

House of Representatives

Supplementary Order Paper

Thursday, 16 March 2023

Severe Weather Emergency Legislation Bill

Proposed amendments for the consideration of the Committee of the whole House

Key:

- **this is inserted text**
- **~~this is deleted text~~**

Note: This Supplementary Order Paper shows amendments to the Bill that are being proposed by the Minister for the purposes of consideration in Committee of the whole House. This document does—

- **NOT have official status in terms of unamended text**
- **NOT have the status of an as-reported version of the Bill.**

Explanatory note

This Supplementary Order Paper amends the Severe Weather Emergency Legislation Bill to—

- align the expiry dates for the provisions in *Parts 1, 3, and 4* to 1 October 2024 (other than the expiry date for the provisions in *Part 4* relating to emergency activities undertaken by certain rural landowners and occupiers, which remains at 1 April 2024):
- refine the amendments in *Part 4* to—
 - ensure that emergency activities undertaken by rural landowners and occupiers and deemed permitted activities while retaining environmental and other safeguards:
 - extend timeframes for advising local authorities and applying for retrospective consents for emergency work:
 - include processes to notify iwi and hapū of activities which may impact on culturally significant sites:
 - modify the notice requirements for councils exercising rights of entry for emergency work.

The Honourable Kieran McAnulty, in Committee, to propose the amendments shown in the following document.

Hon Kieran McAnulty

Severe Weather Emergency Legislation Bill

Government Bill

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**Proposed amendments to
Severe Weather Emergency Legislation Bill**

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Severe Weather Emergency Legislation Act **2023**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Amendments to Civil Defence Emergency Management Act 2002

3 Principal Act

This Part amends the Civil Defence Emergency Management Act 2002.

4 New section 28A inserted (Application of temporary provision in Part 1 of Schedule 3)

After section 28, insert:

28A Application of temporary provision in Part 1 of Schedule 3

- (1) The temporary provision set out in **Part 1 of Schedule 3** applies during the period—
 - (a) commencing on the day on which this section comes into force; and
 - (b) ending on the close of ~~1 June~~ 30 September 2024.
- (2) While the temporary provision applies, **clause 1 of Schedule 3** replaces section 28.
- (3) During the application of the temporary provision, a cross-reference in this Act or any other enactment to section 28, or including section 28, is to be treated as a cross-reference to, or including, **clause 1 of Schedule 3**.
- (4) This section and **Part 1 of Schedule 3** are repealed on the close of ~~2 June~~ 1 October 2024.

5 New section 30B inserted (Application of temporary provision in Part 2 of Schedule 3)

After section 30A, insert:

30B Application of temporary provision in Part 2 of Schedule 3

- (1) The temporary provision set out in **Part 2 of Schedule 3** applies during the period—
 - (a) commencing on the day on which this section comes into force; and
 - (b) ending on the close of ~~1 June~~ 30 September 2024.
- (2) While the temporary provision applies, **clause 2 of Schedule 3** replaces section 30A.
- (3) During the application of this temporary provision, a cross-reference in this Act or any other enactment to section 30A, or including section 30A, is to be treated as a cross-reference to, or including, **clause 2 of Schedule 3**.
- (4) This section and **Part 2 of Schedule 3** are repealed on the close of ~~2 June~~ 1 October 2024.

6 New section 73A inserted (Application of temporary provisions in Part 3 of Schedule 3)

After section 73, insert:

73A Application of temporary provisions in Part 3 of Schedule 3

- (1) The temporary provisions set out in **Part 3 of Schedule 3** apply during the period—
 - (a) commencing on the day on which this section comes into force; and
 - (b) ending on the close of ~~1 June~~ 30 September 2024.
- (2) The temporary provisions have the following effect while they apply:
 - (a) **clause 3 of Schedule 3** replaces section 66;
 - (b) **clause 4 of Schedule 3** replaces section 68.
- (3) During the application of the temporary provisions, a cross-reference in this Act or any other enactment to a replaced provision, or including a replaced provision, is to be treated as a cross-reference to, or including, the corresponding replacement provision.
- (4) This section and **Part 3 of Schedule 3** are repealed on the close of ~~2 June~~ 1 October 2024.

