

## CIVIL DEFENCE BILL

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### EXPLANATORY NOTE

THE purpose of this Bill is to make provision for the setting up of a civil defence organisation, the preparation of plans for civil defence to operate in the case of a national emergency or a major disaster, and the carrying out of those plans if a national emergency or a major disaster occurs.

The Public Safety Conservation Act 1932 enables emergency action to be taken in such cases, but only where the emergency or disorder has occurred or is imminent, and does not permit of the setting up of an organisation and the preparation of plans to cope with an emergency or a disaster that may happen in the future. The Local Authorities' Emergency Powers Act 1953 contains powers authorising individual local authorities to prepare plans to meet with a disaster, but is somewhat limited in scope and does not provide for planning on a national or regional basis.

*Clause 2* defines terms used in the Bill. The most important definitions are as follows:

“Civil defence” is defined as the planning, organisation, coordination, and implementation of measures, other than warlike measures, that are necessary or desirable in respect of the safety of the public and are designed to guard against, prevent, reduce, or overcome the effects or possible effects of a national emergency or a major disaster.

“Major disaster” is defined as meaning any fire, explosion, earthquake, seismic sea wave, flood, storm, tornado, or other happening, not attributable to an attack by an enemy or to any warlike act, that causes or threatens to cause large-scale loss of life or injury to persons or in any way endangers the safety of the public in New Zealand or in any part of New Zealand. A major disaster may be a national major disaster, a regional major disaster, or a local major disaster.

“National emergency” is defined as an emergency due to an actual or imminent attack on New Zealand by an enemy, or to any actual or imminent warlike act whether directed against New Zealand or not, whereby loss of life or injury to persons or danger to the safety of the public is caused or threatened to be caused in New Zealand, or in any part of New Zealand, by sabotage, or by bombs, missiles, or shellfire, or by atomic, thermonuclear, radiological, chemical, bacteriological, or biological means, or by other weapons or processes.

*Clause 3* provides that the Bill is not to derogate from the provisions of the Public Safety Conservation Act 1932 (so that it will still be possible for a Proclamation of emergency to be made under that Act on the occurrence of a national emergency or a major disaster if a state of national emergency or of major disaster has not already been declared under this Bill), or from the provisions of sections 70 and 71 of the Health Act 1956 (which confer powers on the Medical Officer of Health for the purpose of preventing the outbreak or spread of infectious diseases), or from the provisions of the Fire Services Act 1949 or the Forest and Rural Fires Act 1955.

## PART I

### ADMINISTRATION

*Clause 4* provides for the appointment under the Public Service Act 1912 of a Director of Civil Defence. That office may be held in conjunction with the office of Secretary for Internal Affairs or with any other office in the Department of Internal Affairs.

*Clause 5* provides that subject to the control of the Minister of Civil Defence and, where the office of Director of Civil Defence is not held in conjunction with the office of Secretary for Internal Affairs, to the general direction of the Secretary for Internal Affairs, the Director of Civil Defence is to be charged with the general administration of the Act.

*Clause 6* provides for the appointment under the Public Service Act 1912 of a Deputy Director of Civil Defence and other employees, and defines the circumstances in which the Deputy Director may exercise and perform the functions, duties, and powers of the Director of Civil Defence.

*Clause 7* provides that the Deputy Director, the Regional Commissioners, and other employees are to act under the direction of the Director.

*Clause 8* defines the functions and powers of the Director of Civil Defence. His functions include advising and assisting the Minister in the administration of the Act and local authorities in the performance and exercise of the duties and powers imposed or conferred on local authorities in relation to civil defence, the planning and coordination of civil defence measures generally, and the direction and control of personnel, material, and services available and at his disposal for civil defence purposes.

His powers include power to enter into arrangements for the purposes of coordinating and using for civil defence purposes personnel, material, and services available for such purposes, the promotion and carrying out of investigations and research and the dissemination of information and advice relating to civil defence, the training of personnel, and the granting of assistance to local authorities during a state of national emergency or of major disaster.

*Clause 9* authorises the Director of Civil Defence to delegate his powers.

*Clause 10* provides for the setting up of a Civil Defence Headquarters, the function of which shall be to advise and assist the Director generally, and, in particular, to assist him to coordinate and use for civil defence purposes personnel, material, and services available for such purposes.

*Clause 11* authorises the Director to appoint planning committees. The function of a planning committee will be to advise the Director on such matters relating to civil defence as the Director refers to it.

## PART II

## CIVIL DEFENCE REGIONS

*Clause 12* empowers the Minister of Civil Defence to divide New Zealand into civil defence regions. Each region is to be in the charge of a Regional Commissioner.

*Clause 13* provides for the appointment under the Public Service Act 1912 of Regional Commissioners of Civil Defence.

*Clause 14* defines the functions and powers of Regional Commissioners. Their functions include the coordination and direction of personnel, material, and services available in the region under their jurisdiction, the coordination of plans for civil defence in those regions, and the supplying of advice and assistance to local authorities in respect of the planning, preparation, coordination, and carrying out of civil defence measures. *Subclause (3)* specifies the powers of a Regional Commissioner in the exercise of those functions.

*Clause 15* provides for the appointment of a deputy of a Regional Commissioner, and specifies the circumstances in which a deputy may exercise the powers of a Regional Commissioner.

*Clause 16* provides that the Director of Civil Defence may in certain circumstances authorise a Regional Commissioner to act for another Regional Commissioner.

*Clause 17* provides that the Director of Civil Defence may co-opt the services of persons to act as a Regional Civil Defence Headquarters, the function of which will be to advise and assist the Regional Commissioner in the exercise of his powers.

## PART III

## DECLARATION OF NATIONAL EMERGENCY OR OF MAJOR DISASTER

*Clause 18* prescribes the procedure for declaring a state of national emergency.

By *subclause (1)*, the Governor-General may, by Proclamation approved in Executive Council, declare a state of national emergency. If the Executive Council is dispersed or is unable to meet, the Proclamation may be made on the recommendation of the Prime Minister. Such a Proclamation will, by *subclause (2)*, come into force as soon as it is signed. Public notice shall be given by such means as the Governor-General thinks fit, including radio or television announcement. The Proclamation must be gazetted as soon as practicable.

By *subclause (3)*, if the Governor-General is out of communication with the Executive Council, the Executive Council may at a meeting attended by at least three members declare a state of national emergency.

By *subclause (4)*, if the Executive Council is dispersed or cannot meet, and the Prime Minister is out of communication with the Governor-General, the Prime Minister may declare a state of national emergency.

*Clause 19* prescribes the procedure for declaring a state of major disaster.

By *subclause (1)*, the Minister of Civil Defence may, if he considers that a major disaster has occurred and that it is or is likely to be of such extent or magnitude or severity that the necessary or desirable civil defence measures are or are likely to be beyond the resources of the local authority or local

authorities affected, declare either a state of national major disaster or of regional major disaster. Provision is made in *subclause (2)* for the giving of public notice and the gazetting of such a declaration by the Minister.

By *subclause (3)*, a local authority for whose district an approved plan of civil defence is in force may declare a state of local major disaster.

By *subclause (4)* the Chairman or Local Controller may declare a state of local major disaster in the district if the local authority is dispersed or cannot meet.

By *subclause (5)*, where two or more local authorities have united for civil defence purposes and an approved civil defence plan is in force for the combined district, the local authority specified for that purpose in the joint plan may declare a state of local major disaster in respect of the combined district. If that local authority cannot meet, the Chairman or the Group Controller may make the declaration.

By *subclause (6)*, where there is no approved civil defence plan for any district or combined district, the senior member of the Police in the district or combined district may make a declaration of local major disaster.

By *subclause (7)*, the Regional Commissioner may declare a state of regional major disaster or of local major disaster for the region under his control or for any part thereof where for any reason action has not been taken under any other provision of this clause to declare a state of major disaster.

*Clause 20* provides that where a state of national emergency or of national major disaster or of regional major disaster has been declared, the Minister of Civil Defence must forthwith communicate the occasion thereof to Parliament.

*Clause 21* provides that the Governor-General may, by Proclamation approved in Executive Council, terminate a state of national emergency.

*Clause 22* provides that, subject to the provisions of *clause 23* as to the extension of a state of major disaster, no state of major disaster shall remain in force for more than 28 days.

