



Inquiry into Parliament's legislative response to future national emergencies

Interim report of the Regulations Review
Committee

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Inquiry into Parliament's legislative response to future national emergencies

Recommendation

The Regulations Review Committee is considering the Inquiry into Parliament's legislative response to future national emergencies, and recommends that the House take note of its interim report.

Purpose of this report

The Regulations Review Committee is currently considering the Inquiry into Parliament's legislative response to future national emergencies. The House referred the inquiry to the previous Regulations Review Committee at the end of the 50th Parliament, and it was subsequently readopted as an item of business at the start of this Parliament.

The goal of this inquiry is to provide a framework to legislate the powers necessary for recovery after the lifting of a state of national emergency. This would be in effect devising a best-practice model for recovery legislation.

The purpose of this report is to release a catalogue of emergency powers for public consultation, to help inform submissions on the inquiry. The catalogue is appended to this report.

Terms of reference

The committee has adopted the following terms of reference for the inquiry:

- Consider the overarching principles governing the delegation of Parliament's law-making powers in the context of recovery from a national emergency.
- Propose appropriate enhancements to the framework for both primary and delegated legislation to confer the powers necessary for recovery after the lifting of a state of national emergency.
- Consider and recommend to the House and other appropriate bodies which constitutional and other enactments (or provisions in enactments) should expressly not be modified by delegated legislation, and make recommendations accordingly.
- Establish guiding principles for the expiry of recovery legislation, and of modifications to enactments under associated delegated legislation.
- Examine the legitimacy of actions taken under recovery legislation once the authority to act under the legislation has expired.
- Determine the extent and nature of the parliamentary scrutiny that would be appropriate in passing a recovery bill.
- Propose appropriate safeguards and checks and balances on the use of powers delegated to the Executive.

- Consider the role of the House in scrutinising delegated legislation made under a recovery Act.
- Consider the extent of the role of the Judiciary in examining recovery legislation, and whether any limits on it might be appropriate.
- Examine alternative models for recovery legislation used in other jurisdictions.
- Consider lessons learned from the implementation of recovery legislation after the Canterbury earthquakes.

Emergency response and recovery

Following a declaration of a national state of emergency, certain emergency powers are granted to effect a response; many of these powers have constitutional implications because they can override the everyday rights of citizens for the duration of a response. Such extraordinary powers are usually to be used only for the duration of the state of emergency; they cease to exist once a state of emergency is lifted.

Following the response to an emergency is the recovery phase, in which society seeks to return to normality. After the Canterbury earthquakes, special recovery powers were introduced to aid the recovery and to assist society's transition back to normal functioning. Some of these powers raised significant issues regarding parliamentary oversight and constitutional matters. They arose especially in the Canterbury Earthquake Recovery Act 2011, which delegated powers to the Minister for Canterbury Earthquake Recovery and the Canterbury Earthquake Recovery Authority to facilitate and direct greater Christchurch and its communities to respond to, and recover from, the impacts of the Canterbury earthquakes.

Recovery from the Canterbury earthquakes is the obvious example, but submitters need not focus solely on earthquake recovery, as New Zealand is vulnerable to several kinds of natural disaster and also faces other risks that might cause a national emergency, such as threats to biosecurity or to public health.

About the catalogue

The catalogue of emergency powers was compiled by the Parliamentary Library. It specifies the statutory powers of those exercising public power in an emergency. Powers are categorised by type of emergency as defined in legislation, with the exception of the last category which covers statutory powers exercisable simply in an "emergency" or in unspecified circumstances where danger to public safety, death or serious injury, or damage to property or to the environment are threatened.

The catalogue confines itself to powers exercisable when an emergency is occurring or is imminent, whether the emergency is local, regional, or national in extent. It does not include statutes setting out powers to promote recovery over the long term and does not consider powers that are likely to be exercised solely to address circumstances that medical personnel, for example, deal with daily.

How to use the catalogue

We consider that the public will find a catalogue of emergency powers useful when writing submissions on the inquiry. This catalogue is a first step toward deciding which powers require legislation to manage the transition from emergency power back to normal operation.

We encourage submitters to use the catalogue alongside our terms of reference to think about the array of emergency powers on the statute book, and to consider which emergency powers might need special legislation to manage the transition to normality. We suggest the catalogue could also be used to look beyond Canterbury earthquake recovery powers to more general response principles for national emergencies.

The committee will consider a range of issues as set out in its terms of reference and its focus will include but not be limited to the following:

- Are there emergency powers that are likely to be needed that are broader than those set out in the catalogue, and if so, what are they?
- Is there a need for overarching legislation to draw together or reference the range of emergency powers that may be invoked in response to a major disaster? Conversely, what normal rules of law should not be overruled?
- How best should legislation transition from special powers back to normal?

Appendix A

Committee procedure

The committee has called for public submissions on the inquiry. The closing date for submissions is 1 August 2015.

Committee members

Hon David Cunliffe (Chairperson)
Andrew Bayly (Deputy Chairperson)
Christopher Bishop
Hon Chester Borrows
Hon David Parker

Appendix B

Emergency powers in New Zealand

Scope of the catalogue

This catalogue identifies the statutory powers of those exercising public power in an emergency. Powers are categorised by type of emergency as defined in legislation, with the exception of the last category which encompasses statutory powers exercisable simply in an “emergency” or in unspecified circumstances where public safety, death or serious injury, damage to property or to the environment are threatened.

The catalogue confines itself to powers exercisable when an emergency is occurring or is imminent, and when the emergency is local, regional, or national in extent. Consequently, it does not consider powers that are likely to be exercised solely to address circumstances that medical personnel (among others) deal with daily. For example, it does not include

- the power under [s 71\(2\)\(d\)](#) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 of a health professional to place a patient in an emergency in seclusion
- the power in an emergency under [s 60\(4\)\(c\)](#) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 to place a “care recipient” in seclusion, or under [s 61\(3\)\(c\)](#) of the same Act to restrain a care recipient, or under [s 62\(2\)](#) to give medical treatment to a care recipient without their consent .

Also excluded from the catalogue are statutory provisions that allow otherwise prohibited activities to take place if an emergency exists. For example, under [s 17ZF](#) of the Conservation Act 1987, aircraft must not land or take off from a site within a conservation area that is not a certified aerodrome— unless there is an emergency arising from “mechanical or structural or operational defects in the aircraft or its equipment” or from “weather conditions or other causes not under the control of the pilot in command”. (Further examples are set out in the appendix.)

Interaction between some powers listed in the catalogue

Many statutes interact with others so that powers under one Act may be triggered by an action—such as a declaration— under another Act. For instance, a “special emergency” can be declared under the Hazardous Substances and New Organisms Act 1996 by (among other things) a declaration of emergency under the Civil Defence and Emergency Management Act 2002, an emergency as defined in the Fire Service Act 1975, a hazardous substance or new organism emergency under the HSNO Act and a marine oil spill emergency under the Maritime Transport Act 1994.

