Act, which relates to the procedure to be followed where a new district is constituted, by repealing subsection (2) and substituting new *subsections (2) to (4)*.

Subsection (2) provides that any operative local plan or joint plan in force in any part of the new district immediately before its constitution shall continue in force until a new plan has been prepared and approved for the district in accordance with section 28A of the principal Act (set out in *clause 9* of the Bill). At present, every such plan ceases to have effect immediately upon the constitution of the new district.

Subsection (3) provides that if a new region within the meaning of the Local Government Act 1974 is constituted the Regional Council shall, within 6 months after the date of its first meeting, review each local plan and joint plan then in force in any part of the region and either—

- (a) Endorse the plan, and advise each local authority concerned accordingly; or
- (b) Require the local authority to prepare a new plan.

Subsection (4) is of a consequential nature.

Clause 14 repeals *section 37* of the principal Act, which authorised a Regional Commissioner to enter into arrangements with local authorities to co-ordinate their civil defence functions. The repeal is consequential upon the creation of regional councils under the Local Government Act 1974.

Clause 15 provides that, in relation to any local authority whose district constitutes part of a region within the meaning of the Local Government Act 1974, section 38 of the principal Act (specifying the powers of local authorities under the Act) shall apply as if each reference to the Regional Commissioner were a reference to the relevant regional council.

Clause 16 inserts a new section 38A which sets out the functions and powers of regional councils in respect of civil defence.

Clauses 17 and 18 amend sections 41 and 42 of the principal Act, relating respectively to the delegation of powers, and to the powers of certain officers in an emergency, consequent upon the creation of the office of Regional Controller, provided for in *clause 10* of the Bill.

Clause 19 amends section 43 of the principal Act which confers upon certain designated officers the power to enter into contracts on behalf of the local authority concerned for the purposes of the Act.

Subclause (1) adds to the present list of authorised officers the Principal Administration Officer, and is consequential upon the Local Government Act 1974.

Subclause (2) is again consequential upon the creation of the office of Regional Controller, provided for in *clause 10* of the Bill.

Clauses 20 to 24 are consequential upon the Accident Compensation Act 1972. The overall effect is to remove from the principal Act any entitlement to compensation in respect of personal injuries, the injured party having recourse instead to the Accident Compensation scheme.

Clause 20 repeals section 45 of the principal Act which extended Part V of the War Pensions Act 1954 (relating to Emergency Reserve Corps pensions) to members of civil defence organisations.

Clause 21 amends section 45A of the principal Act, which provides for compensation to be paid to a member of a civil defence organisation for personal injury, and loss of or damage to personal property. The effect of the amendments is to remove entitlement to compensation for personal injury.

Clause 22 amends section 45B of the principal Act, which requires compensation or damages received from other sources to be set off against the amount of compensation that would otherwise be payable under the Act. The amendments remove references to compensation for personal injury, and require compensation payable under section 110 or section 121 (2) (b) of the Accident Compensation Act 1972 in respect of loss of or damage to personal property to be taken into account when assessing compensation for that type of loss under the principal Act.

Clause 23 amends section 47 of the principal Act, relating to protection from liability for damage caused by any person in the proper exercise of any function under the Act, consequent upon the abolition of third-party compulsory insurance under Part VI of the Transport Act 1962 by the Accident Compensation Act 1972, and the prospective repeal by that Act of the Workers Compensation Act 1956.

Clause 24 is a savings provision. It provides that if any person suffered death or bodily injury while engaged in civil defence work or training before the 1st day of April 1974 (being the date on which section 63 and Part VI of the Accident Compensation Act 1972 came into force), the rights of that person (or of his dependants) to compensation or to a pension or other benefit shall be unaffected by *clauses 20 to 23* of the Bill.

Clause 25 amends section 48 of the principal Act, which confers on the Regional Commissioner or Controller, or any member of the Police, the power to requisition certain property during a state of national emergency or of civil defence emergency if it is immediately and urgently necessary for the preservation of human life. The amendment extends the class of property that may be requisitioned to include any land, building, construction materials, furniture, bedding, food, medicine and medical supplies, and any other materials or supplies.

