

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 24 October 1962

Words struck out by the Local Bills Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 27 November 1962

Words inserted by the Committee are shown in roman underlined with a treble rule, or with double rule before first line and after last line of new matter and single rule in margin.

Hon. Mr Götz

CIVIL DEFENCE

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PART V

MISCELLANEOUS PROVISIONS

46. Protection from liability

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 1962.

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

“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: 10

“Civil defence” means the planning, organisation, co-ordination, and implementation of measures, other than measures amounting to actual combat or preparation therefor, 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: 15 20

“Civil defence region” means a civil defence region constituted under section 15 of this Act:

“Combined district” means the area comprising the districts of local authorities that have united for civil defence purposes: 25

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

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

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

5 “Joint plan” means a joint local civil defence plan prepared under section 28 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 “Local plan” means a local civil defence plan prepared under section 27 of this Act:

20 “Major disaster” means any fire, explosion, earthquake, eruption, 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 or distress to persons or in any way endangers the safety of the public in New Zealand or in any part of New Zealand:

25 “Minister” means the Minister of Civil Defence:

“National plan” means a national plan of civil defence prepared under section 13 of this Act:

30 “National emergency” means an emergency due to an actual or imminent attack on New Zealand by an enemy, or to any actual or imminent warlike act whether directed against New Zealand or not, whereby loss of life or injury or distress to persons or danger to the safety of the public is caused or threatened to be caused in New Zealand, or in any part of New Zealand:

35 “Operative”, in relation to any local plan or joint plan or to any amendment thereof, means approved by the Regional Commissioner under section 32 of this Act or by the Minister under section 33 of this Act:

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

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

- “Regional Commissioner” means a Regional Commissioner of Civil Defence appointed under this Act:
- “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 be: 5
- “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 22 of this Act:
- “State of regional major disaster” means a state of major disaster existing in any region or in part of any region that is declared a state of regional major disaster under subsection (1) or subsection (6) of section 22 of this Act: 10
- “State of local major disaster” means a state of major disaster existing in any district or combined district that is declared a state of local major disaster under section 22 of this Act: 15
- “Statutory corporation” means any body corporate that is specifically constituted by any Act:
- “Uniting local authority” means a local authority that has united with one or more other local authorities for civil defence purposes. 20

- 3. Act not to derogate from certain other Acts**—Subject to the provisions of section 57 of this Act, nothing in this Act shall derogate from the provisions of— 25
- (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); or 30
 - (e) The Navy Act 1954; or
 - (f) The New Zealand Army Act 1950; or
 - (g) The Royal New Zealand Air Force Act 1950; or
 - (h) The Civil Aviation Act 1948.

PART I

35

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.
- (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. 40

(3) Where the office of Director of Civil Defence is held in conjunction with the office of Secretary for Internal Affairs, then, on the occurrence of a vacancy in the office of Secretary for Internal Affairs, whether by reason of death, resignation, 5 or otherwise, or in the absence from duty of the Secretary for Internal Affairs, from whatever cause arising, and so long as the vacancy or absence continues, the Deputy Secretary for Internal Affairs shall have and may exercise and perform all the functions, duties, and powers of the Director under 10 this Act.

(4) The fact that the Deputy Secretary for Internal Affairs 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 15 requiring or authorising him to do so has arisen or has ceased.

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 direc- 20 tion of the Secretary for Internal Affairs, the Director of Civil Defence shall be charged with the general administration of this Act.

6. Deputy Director and other officers—(1) There may from time to time be appointed under the Public Service Act 1912 25 a Deputy Director of Civil Defence, and such other employees as may be necessary for the purposes of this Act.

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

30 (3) Where—

(a) In any case where the office of Director is not held in conjunction with the office of Secretary for Internal Affairs, a vacancy occurs in the office of Director, whether by reason of death, resignation, or other- 35 wise, or the Director is absent from duty, from whatever cause arising, and so long as the vacancy or absence continues; or

(b) In any case where the office of Director is held in conjunction with the office of Secretary for Internal Affairs, both the Director and the Deputy Secretary for Internal Affairs are absent from duty, from 40 whatever cause arising, and so long as the 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.