7 New section 94FA inserted (Application of temporary provisions in Part 4 of Schedule 3)

After section 94F, insert:

94FA Application of temporary provisions in Part 4 of Schedule 3

- (1) The temporary provisions set out in **Part 4 of Schedule 3** apply during the period—
 - (a) commencing on the day on which this section comes into force; and
 - (b) ending on the close of ~~1 June~~ 30 September 2024.
- (2) The temporary provisions have the following effect while they apply:
 - (a) **clause 5 of Schedule 3** replaces section 94A:
 - (b) **clause 6 of Schedule 3** replaces section 94B:
 - (c) **clause 7 of Schedule 3** replaces section 94E.
- (3) During the application of the temporary provisions, a cross-reference in this Act or any other enactment to a replaced provision, or including a replaced provision, is to be treated as a cross-reference to, or including, the corresponding replacement provision.
- (4) This section and **Part 4 of Schedule 3** are repealed on the close ~~2 June~~ of 1 October 2024.

8 New Schedule 3 inserted

After Schedule 2, insert the **Schedule 3** set out in the **Schedule** of this Act.

Part 2

Amendments to Food Act 2014 and Food Regulations 2015

Subpart 1—Amendments to Food Act 2014

9 Principal Act

This subpart amends the Food Act 2014.

10 Schedule 4 amended

In Schedule 4, after clause 3, insert:

3A Renewal of affected registrations that expire during, or within specified period after, severe weather event

- (1) In this clause,—

affected food business means a food business located wholly or partly in any of the following regions or districts impacted by a severe weather event:

 - (a) the regions of Northland, Auckland, Waikato, Bay of Plenty, Gisborne, and Hawke’s Bay:
 - (b) the districts of Tararua, Masterton, Carterton, and South Wairarapa

affected registration means a registration—

 - (a) of—

- (i) a food control plan that applies to 1 or more affected food businesses; or
 - (ii) an affected food business that is subject to a national programme; and
- (b) that expires at any time during the specified period
- severe weather event** means any of the following weather events:
- (a) Cyclone Hale, which crossed the North Island during the period commencing on 8 January 2023 and ending on 12 January 2023:
 - (b) heavy rainfall commencing on 26 January 2023 and ending on 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions:
 - (c) Cyclone Gabrielle, which crossed the North Island during the period commencing on 12 February 2023 and ending on 16 February 2023
- specified period** means the period—
- (a) commencing on 8 January 2023; and
 - (b) ending on the close of 16 May 2023.
- (2) Despite **clause 3**, an affected registration may be renewed under this clause—
- (a) after the expiry of the period during which the affected registration is effective; and
 - (b) whether the expiry occurs before, on, or after the date on which this clause comes into force.
- (3) An affected registration may be renewed by paying the prescribed fee to the proper authority at any time during the specified period.
- (4) On payment of the prescribed fee, the proper authority may renew the affected registration for a further period determined by the proper authority, unless if the proper authority is satisfied that ~~any 1 or more~~ all of the criteria specified in section 56 or 86(b), as the case may be, are ~~no longer being continuing to be~~ met.
- (5) A person may operate an affected food business without the renewal of an affected registration—
- (a) during the specified period; and
 - (b) after the expiry of the specified period until the date on which the person is notified whether the registration has been renewed, if the prescribed fee for the renewal was paid before the expiry of that period.
- (6) This clause is repealed at the close of 30 June 2023.

Subpart 2—Amendments to Food Regulations 2015

11 Principal regulations

This subpart amends the Food Regulations 2015.

12 New subpart 2B of Part 3 inserted

After regulation 94A, insert:

Subpart 2B—Temporary exemption for affected food businesses

94B Interpretation

In this subpart,—

affected food business means a food business located wholly or partly in any of the following regions and districts impacted by a severe weather event:

- (a) the regions of Northland, Auckland, Waikato, Bay of Plenty, Gisborne, and Hawke’s Bay;
- (b) the districts of Tararua, Masterton, Carterton, and South Wairarapa

severe weather event means any of the following weather events:

- (a) Cyclone Hale, which crossed the North Island during the period commencing on 8 January 2023 and ending on 12 January 2023;
- (b) heavy rainfall commencing on 26 January 2023 and ending on 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions;
- (c) Cyclone Gabrielle, which crossed the North Island during the period commencing on 12 February 2023 and ending on 16 February 2023.