Hon. Mr May

CIVIL DEFENCE AMENDMENT

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A BILL INTITULED

An Act to amend the Civil Defence Act 1962

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

1. Short Title—This Act may be cited as the Civil Defence Amendment Act 1975, and shall be read together with and deemed part of the Civil Defence Act 1962* (hereinafter referred to as the principal Act).

*Reprinted, 1968, Vol. 2, p. 1499
Amendment: 1971, No. 86

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “Controller”, and substituting the following definition:

“‘Controller’ means a Local Controller of Civil Defence or a Group Controller of Civil Defence or a Regional Controller of Civil Defence, as the case may require, appointed under this Act:”.

(2) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “district”, and substituting the following definition:

“‘District’ means the district of a local authority; and includes a region within the meaning of the Local Government Act 1974:”.

(3) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “local authority”, and substituting the following definition:

“‘Local authority’ means a Regional Council, County Council, Borough Council, Town Council, or District Council; and includes the corporate body which any such Council represents; and, in relation to the County of Fiord, means the Minister of Works and Development:”.

(4) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “Regional Commissioner”, the following definition:

“‘Regional Council’ means a Regional Council or a United Council constituted under Part II of the Local Government Act 1974:”.

(5) Section 2 (1) of the Civil Defence Amendment Act 1965 is hereby consequentially amended by repealing paragraphs (a) and (b).

3. Membership of Civil Defence Committee—Section 10 (2) of the principal Act is hereby amended by omitting from paragraph (i) the words “The Chairman of the Social Security Commission”, and substituting the words “The Director-General of Social Welfare”.

4. Declaration of state of civil defence emergency—

(1) Section 22 of the principal Act (as substituted by section 4 of the Civil Defence Amendment Act 1968) is hereby amended by repealing paragraphs (a) and (b) of subsection (4), and substituting the following paragraphs:

“(a) The Regional Controller, if the Chairman is incapacitated or is out of effective communication with the Regional Controller; or

5 “(b) The Local Controller, if the Chairman is incapacitated or is out of effective communication with the Local Controller; or

10 “(c) The person or persons specified for that purpose pursuant to subsection (3) of section 27 of this Act, if the Chairman and the Regional Controller, or, as the case may require, the Chairman and the Local Controller, are incapacitated or are out of effective communication with the person or persons so specified.”

15 (2) Section 22 of the principal Act (as so substituted) is hereby further amended by inserting, after subsection (9), the following subsection:

“(9A) If at any time it appears to the Director that—

20 “(a) A civil defence emergency has occurred or may occur in any region or any part of it; and

“(b) The circumstances are such that a declaration of a state of national civil defence emergency is not warranted; and

25 “(c) A state of civil defence emergency has not been declared under any other provision of this section—

he may declare that a state of regional civil defence emergency exists in the region or in any part of it or, if he thinks fit, that a state of local civil defence emergency exists in any part of the region.”

30 (3) Section 22 of the principal Act is hereby further amended by omitting from subsection (10) the words “and (9)”, and substituting the words “(9), and (9A)”.

35 (4) Section 27 (3) of the principal Act (as added by section 7 of the Civil Defence Amendment Act 1968) is hereby sequentially amended by omitting the expression “paragraph (b)”, and substituting the expression “paragraph (c)”.

5. State of civil defence emergency may be declared in district not affected by emergency—The principal Act is hereby amended by inserting, after section 22, the following
40 section:

“22A. (1) If at any time—

“(a) A state of regional civil defence emergency or a state of local civil defence emergency has been declared in any district or part of a district (in this section referred to as the affected district), and has not 5
been terminated; and

“(b) It appears to the Minister, or to the Director, or to the Regional Commissioner having civil defence responsibilities in respect of any other district or part of a district (in this section referred to as 10
the assisting district), that, having regard to the magnitude or severity of the emergency and to the resources of the local authority or local authorities having civil defence responsibilities within the affected district, it is necessary or desirable for 15
the purposes of this Act to do so,—

the Minister or the Director or the Regional Commissioner, as the case may require, may declare that a state of regional civil defence emergency or a state of local civil defence 20
emergency exists in the assisting district.