(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. 5

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 the functions, duties, and powers conferred or imposed on them by this Act. 10

8. Functions and powers of Director—(1) The functions of the Director shall be— 15

- (a) To advise and assist the Minister in all matters relating to civil defence:
- (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: 20
- (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 this Act. 25

(2) Without limiting the generality of the provisions of subsection (1) of this section, the Director shall have the following specific functions: 30

- (a) The coordination of the planning and execution generally of civil defence measures:
- (b) The taking of all steps necessary to provide, or to arrange the provision of, or otherwise to render readily available, personnel, material, and services adequate for the effective carrying out of civil defence measures: 35
- (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. 40

(3) In the exercise of his functions, the Director may—

(a) Coordinate the use of, and during a state of national emergency or of major disaster use, the personnel, material, and services made available by Departments of State, other Government agencies, statutory corporations, public bodies, other organisations, and otherwise for the purposes of civil defence, and in particular, without limiting the generality of the foregoing provisions of this paragraph, for—

(i) The provision of transport:

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

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

(iv) The relief of distress and suffering:

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

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

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

(b) Enter into arrangements with any person whereby that person gives or undertakes to give his services or those of his staff, whether individually or in units under the control of that person, for the purpose of carrying out such civil defence measures as may be agreed upon:

(c) Devise, promote, and carry out, or cause to be carried out, 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:

(d) Promote and carry out, or cause to be carried out, the training of personnel for civil defence purposes.

(4) During a state of national emergency or of major disaster, 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 under 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 of the Crown or of any statutory corporation all or any of the powers exercisable by the Director under this Act, except this power of delegation. .5

(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 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. 10

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary. 15

(4) Any delegation under this section may be made to a specified employee or to employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices. 20

(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, 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. 25

10. National Civil Defence Committee—(1) For the purposes of this Act there shall be a committee, to be called the National Civil Defence Committee (in this section and in section 11 of this Act referred to as the Committee). 30

(2) The Committee shall consist of—

(a) The Director, who shall be the Chairman of the Committee: 35

(b) The Commissioner of Police:

(c) The Commissioner of Works:

(d) The Commissioner of Transport:

(e) The Chief of the General Staff:

(f) The Director-General of Health: 40

(g) The Director-General of the Post Office:

(h) The General Manager of Railways:

(i) The Chairman of the Social Security Commission:

(j) The Secretary of Industries and Commerce:

(k) The Director-General of Broadcasting:

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

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

10 (4) In the absence of the Director from any meeting of the Committee, and, where the office of Director is held in conjunction with the office of Secretary for Internal Affairs, in the absence also of the Deputy Secretary for Internal Affairs, the Deputy Director of Civil Defence may attend the meeting in the place of the Director, and while so doing shall be the Chairman of the Committee.

15 (5) In the absence of any other member from any meeting of the Committee, he may authorise any other officer of his Department or other Government agency or statutory corporation, as the case may be, to attend the meeting in his stead. While any person is attending a meeting of the Committee under this subsection, he shall be deemed for all purposes to be a member of the Committee.

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

11. Functions of National Civil Defence Committee—

(1) The general functions of the Committee shall be to advise and assist the Minister and the Director in the planning and implementation of all measures considered necessary or desirable for the establishment, maintenance, and effective operation of civil defence.

35 (2) Without limiting the generality of the provisions of subsection (1) of this section, it shall be the duty of the Committee—

40 (a) From time to time to review and report to the Minister on the civil defence measures considered necessary or desirable in view of the apparent likelihood, degree of imminence, and probable nature of a national emergency, or in view of the possible occurrence of a major disaster:

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- (b) To consider and make recommendations to the Minister on the appointment of planning committees under section 12 of this Act, and on the membership of those committees:
- (c) When so requested by the Minister, to consider and make reports and recommendations to him in respect of national plans prepared by planning committees under section 13 of this Act: 5
- (d) To advise and assist the Director in the performance and exercise of the functions and powers conferred on him by section 8 of this Act. 10
- (3) The Committee shall determine its own procedure.

12. Planning committees—(1) The Minister may from time to time appoint such planning committees as he considers necessary for the purpose of preparing and reviewing national plans in respect of any aspect of civil defence. 15

(2) Without limiting the power conferred upon him by subsection (1) of this section, the Minister may appoint planning committees for the purpose of preparing and reviewing plans in respect of the national coordination and supervision of civil defence, and in respect of communications, transport, supply, detection and national warning systems, medical, hospital, nursing, and public health services, social welfare, and the enforcement of law and order. 20

(3) Every planning committee appointed under this section shall include a representative of such Departments of State, other Government agencies, (*and statutory corporations*) statutory corporations, and associations of local authorities or public bodies as in the opinion of the Minister have a general responsibility for the carrying out of functions associated with or related to the aspect of civil defence in respect of which the planning committee is to prepare a plan, or which have available resources in personnel, material, and services for carrying out civil defence measures in relation to that aspect of civil defence. A member of the committee appointed under this subsection shall be appointed by the Minister as the Chairman of the committee. 25 30 35

(4) The Minister may from time to time, at the request of any planning committee, appoint to that committee, for such period as he thinks fit, any other person or persons. 40

(5) The Director or any employee of the Department of Internal Affairs nominated by him shall be a member of every planning committee appointed under this section.