*Clause 23: By subclause (1)*, the Minister may extend, for periods not exceeding 28 days at a time, any state of major disaster declared by the Minister or by a member of the Police or by a Regional Commissioner, and may terminate any such state of major disaster.

By *subclause (2)*, a state of local major disaster that has been declared otherwise than by the Minister or by a member of the Police or by a Regional Commissioner may be extended for periods not exceeding 28 days at a time, or may be terminated by the local authority concerned or, in the case of a joint plan, by the local authority designated for the purpose.

## PART IV

### DUTIES AND POWERS OF LOCAL AUTHORITIES

*Clause 24* requires every local authority to prepare and adopt a civil defence plan for its district. The plan may include provision for any of the matters specified in *clause 34*.

*Clause 25* provides for the preparation and adoption of a joint civil defence plan by local authorities that have combined for civil defence purposes.

*Clause 26* provides that every civil defence plan adopted by a single local authority must include provision for the appointment of a Local Controller of Civil Defence.

*Clause 27* provides that every joint civil defence plan must include provision for the appointment of a Group Controller of Civil Defence.

*Clause 28* provides that a joint civil defence plan must specify one of the uniting local authorities as the local authority authorised to declare under *clause 19 (5)* a state of local major disaster in respect of the combined district. A joint civil defence plan may include provision for any uniting local authority to delegate any of its powers to any other uniting local authority. A joint plan must be approved in the same manner as a single plan.

*Clause 29* provides that a civil defence plan adopted by a local authority must be submitted to the Regional Commissioner for his approval. He may approve the plan, decline to approve it, or approve it subject to modifications.

By *subclause (3)* a local authority may prepare and adopt an amendment of an approved plan, or cancel an approved plan and adopt a new one in its place. An amendment of a plan and a new plan also require the approval of the Regional Commissioner.

*Clause 30* authorises a local authority to object to the Minister of Civil Defence against the Regional Commissioner's refusal to approve a civil defence plan or his approval subject to modifications.

*Clause 31* makes provision as to the effect on an approved civil defence plan of a change in boundaries of a district or the constitution of a new district.

*Clause 32* authorises local authorities that have united for civil defence purposes to enter into contracts that are within their several powers for civil defence purposes.

*Clause 33* provides that local authorities may enter into arrangements with the Regional Commissioner for the purpose of providing relief and assistance to other local authorities affected by a national emergency or a major disaster.

*Clause 34* specifies the powers that local authorities may exercise for civil defence purposes. They may exercise those powers whether or not an approved civil defence plan is in force for their district or for any combined district of which their district forms part. Those powers include the setting up of a civil defence corps, advisory committees, services, and other units, the provision of equipment, accommodation, and facilities, the recruitment and training of personnel, the provision of warning devices, the provision of fuel, essential foodstuffs, and first-aid and medical supplies, the rescue and evacuation of endangered persons, the setting up of emergency and first-aid posts, the provision of first aid and medical care to casualties, the relief of distress, the provision of accommodation for the homeless, and the supplying of bedding and clothing.

*Subclause (2)* provides that every local authority is to have such powers as are necessary for the purposes of any civil defence plan in force for its district or for any combined district of which its district forms part.

*Clause 35* provides that a local authority or uniting local authorities may call upon the Regional Commissioner for assistance during a state of national emergency or of major disaster if they consider that the civil defence measures necessary or desirable are beyond their resources or that aid from beyond the district or combined district is necessary. In such a case the local authority or uniting local authorities in exercising their powers under *clause 34* must act under the direction of the Regional Commissioner.

By *subclause (2)*, if a state of national emergency or of national major disaster or of regional major disaster is declared and aid and resources are provided to any local authority or to any uniting local authorities for civil defence purposes by the Regional Commissioner, the local authority or uniting local authorities, in exercising their powers under *clause 34*, must act under the direction of the Regional Commissioner.

*Clause 36* provides that on the declaration of a state of national emergency a local authority or uniting local authorities may, in addition to any powers exercisable under *clause 34*, exercise any powers conferred by regulations made under *subclause 49 (1)*.

*Clause 37: Subclause (1)* authorises a local authority to delegate its powers, with certain specified exceptions, to its Chairman or Deputy Chairman or to the Local Controller or to other officers.

*Subclause (2)* authorises uniting local authorities to delegate their powers, with certain exceptions, to the Group Controller or to officers of any of those local authorities.

*Clause 38* provides that, where a state of national emergency or of major disaster has been declared and a local authority or uniting local authorities are prevented from exercising or fail to exercise their powers for civil defence, the Chairman or Deputy Chairman or Local or Group Controller may exercise those powers until the local authority or uniting local authorities assume or resume the exercise of those powers.

*Subclause (4)* authorises the senior member of the Police present in any district to exercise any of the powers specified in *clause 34* where, owing to the suddenness of the occurrence, the interruption of communications, or other cause, the local authority or uniting local authorities and persons authorised to act on their behalf and the Controller and Regional Commissioner are prevented from taking immediate and effective civil defence measures. His authority will cease when the local authority or uniting local authorities or the Controller or the Regional Commissioner assume effective control of the district.

*Clause 39* provides that, where a state of national emergency or of major disaster has occurred or is imminent, the Minister of Civil Defence may direct any local authority or any uniting local authorities or any person to exercise any of their powers in relation to civil defence or to cease exercising any such powers, and to comply with the Minister's directions in that behalf. The Minister may direct the local authority or uniting local authorities or person to exercise any such power under the control and to the satisfaction of the Regional Commissioner.

*Clause 40* authorises a local authority to insure any person against accident, incapacity, or death arising out of his performance of civil defence duties during a state of national emergency or of major disaster, or in the course of civil defence training operations undertaken under the control of the local authority.

*Clause 41* authorises a local authority to raise a special loan for civil defence purposes without a poll of ratepayers, and, with the consent of the Minister of Finance, in a national emergency or major disaster to borrow money for such purposes by way of overdraft from its bankers in excess of the limits fixed by section 20 of the Local Authorities Loans Act 1956 (which fixes a limit for such borrowing at three-quarters of its revenue for the preceding year).

## PART V

## MISCELLANEOUS PROVISIONS

*Clause 42* protects all persons acting in good faith in the performance of duties derived from or imposed by a declaration of a state of national emergency or of major disaster from the liability to pay damages in respect of any damage to property or of bodily injury to or the death of any person. This immunity will not apply where the person concerned is entitled to be indemnified against liability by a contract of third-party risks insurance under Part V of the Transport Act 1949 or under section 86 of the Workers' Compensation Act 1956 or would be entitled to be indemnified under that section if Part III of the last-mentioned Act applied to the worker concerned or if the employer concerned were not exempt from the obligation to insure under that Part.

*Clause 43* authorises the Regional Commissioner or the Local or Group Controller or any member of the Police, during a state of national emergency or of major disaster, to requisition vehicles, aircraft, horses, and boats, and to order the evacuation of areas, buildings, and places.

*Subclauses (3) and (4)* provide for payment of reasonable compensation for the use of any vehicle, aircraft, horse, or boat requisitioned and for any loss thereof or damage caused thereto.

*Clause 44* provides that every civil defence plan shall include provisions authorising the closing of roads, streets, and other highways during a state of national emergency or of major disaster. If there is no approved civil defence plan in force, the Regional Commissioner and persons authorised by him may exercise those powers.

*Clause 45* authorises the removal during a state of national emergency or of major disaster of vehicles impeding civil defence operations.

*Clause 46* authorises any Regional Commissioner, any Controller, any member of the Police, and persons acting under their authority, to enter on premises, by force if necessary, during a state of national emergency or of major disaster for the purpose of saving life, preventing injury, rescuing and removing injured or endangered persons, or carrying out urgent relief measures.

*Clause 47* requires members of the Police to assist Regional Commissioners, Controllers, and other authorised persons in the maintenance of their authority and in enforcing obedience to their lawful orders.

*Clause 48* protects the employment rights of persons who during a state of national emergency or of major disaster are absent from their accustomed employment, but this provision does not impose on their employers any obligation to pay them remuneration while so absent.

*Clause 49* authorises the making of regulations.