Some powers included in the catalogue that are exercisable in an emergency must be exercised in a way that does not conflict with rules or instructions made under other enactments. The following provisions are examples:

- Under [s 100](#) of the Maritime Transport Act 1994, if a ship or aircraft is wrecked or in distress near the New Zealand coast, or within New Zealand’s tidal waters or inland waters, the Director may give directions to preserve the ship or aircraft, or the lives of the passengers and crew, or equipment and cargo. However this power must not be exercised so as to conflict with the exercise of power given under part 5 of the CDEM Act 2002 or given to a recovery co-ordinator appointed under that Act, or with emergency powers exercised by Police under the International Terrorism (Emergency Powers) Act 1987. Under 248 and 249 of the Maritime Transport Act, the Director has certain powers in relation to hazardous ships and hazardous structures including the power to issue instructions. However, under [s 254](#) those instructions must not conflict with the exercise of a power given under part 5 of CDEM, or a recovery co-ordinator appointed under CDEM, with emergency powers exercised by Police under the International Terrorism (Emergency Powers) Act 1987. Instructions issued by the Director dealing with marine oil spills must also not conflict with powers of those operating under CDEM and the International Terrorism (Emergency Powers) Act. (See also [s 312](#))
- Under [s 80](#) of the Maritime Security Act 2004, the chief executive of the “designated authority” must not issue chief executive's instructions that conflict with the exercise of a power by a person under part 5 of the CDEM Act or a recovery co-ordinator appointed under the CDEM Act; or with emergency powers exercised by Police under the International Terrorism (Emergency Powers) Act or by a person under part 4 of the Health Act 1956.
- Under [s 99](#) of the Civil Aviation Act 1990, only the Airways Corporation of NZ may provide certain aviation services (area control services, approach control services) in New Zealand but this section is subject to the CDEM Act.

Type of emergency

Civil defence emergency	10
Epidemic	27
Emergency relating to food	36
Hazardous substance or new organisms emergency	37
Hazard substance emergency	42
Fire (and other) emergencies	42
Biosecurity emergency	49
Emergencies involving animals or animal products	52
Marine oil spill	53
Emergency involving the waters of Lake Wanaka	58
Ship posing an immediate threat to the security or safety of persons, ships, or other property.	58
“Special emergency”	59
International terrorist emergency	61
Terrorist act	63
War or other like emergency, or actual or imminent emergency involving the deployment outside New Zealand of any part of the Armed Forces	65
Security emergency	70
Industrial/employment emergency	70
Emergency affecting an election	71

Petroleum emergency

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Emergencies undefined or broadly defined to include threats to public safety, death or serious injury, damage to property or the environment

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Type of emergency	Powers by Act
<p>Civil defence emergency</p> <p>Emergency as defined in s 4 of the Civil Defence Emergency Management Act (CDEM) 2002, i.e. a situation that</p> <p>(a) is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and</p> <p>(b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand; and</p> <p>(c) cannot be dealt with by emergency services, or otherwise requires a significant and co-ordinated response under this Act</p>	<p>Under the Civil Defence Emergency Management Act 2002</p> <p><i>Powers of Minister</i></p> <p>The Minister</p> <ul style="list-style-type: none"> • may declare a state of national emergency [s 66] and, in certain circumstances, a state of local emergency [s69] • may direct the Director of Civil Defence Emergency Management or any CDEM Group or person to exercise (or cease to exercise) their functions, duties or powers, if a state of emergency is in force—or the Minister considers that an imminent threat of an emergency exists [s 84]. • The Minister may appoint a Recovery Co-ordinator for a maximum period of 28 days, if he or she believes the Civil Defence Emergency Management Group is, or is likely to be, unable to ensure the effective carrying out of recovery activities in its area [s 29].