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

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

13. Preparation and approval of national civil defence plans—(1) It shall be the duty of every planning committee to prepare and forward to the Minister a national plan in respect of the aspect of civil defence for which the committee was appointed.

(2) Every national plan so prepared shall specify the civil defence measures to be undertaken and the functions to be exercised by Departments of State, other Government agencies, statutory corporations, public bodies, and other organisations in contemplation of and during a national emergency or a major disaster.

(3) Where the Minister is satisfied that any national plan prepared under this section provides adequately for civil defence measures in respect of the aspect of civil defence to which the plan relates, he may approve that plan, and the plan shall thereupon be deemed to be operative.

14. Obligation to conform to operative plan—Every Department of State, other Government agency, or statutory corporation required or authorised by any operative national plan or by regulations made under this Act to undertake any civil defence measures or to exercise any functions shall take all necessary steps to undertake those measures or to exercise those functions.

PART II

CIVIL DEFENCE REGIONS

15. 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. 5

(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*. 10

(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 authority to do so. 15

16. Regional Commissioners—(1) There may from time to time be appointed under the Public Service Act 1912 such Regional Commissioners of Civil Defence as may be necessary. 20

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

17. Functions and powers of Regional Commissioners— 25
(1) Without limiting any function or duty or power conferred or imposed on him by any other provision of this Act, a Regional Commissioner shall have the following specific functions exercisable within the region under his charge:

(a) The coordination of the planning of civil defence measures and the direction for the purposes of this Act of all personnel, material, and services available and placed at his disposal within that region or made available and placed at his disposal from time to time from any other region: 30 35

(b) The coordination of local plans and joint plans and the preparation of such other plans as are necessary for the effective 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. 40

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

- 5 (a) Coordinate the use of, and during a state of national emergency or of major disaster use, for the purposes of this Act the personnel, material, and services made available in Departments of State, other Government agencies, statutory corporations, public bodies, other organisations, and otherwise:
- 10 (b) Enter into arrangements with local authorities under section 37 of this Act for the purpose of arranging and coordinating mutual relief and assistance for civil defence purposes by local authorities:
- 15 (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 carrying out such civil defence measures as may be agreed upon:
- 20 (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:
- 25 (e) Provide, direct, and coordinate personnel, material, and services available and at his disposal for the purpose of aiding any local authority or uniting local authorities that have requested aid under section 39 of this Act:
- 30 (f) Where a state of national emergency or of major disaster affecting any district or combined district has been declared, provide to the local authority or, as the case may be, to the uniting local authorities personnel, material, and services and thereafter direct and coordinate the use thereof by the local authority or uniting local authorities:
- 35 (g) When the Minister has given a direction under subsection (2) of section 43 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:
- 40 (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, accom-

modation, food, fuel, bedding, clothing, or other necessaries 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. 5

(3) During a state of national emergency or of major disaster, a Regional Commissioner 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 under this Act. 10

18. Deputy of Regional Commissioner—(1) The Director may from time to time appoint any suitable person to be the deputy of the Regional Commissioner for any region. 15

(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 a Regional Civil Defence Committee for the region, 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 Director the functions, duties, and powers conferred or imposed on the Regional Commissioner under this Act. 20 25

(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 Director under subsection (1) of section 19 of this Act. 30

(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 requiring or authorising him to do so has arisen or has ceased. 35

19. 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 the absence from duty or from the region or during the incapacity of any Regional Commissioner, from whatever cause arising, and so long as the vacancy or absence or in- 40

capacity continues, the Director may authorise any other Regional Commissioner to exercise and perform the functions, duties, and powers formerly or normally exercised and performed by the Regional Commissioner whose office is vacant
5 or who is absent 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 region resumes duty or returns to the region or the incapacity ceases.

10 (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.

15 **20. Regional Civil Defence Committees—**(1) For the purposes of this Act, there shall be a Regional Civil Defence Committee for each civil defence region:

Provided that where, in the opinion of the Director, special
20 circumstances exist, he may direct that there shall be more than one Regional Civil Defence Committee for any specified region.

(2) Each Regional Civil Defence Committee shall consist of—

25 (a) The Regional Commissioner:

(b) A person nominated to be a member of the committee for the time being by each of the several persons specified in paragraphs (b) to (k) of subsection (2) of section 10 of this Act:

30 (c) Such other persons as the Director appoints to be members of the committee for the time being.