*Subclause (1)* gives general authority to make regulations for the purpose of securing the public safety and generally safeguarding the interests of the public during any state of national emergency. By *subclause (3)* such regulations may be made at any time, whether or not a state of national emergency then exists, but shall have effect only during a state of national emergency.

*Subclause (4)* gives authority to make regulations in respect of the specific matters mentioned in that subclause.

*Clause 50* makes it an offence for any person wilfully to prevent any Regional Commissioner or Controller or other person from carrying out any provision of the Bill or of any approved civil defence plan, or to obstruct or impede any person in carrying out any such provision.

*Clause 51* provides that the penalty for offences against the Bill is a fine not exceeding £100.

*Clause 52* consequentially amends sections 2 and 4 of the Public Safety Conservation Act 1932 so as to prevent overlapping between that Act and this Bill.

*Clause 53* repeals the Local Authorities' Emergency Powers Act 1953.

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*Hon. Mr Götz*

## CIVIL DEFENCE

### ANALYSIS

Title	20. Communication to Parliament
1. Short Title	21. Termination of state of national emergency
2. Interpretation	22. Duration of state of major disaster
3. Act not to derogate from certain other Acts	23. Extension and termination of state of major disaster
<b>PART I</b>	
ADMINISTRATION	
4. Director of Civil Defence	<b>PART IV</b>
5. Director of Civil Defence to administer this Act	DUTIES AND POWERS OF LOCAL AUTHORITIES
6. Deputy Director and other officers	24. Local authorities to plan for civil defence
7. Officers to act under direction of the Director	25. Local authorities may unite for civil defence
8. Functions and powers of Director	26. Local Controller of Civil Defence
9. Delegation of powers of Director	27. Group Controller of Civil Defence
10. Civil Defence Headquarters	28. Joint civil defence plans
11. Planning committees	29. Plan to be submitted to Regional Commissioner for approval
<b>PART II</b>	
CIVIL DEFENCE REGIONS	
12. Civil defence regions	30. Objection to Regional Commissioner's decision
13. Regional Commissioners	31. Effect of change in boundaries of districts or constitution of new districts
14. Functions and powers of Regional Commissioners	32. Local authorities may unite in contracts for civil defence purposes
15. Deputy of Regional Commissioner	33. Local authorities may enter into arrangements with Regional Commissioner
16. Director may authorise Regional Commissioner to act for another Regional Commissioner	34. Powers of local authorities
17. Regional Civil Defence Headquarters	35. Assistance by Regional Commissioner to local authorities
<b>PART III</b>	
DECLARATION OF NATIONAL EMERGENCY OR OF MAJOR DISASTER	
18. Declaration of state of national emergency	36. Powers of local authorities in case of national emergency
19. Declaration of state of major disaster	37. Power of delegation
	38. Powers of Chairman and other officers in urgent cases
	39. Minister's power of direction
	40. Local authorities may insure persons
	41. Financial provisions

PART V	
MISCELLANEOUS PROVISIONS	
42. Protection from liability	47. Police to assist
43. Requisitioning powers	48. Absence on duty not to affect employment rights
44. Closing of roads and streets	49. Regulations
45. Removal of vehicles	50. Obstruction of officers
46. Entry on premises	51. Penalty for offences
	52. Consequential amendments
	53. Repeal

## A BILL INTITULED

### An Act to provide for civil defence

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

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1. **Short Title**—This Act may be cited as the Civil Defence Act 1961.

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

“Approved”, in relation to a civil defence plan, means approved by the Regional Commissioner or the Minister under section 29 or section 30 of this Act:

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“Chairman” and “Deputy Chairman” include the Mayor and Deputy Mayor, respectively, of a borough; and, where there is no Chairman, the term “Chairman” means the Deputy Chairman or Deputy Mayor, as the case may be:

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“Civil defence” means the planning, organisation, co-ordination, and implementation of measures, other than warlike measures, that are necessary or desirable in respect of the safety of the public and are designed to guard against, prevent, reduce, or overcome the effects or possible effects of a national emergency or a major disaster:

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“Civil defence plan” means a civil defence plan prepared and adopted under section 24 or section 25 of this Act:

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“Civil defence region” means a civil defence region constituted under section 12 of this Act:

“Combined district” means the area comprising the districts of local authorities that have united for civil defence purposes:

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

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“Director” means the Director of Civil Defence appointed under this Act:

“District” means a county, borough, town district, or road district:

5 “Joint civil defence plan” or “joint plan” means a joint civil defence plan prepared and adopted under section 25 of this Act by two or more local authorities that have united for civil defence purposes:

10 “Local authority” means a County Council, Borough Council, Town Council, or Road Board; and includes the corporate body which any such Council or Board represents; and, in relation to any part of the County of Sounds or the County of Fiord that is not within the jurisdiction of a Road Board, means the Minister of Internal Affairs:

15 “Major disaster” means any fire, explosion, earthquake, seismic sea wave, flood, storm, tornado, or other happening, not attributable to an attack by an enemy or to any warlike act, that causes or threatens to cause large-scale loss of life or injury to persons or in any way endangers the safety of the public in New Zealand or in any part of New Zealand:

20 “National emergency” means an emergency due to an actual or imminent attack on New Zealand by an enemy, or to any actual or imminent warlike act whether directed against New Zealand or not, whereby loss of life or injury to persons or danger to the safety of the public is caused or threatened to be caused in New Zealand, or in any part of New Zealand, by sabotage, or by bombs, missiles, or shell-fire, or by atomic, thermonuclear, radiological, chemical, bacteriological, or biological means, or by other weapons or processes:

25 “Public notice” includes notification by radio or television:

30 “Minister” means the Minister of Civil Defence:

“Region” means a civil defence region constituted under this Act:

35 “Regional Commissioner” means a Regional Civil Defence Commissioner appointed under this Act:

40 “State of major disaster” means a state of national major disaster, or a state of regional major disaster, or a state of local major disaster, as the case may require:

“State of national major disaster” means a state of major disaster that is declared a state of national major disaster under subsection (1) of section 19 of this Act:

“State of regional major disaster” means a state of major disaster existing in a specified region or in part of a specified region that is declared a state of regional major disaster under subsection (1) or subsection (7) of section 19 of this Act: 5

“State of local major disaster” means a state of major disaster existing in a specified district or combined district that is declared a state of local major disaster under section 19 of this Act: 10

“Uniting local authority” means a local authority that has united with one or more other local authorities for civil defence purposes. 15

**3. Act not to derogate from certain other Acts**—Subject to the provisions of section 52 of this Act, nothing in this Act shall derogate from the provisions of—

- (a) The Public Safety Conservation Act 1932; or
- (b) The Fire Services Act 1949; or
- (c) The Forest and Rural Fires Act 1955; or
- (d) Sections 70 and 71 of the Health Act 1956 (relating to the powers of Medical Officers of Health). 20

## PART I

### ADMINISTRATION

**4. Director of Civil Defence**—(1) There shall from time to time be appointed under the Public Service Act 1912 a Director of Civil Defence. 25

(2) The office of Director of Civil Defence may be held in conjunction with the office of Secretary for Internal Affairs or with any other office in the Department of Internal Affairs. 30

**5. Director of Civil Defence to administer this Act**—Subject to the control of the Minister and, where the office of Director of Civil Defence is not held in conjunction with the office of Secretary for Internal Affairs, to the general direction of the Secretary for Internal Affairs, the Director of Civil Defence shall be charged with the general administration of this Act. 35

**6. Deputy Director and other officers**—(1) There may from time to time be appointed under the Public Service Act 1912 a Deputy Director of Civil Defence, and such other employees as may be necessary for the purposes of this Act.

5 (2) The office of Deputy Director of Civil Defence may be held in conjunction with any other office in the Department of Internal Affairs.

10 (3) On the occurrence of a vacancy in the office of the Director, whether by reason of death, resignation, or otherwise, or in the absence from duty of the Director, from whatever cause arising, and so long as the vacancy or absence continues, the Deputy Director of Civil Defence shall have and may exercise and perform all the functions, duties, and powers of the Director under this Act.

15 (4) The fact that the Deputy Director of Civil Defence exercises or performs any function, duty, or power as aforesaid shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased.