	<p><i>Powers of Director of Civil Defence Emergency Management</i></p> <p>Under s 9(1) of the CDEM Act, the Director of Civil Defence Emergency Management “has all the powers that are reasonably necessary or expedient to enable the Director to perform his or her functions”.</p> <p>During a state of national emergency, the Director is empowered under s 9(2) to</p> <ul style="list-style-type: none"> • use the personnel, material, information, services, and any other resources made available by departments, Civil Defence Emergency Management Groups, emergency services, New Zealand Defence Force (as provided in the Defence Act 1990), and other persons and in particular, without limitation, for <ul style="list-style-type: none"> ○ the provision of transport ○ the removal of endangered persons and casualties from any area affected by the emergency to areas of safety or to hospitals ○ medical care and attention to casualties ○ the relief of distress and suffering ○ the accommodation, feeding, care, and protection of persons ○ the provision of other services necessary to restore community services and provide for the welfare of the public • control the exercise and performance of the functions, duties, and
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	<p>powers of Civil Defence Emergency Management Groups and Group Controllers.</p> <p>The Director may delegate these powers to a National Controller [s 10].</p> <p><i>Functions and powers of Civil Defence Emergency Management Groups</i></p> <p>CDEM Groups are committees of elected councilors (who may include mayors or chairpersons) from each council within regional boundaries [s 13]. The functions of a CDEM Group are (among other things) to respond to and manage the adverse effects of emergencies in its area and to carry out recovery activities. [s 17(1)] Under 18(1), a Civil Defence Emergency Management Group “has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or other persons”. Among other powers, the CDEM Group may</p> <ul style="list-style-type: none"> • provide, maintain, control, and operate warning systems • provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency • exercise any other powers that are necessary to give effect to any civil defence emergency management plan [s 18(2)]. <p>An authorised member of the CDEM group may declare a state of local emergency. [s 25(1)] A mayor or the mayor’s delegate may declare a state of local emergency for the territorial authority’s district. [s 25(5)]</p>
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	<p>While a state of emergency is in force in its area, a Civil Defence Emergency Management Group may</p> <ul style="list-style-type: none"> • carry out (or require to be carried out) works, the clearing of roads and other public places, and the removal or securing dangerous structures and materials • provide for the rescue of persons in danger • set up first aid posts, and provide for first aid to be given, and for casualties to be moved to hospitals, other place of treatment, or areas of safety • provide for the relief of distress, including emergency food, clothing, and shelter • provide for the conservation and supply of food, fuel, and other essential supplies • prohibit or regulate land, air, and water traffic within the area or district to the extent necessary to conduct civil defence emergency management • undertake emergency measures for the disposal of dead persons or animals if it is satisfied that the measures are urgently necessary in the interests of public health • disseminate information and advice to the public • enter into arrangements, including employment arrangements, with any person for the purpose of carrying out civil defence emergency management as may be agreed • provide equipment, accommodation, and facilities for the exercise of any of the powers [s 85] <p>During a state of emergency, on behalf of a Civil Defence Emergency Management Group, the following people can enter into any contract for any of the purposes of the Act</p>
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	<ul style="list-style-type: none"> • the chairperson of the Group • the deputy chairperson of the Group • any employee of the Group (who is authorised to do so) • the Group Controller. [s 94] <p>CDEM Groups must appoint a Group Controller [s 26] and may appoint a Local Controller to carry out the functions and duties of the Group Controller of [s 27]. During a state of local emergency, the Group Controller must direct and co-ordinate the use of the personnel, material, information, services, and other resources and perform other functions delegated or conferred. [s 28]</p> <p><i>Functions of Civil Defence Emergency Management Co-ordinating Executive Groups</i></p> <p>CDEM Co-ordinating Executive Groups comprise the chief executive officer of each member local authority, a senior police employee, a senior member of the Fire Service, the chief executive officer of the hospital and health services operating in the area, and other co-opted persons. Each executive group is responsible (among other activities) for overseeing the implementation of the civil defence emergency management group plan. [s 20].</p> <p><i>Other powers under the Act</i></p> <p>If a state of emergency is in force and a Controller or constable (or someone authorised by him or her) may (within the area or district in which the emergency is in force)</p> <ul style="list-style-type: none"> • require any premises or place to be evacuated or persons or vehicles to
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	<p>be excluded from such places—if he or she believes this is necessary for the preservation of human life [s 86]</p> <ul style="list-style-type: none"> • enter on (and if necessary break into) any premises or place— if he or she believes on reasonable grounds that this is necessary for <ul style="list-style-type: none"> ○ saving life, preventing injury, or rescuing persons ○ carrying out any urgent measure for the relief of suffering or distress. [s 87] • totally or partially prohibit, or restrict public access to, any road or public place [s 88] • remove any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle impeding civil defence emergency management [s 89] • requisition property (including land, vehicles, equipment, food and medicines)— if he or she believes this is necessary for the preservation of human life [s 90] • direct any person to stop any activity that may cause or substantially contribute to an emergency or request him or her to take any action to prevent or limit the extent of the emergency [s 91] • examine, mark, seize, sample, secure, disinfect, or destroy any property, animal, or any other thing in order to prevent or limit the extent of the emergency [92]. <p>If a state of emergency is in force—or the Director, a Controller, or authorised person considers that an imminent threat of an emergency exists—a District Court Judge may, by warrant, authorise any constable to enter and search any premises (not being a dwelling house) to obtain information if the information is urgently required and the person in possession of the information has refused to provide the information [s 78].</p> <p><i>Powers under the following statutes arise specifically when a</i></p>
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	<p><i>declaration of emergency has been made under the CDEM Act. They are additional to other powers that might be exercised under these statutes in an emergency.</i></p> <p>Under the Fire Service Act 1975</p> <p>While a state of emergency exists under the CDEM Act, every fire brigade, defence fire brigade, and industrial fire brigade has, free of charge</p> <ul style="list-style-type: none">• the use of all hydrants and control valves installed in any water mains and of all water in the water mains for the purpose of extinguishing any fire or stabilising or rendering safe any hazardous substance emergency or for the purpose of fire brigade drills conducted under the authority of the Chief Fire Officer• the use of all water in any river, creek, stream, watercourse, channel, lake, lagoon, well, tank, or other source of water supply whatsoever for the purpose of extinguishing any fire or stabilising or rendering safe any hazardous substance emergency [s 30]. <p>Under the Defence Act 1990</p> <p>During any state of emergency declared under the CDEM Act, the Governor-General may, by Proclamation, declare the territorial forces to be liable for continuous service [s 39(2)].</p> <p>During any state of emergency declared under the CDEM Act, may, by Proclamation, transfer the reserve forces to the regular forces or the territorial forces; and on the making of any such Proclamation, the forces</p>
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	<p>so transferred shall be liable for continuous service [s 40(2)].</p> <p>The Armed Forces may be used in New Zealand or elsewhere to provide assistance to the civil power in time of emergency [s 9(1)(b)].</p> <p>Under the Resource Management Act 1991</p> <p>Certain restrictions (on the use of land, the coastal marine area, the beds of lakes and rivers, of water, and on the discharge of contaminants) under the RMA do not apply to those exercising emergency powers during a state of emergency declared under the CDEM Act [s 330B].</p> <p>Under the Forest and Rural Fires Act 1977</p> <p>While a state of emergency exists under the CDEM Act (and subject to the overall requirements of the Controller) the Principal Fire Officer or Rural Fire Officer of a district may cause water to be shut off from any main (or other works of water supply) in order to obtain greater water supply and pressure to extinguish or restrict the spread of the fire. The Fire Officer may enter, or give directions for entering any land or premises and may take, or cause to be taken, water from any river, creek, stream or other source of water supply [s 36].</p> <p>Under the Heritage New Zealand Pouhere Taonga Act 2014</p> <p>Heritage New Zealand Pouhere Taonga may grant (or refuse to grant) an “emergency authority” to undertake an activity that may modify or destroy</p>
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	<p>an archaeological site located in an area or a district over which a national or local emergency is declared under the Civil Defence Emergency Management Act 2002 [s 60 and s 62].</p> <p>Under the Local Government Act 1974</p> <p>Under s 648, while a state of emergency exists under the Civil Defence Emergency Management Act 2002, the council must allow all persons to take and use water from any waterworks or water race for extinguishing fire without any payment (subject to the overall requirements of any controller).</p> <p>Under the Local Government Act 2002</p> <p>Part 10 confers powers on the Minister to assist local authorities in certain situations; and to intervene in their affairs in certain situations[s 253]. The Minister may, for instance, require a local authority to provide information on the nature and extent of a “problem” [s 257], and may (in certain circumstances) appoint a Crown Review Team[s 258], a Crown Observer [s 258B], a Crown Manager [s 258D], or a Commission [s 258F]. A “problem” is defined in s 256 as including the consequences of a state of emergency (as defined in the CDEM Act) affecting the local authority's district or region.</p> <p>Under the Health Act 1965</p> <p>To prevent the outbreak or spread of any infectious disease—if a state of emergency has been declared under the CDEM Act (or if authorised by the Minister or while an epidemic notice is in force)— the medical officer of health may</p>
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	<ul style="list-style-type: none"> • declare any land, building, or thing to be insanitary, and prohibit its use for any specified purpose • cause any insanitary building to be pulled down, and the materials thereof to be destroyed or otherwise disposed of • cause insanitary things to be destroyed or otherwise disposed of • cause infected animals to be destroyed • require persons to report for medical examination • if the spread of the disease would be a significant risk to the public, require people to report for medical testing • require persons, places, buildings, ships, vehicles, aircraft, animals, or things to be isolated, quarantined, or disinfected • if the spread of the disease would be a significant risk to the public, require people, places, buildings, ships, vehicles, aircraft, animals, or things to be tested • forbid persons, ships, vehicles, aircraft, animals, or things to come or be brought to any port or place in the health district from any port or place which is or is supposed to be infected with any infectious disease • require people to remain in the health district or the place in which they are isolated or quarantined until they have been medically examined and found to be free from infectious disease, and until they have undergone preventive treatment • forbid the removal of ships, vehicles, aircraft, animals, or things from the health district, or from one port or part thereof to another, or from the place where they are isolated or quarantined, until they have been disinfected or examined and found to be free from infection • prohibit the keeping of animals or of any species of animal in any specified part of the health district • forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water supply • use or authorise any local authority to use as a temporary site for a