(3) The functions of a Regional Civil Defence Committee shall be to advise and assist the Regional Commissioner generally in the exercise of his functions and powers under this Act, and, in particular, to assist the Regional Commissioner to
35 plan the use of, coordinate, and use for the purposes of this Act personnel, material, and services made available within the region, or, as the case may be, in the part of the region in respect of which the Committee is appointed, by Departments of State, other Government agencies, statutory corporations,
40 public bodies, other organisations, or otherwise.

PART III

DECLARATION OF NATIONAL EMERGENCY OR OF MAJOR
DISASTER

21. Declaration of state of national emergency—(1) If at any time it appears to the Governor-General that a national emergency exists, the Governor-General 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 in New Zealand: 5 10

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 Governor-General on the recommendation of the Prime Minister. 15

(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 the Proclamation shall be gazetted as soon as practicable. 20

(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. 25 30

(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. 35

(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 40

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.

5 (6) The fact that any person specified in this section declares a state of national emergency shall be conclusive evidence of his authority to do so.

10 **22. Declaration of state of major disaster**—(1) If at any time it appears to the Minister that a major disaster has occurred or may occur, 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
15 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
20 subsection (1) of this section, and the declaration shall be gazetted as soon as practicable.

(3) If at any time it appears to the Chairman of any local authority for whose district a local plan is for the time being operative that a major disaster has occurred or may occur in
25 the district, and 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
30 means as he thinks fit:

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
35 exercised by the Local Controller.

(4) Where—

- (a) Two or more local authorities have united for the purposes of civil defence under section 28 of this Act; and
- 40 (b) A joint plan is for the time being operative in respect of the combined district; and
- (c) At any time it appears to the person or persons specified for that purpose pursuant to section 31 of this Act that a major disaster has occurred or may occur in
45 that combined district or in any part thereof; and

(d) A declaration of a state of major disaster has not been made under any other provision of this section,— the person or persons so specified may, by declaration in writing signed by him or them, declare that a state of local major disaster exists in the combined district, and shall give such public notice thereof by such means as he or they think fit: 5

Provided that where two or more persons have been so specified and those persons are dispersed, or for any reason whatsoever are unable to act together in declaring a state of local major disaster, or are unable so to act in sufficient time having regard to the urgency of the matter, any one of them may make such a declaration: 10

Provided also that where no person so specified is able for any reason whatsoever to make such a declaration or to make it in sufficient time having regard to the urgency of the matter, the Group Controller may, by a declaration in writing signed by him, declare that a state of local (*emergency*) major disaster exists in the combined district. 15

(5) Where— 20

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

(b) No local plan or joint plan is for the time being operative for that district or for any combined district of which that district forms a part; and 25

(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,— 30

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 or combined district, and shall forthwith give such public notice thereof by such means as he thinks fit. 35

(6) If at any time it appears to any Regional Commissioner that a major disaster has occurred or may occur 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. 40 45

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

(8) The fact that any person specified in this section declares a state of major disaster shall be conclusive evidence
5 of his authority to do so.

23. Communication to Parliament—Where a state of national emergency has been declared or extended, or a state of national major disaster or regional major disaster has been declared or extended by the Minister or a state of
10 regional major disaster has been declared by a Regional Commissioner or extended by the Minister, the occasion thereof shall forthwith be communicated by the Minister to Parliament if Parliament is then in session, and, if Parliament
15 is not then in session, shall be communicated to Parliament forthwith after the commencement of the next ensuing session.

24. Duration of state of national emergency—(1) Subject to the provisions of subsection (2) of this section, a state of national emergency shall terminate on the twenty-eighth
20 day after the date of its declaration or on such earlier date as the Governor-General specifies, by Proclamation approved in Executive Council.

(2) The Governor-General may, by Proclamation approved in Executive Council, where he considers it
25 advisable or necessary for the preservation of life or the relief of distress, from time to time extend the duration of a state of national emergency for such periods, not exceeding twenty-eight days in each instance, as he thinks fit.

25. Duration of state of major disaster—Subject to the
30 provisions of section 26 of this Act, a state of major disaster shall terminate on the twenty-eighth day after the date on which it was declared.