20 **7. Officers to act under direction of the Director**—The Deputy Director of Civil Defence, the Regional Commissioners, and all other employees of the Department of Internal Affairs engaged on civil defence duties shall act under the direction of the Director in the exercise and performance of  
25 the functions, duties, and powers conferred or imposed on them by this Act.

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

30 (a) To advise and assist the Minister in the administration of this Act:

(b) To advise and assist local authorities in the performance of the duties and exercise of the powers imposed or conferred on local authorities in relation to civil defence by this Act or by any other Act:

35 (c) Subject to the control of the Minister and, where applicable, to the general direction of the Secretary for Internal Affairs, to exercise and perform such functions, duties, and powers with respect to civil defence as are conferred or imposed on him by  
40 this Act.

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

- (a) The planning and coordination generally of civil defence measures: 5
- (b) The taking of all steps necessary to provide, or to arrange the provision of, or otherwise to render readily available, personnel, material, and services adequate for the effective carrying out of civil defence measures: 10
- (c) The direction and control for the purposes of this Act of personnel, material, and services available and at his disposal for civil defence purposes.
- (3) In the exercise of his functions, the Director may—
- (a) Enter into arrangements for the purpose of coordinating and using for the purposes of this Act the personnel, material, and services available in Departments of State, other Government agencies, public bodies, other organisations, and otherwise: 15
- (b) Enter into arrangements with any person whereby that person gives or undertakes to give his services or those of his staff, whether individually or in units under the control of that person, for the purpose of assisting the Director to perform such of the functions of the Director under this Act as may be agreed upon: 20
- (c) Devise, promote, and carry out, or cause to be carried out, researches, and investigations into matters relating to civil defence, and promote and carry out, or cause to be carried out, the dissemination of information and advice on matters relating to civil defence: 30
- (d) Promote and carry out, or cause to be carried out, the training of personnel for civil defence purposes:
- (e) In the event of a state of national emergency or of major disaster, undertake and carry out for the purpose of assisting local authorities in the exercise by them of the powers conferred on them by this Act all such arrangements and measures relating to— 35
  - (i) The provision and coordination of transport: 40
  - (ii) The removal of endangered persons and casualties from any area affected by the national emergency or major disaster to areas of safety or to hospitals: 45

(iii) The affording of medical care and attention to casualties:

(iv) The relief of distress and suffering:

5 (v) The accommodation, feeding, care, and protection of persons:

(vi) The provision of other services necessary for the welfare of the public:

10 (vii) The purposes of this Act generally,— as may be directed by the Minister or considered necessary by the Director.

(4) On the declaration of a state of national emergency, the Director shall have and may exercise, in addition to the functions and powers specified in this section, such functions and powers as may be conferred on him by regulations made  
15 under subsection (1) of subsection 49 of this Act.

**9. Delegation of powers of Director—**(1) The Director may from time to time, by writing under his hand, either generally or particularly, delegate to any employee or employees of the Public Service all or any of the powers  
20 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, any person to whom any powers are delegated under this section may exercise those  
25 powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

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

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

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

(6) Every delegation under this section shall, until revoked,  
40 continue in force according to its tenor. In the event of the Director by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Director.

**10. Civil Defence Headquarters**—(1) The Minister may from time to time coopt the services of such persons as he thinks fit to act as the Civil Defence Headquarters.

(2) The function of the Civil Defence Headquarters shall be to advise and assist the Director generally in the exercise of his functions and powers under this Act and, in particular, to assist the Director to coordinate and use for the purposes of this Act personnel, material, and services made available by Departments of State, other Government agencies, public bodies, or other organisations, or by any other persons.

**11. Planning committees**—(1) The Director may from time to time appoint committees to be known as planning committees, consisting of such persons as the Director appoints to be members thereof.

(2) The Director or any employee of the Public Service nominated by him may be a member of any planning committee.

(3) The function of a planning committee shall be to advise the Director on such matters relating to civil defence as the Director refers to it.

(4) Any planning committee may appoint from its members subcommittees to consider and report to the planning committee on any matter relating to civil defence that is within the competence of the planning committee.

## PART II

### CIVIL DEFENCE REGIONS

**12. Civil defence regions**—(1) For the purposes of this Act, the Minister may from time to time, by notice in the *Gazette*, declare New Zealand or any part thereof to be divided into civil defence regions, with such names and boundaries as he thinks fit.

(2) The boundaries of every civil defence region shall be fixed by reference to the boundaries of the districts of the local authorities comprised therein, and shall vary with any alteration in any such last-mentioned boundaries.

(3) In no case shall part only of the district of any local authority be included within the boundaries of a civil defence region.

(4) If at any time there is constituted a new district whose limits extend into two or more civil defence regions, the new district shall be deemed to be included in and to form part of such one of those regions as may be declared in that behalf by the Minister, by notice in the *Gazette*.



(5) For the purposes of this Act, every region shall be in the charge of a Regional Commissioner.

(6) The fact that any Regional Commissioner exercises his functions in any region shall be sufficient evidence of his  
5 authority to do so.

**13. Regional Commissioners—**(1) There may from time to time be appointed under the Public Service Act 1912 such Regional Civil Defence Commissioners as may be necessary.

(2) The office of a Regional Commissioner may be held  
10 in conjunction with any other office in the Department of Internal Affairs.

**14. Functions and powers of Regional Commissioners—**

(1) The general functions of a Regional Commissioner shall be to exercise and perform such functions, duties, and powers  
15 with respect to civil defence as are conferred or imposed on him by this Act, or as may from time to time be delegated to him by the Director under section 9 of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, a Regional Commissioner shall  
20 have the following specific functions exercisable within the region under his charge:

(a) The coordination and direction for the purposes of this Act of all personnel, material, and services available and placed at his disposal within that region  
25 or made available and placed at his disposal from time to time from any other region:

(b) The coordination of plans for civil defence measures prepared by local authorities and the preparation of such other plans as are necessary for the effective  
30 civil defence of that region:

(c) The supplying of advice and assistance to local authorities in respect of the planning, preparation, coordination, and carrying out of civil defence measures.

(3) In the exercise of his functions, a Regional Commissioner may—  
35

(a) Enter into arrangements for the purpose of coordinating and using for the purposes of this Act the personnel, material, and services available in Departments of State, other Government agencies, public  
40 bodies, other organisations, and otherwise:

- (b) Enter into arrangements with local authorities under section 33 of this Act for the purpose of arranging and coordinating mutual relief and assistance for civil defence purposes by local authorities:
- (c) Enter into arrangements with any person whereby that person makes available or undertakes to make available his services or those of his staff, whether individually or in units under the control of that person, for the purpose of assisting the Regional Commissioner to perform such of his functions under this section as may be arranged between the parties:
- (d) Promote and carry out, or cause to be carried out, and coordinate the training of personnel for civil defence purposes within the region under his charge:
- (e) Provide, direct, and coordinate personnel, material, and services available and at his disposal for the purpose of aiding any local authority that has requested aid under section 35 of this Act:
- (f) Where a state of national emergency or of major disaster affecting any district or combined district has been declared under this Act, provide to the local authority or, as the case may be, to the uniting local authorities and thereafter direct and coordinate personnel, material, and services and the use thereof by the local authority or uniting local authorities:
- (g) When the Minister has given a direction under subsection (2) of section 39 of this Act, control the exercise of any function or power by any local authority or person directed by the Minister under subsection (1) of that section:
- (h) Enter into arrangements with any local authority or with any person or persons for the purpose of removing or of assisting in the removal of endangered persons and casualties from any areas affected or likely to be affected by a national emergency or major disaster to areas of safety or to hospitals, and for the purpose of arranging or assisting in the provision of first aid and medical supplies, accommodation, food, fuel, bedding, clothing, or other necessities for the endangered persons and casualties so moved from any affected area:
- (i) Disseminate to local authorities and to the public information and advice on matters relating to civil defence.

**15. Deputy of Regional Commissioner**—(1) The Director may from time to time appoint any employee of the Public Service, or any other person, to be the deputy of the Regional Commissioner for any region.

5 (2) If at any time there is a vacancy in the office of Regional Commissioner for any region, whether by reason of death or resignation or otherwise, or the Regional Commissioner is incapacitated or is out of effective communication with the Regional Civil Defence Headquarters for the region,  
10 and a state of national emergency or a state of major disaster affecting that region or any part thereof has been declared, or it appears to the deputy that a major disaster affecting the region or any part thereof has occurred, the deputy may exercise and perform under the general direction of the  
15 Director the functions, duties, and powers conferred or imposed on the Regional Commissioner under this Act.