94C Temporary exemption from verification requirements for affected food businesses because of severe weather event

- (1) This regulation applies to an operator of an affected food business who—
 - (a) is due to comply with the verification requirements in accordance with regulation 87(1), 88(1), or 90 during the period—
 - (i) commencing on 8 January 2023 2023; and
 - (ii) ending on the close of 16 May 2023; or
 - (b) is due to comply with the verification requirements in accordance with regulation 91(1), 92(1), 93(1), or 94 during the period—
 - (i) commencing on 8 January 2023; and
 - (ii) ending on the close of 16 August 2023.
- (2) An operator of an affected food business to whom this regulation applies—
 - (a) is exempt from the compliance referred to in **subclause (1)**; but

- (b) must comply with the verification requirements when compliance with those requirements is next due in accordance with regulation 87(1), 88(1), 90, 91(1), 92(1), 93(1), or 94.
- (3) The exemption in **subclause (2)** applies to an affected food business whether compliance is due before, on, or after the date this regulation comes into force.

94D Revocation

This subpart is revoked 12 months after the date on which it comes into force.

Part 3 Amendments to Local Government Act 2002

13 Principal Act

This Part amends the Local Government Act 2002.

14 Schedule 1AA amended

- (1) In Schedule 1AA, clause 27(1), after “long-term planning”, insert “for plans that take effect in any period on or after 1 July 2024”.
- (2) In Schedule 1AA, clause 27(1)(a), delete “or an amendment to a long-term plan”.
- (3) In Schedule 1AA, replace clause 27(1)(b) with:
 - (b) a consultation document related to a long-term plan (other than a consultation document related to the amendment of a long-term plan), and information relied on by the content of that document:

15 Schedule 7 amended

In Schedule 7, after clause 25A, insert:

25B Modifications to clause 25A during period 12 February 2023 to 1 April 2024

- (1) **Subclauses (2) to (4)** apply instead of clause 25A(1) during the period—
 - (a) commencing on 12 February 2023; and
 - (b) ending on the close of ~~1 April~~ 30 September 2024.
- (2) A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee by means of audio link or audiovisual link.
- (3) To that end, a member may attend a meeting by means of audio link or audiovisual link despite—
 - (a) clause 27(5)(a); and
 - (b) any limitation or condition on the use of an audio link or audiovisual link that is contained in the local authority’s standing orders; and

- (c) anything else to the contrary in the local authority's standing orders.
- (4) For a Civil Defence Emergency Management Group, the reference in **sub-clause (3)** to a local authority's standing orders includes any standing orders that apply to the Group under section 19 of the Civil Defence Emergency Management Act 2002.
- (5) **Subclause (6)** applies instead of clause 25A(4).
- (6) A member of the local authority or committee who attends a meeting by means of audio link or audiovisual link, in accordance with this clause, is to be counted as present for the purposes of clause 23.
- (7) This clause is repealed on the close of ~~2 April~~ 1 October 2024.

Part 4 Amendments to Resource Management Act 1991

16 Principal Act

This Part amends the Resource Management Act 1991.

17 New section 329A inserted (Interpretation)

Before section 330, insert:

329A Interpretation

- (1) In **sections 330AAA, 330AA, and 330C**,—
 - affected area** means an area affected by 1 or more severe weather events
 - area** means any of the following regions or districts:
 - (a) the regions of Northland, Auckland, Waikato, Bay of Plenty, Gisborne, and Hawke's Bay:
 - (b) the districts of Tararua, Masterton, Carterton, and South Wairarapa
 - severe weather event** means any of the following weather events:
 - (a) Cyclone Hale, which crossed the North Island during the period commencing on 8 January 2023 and ending on 12 January 2023:
 - (b) heavy rainfall commencing on 26 January 2023 and ending on 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions:
 - (c) Cyclone Gabrielle, which crossed the North Island during the period commencing on 12 February 2023 and ending on 16 February 2023.
- (2) This section is repealed on the close of ~~1 April 2025~~ 1 October 2024.