26. Extension and termination of state of major disaster—

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

35 (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
40 periods, not exceeding twenty-eight days in each instance, as he thinks fit:

(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 (3) of section 22 of this Act,— 5

(a) The Chairman of the local authority may, if he considers it advisable or necessary for the preservation of life or the relief of distress, from time to time, by a declaration in writing signed by him, extend the state of major disaster for such periods, not exceeding twenty-eight days in each instance, as are specified in the declaration: 10

Provided that the local authority may, by resolution, vary any extension of a state of major disaster declared by the Chairman under this paragraph, but, subject to the provisions of subsection (4) of this section, the local authority shall not be entitled to extend the state of major disaster for more than twenty-eight days after the passing of the resolution: 15 20

(b) Subject to the provisions of paragraph (a) of this subsection, the state of major disaster shall terminate on a date fixed by the Chairman of the local authority, by a declaration in writing signed by him, being not later than twenty-eight days after the date of the signing of the declaration. 25

(3) Where a state of major disaster has been declared under subsection (4) of section 22 of this Act,—

(a) The person or persons specified for that purpose pursuant to section 31 of this Act may, if he or they consider it advisable or necessary for the preservation of life or the relief of distress, from time to time, by a declaration in writing signed by him or them, extend the state of major disaster for such periods, not exceeding twenty-eight days in each instance, as are specified in the declaration: 30 35

Provided that a majority of the uniting local authorities may, by resolution, vary any extension of a state of major disaster declared under this paragraph by the person or persons specified as aforesaid, but, subject to the provisions of subsection (4) of this section, the uniting local authorities shall not be entitled to extend the state of major disaster for more than twenty-eight days after the passing of the first of the several resolutions: 40 45

(b) Subject to the provisions of paragraph (a) of this subsection, the state of major disaster shall terminate on a date fixed by the person or persons specified as aforesaid, by a declaration in writing signed by him or them, being not later than twenty-eight days after the date of the signing of the declaration.

5 (4) Where under subsection (2) or subsection (3) of this section the local authority or, as the case may be, a majority of the uniting local authorities extend a state of major disaster, the local authority or, as the case may be, a majority of the local authorities may thereafter from time to time, by resolution, extend the state of major disaster for such periods, not exceeding twenty-eight days in each instance, as are specified in the resolution or resolutions.

10 (5) Where any declaration or resolution is made or passed pursuant to subsection (2) or subsection (3) or subsection (4) of this section, public notice thereof shall be given by notice published in a newspaper circulating in the district or combined district, as the case may be.

20

PART IV

DUTIES AND POWERS OF LOCAL AUTHORITIES

27. Local authorities to plan for civil defence—(1) Except where the local authority has united with one or more other local authorities for civil defence purposes under section 28 of this Act, every local authority shall prepare a local civil defence plan to deal with all matters of civil defence within its district.

(2) Every local plan shall provide for the setting up of a civil defence organisation for the district of the local authority, with such advisory committees, units, and services as are considered necessary or desirable.

28. 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.

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

40

(3) Every joint plan shall provide for the setting up of a civil defence organisation for the combined district, with such advisory committees, units, and services as are considered necessary or desirable.

29. Local Controller of Civil Defence—Every local authority which prepares a local plan shall appoint a suitable person to be the Local Controller of Civil Defence for the district. 5

30. Group Controller of Civil Defence—Where two or more local authorities unite for civil defence purposes and prepare a joint plan, they shall appoint a suitable person to be the Group Controller of Civil Defence for the combined district. 10

31. Joint plans—(1) Every joint plan shall specify a person or persons as the person or persons authorised by subsection (4) of section 22 of this Act to declare a state of local major disaster in respect of the combined district and to extend or terminate such a state of major disaster. 15

(2) Where two or more persons are so specified, then, subject to the provisions of subsection (4) of section 22 of this Act, they shall not make any declaration of a state of local major disaster or extending or terminating a state of local major disaster except by agreement of all the persons so specified. 20

(3) A joint 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 extend a state of local major disaster or the powers conferred by section 45 of this Act, and those powers may be delegated accordingly. 25

(4) 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. 30 35

32. Plan to be submitted to Regional Commissioner for approval—(1) A local plan or joint plan prepared by a local authority or by uniting local authorities shall be submitted to the Regional Commissioner for the region within which the district or combined district is situated, for approval by him. 40

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

- (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) Any local authority or uniting local authorities whose local plan or joint plan has been approved by the Regional Commissioner under this section or by the Minister under section 33 of this Act may from time to time prepare an amendment of that plan or revoke that plan and prepare 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 local plan or joint plan and to every new local plan or joint plan prepared under this subsection.

(4) A local plan or joint plan or an amendment of a local plan or joint plan shall come into force and be deemed to be operative when it has been approved by the Regional Commissioner under this section or by the Minister under section 33 of this Act.

33. Objection to Regional Commissioner's decision—

(1) Any local authority or uniting local authorities aggrieved by a decision of the Regional Commissioner under paragraph (b) or paragraph (c) of subsection (2) of section 32 of this Act may refer the plan or amendment to the Minister for his consideration.

(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 decision of the Minister under this subsection shall be final.

34. Operative plans to be available for inspection—(1) A copy of every operative plan and of every operative amendment thereof shall be kept in the office of the local authority or, in the case of a joint plan, in the offices of the uniting local authorities, and shall be available for inspection without fee during office hours by any member of the public.