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	<p>special hospital or place of isolation any reserve or endowment suitable for the purpose</p> <ul style="list-style-type: none"> • by written order do either or both of the following: <ul style="list-style-type: none"> ○ require to be closed immediately, until further order or for a fixed period, any premises within the health district (or a stated area of the district) ○ require to be closed immediately, until further order or for a fixed period, any premises within the health district (or a stated area of the district) in which infection control measures described in the order are not operating • by order published in a newspaper or by announcement broadcast by a television channel or radio station <ul style="list-style-type: none"> ○ require to be closed, until further order or for a fixed period, all premises within the district (or a stated area of the district) of any stated kind or description ○ require to be closed, until further order or for a fixed period, all premises within the district (or a stated area of the district) of any stated kind or description in which infection control measures described in the order are not operating ○ forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within the district (or a stated area of the district) ○ forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within the district (or a stated area of the district) in which infection control measures described in the order are not operating <p style="text-align: right;">[s 70].</p> <p>The medical officer of health, any environmental health officer or other</p>
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	<p>authorised person, may at any time, enter on any lands, buildings, or ships, and inspect them; and may do, is necessary or expedient for the purpose of carrying out the above actions [s 70(2)].</p> <p>In the event of the outbreak of an infectious disease, the medical officer of health may during a state of emergency declared under the CDEM Act</p> <ul style="list-style-type: none"> • requisition any land or building (whether public or private) required for the accommodation and treatment of patients • requisition any land, building, vehicle, or craft (other than an aircraft), whether public or private, required for the storage or disposal of bodies • requisition any vehicle or craft, whether public or private, required for the transport of— <ul style="list-style-type: none"> ○ patients, medical personnel, medicine, medical equipment or devices, food, or drink ○ clothing, bedding, or tents or other temporary facilities or structures ○ personnel involved in dealing with anything transported or to be transported • require to be delivered to him or in accordance with his order such drugs and articles of food or drink, and such other materials, as he deems necessary for the treatment of patients [s 71]. <p>Under the Corrections Act 2004</p> <p>Under s 191, if a state of emergency is in force under CDEM—or an emergency exists as defined by that Act—the Minister of Corrections may requisition property (land and buildings), if he or she believes it is necessary for the safe custody and welfare of prisoners.[s 192].)</p>
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	<p>Under the Hazardous Substances and New Organisms Act 1996</p> <p>If an emergency is foreseeable, the Environmental Protection Authority may approve (or decline) under s 48, applications made under s 47 to</p> <ul style="list-style-type: none">• import any hazardous substance for release in an emergency• import any new organism for release in an emergency• release any new organism from containment in an emergency• release any hazardous substance from containment in an emergency• use any hazardous substance in an emergency in a manner which would otherwise contravene the provisions of the HSNO Act or any regulations. <p>(“Emergency” is defined in s 46(1)(b) to include a state of emergency declared under the CDEM Act.)</p> <p>However, the Authority may only decline the application if satisfied that</p> <ul style="list-style-type: none">• the organism or substance is not necessary for use in the emergency or• if the application relates to a substance, the proposed plan does not adequately control the adverse effects of the substance or• if the application relates to a new organism, the proposed plan does not adequately control the adverse effects of the organism or any inseparable organism [s 48(1)]. <p><i>See also “special emergencies”.</i></p> <p>Under the Public Finance Act 1989</p> <p>If a state of emergency is declared under the CDEM Act (or a situation</p>
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	<p>occurs that affects the public health or safety of New Zealand or any part of New Zealand that the Government declares to be an emergency), the Minister may approve expenses or capital expenditure to be incurred to meet the emergency or disaster and, whether or not there is an appropriation by Parliament available for the purpose, the expenses or capital expenditure may be incurred accordingly [s 25]. The Minister may approve a capital injection to meet such an emergency or disaster, despite not being authorised under an Appropriation Act [s 25 A].</p> <p>Under the Crown Institutes Act 1992</p> <p>If a state of emergency is in place under the CDEM Act, the Prime Minister may give directions to the board of a Crown Research Institute with respect to its operations and the board shall ensure those directions are complied with [ss 43(2) and (3)].</p> <p>Under the Plant Varieties Act 1987</p> <p>During a state of national emergency declared under the CDEM Act, the Minister may impose restrictions on the rights of those who hold a grant of plant variety rights, if he or she thinks it necessary in the public interest [s 17].</p> <p>Under the Layout Designs Act 1994</p> <p>An act done by or on behalf of the Crown (or a person authorised by the chief executive of a department) in relation to an eligible layout design is not an infringement of the rights in the layout if the act is done for the purpose of assisting in a state of national emergency declared under the CDEM Act. [s 20(1)].</p>
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	<p>Under the Patents Act 2013</p> <p>Under s 179, a government department may exploit an invention “for the services of the Crown” any time after the relevant patent specification has become open to public inspection. Under s 185(1) this includes the power to exploit the invention to assist in the exercise of powers and the implementation of civil defence emergency management during a state of emergency declared under the CDEM Act.</p> <p>Under the National Animal Identification and Tracing Act 2012</p> <p>If a state of national or local emergency is declared under the CDEM Act, the National Animal Identification and Tracing Organisation may, after consulting the Ministry, give notice of alternative time limits to those prescribed by regulations made under the Act for the provision of information by any person in day-to-day charge of a NAIT animal [s 34].</p> <p>Under the Marine and Coastal Area (Takutai Moana) Act 2011</p> <p>“Accommodated activities” may be carried out in a part of the common marine and coastal area despite customary marine title being recognised in respect of that part, and is not limited or otherwise affected by the exercise of an RMA permission right or a conservation permission right. An “accommodated activity” includes an “emergency activity” [s 64]. Under s 63 an “emergency activity”</p> <ul style="list-style-type: none"> • means an activity undertaken in a customary marine title area to prevent, remove, or reduce— <ul style="list-style-type: none"> ○ an actual or imminent danger to human health or safety ○ a danger to the environment or property so significant that
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	<p>immediate action is required and</p> <ul style="list-style-type: none"> • includes any activity authorised by an enactment for the purpose of preventing any of the matters referred under the above bullet point, including an activity in relation to— <ul style="list-style-type: none"> ○ a state of emergency declared under the Civil Defence Emergency Management Act 2002 ○ a biosecurity emergency declared under the Biosecurity Act 1993 or ○ an emergency or a special emergency declared under the Hazardous Substances and New Organisms Act 1996 ○ a marine oil spill response under the Maritime Transport Act 1994 or ○ an emergency within the meaning of section 2(1) of the Fire Service Act 1975 ○ emergency works described in section 330 of the Resource Management Act 1991. <p>Tax Administration Act 1994</p> <p>Under s 91AAS the Commissioner of Inland Revenue may determine that an event is an emergency event for the purposes of “family scheme income” if the event meets these definitions of an emergency under CDEM (i.e. the definitions in paragraphs a and b of s 4 of CDEM). It is:</p> <ul style="list-style-type: none"> • is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act;
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	<p>and</p> <ul style="list-style-type: none"> causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand. <p>Under s 183ABA , if an emergency event physically prevents a taxpayer from making a payment on or before the due date and the taxpayer is charged interest, the taxpayer may ask the Commissioner to remit the interest charged. The Governor-General by Order in Council may declare an event to be an emergency event if it that meets the requirements of paragraphs (a) and (b) of the definition of emergency in s 4 of the CDEM Act.</p> <p>Constitution Act 1986</p> <p>The Governor-General may, by Proclamation, change the place of meeting of Parliament if that place is unsafe or uninhabitable [s 18(1A). Please note: this subsection does not specifically identify the circumstances in which the place may be unsafe, but it was inserted into the Constitution Act by the CDEM Act 2002.]</p> <p>Under the Public Safety (Public Protection Orders) Act 2014</p> <p>If a civil defence emergency affects the area in which a prison and a residence are physically located, the manager of the prison may assume control over the residence and the residents in the residence. In this provision a “civil defence emergency” means a situation that—</p> <ul style="list-style-type: none"> is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or
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	<p>spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and</p> <ul style="list-style-type: none"> causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of persons or property [s 75].
<p>Epidemic</p>	<p>Under the Epidemic Preparedness Act 2006</p> <p>With the agreement of the Minister of Health— and on the recommendation of the Director-General of Health—the Prime Minister may issue an epidemic notice: the Prime Minister may, by notice in the <i>Gazette</i>, declare that the effects of an outbreak (whether occurring within New Zealand or overseas) of a “stated quarantinable disease” are likely to disrupt or continue to disrupt essential governmental and business activity in New Zealand (or stated parts of New Zealand) significantly [s 4, and s5(1) and (2)].</p> <p>While an epidemic notice is in force, the Prime Minister may (with the agreement of the responsible Minister) issue an epidemic management notice [s 4 and s 8]. An epidemic management notice may trigger the application of prospective modification orders [s 13].</p> <p>Prospective modification orders (orders modifying statutory requirements and restrictions) may be made by the Governor-General on the</p>