18 New section 330AAA inserted (Modification of requirements in section 330(3) for authorities in affected areas)

After section 330, insert:

330AAA Modification of requirements in section 330(3) for authorities in affected areas

- (1) This section applies if, because of or in connection with the impacts of a severe weather event, a local authority or consent authority acting under section 330(2) enters a place on land within an affected area when the occupier cannot be found there.
- (2) Section 330(3) is satisfied, and the local authority or consent authority is not required to take further action to contact the occupier, if—
 - (a) there is displayed in a prominent place on the land a notice that gives the date of entry, the reasons for entry, and the contact details of a person who can provide further information; and
 - (b) as soon as practicable after entering the land, the local authority or consent authority serves written notice (containing the same information as in **paragraph (a)**) on the person who is the ratepayer for the land for the purposes of the Local Government (Rating) Act 2002.
- (3) This section is repealed on the close of ~~1 April 2025~~ 1 October 2024.

19 New section 330AA inserted (Modification of requirements in section 330A for activities undertaken in affected areas)

After section 330A, insert:

330AA Modification of requirements in section 330A for activities undertaken in affected areas

- (1) This section applies if, because of or in connection with the impacts of a severe weather event, a person, local authority, consent authority, network utility operator, or lifeline utility (or a person acting on their behalf) undertakes an activity in an affected area under section 330.
- (2) The time within which advice of the activity must be given under section 330A(1) is extended to 100 working days.
- (3) The time within which any application for a resource consent must be lodged under section 330A(2) is extended to 160 working days.
- (4) Section 330A(3) applies subject to the time periods as modified by **subsections (2) and (3)**.
- (5) In this section, **lifeline utility** has the same meaning as in section 330(5).
- (6) This section is repealed on the close of ~~1 April 2025~~ 1 October 2024.

20 New section 330C inserted (Modification of requirements in section 330B for activities undertaken in affected areas)

After section 330B, insert:

330C Modification of requirements in section 330B for activities undertaken in affected areas

- (1) This section applies if, because of or in connection with the impacts of a severe weather event, a person (or a person acting on their behalf) undertakes an activity to which section 330B applies in a part of an affected area to which a state of emergency or transition period under the Civil Defence Emergency Management Act 2002 is in force.
- (2) The time within which advice of the activity must be given under section 330B(2) is extended to 100 working days.
- (3) The time within which any application for a resource consent must be lodged under section 330B(3) is extended to 160 working days.
- (4) Section 330B(4) and (5) applies subject to the time periods as modified by **subsections (2) and (3)**.
- (5) This section is repealed on the close of ~~1 April 2025~~ 1 October 2024.

21 New sections 331A to 331F and cross-heading inserted

After section 331, insert:

Emergency activities undertaken by certain rural landowners and occupiers

331A Application of sections 331B to 331E

- (1) **Sections 331B to 331E** apply to activities undertaken on rural land in an affected area.
- (2) In this section and **sections 331B, 331C, and 331E**, **rural land** means land in an affected area that—
 - ~~(a) is in an affected area; and~~
 - ~~(b) has a general rural or rural production zoning status in the relevant district or combined plan, or has a zoning status that is the nearest equivalent to a general rural or rural production zoning status.~~
 - (a) has a general rural, rural production, or Māori purpose zoning status (or the nearest equivalent zone) in the relevant district or combined plan; or
 - (b) has located on it any marae, papakāinga, or urupa; or
 - (c) is used for the primary purpose of livestock or horticultural farming.
- (3) In this section, **affected area** has the same meaning as in **section 329A**.