“(2) Subsections (10) to (14) of section 22 of this Act shall apply, with any necessary modifications, to and in respect of every declaration of a state of civil defence emergency made under this section.

“(3) Where a state of civil defence emergency is declared 25
under this section every local authority having civil defence responsibilities in the assisting district shall have the same powers under this Act as it would have had if the emergency had occurred in the assisting district and the declaration had been made under section 22 of this Act. 30

“(4) Section 26 of this Act shall apply, with any necessary modifications, with respect to any state of civil defence emergency that has been declared under this section.”

6. Declaration of state of civil defence emergency may be limited in purpose—The principal Act is hereby amended 35
by inserting, after section 22A (as inserted by section 5 of this Act), the following section:

“22B. (1) A declaration of a state of civil defence emergency under section 22 or section 22A of this Act may be made generally, or may be expressed to be made for the specific 40
purpose of requiring any person holding any specified office under this Act or any other person to perform any function required by this Act to be performed by that person in the

event of a civil defence emergency, or of authorising any such person to exercise any power conferred by this Act on that person and exercisable by him in the event of a civil defence emergency.

5 “(2) Notwithstanding any other provision of this Act, where a declaration of a state of emergency is expressed to be made for a specific purpose, nothing in this Act shall
10 authorise any person to perform any function or to exercise any power, the performance or exercise of which would have been authorised by this Act if the declaration had
15 been made generally, unless the performance of that function or the exercise of that power is expressly required or authorised by the terms of the declaration, or is contemplated by or necessary for giving full effect to the terms of the declaration.”

7. Communication to Parliament—(1) The principal Act is hereby amended by repealing section 23, and substituting the following section:

20 “23. In any case where—
“(a) A state of national emergency has been declared or extended; or
“(b) A state of national civil defence emergency or regional civil defence emergency has been declared or extended by the Minister; or
25 “(c) A state of regional civil defence emergency has been declared or extended by the Director; or
“(d) A state of regional civil defence emergency has been declared by a Regional Commissioner or extended by the Director,—
30 the Minister shall advise Parliament accordingly, forthwith if Parliament is then in session, or, if Parliament is not then in session, as soon as practicable after the commencement of the next ensuing session.”

35 (2) The Schedule to the Civil Defence Amendment Act 1968 is hereby consequentially amended by omitting the figure “23;”.

8. Extension and termination of state of civil defence emergency—(1) Section 26 of the principal Act (as substituted by section 6 of the Civil Defence Amendment Act
40 1968) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Director may, by a declaration in writing signed by him,—

“(a) If he considers it advisable or necessary for the preservation of life or the relief of distress, from time to time extend the duration of a state of civil defence emergency that has been declared by a member of the Police or by a Regional Commissioner for such periods, not exceeding 7 days in each instance, as he thinks fit: 5

“(b) Specify the time and date on which any such emergency shall terminate, being a date not later than 7 days after the date on which the declaration is made.” 10

(2) The said section 26 is hereby further amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) On the extension of the duration of a state of civil defence emergency under subsection (1) or subsection (1A) of this section, such sections of this Act (if any) as the Minister or, as the case may require, the Director specifies in the declaration shall cease to apply in respect of the emergency. 15 20

“(3) Public notice of every declaration made under subsection (1) or subsection (1A) of this section shall be given in such manner as the Minister or, as the case may require, the Director thinks fit.”