(3) The authority conferred on the deputy of the Regional Commissioner under subsection (2) of this section shall cease and determine on any authorisation being made by the  
20 Director under subsection (1) of section 16 of this Act.

(4) The fact that any person exercises or performs any function, duty, or power under subsection (2) of this section shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion  
25 requiring or authorising him to do so has arisen or has ceased.

**16. Director may authorise Regional Commissioner to act for another Regional Commissioner**—(1) On the occurrence

of a vacancy in the office of any Regional Commissioner, whether by reason of death, resignation, or otherwise, or in  
30 the absence from duty or during the incapacity of any Regional Commissioner, from whatever cause arising, and so long as the vacancy or absence or incapacity continues, the Director may authorise any other Regional Commissioner to exercise and perform the functions, duties, and powers  
35 formerly or normally exercised and performed by the Regional Commissioner whose office is vacant or who is absent from duty or is incapacitated, as the case may be, until the appointment of a Regional Commissioner for the region is made or, as the case may be, until the Regional Commissioner for the  
40 region resumes duty or the incapacity ceases.

(2) The fact that any Regional Commissioner exercises or performs any function, duty, or power under this section shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased. 5

**17. Regional Civil Defence Headquarters**—(1) The Director may from time to time coopt the services of such persons as he thinks fit to act as a Regional Civil Defence Headquarters for any region.

(2) Where the Director considers it necessary or desirable, 10 he may set up more than one Regional Civil Defence Headquarters for any region.

(3) The function of a Regional Civil Defence Headquarters shall be to advise and assist the Regional Commissioner generally in the exercise of his functions and powers under this 15 Act, and, in particular, to assist the Regional Commissioner to coordinate and use for the purposes of this Act personnel, material, and services made available within the region by Departments of State, other Government agencies, public 20 bodies, or other organisations, or by any persons.

### PART III

#### DECLARATION OF NATIONAL EMERGENCY OR OF MAJOR DISASTER

**18. Declaration of state of national emergency**—(1) If at any time it appears to the Governor-General that a national 25 emergency exists, the Governor-General may, by Proclamation approved in Executive Council (hereinafter referred to as a Proclamation of national emergency), declare that for the purposes of this Act a state of national emergency exists 30 in New Zealand:

Provided that, if the Governor-General is of the opinion that the Executive Council is dispersed or for any reason whatsoever it is not possible to hold a meeting thereof, the Proclamation of national emergency may be made by the 35 Governor-General on the recommendation of the Prime Minister.

(2) Notwithstanding anything in any Act, a Proclamation of national emergency shall come into force when it is signed by the Governor-General, who shall as soon as possible give such public notice thereof by such means as he thinks fit, and 40 the Proclamation shall be gazetted as soon as practicable.

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

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

(5) Every declaration of a state of national emergency made under subsection (3) or subsection (4) of this section shall come into force when it is signed by the member presiding at the meeting of the Executive Council or by the Prime Minister, as the case may be, who shall forthwith give such public notice thereof by such means as he thinks fit, and the declaration shall be gazetted as soon as practicable.

**19. Declaration of state of major disaster—**(1) If at any time it appears to the Minister that a major disaster has occurred and that the disaster is or is likely to be of such extent or magnitude or severity that the civil defence measures necessary or desirable in respect of it are, or are likely to be, beyond the resources of the local authority or local authorities whose district or districts are affected by the disaster, he may, by a declaration in writing signed by him, declare that a state of national major disaster or, if he thinks fit, a state of regional major disaster exists.

(2) The Minister shall forthwith give such public notice by such means as he thinks fit of every declaration of a state of major disaster made by him under the provisions of subsection (1) of this section, and the declaration shall be gazetted as soon as practicable.

(3) Except where subsection (5) of this section applies, if at any time it appears to any local authority for whose district an approved civil defence plan is for the time being in force

that a major disaster has occurred in its district, and a state of major disaster has not been declared under any other provision of this section, the local authority, may, by resolution, declare that a state of local major disaster exists in its district, and shall forthwith give such public notice thereof by such means as it thinks fit. 5

(4) Except where subsection (5) of this section applies, where—

- (a) At any time the members of any local authority for whose district an approved plan of civil defence is for the time being in force are dispersed, or for any reason whatsoever it is not possible to hold a meeting thereof, or it is not possible to hold a meeting thereof in sufficient time, having regard to the urgency of the matter; and 10 15
- (b) It appears to the Chairman that a major disaster has occurred in the district; and
- (c) A state of major disaster has not been declared under any other provision of this section,—

the Chairman may, by a declaration in writing signed by him, declare that a state of local major disaster exists in the district, and shall forthwith give such public notice thereof by such means as he thinks fit: 20

Provided that the power to make a declaration of major disaster exercisable by the Chairman of a local authority under this subsection may, if he is incapacitated or is out of effective communication with the Local Controller, be exercised by the Local Controller. 25

(5) Where—

- (a) Two or more local authorities have united for the purposes of civil defence under section 25 of this Act; and 30
  - (b) An approved plan of civil defence is for the time being in force in respect of the combined district; and
  - (c) At any time it appears to the local authority specified for that purpose pursuant to section 28 of this Act that a major disaster has occurred in that combined district or in any part thereof; and 35
  - (d) A declaration of a state of major disaster has not been made under any other provision of this section,— 40
- the local authority so specified may, by resolution, declare that a state of local major disaster exists in the combined district, and shall give such public notice thereof by such means as it thinks fit:

Provided that if the members of that local authority are dispersed, or for any reason whatsoever it is not possible to hold a meeting thereof, or it is not possible to hold a meeting thereof in sufficient time having regard to the urgency of the matter, the Chairman of that local authority, or, if he is incapacitated or is out of effective communication with the Group Controller, the Group Controller may, by a declaration in writing signed by him, make any declaration that the local authority could make under this subsection.

10 (6) Where—

(a) At any time it appears to the senior member of the Police present in the district of any local authority that a major disaster has occurred in that district; and

15 (b) No approved plan of civil defence is for the time being in force for that district or for any combined district of which that district forms a part; and

(c) Owing to the suddenness of the occurrence, the interruption of communications, or other cause, a declaration has not been made under any other provision of this section,—

20 that senior member of the Police may, by a declaration in writing signed by him, declare that a state of local major disaster exists in that district, and shall forthwith give such public notice thereof by such means as he thinks fit.

25 (7) If at any time it appears to any Regional Commissioner that a major disaster has occurred within the region under his charge, or within any part thereof, and if a declaration has not been made under any other provision of this section, the Regional Commissioner may, by a declaration in writing signed by him, declare that a state of regional major disaster exists in that region or part thereof or, if he thinks fit, that a state of local major disaster exists in any part of that region, and shall forthwith give such public notice thereof by such means as he thinks fit.

35 (8) Any declaration under this section shall come into force as soon as it is made.

**20. Communication to Parliament**—Where a state of national emergency has been declared, or a state of national major disaster or regional major disaster has been declared by the Minister or a state of regional major disaster has been declared by a Regional Commissioner, the occasion thereof shall forthwith be communicated by the Minister to Parliament if Parliament is then in session, and, if Parliament is

not then in session, shall be communicated to Parliament forthwith after the commencement of the next ensuing session.

**21. Termination of state of national emergency**—Any state of national emergency declared under this Act shall cease and determine on such date as may be specified by the Governor-General, by Proclamation approved in Executive Council. 5

**22. Duration of state of major disaster**—Subject to the provisions of section 23 of this Act, no declaration of a state of major disaster shall remain in force for more than twenty-eight days from the date on which it was made. 10

**23. Extension and termination of state of major disaster**—

(1) The Minister may, by notice in the *Gazette*,—

(a) Where 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 major disaster declared by the Minister or by a member of the Police or by a Regional Commissioner for such periods, not exceeding twenty-eight days in each instance, as he thinks fit: 15 20

(b) Declare that any such state of major disaster shall terminate on a date specified in the notice, being not later than twenty-eight days after the date of the notice.