331B Owner or occupier of rural land may take emergency preventive or remedial measures

- (1) **Subsection (2)** applies if,—
 - (a) because of or in connection with the impacts of a severe weather event, a sudden event or an adverse effect on the environment has caused, is causing, or is likely to cause loss of life or injury to humans, loss of life

- or serious detriment to the health or well-being of animals, or serious damage to land or property; and
- (b) the owner or occupier of rural land—
- (i) considers, on reasonable grounds, that ~~immediate~~ preventive or remedial measures are required to avoid, remedy, or mitigate the loss, injury, detriment, or damage; and
- (ii) considers that, in the circumstances, the measures are proportionate to the loss, injury, detriment, or damage or the risk of the loss, injury, detriment, or damage; and
- (iii) undertakes 1 or more activities to implement the measures: in a manner that,—
- (A) so far as is reasonably practicable, avoids, remedies, or mitigates the adverse environmental effects; and
- (B) will not cause significant adverse effects beyond the boundaries of the owner’s or occupier’s rural land.
- (2) An activity undertaken under **subsection (1)(b)(iii)** is deemed to be a permitted activity for the purposes of any or all of the following:
- (a) any relevant plan or proposed plan:
- (b) any applicable regulations:
- (c) any applicable national environmental standards.
- (3) ~~However, an activity is not deemed a permitted activity under **subsection (2)** if it is classified as a prohibited activity in any of the following:~~
- (a) ~~any relevant plan or proposed plan:~~
- (b) ~~any applicable regulations:~~
- (c) ~~any applicable national environmental standards.~~
- (3) However, an activity is not deemed a permitted activity under **subsection (2)** if it—
- (a) is classified as a prohibited activity in any of the following:
- (i) any relevant plan or proposed plan:
- (ii) any applicable regulations:
- (iii) any applicable national environmental standard; or
- (b) is an activity referred to in section 12; or
- (c) is undertaken on culturally significant land, or will impact on culturally significant land, without the written permission of the relevant iwi or hapū given following notice to the relevant iwi or hapū by the owner or occupier of the rural land in accordance with **subsection (3A)**.

- (3A) The notice referred to in **subsection (3)(c)(i)** must be given to the relevant iwi or hapū at least 20 working days before the activity is undertaken and must include—
- (a) details of the proposed activity to be undertaken; and
 - (b) the proximity of the proposed activity to the wāhi tapu, site of cultural significance, or area subject to a statutory acknowledgement; and
 - (c) the anticipated effect of the proposed activity on the wāhi tapu, site of cultural significance, or area subject to a statutory acknowledgement and proposals to avoid, remedy, or mitigate the effects; and
 - (d) a request for permission from the relevant iwi or hapū to undertake the proposed activity; and
 - (e) a request for protocols or management plans in relation to the wāhi tapu or site of cultural significance, or area subject to a statutory acknowledgement.
- (3B) If an activity undertaken under **subsection (1)(b)(iii)** is not deemed a permitted activity the relevant provisions of any relevant plan or proposed plan, any applicable regulations, and any applicable national environmental standards apply.
- (4) **Subsection (2)** applies whether or not the sudden event or adverse effect was foreseeable.
- (5) ~~In this section, **severe weather event** has the same meaning as in **section 329A**.~~
- (5) In this section,—
- culturally significant land** is land that—
- (a) is on, or adjoins, a wāhi tapu or a site of cultural significance; or
 - (b) is on, near, or adjoins land that has an area that is subject to a statutory acknowledgement
- severe weather event** has the same meaning as in **section 329A**
- statutory acknowledgement** means redress of that name included in certain Treaty settlement Acts
- wāhi tapu or site of cultural significance** includes those identified in any of the following:
- (a) a relevant plan or proposed plan;
 - (b) the New Zealand Archaeological Association’s site recording scheme;
 - (c) a list maintained under section 65 or 81 of the Heritage New Zealand Pouhere Taonga Act 2014;
 - (d) the records of the Maori Land Court as a site set apart as a Maori reservation under Part 17 of Te Ture Whenua Māori Act 1993.

331C Requirement for owner or occupier to give notice to relevant consent authority

- (1) An owner or occupier of rural land who has acted under **section 331B** must give written notice to the relevant consent authority that the activity has been undertaken.
- (2) Notice must be given within 60 working days after the activity begins, or such extended period that the consent authority may allow by written notice.
- (3) If the owner or occupier fails to comply with the specified or extended notice period in **subsection (2)**, the permitted activity status of the activity is revoked as from the date on which the notice period in that subsection ends.

331D Duty to gather information, monitor, and keep records

Nothing in **section 331B or 331C** limits or affects a local authority's duties under section 35.

