

Reprint  
as at 19 April 2016



## Canterbury Earthquake (Civil Defence Emergency Management Act) Order (No 2) 2010

(SR 2010/482)

Canterbury Earthquake (Civil Defence Emergency Management Act) Order (No 2) 2010: revoked (after expiring on 1 January 2011), on 19 April 2016, by section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 15th day of December 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 6 of the Canterbury Earthquake Response and Recovery Act 2010, His Excellency the Governor-General makes the following order acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister made in accordance with section 6(2) of that Act.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Department of Internal Affairs.**

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## Order

### 1 Title

This order is the Canterbury Earthquake (Civil Defence Emergency Management Act) Order (No 2) 2010.

### 2 Commencement

This order is deemed to have come into force on 4 September 2010.

### 3 Expiry

This order expires on 1 January 2011.

### 4 Interpretation

- (1) In this order, unless the context otherwise requires, **Act** means the Civil Defence Emergency Management Act 2002.
- (2) The modifications or extensions to the Act made by this order do not affect the text of the Act but require it to be read as if it had been amended in the manner indicated in this order.

### 5 Modification of section 68 of Act

Any state of local emergency declared as a result of the Canterbury earthquake for any area within the jurisdiction of the Christchurch City Council, the Selwyn District Council, or the Waimakariri District Council is to be treated for the purposes of section 68 of the Act as applying to the Kate Valley landfill in the Hurunui District.

### 6 Modification of section 71 of Act

Any extension of the duration of a state of local emergency declared as a result of the Canterbury earthquake for any area within the jurisdiction of the Christchurch City Council, the Selwyn District Council, or the Waimakariri District Council is to be treated for the purposes of section 71 of the Act—

- (a) as applying to the Kate Valley landfill in the Hurunui District; and
- (b) as expiring on 19 September 2010.

## 7 Modification of section 91 of Act

- (1) A direction given to, or a request made of, a person in relation to the disposal of waste at the Kate Valley landfill in the Hurunui District while a state of emergency was in force as a result of the Canterbury earthquake for any area within the jurisdiction of the Christchurch City Council, the Selwyn District Council, or the Waimakariri District Council is to be treated for the purposes of section 91 of the Act as if given or made while a state of emergency was in force for the Kate Valley landfill in the Hurunui District.
- (2) An activity undertaken by a person in accordance with a direction or request specified in subclause (1) is to be treated as an activity that has been undertaken in accordance with section 330B(1) and (2) of the Resource Management Act 1991.

Rebecca Kitteridge,  
Clerk of the Executive Council.

### Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This Order in Council, which is deemed to have come into force on 4 September 2010 and expires on 1 January 2011, provides that a person acting in accordance with a direction given or a request made under section 91 of the Civil Defence Emergency Management Act 2002 during a state of emergency declared as a result of the Canterbury earthquake may not be held liable for breaches of resource consents in relation to disposal of waste at the Kate Valley landfill in the Hurunui District.

*Clause 5* requires that any state of local emergency declared for any area within the jurisdiction of the Christchurch City Council, the Selwyn District Council, or the Waimakariri District Council be treated as applying to the Kate Valley landfill in the Hurunui District.

*Clause 6* requires that any extension of the duration of a state of local emergency declared for any area within the jurisdiction of the Christchurch City Council, the Selwyn District Council, or the Waimakariri District Council be treated as applying to the Kate Valley landfill in the Hurunui District.

*Clause 7* provides that—

- a direction given to, or a request made of, a person in relation to the disposal of waste at the Kate Valley landfill in the Hurunui District while a state of emergency was in force for any area within the jurisdiction of the Christchurch City Council, the Selwyn District Council, or the Waimakariri District Council is to be treated as a direction given to, or a request made of, the person while a state of emergency was in force for the Kate Valley landfill in the Hurunui District; and

- an activity undertaken by a person in accordance with a direction or request is to be treated as an activity undertaken in accordance with section 330B(1) and (2) of the Resource Management Act 1991.

This Order in Council is made under the Canterbury Earthquake Response and Recovery Act 2010 and its effect is temporary.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 16 December 2010.

## Reprints notes

### **1**    *General*

This is a reprint of the Canterbury Earthquake (Civil Defence Emergency Management Act) Order (No 2) 2010 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2**    *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3**    *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4**    *Amendments incorporated in this reprint*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 146(2)

Canterbury Earthquake (Civil Defence Emergency Management Act) Order (No 2) 2010 (SR 2010/482): clause 3