(2) On any local plan or joint plan or amendment thereof becoming operative, the local authority or the uniting local authorities, as the case may be, shall give public notice of the fact that the plan or amendment has become operative and of the place or places at which it may be inspected. 5

35. Effect of change in boundaries of districts or constitution of new districts—(1) Where the boundaries of any district for which a local plan or joint plan is for the time being operative are altered by the inclusion therein of any 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: 10

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. 15

(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 new district shall cease to have effect in that part, and the local authority of the new district shall prepare under section 27 of this Act and submit for approval under section 32 of this Act a local plan for its district or join with one or more other local authorities in the preparation of a joint plan under section 28 of this Act and the submission of the joint plan for approval under section 32 of this Act. 20 25

36. 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. 30 35

37. Local authorities may enter into arrangements with Regional Commissioner—For the better coordination of civil defence measures generally, any local authority or uniting local authorities may enter into arrangements with the Regional Commissioner 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. 40

38. Powers of local authorities—(1) For the purposes of civil defence, a local authority or uniting local authorities may—

- 5 (a) During a state of national emergency or of major disaster, carry out works, clear streets, roads, and other public places, and remove and dispose of dangerous structures and materials:
- 10 (b) Provide for the rescue of endangered persons and their removal to areas of safety within the district or combined district, or, as may be arranged with the Regional Commissioner or other local authorities, outside the district or combined district:
- 15 (c) Set up emergency and first-aid posts, and provide for first aid to casualties and their movement to hospital or areas of safety within the district or combined district, or, as may be arranged with the Regional Commissioner or other local authorities, outside the district or combined district:
- 20 (d) Provide for the relief of distress and for welfare generally, including the accommodation of the homeless and the conserving and supplying of food, fuel, bedding, clothing, first-aid and medical supplies, and other necessities:
- 25 (e) Undertake emergency measures for the disposal of the dead:
- (f) Disseminate information and advice to the public:
- (g) Provide equipment, accommodation, and facilities for the exercise of any of the powers conferred by the foregoing provisions of this subsection:
- 30 (h) Control and coordinate the matters specified in the foregoing provisions of this subsection.
- (2) For the purposes of civil defence, where a local plan or joint plan in respect of any district or combined district is for the time being operative, the local authority or uniting
- 35 local authorities may, in addition to exercising the powers specified in subsection (1) of this section,—
- 40 (a) 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 the district or combined district by Departments of State, other Government agencies, statutory corporations, public bodies, or other organisations, or by any other persons:

- (b) Enter into arrangements with any person whereby that person makes available or undertakes to give his services or those of his staff, whether individually or in units under the control of that person, for the purpose of carrying out such civil defence measures as may be agreed upon: 5
- (c) Recruit and train personnel, and conduct training exercises: 5
- (d) Provide, maintain, control, and operate prescribed warning devices: 10
- (e) Issue and control the use of prescribed distinguishing warrants, badges, or other insignia for civil defence officers and personnel: 10
- (f) Exercise all such other powers as are necessary to give effect to the provisions of the operative local plan or joint plan. 15
- (3) Where a local plan or joint plan for any district or combined district is in the course of preparation or has been prepared but has not become operative and, in the opinion of the Regional Commissioner, the planning and organisation of civil defence in the district or combined district has progressed to such a stage that the granting of additional powers is justified, the local authority or uniting local authorities, in addition to exercising the powers specified in subsection (1) of this section, may, with the consent of the Regional Commissioner granted subject to such conditions as he thinks fit,— 25
- (a) Set up a civil defence organisation for the district or combined district, with such advisory committees, units, and services as may be considered necessary or desirable: 30
- (b) Exercise such of the powers specified in paragraphs (a) to (e) of subsection (2) of this section as the Regional Commissioner specifies: 30
- (c) Exercise all such other powers as the Regional Commissioner considers are necessary to give effect to the partly prepared or prepared plan, including, but without limiting the generality of the provisions of this paragraph, the power to appoint a Controller. 35
- (4) Where under subsection (3) of this section the Regional Commissioner authorises any local authority or uniting local authorities to exercise any powers, the prepared or partly prepared plan shall for the purposes of Part V of this Act be deemed to be an operative plan. 40

39. Assistance by Regional Commissioner to local authorities—(1) At any time after the declaration of a state of national emergency or the occurrence of a major disaster affecting 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 their resources or if they are of the opinion that aid from outside the district or combined 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 38 of this Act or by regulations made under this Act as are exercisable during a state of national emergency or of major disaster and as the Regional Commissioner directs.