331E Enforcement proceedings

For the purposes of activities undertaken under **section 331B**, ~~only the relevant local authority~~ any person authorised to do so by Part 12 may take enforcement proceedings (including declaratory proceedings) under ~~Part 12 that Part~~, including in any case where it is alleged that the owner or occupier of rural land has breached section 16 or 17.

331F Repeal of this section and sections 331A to 331E

- (1) This section and **sections 331A to 331E** and the cross-heading above **section 331A** are repealed on the close of ~~1 October 2023~~ 1 April 2024.
- (2) The repeal of **section 331B** does not affect a permitted activity status conferred on an activity under **section 331B(2)**.
- (3) However, **subsection (2)** does not limit or affect the operation of this Act (including the ability to change the status of the permitted activity in a district or regional plan) after the repeal of **section 331B**.

Schedule
New Schedule 3 inserted into Civil Defence Emergency Management Act 2002

s 8

Schedule 3

ss 28A, 30B, 73A, 94FA

Part 1

Temporary provision relating to functions of Group Controllers

1 Functions of Group Controllers

- (1) A Group Controller must, during a state of local emergency for the area for which the Group Controller is appointed, direct and co-ordinate, for the purposes of this Act, the use of the personnel, material, information, services, and other resources made available by departments, Civil Defence Emergency Management Groups, and other persons.
- (2) The Group Controller must also perform any functions or duties delegated to the Group Controller by the Civil Defence Emergency Management Group or conferred on Controllers by this Act or any other enactment, and may exercise any power conferred on the Group Controller by delegation under this Act.
- (3) A Group Controller or person directed under section 27 may authorise any suitably qualified and experienced person to perform any function or duty or exercise any power of that Group Controller or directed person, including the power to authorise the exercise or performance of those powers, functions, and duties.
- (4) No Group Controller or person directed under section 27 may exercise any power conferred on Controllers by this Act during any state of national emergency (whether or not the state of national emergency is in force at the same time as a state of local emergency for another emergency in the same area) in any manner contrary to any priorities for the use of resources and services that have been determined by the Director or National Controller.
- (5) No Group Controller or person directed under section 27 may exercise any power conferred on Controllers by this Act during any state of local emergency that is in force at the same time as a national transition period for another emergency in the same area in any manner contrary to any priorities for the use of resources and services that have been determined by the Director or National Recovery Manager.

Part 2

Functions of Recovery Managers

2 Functions of Recovery Managers

- (1) A Group Recovery Manager must, during a local transition period for the area for which the Group Recovery Manager is appointed, direct and co-ordinate the use of the personnel, material, information, services, and other resources made available by departments, Civil Defence Emergency Management Groups, and other persons for the purpose of carrying out recovery activities.
- (2) The Group Recovery Manager must also perform any functions or duties delegated to the Group Recovery Manager by the Civil Defence Emergency Management Group or conferred on Group Recovery Managers by this Act or any other enactment, and may exercise any power conferred on the Group Recovery Manager by delegation under this Act.
- (3) A Group Recovery Manager or a Local Recovery Manager may authorise any suitably qualified and experienced person to perform any function or duty or exercise any power of that Group Recovery Manager or Local Recovery Manager, except the power to authorise another person to perform those functions and duties or to exercise those powers.
- (4) A Group Recovery Manager or Local Recovery Manager who authorises a person under **subclause (3)** to perform a function or duty or to exercise a power remains responsible and accountable under this Act for the performance of the function or duty or the exercise of the power.
- (5) No Group Recovery Manager or Local Recovery Manager, and no person performing the functions or duties or exercising the powers of a Group Recovery Manager or Local Recovery Manager, may exercise any power conferred on Group Recovery Managers by this Act during any national transition period (whether or not the national transition period is in force at the same time as a local transition period for another emergency in the same area) in any manner contrary to any priorities for the use of resources and services that have been determined by the Director or National Recovery Manager.
- (6) No Group Recovery Manager or Local Recovery Manager, and no person performing the functions or duties or exercising the powers of a Group Recovery Manager or Local Recovery Manager, may exercise any power conferred on Group Recovery Managers by this Act during any state of national emergency that is in force at the same time as a local transition period for another emergency in the same area in any manner contrary to any priorities for the use of resources and services that have been determined by the Director or National Controller.