9. Time limit for preparation of plans—(1) The principal Act is hereby amended by repealing section 28A (as inserted by section 8 of the Civil Defence Amendment Act 1968), and substituting the following section: 25

“28A. (1) Every local authority in respect of whose district a local civil defence plan or a joint civil defence plan is not operative at the date of the commencement of this section, and every local authority constituted after that date, and every local authority required under section 35 (3) (b) of this Act to prepare a new plan, shall, within 6 months after the commencement of this section or after the date of the first meeting of the local authority or after being so required, as the case may require,— 30 35

“(a) Prepare a local civil defence plan in accordance with section 27 of this Act, and submit it to the Regional Commissioner in accordance with section 32 of this Act, or, as the case may require, to the Regional Council in accordance with section 32A of this Act; 40

or

5 “(b) Unite with one or more other local authorities in accordance with section 28 of this Act and cause a joint civil defence plan to be prepared in accordance with that section and submitted to the Regional Commissioner in accordance with section 32 of this Act, or, as the case may require, to the Regional Council in accordance with section 32A of this Act.

10 “(2) If any local authority fails to comply with subsection (1) of this section, the Regional Commissioner or, as the case may require, the Regional Council for the region within which the district of the local authority is situated may—

15 “(a) Prepare or cause to be prepared a local civil defence plan for the district of that local authority; or

“(b) Prepare or cause to be prepared a joint civil defence plan for a combined district comprising the districts of two or more such local authorities; or

20 “(c) Amend or cause to be amended any operative joint plan so as to include the district of that local authority.

25 “(3) All costs and expenses incurred by the Regional Commissioner under subsection (2) of this section may be recovered as a debt due to the Crown from the defaulting local authority or local authorities. The amount of the costs and expenses so incurred, and, where more than one local authority is in default, the proportion of the total amount of the costs and expenses to be borne by each such local authority shall be determined by the Minister, whose decision shall be final.

30 “(4) All costs and expenses incurred by the Regional Council under subsection (2) of this section may be recovered as a debt due to the Regional Council from the defaulting local authority or local authorities. The amount of the costs and expenses so incurred, and, where more than one local authority is in default, the proportion of the total costs and expenses to be borne by each such local authority shall be determined by the Regional Commissioner, whose decision shall be final.”

40 (2) Section 8 of the Civil Defence Amendment Act 1968 is hereby consequentially repealed.

10. Regional Controller or Local Controller to be appointed—(1) Section 29 of the principal Act is hereby amended by omitting the word “which”, and substituting the words “(other than a regional council) that”.

(2) The principal Act is hereby amended by inserting, after section 30, the following section:

“30A. **Regional Controller of Civil Defence**—Every regional council shall appoint a suitable person to be the Regional Controller of Civil Defence for the region.”

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11. Submission of plans for approval—(1) Section 32 (1) of the principal Act is hereby amended by omitting the words “A local plan”, and substituting the words “Subject to section 32A of this Act, a local plan”.

(2) The principal Act is hereby amended by inserting, after section 32, the following section:

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“32A. Plan to be submitted to Regional Council in certain cases—(1) Every local plan or joint plan prepared by a local authority or by uniting local authorities whose district constitutes a part or whose districts constitute parts of a region within the meaning of the Local Government Act 1974 shall be submitted to the Regional Council for its approval.

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“(2) In every case to which subsection (1) of this section applies, subsections (2) to (4) of section 32, and sections 33A, 34A, and 34B of this Act shall also apply and shall be read and construed as if each reference in those provisions to the Regional Commissioner were a reference to the appropriate Regional Council.”

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12. Objection to Regional Council’s decision—Section 33 of the principal Act is hereby amended by adding the following subsection:

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“(3) Any local authority or uniting local authorities aggrieved by a decision of the Regional Council under paragraph (b) or paragraph (c) of subsection (2) of section 32 of this Act may state its or their objections in writing to the Regional Council. Unless the Regional Council agrees to revoke or amend its decision in accordance with the terms of the objection, it shall forward the objection for consideration by the Regional Commissioner when submitting its plan to him in accordance with the said section 32 of this Act.”

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13. Effect of change in boundaries of districts or constitution of new districts—Section 35 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) Where a new district is constituted, any operative local plan or joint plan in force in any part of the district immediately before the constitution of the district shall continue in force until a new plan has been prepared and approved in accordance with section 28A of this Act.