(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 38 of this Act or by regulations made under this Act as are exercisable during a state of national emergency or of major disaster and as the Regional Commissioner directs.

40. Powers of local authorities in case of national emergency or major disaster—On the declaration of a state of national emergency or of major disaster, any local authority or uniting local authorities shall have and may exercise, in addition to the powers conferred by section 38 of this Act, such powers as may be conferred on local authorities or uniting local authorities by regulations made under this Act.

41. 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—

- (a) Power to extend a state of local major disaster:
- (b) Any powers conferred by section 45 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:

(d) Any power to institute an action:

(e) This power of delegation. 5

(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—

(a) The powers specified in paragraphs (a) to (e) of subsection (1) of this section: 10

(b) Any powers that it has delegated to any other uniting local authority.

42. Powers of Chairman and other officers in urgent cases—(1) Where— 15

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

(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 41 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 exercise of those powers. 30 35

(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, 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, 40

until the local authority or the Chairman or, as the case may be, the uniting local authorities or the Group Controller 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.

(4) Where —

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

(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 or combined district,—

the senior member of the Police present in the district or combined district may exercise such of the powers specified in section 38 of this Act as are in his opinion practicable and necessary in the circumstances.

(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 persons authorised to act on their behalf or the Controller or the Regional Commissioner assume effective control of the district or combined district.

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

New

42A. Contracts by Chairman or other officers of local authority or Local Controller in urgent cases—(1) Notwithstanding anything in the Public Bodies Contracts Act 1959 or in paragraph (c) of subsection (1) of section 41 of this Act, the Chairman, Deputy Chairman, Clerk, Treasurer, or Engineer of any local authority or the Local Controller may

New

from time to time during a state of national emergency or during a state of major disaster affecting the district of the local authority enter into any contract on behalf of the local authority for any of the purposes of this Act, as if power to enter into that contract had been delegated to him by the local authority.

(2) The Chairman, Deputy Chairman, Clerk, Treasurer, or Engineer of a local authority or the Local Controller entering into any contract pursuant to subsection (1) of this section shall report the same to the local authority at its next ordinary meeting or, where that is not practicable, at its next succeeding ordinary meeting.

43. 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 or of major disaster 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.

(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.

Struck Out

44. Pensions in respect of death or disablement—The provisions of Part V of the War Pensions Act 1954 (which relates to Emergency Reserve Corps pensions), as far as they are applicable and with the necessary modifications, shall apply with respect to members of a civil defence organisation established by a local authority or by uniting local authorities pursuant to this Act, and to their dependants, as if references in that Part to the Emergency Reserve Corps were references to such a civil defence organisation.

New

5 **44. Pensions in respect of death or disablement**—The provisions of Part V of the War Pensions Act 1954 (which relates to Emergency Reserve Corps pensions), as far as they are applicable and with the necessary modifications, shall apply with respect to—

10 (a) Members of a civil defence organisation established by a local authority or by uniting local authorities pursuant to this Act, and to their dependants, as if references in that Part to the Emergency Reserve Corps were references to such a civil defence organisation:

15 (b) Persons who suffer disablement or die during the period of twelve months after the passing of this Act, or who die after the expiration of that period as a result of a disablement occurring during that period, if—

20 (i) The disablement or death occurred while engaged in carrying out civil defence work under the control of a local authority which at the time of the occurrence of the disablement or death had not established a civil defence organisation or united with any other local authority in establishing a civil defence organisation; and

25 (ii) The disablement or death was directly attributable to the carrying out of that work,—
and to the dependants of those persons, as if those persons were members of the Emergency Reserve Corps.

30 **45. Financial provisions**—(1) A local authority may spend money out of its general funds for any of the purposes of this Act.

35 (2) 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 section 34 of the Local Authorities Loans Act 1956, without the prior consent of its ratepayers.

40 (3) A local authority may, out of money borrowed under subsection (2) of this section, repay to its general funds any sum or sums or any portion of any sum or sums advanced

therefrom during the immediately preceding period of twelve months and applied towards any of the purposes specified in this Act.

(4) Notwithstanding anything in Part II of the Local Authorities Loans Act 1956, where by reason of any civil 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 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 and exercising during a state of national emergency or of major disaster any of the functions and powers conferred on it by this Act.

PART V

MISCELLANEOUS PROVISIONS

46. Protection from liability—(1) 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 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 section 44 of this Act and 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 section 44 of this Act or in subsection (1) or subsection (2) of this section shall—

- 5 (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;
- 10 or
- 15 (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
- 20 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

25 pursuance of the powers and authorities of the local authority conferred by this Act.