	<p>recommendation of the Minister of Health (acting on the recommendation of the Director-General of Health) or the relevant responsible Minister (acting on the recommendation of the relevant department chief executive) [ss 11 and 12].</p> <p>While an epidemic notice is in force, immediate modification orders may be made by the Governor-General modifying any requirement or restriction imposed by any enactment administered by the Ministry of Health [s 14] or any requirement or restriction imposed by other enactments [s 15] —on the recommendation of the relevant Ministers.</p> <p>While an epidemic notice is in force, a judge may modify any rules of the court in any particular case [s 24].</p> <p>Under the Health Act 1956</p> <p>To prevent the outbreak or spread of any infectious disease while an epidemic notice is in force, the medical officer of health may</p> <ul style="list-style-type: none"> • declare any land, building, or thing to be insanitary, and prohibit its use for any specified purpose • cause any insanitary building to be pulled down, and the materials thereof to be destroyed or otherwise disposed of • cause insanitary things to be destroyed or otherwise disposed of • cause infected animals to be destroyed • require persons to report for medical examination • if the spread of the disease would be a significant risk to the public,
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	<p>require people to report for medical testing</p> <ul style="list-style-type: none"> • require persons, places, buildings, ships, vehicles, aircraft, animals, or things to be isolated, quarantined, or disinfected • if the spread of the disease would be a significant risk to the public, require people, places, buildings, ships, vehicles, aircraft, animals, or things to be tested • forbid persons, ships, vehicles, aircraft, animals, or things to come or be brought to any port or place in the health district from any port or place which is or is supposed to be infected with any infectious disease • require people to remain in the health district or the place in which they are isolated or quarantined until they have been medically examined and found to be free from infectious disease, and until they have undergone preventive treatment • forbid the removal of ships, vehicles, aircraft, animals, or things from the health district, or from one port or part thereof to another, or from the place where they are isolated or quarantined, until they have been disinfected or examined and found to be free from infection • prohibit the keeping of animals or of any species of animal in any specified part of the health district • forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water supply • use or authorise any local authority to use as a temporary site for a special hospital or place of isolation any reserve or endowment suitable for the purpose • by written order do either or both of the following: <ul style="list-style-type: none"> ○ require to be closed immediately, until further order or for a fixed period, any premises within the health district (or a stated area of the district) ○ require to be closed immediately, until further order or for a fixed period, any premises within the health district (or a stated area of
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	<p>the district) in which infection control measures described in the order are not operating</p> <ul style="list-style-type: none"> • by order published in a newspaper or by announcement broadcast by a television channel or radio station <ul style="list-style-type: none"> ○ require to be closed, until further order or for a fixed period, all premises within the district (or a stated area of the district) of any stated kind or description ○ require to be closed, until further order or for a fixed period, all premises within the district (or a stated area of the district) of any stated kind or description in which infection control measures described in the order are not operating ○ forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within the district (or a stated area of the district) ○ forbid people to congregate in outdoor places of amusement or recreation of any stated kind or description (whether public or private) within the district (or a stated area of the district) in which infection control measures described in the order are not operating <p style="text-align: right;">[s 70(1)].</p> <p>The medical officer of health, any environmental health officer or other authorised person, may at any time, enter on any lands, buildings, or ships, and inspect them; and may do, is necessary or expedient for the purpose of carrying out the above actions [s 70(2)].</p> <p>In the event of the outbreak of an infection disease, the medical officer of health may, while an epidemic notice is in force</p> <ul style="list-style-type: none"> • requisition any land or building (whether public or private) required for
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	<p>the accommodation and treatment of patients</p> <ul style="list-style-type: none"> • requisition any land, building, vehicle, or craft (other than an aircraft), whether public or private, required for the storage or disposal of bodies • requisition any vehicle or craft, whether public or private, required for the transport of— <ul style="list-style-type: none"> ○ patients, medical personnel, medicine, medical equipment or devices, food, or drink ○ clothing, bedding, or tents or other temporary facilities or structures ○ personnel involved in dealing with anything transported or to be transported • require to be delivered to him or in accordance with his order such drugs and articles of food or drink, and such other materials, as he deems necessary for the treatment of patients [s 71]. <p>While an epidemic management notice is in force providing for this, a medical officer of health may require the pilot of an aircraft that has landed in New Zealand to travel somewhere else in New Zealand, if satisfied that the disease is likely to have broken out in the place the aircraft has come from or where it has landed, or that the aircraft is likely to be carrying infected people or is contaminated [s 74D].</p> <p>Under the Social Security Act 1964</p> <p>While a domestic epidemic management notice is in force, the Chief Executive has certain powers (as approved by the Minister) relating to the payment of benefits, emergency benefits, and special assistance [Part 1I</p>
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	<p>(ss 61CB onwards)]While an overseas epidemic management notice is in force, the Minister may establish special assistance programmes for visitors to New Zealand [s 61CF].</p> <p>Under the Immigration Act 2009</p> <p>While an epidemic management notice is in force: a District Court may deal with certain matters on basis of documents only [s 337]; an immigration officer and a released person may agree in writing to vary a condition imposed on someone's release [s 340].</p> <p>Under the Parole Act 2002</p> <p>The procedure of the Parole Board may be modified while an epidemic management notice is in force if the chairperson of the Board or a panel convenor is satisfied that it is desirable [s 13A].</p> <p>Requirements relating to the consideration of offenders for parole[s 27A], the determination of recall applications [s 65A] and the hearing of applications for extended supervision orders [s 107GA] may be modified while an epidemic management notice is in force.</p> <p>While an epidemic management notice is in force, a probation officer who has made an application to the Board for the variation of a release condition imposed by the Board may himself or herself vary the condition;</p>
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	<p>and the variation has effect until the application has been heard and disposed of [s 56A].</p> <p>Under the Sentencing Act 2002</p> <p>While an epidemic management notice is in force, probation officers may themselves vary: the special and standard conditions of a sentence of supervision [s 54A]; the special and standard conditions of a sentence of intensive supervision [s 54L]; the curfew period and conditions of a sentence of community detention [s 69J]; the special and standard conditions of a sentence of home detention [s 80ZH]; the post-detention conditions of a sentence of home detention [s 80ZI].</p> <p>While an epidemic management notice is in force, the chief executive of the Department of Corrections may authorise probation officers to remit (up to certain limits) the hours of community work imposed by the court on offenders [s 67A]; and to extend by not more than 12 months the total period during which the community work of offenders must be done [s 69A].</p> <p>Under the Corrections Act 2004</p> <p>If the medical officer of health has exercised his or her special powers under s 70 of the Health Act while an epidemic notice is in force, a prisoner who is eligible for release under the Parole Act 2002 may be detained beyond his or her statutory release date [s 179 A].</p>
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	<p>Under s 179C of the Act an “epidemic emergency affecting a prison or prisoners” means an epidemic that occurs while an epidemic notice is in force, in respect of which the chief executive reasonably believes that the corrections system is no longer able to fulfil its purpose of ensuring that sentences are administered in a safe, secure, humane, and effective manner. The chief executive must notify the Minister within 7 days of determining the existence of an epidemic emergency affecting a prison or prisoners [s 179D].</p>
<p>Drinking water-emergency</p>	<p>Health Act 1956</p> <p>Under s 69ZZA the Minister of Health may declare a drinking-water emergency in relation to a drinking water supply if he or she believes on reasonable grounds there is a serious risk of harm to the health or safety of any people arising from the drinking water supplied to those people, or from a lack of drinking water available to those people.</p> <p>In a drinking-water emergency, a medical officer of health or a health protection officer may:</p> <ul style="list-style-type: none"> • take immediate action, or require someone else to take immediate action, to prevent, reduce, or eliminate any risk to public health from a drinking-water supply

