

## LOCAL AUTHORITIES' EMERGENCY POWERS BILL

### EXPLANATORY NOTE

THE general purpose of this Bill is to confer the necessary powers on County Councils, Borough Councils, Town Boards, and Road Boards to enable them to prepare plans for action to be taken in emergencies arising from earthquake, fire, or flood, or in time of war from enemy action or enemy sympathizers, and to carry those plans into effect when an emergency arises.

*Clause 2* defines the term "emergency" as an emergency arising from earthquake, fire, flood, or other natural phenomenon, or action in time of war by enemy powers or enemy sympathizers, which causes or is likely to cause in New Zealand large scale loss of or injury or damage to life, health, or property.

*Clause 3* authorizes local authorities at any time to make arrangements for the performance during an emergency of any of the following functions:

- (a) The rescue of endangered persons:
- (b) Emergency works, street clearing, and disposal of dangerous structures and materials:
- (c) Pre-hospital care and transport of casualties:
- (d) Relief and welfare arrangements, including accommodation of homeless and emergency feeding and clothing:
- (e) Conservation and distribution of essential foodstuffs and other materials.
- (f) Supplying information and advice to the public:
- (g) The control and co-ordination of the foregoing functions.

*Subclause (2)* empowers local authorities to appoint committees, units, and controllers and other officers, to set up emergency posts, to provide equipment, facilities, and training, and to enter into arrangements with various organizations for certain functions to be carried out by the members and staff of those organizations. Under *subclause (3)* several local authorities may unite for the purpose of exercising the functions and powers under the Bill.

*Clause 4* authorizes the Chairman or Mayor of the local authority to exercise in an emergency the local authority's functions and powers until the local authority itself assumes them. If the Chairman or Mayor is absent or incapacitated, the Deputy Chairman or Deputy Mayor may act in his place; if he also is absent or incapacitated, the deputy appointed by the local authority for the purpose may act; but if he also is absent or incapacitated or if no such deputy has been appointed, the Clerk of the local authority may act.

*Clause 5* confers borrowing powers on local authorities for the purposes of the Bill. A local authority may borrow at any time under the Local Bodies' Loans Act 1926 by special order but without taking a poll of ratepayers. During an emergency it may, with the consent of the Minister of Finance, borrow from its bankers by way of overdraft.

*Clause 6* provides that during an emergency or an imminent threat of an emergency the Minister of Internal Affairs may give directions to any local authority or person to exercise the functions and powers conferred by the Bill on that local authority or person or to cease to exercise any of those powers. If the Minister considers that any emergency preparations or activities should not continue except under the provisions of the Bill, he may direct any local authority or person engaged in those preparations or activities to discontinue them. *Subclause (4)* makes it an offence for any person not to comply with the Minister's directions under the clause.

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*Hon. Mr Bodkin*

LOCAL AUTHORITIES' EMERGENCY POWERS

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ANALYSIS

Title.	4. Powers of Chairman in emergency.
1. Short Title.	5. Financial provisions.
2. Interpretation.	6. Minister's powers of direction.
3. Emergency services.	

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A BILL INTITULED

- AN ACT to confer on local authorities certain powers in emergencies arising from earthquake, fire, or flood, or in time of war from enemy action or enemy sympathizers. Title.
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- BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:
1. This Act may be cited as the Local Authorities' Emergency Powers Act 1953. Short Title.
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2. In this Act, unless the context otherwise requires,— Interpretation.
- 15     "Chairman" and "Deputy Chairman" include the Mayor and Deputy Mayor respectively of a borough:

“Emergency” means an emergency arising from earthquake, fire, flood, or other natural phenomenon, or from action in time of war by enemy powers or enemy sympathizers, which causes or is likely to cause in New Zealand large scale loss of or injury or damage to life, health, or property: 5

“Local authority” means a County Council, Borough Council, Town Board, or Road Board: 10

“Minister” means the Minister of Internal Affairs.

Emergency services.

3. (1) A local authority may at any time (whether during a period of emergency or otherwise) make arrangements for the performance in its district in the event of an emergency of all or any of the following functions, and may during an emergency carry out those functions, namely: 15

(a) The rescue of endangered persons:  
 (b) The carrying out of works, clearing of streets, and disposal of dangerous structures and materials: 20

(c) The giving of first aid to casualties and the transport of casualties to hospital:  
 (d) The provision of relief and welfare, including the accommodation of the homeless and the provision of food, bedding, and clothing: 25

(e) The conservation and distribution of essential foodstuffs and other materials:  
 (f) The supplying of information and advice to the public: 30

(g) The control and co-ordination of the matters specified in paragraphs (a) to (f) of this subsection.