“(3) Where a new district that is a region within the meaning of the Local Government Act 1974 is constituted, the Regional Council for that district shall, within 6 months after the date of its first meeting, review each local plan and joint plan then in force in any part of the district, and shall either—

“(a) Endorse the plan and advise the local authority or local authorities responsible for the plan accordingly; or

“(b) Require the local authority or local authorities responsible for the plan to prepare a new plan.

“(4) The requirements of subsection (3) of this section are in addition to those of section 28A of this Act.”

14. Regional arrangements—(1) Section 37 of the principal Act is hereby repealed.

(2) Section 17 (2) (b) of the principal Act is hereby consequentially amended by omitting the words “under section 37 of this Act”.

(3) Section 13 of the Civil Defence Amendment Act 1965 is hereby consequentially repealed.

(4) The Second Schedule to the Civil Defence Amendment Act 1968 is hereby consequentially amended by omitting the figures “37 (1), (3);”.

15. Powers of local authorities—Section 38 of the principal Act is hereby amended by adding the following subsection:

“(5) Notwithstanding anything in the foregoing provisions of this section, those provisions shall, in relation to any local authority whose district constitutes part of a region within the meaning of the Local Government Act 1974, apply and be read and construed as if each reference to the Regional Commissioner were a reference to the appropriate Regional Council.”

16. Specific functions and powers of regional councils—The principal Act is hereby amended by inserting, after section 38 (as amended by section 15 of this Act), the following section:

“38A. (1) Without limiting any other provision in this Act, every regional council shall perform the following functions:

- “(a) The preparation of a local plan for its district: 5
- “(b) The co-ordination, approval, and review of local plans and joint plans prepared by any other local authority in respect of any area within the regional council’s district: 5
- “(c) The supplying of advice and assistance to each local authority having civil defence responsibilities within the regional council’s district in respect of the planning and preparation for, and the co-ordination of, the effective carrying out of those responsibilities: 10
- “(d) The promotion, co-ordination, and provision of adequate training for civil defence personnel within the regional council’s district: 15
- “(e) During a civil defence emergency, the control and co-ordination for the purposes of this Act of the personnel, material, and services made available by other local authorities having civil defence responsibilities within the regional council’s district, Departments of State, other Government agencies, statutory corporations, public bodies, or other organisations or persons. 20 25

“(2) Without limiting any other provision of this Act, a regional council shall have all such powers as are reasonably necessary to enable it to carry out the functions specified in subsection (1) of this section, including the power— 30

- “(a) To enforce compliance with the provisions of any local plan or joint plan for the time being in force in its district, or in any part of its district; and 30
- “(b) To restrain or prevent any act, matter, or thing that is or may be inconsistent with any of the provisions of any such plan.” 35

17. Power of delegation—Section 41 of the principal Act (as substituted by section 12 of the Civil Defence Amendment Act 1968) is hereby amended by inserting in subsection (1), after the words “Deputy Chairman”, the words “or to the Regional Controller”. 40

18. Powers of Chairman and other officers in urgent cases—Section 42 of the principal Act is hereby amended by inserting in subsection (3), after the words “this section,”, the words “the Regional Controller or”.

5 **19. Contracts by Chairman or other officers of local authority, Regional Controller, or Local Controller in urgent cases**—(1) Section 43 of the principal Act is hereby amended by inserting in subsections (1) and (2), after the word
10 “Clerk,” in each place where it occurs, the words “Principal Administration Officer,”.

(2) Section 43 of the principal Act is hereby further amended by inserting in subsections (1) and (2), after the word “authority” where it first occurs in each of those subsections, the words “or the Regional Controller”.

15 **20. Rights under the War Pensions Act 1954**—(1) Section 45 of the principal Act (as substituted by section 14 of the Civil Defence Amendment Act 1965) is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

- 20 (a) Section 14 of the Civil Defence Amendment Act 1965;
(b) Section 14 of the Civil Defence Amendment Act 1968;
(c) Section 19 of the War Pensions Amendment Act 1973.