(2) Where a state of major disaster has been declared under subsection (4) or subsection (5) of section 19 of this Act, the local authority in respect of whose district the state of major disaster has been declared or, as the case may be, the local authority specified pursuant to section 28 of this Act may, by resolution,— 25 30

(a) Where it considers it advisable or necessary for the preservation of life or the relief of distress, from time to time extend the state of major disaster for such periods, not exceeding twenty-eight days in each instance, as it thinks fit: 35

(b) Declare that the state of major disaster shall terminate on a date specified in the resolution, being not later than twenty-eight days after the date of the resolution,—

and shall forthwith give public notice thereof by notice published in a newspaper circulating in the district or combined district, as the case may be. 40



PART IV

DUTIES AND POWERS OF LOCAL AUTHORITIES

24. **Local authorities to plan for civil defence**—(1) Subject to the provisions of section 25 of this Act, every local authority shall prepare and adopt a plan to deal with all matters of civil defence within its district.

(2) Without limiting the matters that may be provided for in a civil defence plan, every such plan may make provision for all or any of the matters specified in subsection (1) of section 34 of this Act.

25. **Local authorities may unite for civil defence**—(1) A local authority may, by agreement, unite with one or more other local authorities for the purpose of arranging and carrying out civil defence measures in the combined districts of the local authorities that are parties to the agreement.

(2) Where two or more local authorities have united for civil defence purposes under this section, they shall prepare and adopt a joint civil defence plan to deal with all matters of civil defence within their combined districts.

(3) Without limiting the matters that may be provided for in a joint civil defence plan, every such plan may make provision for all or any of the matters specified in subsection (1) of section 34 of this Act.

26. **Local Controller of Civil Defence**—Every civil defence plan adopted under section 24 of this Act shall include provision for the appointment by the local authority of a Local Controller of Civil Defence for the district.

27. **Group Controller of Civil Defence**—Every joint civil defence plan adopted under section 25 of this Act shall include provision for the appointment by the uniting local authorities or by the uniting local authority specified in the plan of a Group Controller of Civil Defence for the combined district.

28. **Joint civil defence plans**—(1) Every joint civil defence plan shall specify one of the uniting local authorities to be the local authority authorised by subsection (5) of section 19 of this Act to declare a state of local major disaster in respect of the combined district.

(2) A joint civil defence plan may include provision for any of the uniting local authorities to delegate to any other uniting local authority all or any of its powers under this Act, except the power to declare a state of major disaster or to extend or terminate a state of major disaster or the powers conferred by section 41 of this Act, and those powers may be delegated accordingly. 5

(3) Every local authority to which any powers have been delegated under this section may exercise those powers in the district of the local authority making the delegation as if the term “district”, in relation to the first-mentioned local authority, included the district of the local authority making the delegation. 10

(4) Every joint civil defence plan shall be submitted to the Regional Commissioner for approval by such of the uniting local authorities as they determine. 15

(5) The provisions of sections 29 and 30 of this Act shall, with the necessary modifications, apply to any joint plan adopted by the local authorities that are parties to an agreement to unite for civil defence purposes. 20

**29. Plan to be submitted to Regional Commissioner for approval—**(1) A civil defence plan adopted by a local authority shall be submitted by the local authority to the Regional Commissioner for the region within which the district of the local authority is situated, for approval by him. 25

(2) In considering any civil defence plan submitted to him, the Regional Commissioner shall have regard to the extent to which the plan in his opinion makes adequate provision for the satisfactory carrying out of civil defence measures in the district of the local authority, and may in his discretion— 30

- (a) Approve the plan; or
- (b) Decline to approve the plan; or
- (c) Approve the plan subject to such modification thereof as he thinks fit.

(3) A local authority whose civil defence plan has been approved by the Regional Commissioner under this section or by the Minister under section 30 of this Act may from time to time prepare and adopt an amendment of that plan or revoke that plan and prepare and adopt a new plan in its place. The provisions of subsections (1) and (2) of this section shall apply, with the necessary modifications, to every amendment of a civil defence plan and to every new civil defence plan adopted under this section. 35 40

(4) A civil defence plan or an amendment of a civil defence plan shall come into force when it has been approved by the Regional Commissioner under this section or by the Minister under section 30 of this Act.

5 **30. Objection to Regional Commissioner's decision—**

(1) Any local authority aggrieved by a decision of the Regional Commissioner under paragraph (b) or paragraph (c) of subsection (2) of section 29 of this Act may refer the plan or amendment to the Minister for his consideration.

10 (2) In considering any plan or amendment submitted to him under this section, the Minister may in his discretion approve the plan or amendment, or decline to approve the plan or amendment, or approve the plan or amendment subject to such modification thereof as he thinks fit. The  
15 decision of the Minister under this subsection shall be final.

**31. Effect of change in boundaries of districts or constitution of new districts—**

(1) Where the boundaries of any district for which an approved civil defence plan is for the time being in force are altered by the inclusion therein of any  
20 area comprising the whole or a part of any other district, the plan shall come into force in the area so added to the district, and any such plan in force in that area before the change of boundaries shall cease to be in force in that area:

25 Provided that nothing in this subsection shall apply with respect to any joint plan in force in that area before the change of boundaries, if before the change of boundaries the district to which the area is added also formed part of the combined district in which the joint plan was in force.

(2) Where a new district is constituted, any approved  
30 civil defence plan in force in any part of the district immediately before the constitution of the new district shall cease to have effect in that part, and the local authority of the new district shall prepare and adopt and submit for approval under sections 24 and 29 of this Act a civil defence plan for  
35 its district or join with one or more other local authorities in the preparation and adoption of a joint plan under section 25 of this Act.

**32. Local authorities may unite in contracts for civil defence purposes**—Where two or more local authorities have united for the purposes of civil defence, they may, for such purposes, enter into contracts (being within their several powers, whether conferred by this Act or by any other Act) between themselves or some or one of them on behalf of all of them on the one hand and any other corporation or person on the other hand, and generally may join in any act. 5

**33. Local authorities may enter into arrangements with Regional Commissioner**—For the better coordination of civil defence measures generally, a local authority, or, where two or more local authorities have united for civil defence purposes under this Act, those local authorities, may enter into arrangements with the Regional Commissioner for the region within which the district or districts of the local authority or local authorities are situated for the purpose of providing relief and assistance to any other local authority or local authorities affected by any national emergency or any major disaster. 10 15

**34. Powers of local authorities**—(1) For the purposes of civil defence, a local authority may individually or by uniting with one or more other local authorities, and whether or not an approved civil defence plan for its district or for any combined district of which its district forms part is for the time being in force,— 20

- (a) Set up or appoint a civil defence corps, advisory committees, services, and other units: 25
- (b) Enter into arrangements or agreements for the purpose of coordinating and using for the purposes of this Act personnel, material, and services made available within its district by Departments of State, other Government agencies, public bodies, or other organisations, or by any other persons: 30
- (c) Enter into arrangements with any person whereby that person makes available or undertakes to give his services or those of his staff, whether individually or in units under the control of that person, for the purpose of assisting the local authority to exercise such of its powers under this section as may be arranged between the parties: 35
- (d) Provide equipment, accommodation, and facilities for the exercise of any of the powers conferred by this section: 40

- (e) Recruit and train personnel:
- (f) Provide, maintain, control, and operate prescribed warning devices:
- 5 (g) Issue and control the use of prescribed distinguishing warrants, badges, or other insignia for civil defence officers and personnel:
- (h) Disseminate information and advice to the public:
- 10 (i) During a state of national emergency or of major disaster, carry out works, clear streets, roads and other public places, and dispose of dangerous structures and materials:
- (j) Provide for the rescue of endangered persons and their removal to areas of safety within the district, or, as may be arranged with the Regional Commissioner or other local authorities, outside the district:
- 15 (k) Set up emergency and first-aid posts, and provide for first aid and medical care to casualties and their movement to hospitals or areas of safety within the district, or, as may be arranged with the Regional Commissioner or other local authorities, outside the district:
- 20 (l) Provide for the relief of distress and for welfare generally, including the accommodation of the homeless and the supplying of food, fuel, bedding, clothing, first-aid and medical supplies, and such other necessities as may from time to time be determined by the local authority:
- 25 (m) Undertake emergency measures for the disposal of the dead:
- 30 (n) Control and coordinate the matters specified in the foregoing provisions of this section.
- (2) Without limiting the provisions of subsection (1) of this section, every local authority shall have all such powers as are necessary to give effect to the provisions of an approved
- 35 civil defence plan in force in respect of its district or of the combined district of which its district forms part.