(2) In the exercise of the powers and functions specified in subsection *one* of this section a local authority may at any time— 35

(a) Set up or appoint or make arrangements for the setting up or appointment of emergency committees, services, units, and controllers and other officers: 40

(b) Set up or make arrangements for the setting up of emergency posts:

- (c) Provide equipment and facilities for the carrying out of any of the powers and functions specified in that subsection, including equipment and facilities for training:
- 5 (d) Enter into agreements or arrangements with any association, society, company, firm, or group of persons whereby that association, society, company, firm, or group gives or undertakes to give its services or those of
- 10 its members or staff, whether individually or in units under the control of the association, society, company, firm, or group, in carrying out any of the powers and functions specified in that subsection, and to provide any of the posts, equipment, and facilities specified in
- 15 paragraphs (b) and (c) of this subsection.
- (3) A local authority may unite with other local authorities in the exercise of the powers and functions conferred on it by this section.
- 20 (4) Any arrangements made by a local authority under this section may be at any time revoked by it or may from time to time be amended or cancelled and new arrangements made in their place.
- (5) Any arrangements made or action taken by any
- 25 local authority before the passing of this Act which would have been valid if this Act had been in force when the arrangements were made or the action was taken are hereby validated and declared to have been lawfully made and taken.
- 30 4. (1) The Chairman of a local authority may at any time, if he considers that an emergency then exists, exercise on behalf of the local authority, in respect of such of the emergency arrangements as have been rendered unavailable or in his opinion are inadequate
- 35 in the circumstances or are necessary but have not been provided by the local authority, such of the functions and powers conferred on the local authority by section *three* of this Act until such time as the local authority is able to assume or resume the exercise of
- 40 those functions and powers.

Powers of Chairman in emergency.

(2) Where the Chairman is absent from the district of the local authority or is incapacitated or is otherwise unable to exercise the functions and powers conferred

on him by subsection *one* of this section, the Deputy Chairman may exercise those functions and powers until the local authority or the Chairman assumes or resumes the exercise of those functions and powers.

(3) Where both the Chairman and Deputy Chairman are absent from the district of the local authority or are incapacitated or are otherwise unable to exercise the functions and powers conferred on them by this section, any person appointed for the purpose by the local authority may exercise those functions and powers until the local authority or the Chairman or Deputy Chairman assumes or resumes the exercise of those functions and powers.

(4) Where both the Chairman and Deputy Chairman are absent from the district of the local authority or are incapacitated or are otherwise unable to exercise the functions and powers conferred on them by this section and the person appointed by the local authority to exercise those functions and powers is also absent or incapacitated or otherwise unable to exercise those functions and powers or no such person has been appointed, the Clerk of the local authority may exercise those functions and powers until the local authority or the Chairman or Deputy Chairman or the person (if any) so appointed assumes or resumes the exercise of those functions and powers.

5. (1) A local authority may from time to time raise a special loan under the Local Bodies' Loans Act 1926 for any of the purposes specified in section *three* of this Act, by special order and, notwithstanding anything in section nine of that Act, without the prior consent of the ratepayers.

(2) A local authority may out of moneys borrowed under subsection *one* of this section repay to its general fund or account any sum or sums or any portion of any sum or sums advanced therefrom during the immediately preceding period of twelve months and applied during an emergency towards any of the purposes specified in section *three* of this Act:

Provided that no such repayment may be made unless before the advance was made the Minister of Internal Affairs notified the local authority that in his opinion an emergency then existed.

Financial provisions.  
See Reprint of Statutes, Vol. V, p. 360

(3) In addition to any other powers conferred by this section and notwithstanding anything to the contrary in the Local Bodies' Finance Act 1921-22, a local authority, with the consent of the Minister of Finance and upon and subject to such conditions as that Minister thinks fit, may from time to time during an emergency borrow moneys from its bankers by way of overdraft in excess of the limits imposed by section three of that Act for the purpose of meeting the cost of carrying out during the emergency any of the functions and powers specified in section *three* of this Act.

See Reprint  
of Statutes,  
Vol. V, p. 354

6. (1) Where the Minister considers that an emergency or an imminent threat of an emergency exists and that, having regard to all the circumstances, it is expedient so to do, he may by notice in writing direct any local authority or person to exercise any of the functions and powers conferred by this Act on that local authority or person or to cease to exercise any of those functions and powers which the local authority or person is exercising, and in either case to comply with all directions given by the Minister in that behalf.

Minister's  
powers of  
direction.

(2) Where the Minister is satisfied that any preparations to meet an emergency or any activities in an emergency which are being carried out otherwise than under this Act should be carried out only under the provisions of this Act, he may by notice in writing direct the local authority or person engaged in those preparations or activities to discontinue them.

(3) Any direction by the Minister under this section shall be deemed to be sufficiently authenticated if it is signed or purports to be signed by the Minister or by any person on behalf of or by direction of the Minister.

(4) Every person commits an offence who without lawful excuse acts in contravention of or fails to comply with any direction under this section, and is liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds and, where the offence is a continuing one, to a further fine not exceeding five pounds for every day during which the offence continues.