	<ul style="list-style-type: none"> • require any drinking-water supplier to stop supplying, or, as the case requires, transporting drinking water that is not potable • require all persons within a specified area to use an alternative drinking-water supply • require emergency work to be done to provide an alternative supply of drinking water • forbid the discharge of any substance or organism that might contaminate or pollute a source of drinking water or a drinking-water supply system • require any place, building, vehicle, vessel, rail wagon, or thing to be isolated, quarantined, or disinfected, or any thing to be relocated or secured • close any public place, or any part of a public place, that does not have an adequate supply of safe drinking water • cancel any public event, function, or gathering at any place that does not have an adequate supply of drinking water • require any person to leave or not enter any place in the vicinity of the emergency • require any person to stop any activity that may be contributing to the
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	<p>drinking-water emergency</p> <ul style="list-style-type: none"> • grant to any drinking-water supplier or other person an exemption from the duty to comply with the provisions of the Health Act relating to drinking water or drinking-water standards • take any other action reasonably necessary to control, reduce, or avoid the risk of harm to people arising from the drinking water supplied to them [s 69ZZD].
<p>Emergency relating to food</p>	<p>Under the Food Act 2014</p> <p><i>Powers of the Minister or chief executive</i></p> <p>Under s 410 of the Act, the Minister or chief executive may issue an emergency notice if he or she considers that—</p> <ul style="list-style-type: none"> • an emergency or an urgent situation has arisen and • the emergency or the urgent situation creates a risk of death, or serious harm, to any person and • the emergency notice is necessary to alleviate or minimise the risk and