**35. Assistance by Regional Commissioner to local authorities**—(1) At any time after the declaration of a state of national emergency or of a state of major disaster affecting

40 any district or combined district, the local authority or, as the case may be, the uniting local authorities may, if they consider that the civil defence measures necessary or desirable in respect of the national emergency or that major disaster are, or are likely to be, beyond its or their resources or if they are of

the opinion that aid from outside the district is necessary or desirable, call upon the Regional Commissioner to take such steps as he considers necessary or desirable in the circumstances; and thereupon the local authority or uniting local authorities shall exercise under the direction of the Regional Commissioner such of the powers conferred by section 34 of this Act as are exercisable during a state of national emergency or of major disaster and as the Regional Commissioner directs. 5

(2) Where a state of national emergency or of national major disaster or of regional major disaster has been declared, and aid and resources are provided for civil defence purposes by the Regional Commissioner to any local authority or to uniting local authorities, the local authority or uniting local authorities shall act under the direction of the Regional Commissioner in exercising such of the powers conferred by section 34 of this Act as are exercisable during a state of national emergency or of major disaster and as the Regional Commissioner directs. 10 15

**36. Powers of local authorities in case of national emergency**—On the declaration of a state of national emergency, any local authority or uniting local authorities shall have and may exercise, in addition to the powers specified in section 34 of this Act, such powers as may be conferred on local authorities or uniting local authorities by regulations made under subsection (1) of section 49 of this Act. 20 25

**37. Power of delegation**—(1) In the exercise of the powers conferred on it by this Act, a local authority may delegate to the Chairman or to the Deputy Chairman of the local authority or to the Local Controller or to any officer of the local authority such of those powers as it thinks fit, except— 30

- (a) Power to declare a state of major disaster or to extend or terminate a state of major disaster:
- (b) Any powers conferred by section 41 of this Act:
- (c) Any power to enter into a contract otherwise than in accordance with the provisions of section 4 of the Public Bodies Contracts Act 1959: 35
- (d) Any power to institute an action:
- (e) This power of delegation.

(2) In the exercise of the powers conferred on it by this Act, a uniting local authority may delegate to the Group Controller or to any officer of any of the uniting local authorities such of those powers as it thinks fit, except—

- 5 (a) The powers specified in paragraphs (a) to (e) of subsection (1) of this section:  
(b) Any powers that it has delegated to any other uniting local authority.

**38. Powers of Chairman and other officers in urgent cases—**(1) Where—

- 10 (a) A state of national emergency or a state of major disaster affecting any district or combined district has been declared; and  
15 (b) For any reason whatsoever the local authority or the uniting local authorities are prevented from exercising all or any of the powers conferred by this Act, or fail to do so; and  
20 (c) No delegation has been made by the local authority or the uniting local authorities under section 37 of this Act, or in the opinion of the Chairman of the local authority or, as the case may be, the Group Controller any such delegation is inadequate or inoperable,—

25 the Chairman or, as the case may be, the Group Controller may, if he considers it necessary or desirable, exercise on behalf of the local authority or of the uniting local authorities such of the powers conferred on the local authority or uniting local authorities as he thinks fit until such time as the local authority or uniting local authorities assume or resume the  
30 exercise of those powers.

(2) Where the Chairman or, as the case may be, the Group Controller is absent from the district or combined district or is dead or incapacitated or is otherwise unable to exercise the powers conferred on him by subsection (1) of this section,  
35 the Deputy Chairman or, in the case of uniting local authorities, the Chairman or Deputy Chairman of any one of those local authorities may exercise those powers on behalf of the local authority or local authorities, as the case may be, until the local authority or the Chairman or, as the case may be, the uniting local authorities or the Group Controller  
40 assume or resume the exercise of those powers.

(3) Where, in the case of a local authority, both the Chairman and the Deputy Chairman are absent from the district or are dead or incapacitated or are otherwise unable to exercise the powers conferred on them by this section, the Local Controller may exercise those powers on behalf of the local authority until the Chairman or Deputy Chairman assumes or resumes the exercise of those powers. 5

(4) Where —

(a) A state of national emergency or of major disaster affecting any district or combined district has been declared; and 10

(b) Owing to the suddenness of the occurrence, the interruption of communications, or other cause, the local authority or the uniting local authorities, the persons authorised to act on their behalf, the Controller, and the Regional Commissioner for the region in which that district is situated are prevented from carrying out immediate and effective civil defence measures in that district,— 15

the senior member of the Police present in the district may exercise such of the powers specified in section 34 of this Act as are in his opinion practicable and necessary in the circumstances. 20

(5) The authority conferred by subsection (4) of this section shall cease and determine when the local authority or the uniting local authorities or the Controller or the Regional Commissioner assume effective control of the district. 25

**39. Minister's power of direction**—(1) Where a state of national emergency or of major disaster has been declared, or the Minister considers that an imminent threat of a national emergency exists, the Minister may, if he considers that having regard to all the circumstances it is expedient to do so, direct any local authority or uniting local authorities or person to exercise any of the powers conferred by this Act on that local authority or those uniting local authorities or that person or to cease to exercise any of those powers being exercised by the local authority or uniting local authorities or person, and in either case to comply with all directions given by the Minister in that behalf. 30 35

(2) Where under subsection (1) of this section the Minister directs any local authority or uniting local authorities or person to exercise any power, he may in his discretion direct that the power shall be exercised under the control and to the satisfaction of the Regional Commissioner. 40



40. **Local authorities may insure persons**—A local authority may insure any person against accident, incapacity, or death directly or indirectly attributable to the exercise or performance of such powers, duties, or obligations as he may be  
5 required to exercise or perform under any approved civil defence plan or any arrangement for the carrying out of civil defence measures during a state of national emergency or of major disaster, or in the course of civil defence training operations undertaken under the control or with the consent of the  
10 local authority.

41. **Financial provisions**—(1) A local authority may from time to time raise a special loan under the Local Authorities Loans Act 1956 for any of the purposes specified in this Act, pursuant to a special order and, notwithstanding anything in  
15 section 34 of the Local Authorities Loans Act 1956, without the prior consent of its ratepayers.

(2) A local authority may, out of money borrowed under subsection (1) of this section, repay to its general funds any sum or sums or any portion of any sum or sums advanced  
20 therefrom during the immediately preceding period of twelve months and applied towards any of the purposes specified in this Act.

(3) Notwithstanding anything in Part II of the Local Authorities Loans Act 1956, where by reason of any civil  
25 defence measures taken under this Act in respect of a national emergency or a major disaster it becomes necessary for a local authority to expend money beyond the amount estimated by it for the year then current, the local authority, with the consent of the Minister of Finance and upon and subject to  
30 such conditions as that Minister thinks fit, may, in addition to any other powers conferred by this section, from time to time borrow money from its bankers by way of overdraft in excess of the limit imposed by section 20 of that Act for the purpose of meeting the cost of carrying out during a state of  
35 national emergency or of major disaster any of the functions and powers conferred on it by this Act.

## PART V

### MISCELLANEOUS PROVISIONS

42. **Protection from liability**—(1) Subject to subsection (3)  
40 of this section, no action or proceedings shall be brought against the Crown, or any local authority, or any officer or servant of either of them, or any member of a local authority, or against any other person whatsoever to recover damages

for any damage to property occasioned by any person in the exercise or performance in good faith of his powers, duties, or obligations under this Act derived from or imposed by the declaration of a state of national emergency or of major disaster.

(2) Subject to subsection (3) of this section, no action or proceedings shall be brought against the Crown, or any local authority, or any officer or servant of either of them, or any member of a local authority, or against any other person whatsoever to recover damages for any loss or damage or bodily injury or death that is due directly or indirectly to a national emergency or a major disaster, where the loss or damage or bodily injury or death is caused by any person taking any action, or failing to take any action, while he is acting in good faith in the exercise or performance of his powers, duties, or obligations under this Act derived from or imposed by the declaration of a state of national emergency or of major disaster.