Part 3

Temporary provisions relating to declarations of state of emergency

3 Minister may declare state of national emergency

- (1) The Minister may declare that a state of national emergency exists over the whole of New Zealand or any areas or districts if at any time it appears to the Minister that—
 - (a) an emergency has occurred or may occur; and
 - (b) the emergency is, or is likely to be, of such extent, magnitude, or severity that the civil defence emergency management necessary or desirable in respect of it is, or is likely to be, beyond the resources of the Civil Defence Emergency Management Groups whose areas may be affected by the emergency.
- (2) The Minister must advise the House of Representatives as soon as practicable where a state of national emergency has been declared or extended.
- (3) A state of national emergency may be declared for any area or district while there is in force in that area or district, in relation to another emergency,—
 - (a) any other state of emergency; or
 - (b) a national transition period.

4 Declaration of state of local emergency

- (1) A person appointed for the purpose under section 25 may declare that a state of local emergency exists in the area for which the person is appointed if at any time it appears to the person that an emergency has occurred or may occur within the area.
- (2) A person who is authorised to declare a state of local emergency may declare that the state of local emergency exists in respect of the whole area of the Civil Defence Emergency Management Group concerned or 1 or more districts or wards within the area.
- (3) If an authorised person declares a state of local emergency for—
 - (a) the whole area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more districts or wards within the area ceases to have effect;
 - (b) a district within the area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more wards within the district ceases to have effect.
- (4) A state of local emergency may be declared in respect of an area that is not affected by an emergency if, in the opinion of any person authorised to declare a state of local emergency in respect of that area, the resources of that area are needed to assist any other area where a state of local emergency is in force.

- (5) The fact that a person purporting to be authorised by section 25 declares a state of local emergency is, in the absence of proof to the contrary, conclusive evidence that the person is authorised under that section to do so.
- (6) A state of local emergency may be declared under this section for any area while there is in force in that area, in relation to another emergency,—
 - (a) a state of national emergency; or
 - (b) a transition period.
- (7) Nothing in this clause authorises a state of local emergency to be declared for COVID-19 without the prior approval of the Minister, but this subclause does not prevent a state of local emergency being declared for any purpose that is not related to COVID-19.

Part 4

Temporary provisions relating to transition periods

5 Minister may give notice of national transition period

- (1) After a state of emergency has been declared for any area, or after an emergency arises for which a state of emergency has not been declared, the Minister may give notice of a national transition period over the whole of New Zealand or any areas or districts if it appears to the Minister that a national transition period is required.
- (2) Without limiting **subclause (1)**, the Minister must be satisfied that invoking the powers to manage, co-ordinate, or direct recovery activities is—
 - (a) in the public interest; and
 - (b) necessary or desirable to ensure a timely and effective recovery.
- (3) In deciding whether a national transition period is required, the Minister must have regard to—
 - (a) the areas or districts affected by the emergency; and
 - (b) whether the focus of activities in any area or district is moving from response to recovery, including whether a state of emergency is about to expire or be terminated; and
 - (c) the capacity of any Civil Defence Emergency Management Group and any local authority in any area or district affected by the emergency to carry out recovery activities.
- (4) If the Minister gives notice of a national transition period,—
 - (a) the Minister must advise the House of Representatives as soon as practicable; and
 - (b) any other transition period for the same emergency then in force in any area or district to which the national transition period applies ceases to have effect; and

- (c) any state of emergency or local transition period for another emergency in the area or district to which the national transition period applies continues in force.