21. Compensation for loss of or damage to personal property—(1) Section 45A of the principal Act (as inserted
25 by section 15 of the Civil Defence Amendment Act 1968) is hereby amended by repealing subsection (1), and substituting the following subsections:

30 “(1) Subject to section 45B of this Act and to subsections (3) to (6) of this section, every member of a civil defence organisation established by a local authority or uniting local authorities who, while carrying out civil defence work or participating in civil defence training under the control or authority of any local authority, organisation, or person mentioned in subsection (1A) of this section, suffers loss of or damage to his
35 personal property shall be entitled to receive compensation equal to—

“(a) The value of any personal property that has been lost; or

40 “(b) The diminution in value of any personal property that has been damaged—

as the case may be, if the loss or damage was directly attributable to the carrying out of such work or the participation in such training.

“(1A) Subsection (1) of this section shall apply in respect of any civil defence work or civil defence training conducted under the control or authority of—

“(a) The local authority or uniting local authorities that established the civil defence organisation of which the claimant is a member; or 5

“(b) The Director or Deputy Director or any person authorised to act in place of either of them; or

“(c) A Regional Commissioner or a Controller; or

“(d) A senior member of the Police acting under the authority of subsection (4) of section 42 of this Act; or 10

“(e) Any person or organisation acting under the authority of any of those bodies or persons.”

(2) Section 45A (3) of the principal Act is hereby amended by repealing paragraph (a). 15

(3) Section 45A of the principal Act is hereby further amended by—

(a) Omitting from paragraph (a) and from paragraph (b) of subsection (4) the words “injury or”: 20

(b) Omitting from subsection (5) the word “injury,”.

22. Right to compensation restricted if person entitled can claim other compensation or damages—(1) Section 45B of the principal Act (as inserted by section 15 of the Civil Defence Amendment Act 1968) is hereby amended by repealing subsection (1). 25

(2) The said section 45B of the principal Act is hereby further amended by omitting from subsection (2) the words “the Workers’ Compensation Act 1956”, and substituting the words “section 110 or section 121 (2) (b) of the Accident Compensation Act 1972”. 30

(3) The said section 45B is hereby amended by repealing paragraph (a) of subsection (4), and substituting the following paragraph:

“(a) In the case of a claim under section 110 or section 121 (2) (b) of the Accident Compensation Act 1972, between compensation under either of those sections in respect of matters for which compensation under section 45A of this Act would have been payable if this section had not been enacted, and compensation under either of the said sections of the Accident Compensation Act 1972 in respect of other matters; or” 35 40

(4) The said section 45B is hereby further amended by repealing subsection (5).

23. Protection from liability—(1) Section 47 (3) of the principal Act is hereby repealed.

5 (2) Section 16 (4) of the Civil Defence Amendment Act 1968 is hereby consequentially repealed.

24. Savings—Notwithstanding sections 20 to 23 of this Act, if any person suffered death or bodily injury, or any loss of or damage to any personal property, while engaged in
10 carrying out any civil defence work or participating in civil defence training at any time before the 1st day of April 1974 (being the date on which section 63 and Part VI of the Accident Compensation Act 1972 came into force), that person or, as the case may require, his dependants shall
15 have the same rights—

(a) To receive compensation under the principal Act, or under the Workers' Compensation Act 1956, or otherwise howsoever; and

20 (b) To receive a pension or other benefit under the War Pensions Act 1954, or under the Social Security Act 1964, or otherwise howsoever—

(if any) as he or they would have had if sections 20 to 23 of this Act had not been enacted.

25. Requisitioning powers—(1) Section 48 (1) of the
25 principal Act is hereby amended by omitting the words “vehicle, horse, boat, apparatus, implement, earth-moving equipment, construction equipment, or other equipment of any kind whatsoever (hereinafter in this section referred to as requisitioned property)” (as substituted by section 15 (a)
30 of the Civil Defence Amendment Act 1965), and substituting the words “land, building, vehicle, horse, boat, apparatus, implement, earth-moving equipment, construction materials or equipment, furniture, bedding, food, medicines and medical supplies, or any other equipment, materials, or supplies
35 (in this section referred to as requisitioned property)”.

(2) Section 15 (a) of the Civil Defence Amendment Act 1965 is hereby consequentially repealed.