(3) Nothing in subsection (1) or subsection (2) of this section shall—

(a) Relieve any person against liability, or in any way affect the liability of any person, to pay damages on account of bodily injury to or the death of any person caused by or in connection with the use of any motor vehicle in respect of which he is entitled to be indemnified by a contract of third-party risks insurance under Part V of the Transport Act 1949; or

(b) Affect the liability of any employer to pay any sum in respect of the death of or personal injury to any worker in respect of which he is entitled to be indemnified under section 86 of the Workers' Compensation Act 1956, or, in the case of any worker to whom Part III of that Act does not apply or of any employer who is exempt from the obligation to insure under that Part, in respect of which he would be entitled to be so indemnified if that Part applied to that worker or, as the case may be, if the employer were not so exempt.

(4) No member of a local authority shall be personally liable for any act done or omitted by the local authority or by any member thereof in good faith in pursuance or intended pursuance of the powers and authorities of the local authority conferred by this Act.

**43. Requisitioning powers**—(1) Where a state of national emergency or of major disaster has been declared, and, in the opinion of the Regional Commissioner or the Controller or any member of the Police, any of the measures authorised in this subsection are immediately and urgently necessary for the preservation of human life, he may, without any further authority than this subsection,—

(a) Require the owner or person for the time being in control of any vehicle, aircraft, horse, or boat forthwith to place that vehicle, aircraft, horse, or boat under the control and direction of the Regional Commissioner, Controller, or member of the Police, as the case may be:

Provided that where the owner or person for the time being in control of that vehicle, aircraft, horse, or boat cannot be immediately found the Regional Commissioner, Controller, or member of the Police may assume forthwith the control and direction of the vehicle, aircraft, horse, or boat:

(b) Require the evacuation of any area or building or place and the exclusion of any persons and vehicles from any area, building, or place.

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

Provided that no person shall be deemed to have committed an offence under this section unless the Court is satisfied that the Regional Commissioner or Controller or member of the Police had reasonable grounds for believing that in all the circumstances of the case the requirement was immediately and urgently necessary for the preservation of human life.

(3) Where under this section a vehicle, aircraft, horse, or boat has come under the control of a Regional Commissioner or member of the Police, or, except during a state of local major disaster, under the control of a Controller, there shall, on application by the owner, be paid to him out of money appropriated by Parliament such amount as the Minister approves by way of reasonable compensation for—

(a) The use of that vehicle, aircraft, horse, or boat:

(b) Any loss of or damage to that vehicle, aircraft, horse, or boat suffered or incurred while under that control.

(4) Where under this section a vehicle, aircraft, horse, or boat has come under the control of a Controller during a state of local major disaster, there shall, on application by the owner, be paid to him by the local authority or, as the case may be, by the uniting local authorities reasonable compensation for— 5

- (a) The use of that vehicle, aircraft, horse, or boat:
- (b) Any loss of or damage to that vehicle, aircraft, horse, or boat suffered or incurred while under that control.

**44. Closing of roads and streets**—(1) Every civil defence plan shall include provisions authorising the persons designated in the plan to close to traffic any road, street, private street, motorway, private way, right of way, service lane, access way, or other highway or any public place at any time during the continuation of a state of national emergency or of a state of major disaster in the area to which the plan relates, and every person so designated may exercise those powers accordingly. 10 15

(2) Where no approved civil defence plan is in force for any area, the Regional Commissioner and any persons authorised by him may exercise the powers specified in subsection (1) of this section. The fact that any person exercises any such powers shall be sufficient evidence of his authority to do so. 20

(3) Every person commits an offence against this Act who fails to comply with any lawful direction given by any person in the exercise of any powers conferred by this section. 25

(4) Nothing in this section shall derogate from the powers in relation to the closing of roads, streets, and other places conferred on any person by section 37 of the Fire Services Act 1949, Part XVIII of the Municipal Corporations Act 1954, section 32 of the Forest and Rural Fires Act 1955, or any other enactment, or from the powers of the Police in that behalf. 30

**45. Removal of vehicles**—Where a state of national emergency exists or a state of major disaster exists in any area, any Regional Commissioner, Controller, member of the Police, or other person acting under the authority of a Regional Commissioner or of a Controller or of a member of the Police may remove any vehicle impeding civil defence operations; and, where reasonably necessary for that purpose, he may use force or may break into any such vehicle. 35 40

46. **Entry on premises**—Where a state of national emergency exists or a state of major disaster exists in any area, any Regional Commissioner, any Controller, any member of the Police, and any person acting under the authority of a  
5 Regional Commissioner or of a Controller or of a member of the Police, may enter upon, and if necessary break into, any building, premises, or land, where he believes on reasonable grounds that the action is necessary for saving life, or preventing  
10 injury, or rescuing and removing injured or endangered persons, or for permitting or facilitating the carrying out of any urgent measures in respect of the relief of suffering or distress.

47. **Police to assist**—The authority of every Regional Commissioner, every Controller, and every person holding a position  
15 of responsibility under any civil defence plan or acting under the direction of the Regional Commissioner shall be recognised during the continuation of a state of national emergency or of major disaster by all members of the Police and by all other persons; and it shall be the duty of every  
20 member of the Police present at the scene of any civil defence operations to assist any such Regional Commissioner or Controller or person holding a position of responsibility or acting under the direction of a Regional Commissioner as aforesaid in the maintenance of his authority and in enforcing  
25 obedience by all persons to his lawful orders.

48. **Absence on duty not to affect employment rights**—Every person who during a state of national emergency or of major disaster is absent with proper authority from his accustomed employment on duty on civil defence operations  
30 authorised by this Act shall, while so absent, for all purposes be deemed to have been in his accustomed employment during that period of absence:

Provided that nothing in this section shall be deemed to impose on the employer of any such person any obligation to  
35 pay to him any remuneration in respect of any period of absence from his employment on civil defence operations.

49. **Regulations**—(1) The Governor-General may from time to time, by Order in Council, make such regulations with respect to civil defence as appear to him to be necessary  
40 or expedient for the purpose of securing the public safety and generally safeguarding the interests of the public during any state of national emergency.

(2) Regulations made under subsection (1) of this section may prescribe penalties for the breach of any such regulation, not exceeding imprisonment for a term of three months or a fine of one hundred pounds.

(3) Regulations may be made under subsection (1) of this section at any time, whether or not a state of national emergency then exists, but shall have effect only during the continuation of a state of national emergency. 5

(4) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 10

- (a) Prescribing the form of distinguishing warrants, badges, or other insignia for civil defence officers and personnel, and regulating the use and wearing of such warrants, badges, or other insignia: 15
- (b) Prescribing matters relating to the provision, maintenance, control, and operation of warning devices:
- (c) Prescribing fines not exceeding twenty pounds for the breach of any regulation made under this subsection: 20
- (d) Generally providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

(5) All regulations made under this section shall be laid before Parliament. 25

**50. Obstruction of officers**—Every person commits an offence who wilfully—

- (a) Prevents any Regional Commissioner, any Controller, any officer of a local authority, any person acting under the authority of a Regional Commissioner or of a Controller or of any member of the Police, or any person duly authorised or employed for the purpose of carrying out any provision of or under this Act or of any approved civil defence plan, from carrying out any such provision; or 30
- (b) Obstructs or impedes any such person in carrying out any such provision. 35

**51. Penalty for offences**—Every person who commits an offence against this Act is liable on summary conviction to a fine not exceeding one hundred pounds. 40

**52. Consequential amendments**—(1) Section 2 of the Public Safety Conservation Act 1932 is hereby amended by inserting in subsection (1), after the words “likely to be imperilled”, the words “and a state of national emergency or  
5 of major disaster has not been declared under the provisions of the Civil Defence Act 1961 in respect of those circumstances”.

(2) Section 4 of the Public Safety Conservation Act 1932 is hereby amended—

10 (a) By inserting in subsection (1), after the words “public emergency”, the words “other than an emergency in respect of which a state of national emergency or of major disaster has been declared under the provisions of the Civil Defence Act 1961”:

15 (b) By adding to subsection (1) the words “or on the declaration of a state of national emergency or of major disaster under the provisions of the Civil Defence Act 1961 in respect of that emergency”.

**53. Repeal**—The Local Authorities’ Emergency Powers Act  
20 1953 is hereby repealed.