	<ul style="list-style-type: none"> • it is not practicable in the circumstances of the particular case for the chief executive to issue a notice under s 405. <p>Section 405 empowers the Chief Executive to issue notices relating to a range of matters.</p> <p>Under the Food Act 1981</p> <p>Under s 11M, the Director-General may issue emergency food standards or amend food standards, or both, if he or she considers that—</p> <ul style="list-style-type: none"> • the issue or amendment of a food standard is necessary to alleviate or minimise any risk of the death of, or serious harm to, any person; and • it is not practicable in the circumstances of the particular case for the Minister to issue or amend a food standard to effectively alleviate or minimise that risk.
<p>Hazardous substance or new organisms emergency</p> <p>As defined by s 135 of the Hazardous Substances and New Organisms Act</p>	<p>Under the Hazardous Substances and New Organisms Act 1996</p> <p>Under s 136 (within Part 9) of the HSNO Act, enforcement officers can</p>

<p>1996 (HSNO Act):</p> <p>emergency means—</p> <ul style="list-style-type: none"> • actual or imminent danger to human health or safety; or • a danger to the environment or chattels so significant that immediate action is required to remove the danger— <p>arising from a hazardous substance or new organism</p>	<p>declare a hazardous substance or new organisms emergency if he or she has reasonable grounds to believe that</p> <ul style="list-style-type: none"> • there is an emergency and • either no state of emergency has been declared under the CDEM Act; or the emergency is not being dealt with under the Fire Service Act 1975; or no emergency has been declared under the Biosecurity Act 1993; or no other enforcement officer has declared an emergency under the HSNO Act and • certain emergency powers should be exercised. <p>When a hazardous substance or new organisms emergency has been declared, an enforcement officer</p> <ul style="list-style-type: none"> • may enter premises or any dwelling (without the occupier's consent and without a search warrant) to inspect them and to take samples, remove items, and conduct tests (among other things) • direct any person to stop any activity which may contribute to the emergency • request any person to take some action to prevent or limit the extent of the emergency • direct any person to leave or not enter the vicinity of the emergency • requisition property • destroy property to prevent or limit the extent of the emergency • secure the site for up to 24 hours after the immediate danger is past [s137].
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	<p>If an emergency is foreseeable, the Environmental Protection Authority may approve (or decline) under s 48, applications made under s 47 to</p> <ul style="list-style-type: none"> • import any hazardous substance for release in an emergency • import any new organism for release in an emergency • release any new organism from containment in an emergency • release any hazardous substance from containment in an emergency • use any hazardous substance in an emergency in a manner which would otherwise contravene the provisions of the HSNO Act or any regulations. <p>(Under s 46(1)(d), an emergency includes an emergency declared under Part 9 of the HSNO Act.)</p> <p>The Authority may only decline the application if satisfied that</p> <ul style="list-style-type: none"> • the organism or substance is not necessary for use in the emergency or • if the application relates to a substance, the proposed plan does not adequately control the adverse effects of the substance or • if the application relates to a new organism, the proposed plan does not adequately control the adverse effects of the organism or any inseparable organism [s 48(1)]. <p><i>See also "special emergencies".</i></p> <p>Under the Marine and Coastal Area (Takutai Moana) Act 2011</p> <p>"Accommodated activities" may be carried out in a part of the common</p>
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	<p>marine and coastal area despite customary marine title being recognised in respect of that part, and is not limited or otherwise affected by the exercise of an RMA permission right or a conservation permission right. An “accommodated activity” includes an “emergency activity” [s 64]. Under s 63 an “emergency activity”</p> <ul style="list-style-type: none"> • means an activity undertaken in a customary marine title area to prevent, remove, or reduce— <ul style="list-style-type: none"> ○ an actual or imminent danger to human health or safety ○ a danger to the environment or property so significant that immediate action is required and • includes any activity authorised by an enactment for the purpose of preventing any of the matters referred under the above bullet point, including an activity in relation to an emergency or a special emergency declared under the Hazardous Substances and New Organisms Act 1996. <p><u>Under the Agricultural Compounds and Veterinary Medicines Act 1997</u></p> <p>The Director-General may waive the requirement to notify an application to register a trade name product if</p> <ul style="list-style-type: none"> ○ the trade name product is not, and does not contain, a hazardous substance or new organism and ○ the Minister has advised the Director-General in writing that <ul style="list-style-type: none"> ▪ an emergency has arisen under the Hazardous Substances and New Organisms Act and ▪ the Minister agrees to the Director-General
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	<p>considering whether to grant a waiver and</p> <ul style="list-style-type: none">○ the Director-General is of the opinion that the trade name product is likely to be required for use in the emergency [s15(3)].
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<p>Hazard substance emergency</p> <p>As defined by s 2 of the Fire Safety Act 1975, hazardous substance emergency means</p> <p style="padding-left: 40px;">the release or potential accidental release of any hazardous substance from any building or other premises, or from any receptacle, container, vessel, or pipe, or from any conveyance (whether motorised or not), where the release of that hazardous substance constitutes a contaminant</p>	<p>Under the Fire Service Act 1975</p> <p>If, in the event of a hazardous substance emergency occurring, the Chief Fire Officer (or the person for the time being in charge of the fire brigade) considers that the fire brigade could render assistance, that person may proceed (or direct some other person to proceed) forthwith to the place to which the brigade has been called, and endeavour by all practicable means to cause the stabilising or rendering safe of the hazardous substance emergency, and save lives and property in danger [s 28(3A)]. If the fire brigade attends the emergency, the person in charge of the fire brigade has the powers of an enforcement officer under the HSNO Act pertaining to that emergency until the arrival of an enforcement officer [s 28 (3B)].</p>
<p>Fire (and other) emergencies</p>	<p>Under the Fire Service Act 1975</p> <p>For the purposes of any fire or other emergency, the National Commander has all the powers of the Chief Fire Officer in any Fire District [s 23(2)].</p>