47. 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 Controller concerned

30 or of any member of the Police, the action authorised by this subsection is immediately and urgently necessary for the preservation of human life, he or any person authorised by him may, without any further authority than this subsection, require the owner or person for the time being in

35 control of any vehicle, horse, or boat forthwith to place that vehicle, horse, or boat under the control and direction of the Regional Commissioner, Controller, member of the Police, or person so authorised, as the case may be:

Provided that where the owner or person for the time

40 being in control of that vehicle, horse, or boat cannot be immediately found the Regional Commissioner, Controller, member of the Police, or person so authorised may assume forthwith the control and direction of the vehicle, horse, or boat.

(2) Every person commits an offence against this Act who fails to comply with any direction given to him under subsection (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, horse, or boat has come under the control of a Regional Commissioner or member of the Police or of a person authorised by a Regional Commissioner or member of the Police, 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, horse, or boat:

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

(4) Where under this section a vehicle, horse, or boat has come under the control of a Controller or of a person authorised by 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—

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

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

48. Evacuation of places and buildings—(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, the action authorised by this subsection is immediately and urgently necessary for the preservation of human life, he or any person authorised by him may, without any further authority than this subsection, require the 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 subsection (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
5 that in all the circumstances of the case the requirement was immediately and urgently necessary for the preservation of human life.

49. Closing of roads and streets—(1) Every operative local plan or joint plan shall include provisions authorising the persons designated in the plan to close to traffic any road, street,
10 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
15 relates, and every person so designated may exercise those powers accordingly.

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

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

(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
30 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.

50. Removal of vehicles, etc.—Where a state of national emergency exists or a state of major disaster exists in any area,
35 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 or thing impeding civil defence operations; and, where reasonably necessary for that purpose,
40 he may use force or may break into any such vehicle.

51. 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 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 injury, or rescuing and removing injured or endangered persons, or permitting or facilitating the carrying out of any urgent measures in respect of the relief of suffering or distress. 5
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52. Civil defence police—(1) The Commissioner of Police may from time to time, with the consent of the Minister of Police, appoint such persons to be civil defence police for the purposes of this Act as he considers necessary, and may train any persons so appointed. 15

(2) Every person appointed under this section shall be sworn in before a Justice, and thereafter, so long as his appointment continues in force, shall, during a state of national emergency or of major disaster but at no other time, be deemed to be and shall have all the power, authority, duty, and responsibility of a constable: 20

Provided that during a state of major disaster he may exercise that power and shall have that authority, duty, and responsibility only in the area in respect of which the state of major disaster has been declared and in any other area specified by the Commissioner of Police. 25

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

(4) The provisions of section 44 of this Act shall apply with respect to every person for the time being holding an appointment under this section as if he were a member of a civil defence organisation established by a local authority. 30

53. Absence on duty not to affect employment rights—No person who during a state of national emergency or of major disaster is absent from his accustomed employment on civil defence operations authorised by this Act shall be liable to dismissal by reason only of his absence, whether or not his accustomed employer has consented to that absence: 35

Provided that nothing in this section shall be deemed to impose on the employer of any such person any obligation to pay to him any remuneration in respect of any period of absence from his employment on civil defence operations. 40

54. 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 or expedient for the purpose of securing the public safety and generally safeguarding the interests of the public during any state of national emergency or of major disaster.

(2) Regulations made under subsection (1) of this section may prescribe penalties for the breach of any such regulation, not exceeding—

10 (a) In the case of an offence committed wilfully by an individual, imprisonment for a term of three months or a fine of one hundred pounds:

(b) In the case of any other offence committed by an individual, a fine of fifty pounds:

15 (c) In the case of an offence committed by a corporation, a fine of two hundred pounds.

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

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

25 (a) Prescribing the form of distinguishing warrants, badges, or other insignia for civil defence personnel, and regulating the use and wearing of such warrants, badges, or other insignia:

30 (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:

35 (d) Generally providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act or of any operative national plan and for the due administration of this Act.

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

40 (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 operative local plan or joint plan from carrying out any such provision; or
- (b) Obstructs or impedes any such person in carrying out any such provision; or

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- (c) Not being a person referred to in paragraph (a) of this section, for the purpose of committing or facilitating the commission of any offence under any enactment, by words, conduct, or demeanour pretends that he is such a person, or puts on or assumes the dress, name, designation, or description of such a person.

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

- (a) In the case of an offence committed by an individual, to imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds:
- (b) In the case of an offence committed by a body corporate, to a fine not exceeding two hundred pounds.

57. 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 of major disaster has not been declared under the provisions of the Civil Defence Act 1962 in respect of those circumstances”.

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

- (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 1962”:
- (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 1962 in respect of that emergency”.

58. Repeal—The Local Authorities’ Emergency Powers Act 1953 is hereby repealed.