6 Notice of local transition period

- (1) A person who is authorised to give notice of a local transition period by being appointed for the purpose under section 25(1)(b) or otherwise authorised by section 25(4) or (5) may, after a state of emergency has been declared for the area of the Civil Defence Emergency Management Group concerned, give notice of a local transition period for the area of the Civil Defence Management Group concerned, or for 1 or more districts or wards within the area, if it appears to the person that a local transition period is required.
- (2) After an emergency arises, for which a state of emergency has not been declared, a person who is appointed or otherwise authorised under section 25 to give notice of a local transition period may do so in accordance with **subclause (1)** with the approval of the Minister.
- (3) After a state of emergency has been declared for the area of a Civil Defence Emergency Management Group, or after an emergency arises for which a state of emergency has not been declared, the Minister may give notice of a local transition period for the area or for 1 or more districts or wards within the area if—
 - (a) it appears to the Minister that a local transition period is required for the whole or any part of the area; and
 - (b) notice of a local transition period has not been given under **subclause (1)**.
- (4) Without limiting **subclauses (1) to (3)**, the Minister or the appointed or otherwise authorised person must not give notice of a local transition period unless satisfied that invoking the powers to manage, co-ordinate, or direct recovery activities is—
 - (a) in the public interest; and
 - (b) necessary or desirable to ensure a timely and effective recovery.
- (5) In deciding whether a local transition period is required, the Minister or the appointed or otherwise authorised person must have regard to—
 - (a) the areas, districts, or wards affected by the emergency; and
 - (b) whether the focus of activities in any area, district, or ward is moving from response to recovery, including whether a state of emergency is about to expire or be terminated.
- (6) The Minister must also have regard to the capacity of any Civil Defence Emergency Management Group and any local authority in any area, district, or ward affected by the emergency to carry out recovery activities.

Proposed amendments to

Schedule

Severe Weather Emergency Legislation Bill

- (7) Before giving notice under **subclause (3)**, the Minister must, in a manner the Minister considers appropriate, seek and consider comment from any affected Civil Defence Emergency Management Group and the mayor of any affected local authority, unless—
- (a) it is impracticable in the circumstances to do so; or
 - (b) in the opinion of the Minister, the urgency of the situation requires the notice of transition to be given immediately.
- (8) If notice of a local transition period is given under this clause over—
- (a) the whole area of a Civil Defence Emergency Management Group, any other local transition period already in force for 1 or more districts or wards within the area ceases to have effect;
 - (b) a district within the area of a Civil Defence Emergency Management Group, any other local transition period already in force for 1 or more wards within the district ceases to have effect.
- (9) After notice of a local transition period has been given for an area (the **first area**) in accordance with **subclauses (1) to (3)**, a further notice of a local transition period may be given, in accordance with those subclauses, for another district or ward in the area of the relevant Civil Defence Emergency Management Group that is not affected by an emergency if it appears to the person giving notice that the resources of that other district or ward are needed to assist the first area.
- (10) The fact that a person purporting to be authorised under section 25 gives notice of a local transition period is, in the absence of proof to the contrary, conclusive evidence that the person is authorised to do so.
- (11) However, nothing in this clause authorises notice of a local transition period to be given for any part of New Zealand while a national transition period for the same emergency is in force for that part.
- (12) Notice of a local transition period may be given for any part of New Zealand while there is in force in respect of the part, in relation to another emergency in that part,—
- (a) a state of national emergency; or
 - (b) a national transition period.
- (13) Nothing in this clause authorises notice of a local transition period to be given for any part of New Zealand for COVID-19 without the prior approval of the Minister, but this subclause does not prevent notice of a local transition period being given for any other purpose.
- 7 Termination of transition periods**
- (1) The Minister may by notice terminate a national transition period.

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- (2) The person who gave notice of a local transition period (or the Minister or another person appointed or otherwise authorised to give that notice) may by notice terminate the local transition period.
 - (3) A notice terminating a transition period terminates the relevant transition period when given.
 - (4) Before giving notice under **subclause (2)**, the Minister must, in a manner the Minister considers appropriate, seek and consider comment from any affected Civil Defence Emergency Management Group and the mayor of any affected local authority, unless—
 - (a) it is impracticable in the circumstances to do so; or
 - (b) in the opinion of the Minister, the urgency of the situation requires the notice of termination to be given immediately.
 - (5) A notice terminating a transition period must—
 - (a) specify the time and date on which it is given; and
 - (b) specify the areas, districts, or wards to which the transition period applies; and
 - (c) be in the form prescribed by regulations made under section 115 or a form of similar effect.
 - (6) A person who terminates a transition period must—
 - (a) immediately notify the public by any means of communication that are reasonably practicable in the circumstances of the case; and
 - (b) ensure that the notice of termination is published in the *Gazette* as soon as practicable after it is given.