	<p>The Chief Fire Officer is charged with the operation of all fire brigades in the Fire District for which he or she is appointed [s28(1)]</p> <p>In the event of any alarm of fire or any fire happening, the Chief Fire Officer of the Fire District(or the person for the time being in charge of the fire brigade) shall forthwith proceed (or direct some other member of the brigade to proceed forthwith), to the place to which the brigade has been called, and endeavour by all practicable means to extinguish and prevent the spread of the fire (if any), and to save lives and property in danger [s 28(2)].</p> <p>In the event of fire or other emergency, the person for the time being in charge of the fire brigade</p> <ul style="list-style-type: none"> • shall control and direct all fire brigades and defence fire brigades and industrial fire brigades and all persons there who place their services at his disposal • may enter upon any land, building, or structure and, if necessary, break into any building or structure which may be on fire or otherwise endangered or which is in the near neighbourhood of the emergency • may take any equipment required to be used into, through, or upon any land, building, or structure may remove from any building or structure which is on fire or otherwise endangered or which is in the near neighbourhood of the fire or emergency, any flammable, combustible, explosive, or dangerous material found therein • may, for the purpose of extinguishing or preventing the spread of fire, cause any building or structure which is on fire or otherwise endangered, or which is or in the vicinity of any building or structure
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	<p>which is on fire, to be pulled down, either wholly or partially</p> <ul style="list-style-type: none">• may, for the purpose of extinguishing or preventing the spread of fire or for the purpose of reducing danger from any emergency, cause any tree or other plant to be cut or pulled down, either wholly or partially and removed if he considers it necessary• may cause water to be shut off from, or turned into, any main or pipe in order to obtain a greater pressure and supply of water <p>may cause any motorway, highway, road, street, private road, right of way, service lane, access way, thoroughfare, railway, or tramway in the vicinity of the fire or other emergency to be closed for traffic</p> <ul style="list-style-type: none">• may remove any vehicle impeding the operation of the fire brigades, and, where reasonably necessary for that purpose, he may use force or break into any such vehicle• may remove, using reasonable force if necessary, any person who, by his presence or otherwise, interferes with operations to deal with the fire or emergency or who, in his opinion, is in danger• may shut off or disconnect the supply of gas, fuel oil, or electricity to any building which is on fire or otherwise endangered or which is in the vicinity of the emergency, or the supply of electricity to any electric tramway or trolley omnibus route in the vicinity of the emergency• may, at the time of the fire or emergency or within a reasonable time thereafter, pull down or shore up any building or structure or any portion of any building or structure which, in his opinion, has been so
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	<p>damaged as to be or likely to become dangerous to life or property,</p> <p>may, at the time of the fire or emergency or within a reasonable time thereafter, cut or pull down any tree or other plant or any part of any tree or other plant which, in his opinion, has been so damaged as to be or likely to become dangerous to life or property</p> <ul style="list-style-type: none"> • may generally do all other things that are reasonably necessary for protecting life or property in dealing with the fire or other emergency • may require the owner of the property, or the owner's agent, to provide such information pertaining to that incident as the person in charge of the fire brigade so engaged deems necessary in order to carry out that person's duties. [s 28(4)] <p>In the case of each serious regional rural fire, the National Rural Fire Officer is responsible for taking charge of that emergency or appointing someone to take charge— [s 17X]</p> <p>For the purposes of any fire or other emergency</p> <ul style="list-style-type: none"> • every member of the Fire Service in charge of a Fire Region has all the powers of a Chief Fire Officer in respect of any Fire District within that Fire Region [s 24A] . • every member of the Fire Service in charge of a Fire Area has all the powers of a Chief Fire Officer in any Fire District within that Fire Area [s 25A].
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	<p>Under the Forest and Rural Fires Act 1977</p> <p>A Fire Officer may by special permit authorise the lighting of a fire in the open air, even if an extreme fire hazard warning is in force or during a prohibited fire season, in order to prevent, reduce, or overcome any hazard to life or health or other serious emergency [s 24].</p> <p>Under s 36, the Principal Fire Officer or Rural Fire Officer—for the purposes of fire control upon the outbreak of fire—</p> <ul style="list-style-type: none"> • shall proceed with all possible speed to the place where the fire is and, if in his opinion the fire constitutes a hazard to life or property, endeavour by all practical means to extinguish the fire and prevent the spread thereof and to save lives and property in danger • shall have the control and direction of any brigade present at the fire and of any persons who voluntarily place their services at his disposal and of any persons (not being engaged in essential services) whose services he requires • may (along with others acting under his control and direction and with his authority) enter upon any land, house, building, or premises and, if necessary, break open any outer or inner doors of any house or building which may be on fire or in the near neighbourhood of any fire may take or give directions for taking any apparatus required to be used at a fire into, through, or upon any land, house, building, or premises • may take any measures which in the circumstances are reasonable and which appear to him to be necessary or expedient, and, in particular, may cause any vegetation to be burnt or otherwise destroyed or
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	<p>removed, and any house, building, or structure to be entered into, taken possession of, pulled down, or otherwise destroyed or removed, and any fences to be pulled down or otherwise destroyed or removed</p> <ul style="list-style-type: none"> • he may cause any street, road, private road, right of way, or thoroughfare in the vicinity of any fire or likely to be affected by the fire or by any firefighting operations to be closed for traffic during the continuance of the fire • may shut off or disconnect, or order any person having control thereof to shut off or disconnect, the supply of gas or electricity to any building which is on fire or which is in the vicinity of any fire • may order to withdraw, and (in the event of a failure or refusal to withdraw) remove or direct any Fire Officer or any member of any fire brigade present at the fire to remove, any persons who interfere with the firefighting operations or who are on or in any land, building, or premises then burning or threatened by fire, unless they have a pecuniary interest therein or in any goods or valuables whatsoever thereon: • may, at the time of the fire or afterwards, pull down or shore up any wall or building which is in his opinion so damaged by fire as to be or to be likely to become dangerous to life or property [s 36] <p>Under s 38 of the Act, a Fire Officer may require any fit person over the age of 18 years residing or working in a specified area to assist in extinguishing the fire. A Fire Officer may also declare a local fire emergency in certain circumstances.</p> <p>The National Rural Fire Officer (or a fire officer appointed by him or her) may take charge in an area where a regional fire emergency exists or appoint a Principal Rural Fire Officer or other appropriate person to take</p>
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	<p>charge [s 39].</p> <p>Under the Hazardous Substances and New Organisms Act 1996</p> <p>If an emergency is foreseeable, the Environmental Protection Authority may approve (or decline) under s 48, applications made under s 47 to</p> <ul style="list-style-type: none">• import any hazardous substance for release in an emergency• import any new organism for release in an emergency• release any new organism from containment in an emergency• release any hazardous substance from containment in an emergency• use any hazardous substance in an emergency in a manner which would otherwise contravene the provisions of the HSNO Act or any regulations. <p>(Under s 46(1)(c) an emergency is an emergency as defined in section 2 of the Fire Service Act 1975.)</p> <p>The Authority may only decline the application if satisfied that</p> <ul style="list-style-type: none">• the organism or substance is not necessary for use in the emergency or• if the application relates to a substance, the proposed plan does not adequately control the adverse effects of the substance or• if the application relates to a new organism, the proposed plan does not adequately control the adverse effects of the organism or any inseparable organism [s 48(1)]. <p><i>See also "special emergencies".</i></p> <p>Under the Marine and Coastal Area (Takutai Moana) Act 2011</p>
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	<p>“Accommodated activities” may be carried out in a part of the common marine and coastal area despite customary marine title being recognised in respect of that part, and is not limited or otherwise affected by the exercise of an RMA permission right or a conservation permission right. An “accommodated activity” includes an “emergency activity” [s 64]. Under s 63 an “emergency activity”</p> <ul style="list-style-type: none"> • means an activity undertaken in a customary marine title area to prevent, remove, or reduce— <ul style="list-style-type: none"> ○ an actual or imminent danger to human health or safety ○ a danger to the environment or property so significant that immediate action is required and • includes any activity authorised by an enactment for the purpose of preventing any of the matters referred under the above bullet point, including an activity in relation to an emergency within the meaning of section 2(1) of the Fire Service Act 1975.
<p>Biosecurity emergency</p>	<p>Under the Biosecurity Act 1993</p> <p>On the recommendation of a Minister, the Governor-General may by Proclamation declare a biosecurity emergency if satisfied on reasonable grounds that</p> <ul style="list-style-type: none"> • it is likely that—

	<ul style="list-style-type: none">○ there has been an outbreak or occurrence in New Zealand (or the EEZ) of an organism (being an organism not previously known to be established in New Zealand) that has the potential to cause significant economic loss, significant environmental loss, or both, if it becomes established in New Zealand (or the EEZ) or○ there is established in part of New Zealand (or the EEZ) an organism (being an organism not previously known to be established in New Zealand) that has the potential to cause significant economic loss, significant environmental loss, or both, if it becomes established in other parts of New Zealand (or the EEZ) or○ an organism previously thought to be of restricted distribution or abundance (or both) in New Zealand (or the EEZ) is becoming or has become so distributed and abundant in New Zealand (or the EEZ) or any part of New Zealand (or the EEZ) that it has the potential to cause significant economic loss, significant environmental loss, or both or○ a pest is, or threatens to be, beyond control by the application of the national pest management plan for that pest and● it is in the public interest that action be taken immediately to eradicate or manage the organism and sufficient powers are not otherwise available to enable the organism to be eradicated or effectively managed [s 144 and s 162AU].
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	<p>While a declaration of biosecurity emergency is in force, the Governor-General may—on the recommendation of the Minister—by Order in Council make regulations for the eradication or management of the relevant organism or otherwise for dealing effectively with the emergency [s 150].</p> <p>In areas where a declaration of biosecurity is in force, the Minister may “take such measures, and do all such acts and things and give all such directions, and require all such acts to be done or not to be done, as the Minister believes on reasonable grounds to be necessary or desirable for the purpose of eradicating or managing the organism in respect of which the emergency has been declared” [s 145].</p> <p>A chief technical officer may intervene summarily in the management or operation of a transitional facility or containment facility if he or she considers that emergency or other special circumstances require it [s126].</p> <p>Under the Agricultural Compounds and Veterinary Medicines 1997</p> <p>The Director-General may waive the requirement to notify an application to register a trade name product if the Director-General is of the opinion that a trade name product is likely to be required for use in a biosecurity emergency [s 15].</p>
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	<p>Under the Marine and Coastal Area (Takutai Moana) Act 2011</p> <p>“Accommodated activities” may be carried out in a part of the common marine and coastal area despite customary marine title being recognised in respect of that part, and is not limited or otherwise affected by the exercise of an RMA permission right or a conservation permission right. An “accommodated activity” includes an “emergency activity” [s 64]. Under s 63 an “emergency activity”</p> <ul style="list-style-type: none"> • means an activity undertaken in a customary marine title area to prevent, remove, or reduce— <ul style="list-style-type: none"> ○ an actual or imminent danger to human health or safety ○ a danger to the environment or property so significant that immediate action is required and • includes any activity authorised by an enactment for the purpose of preventing any of the matters referred under the above bullet point, including an activity in relation a biosecurity emergency declared under the Biosecurity Act 1993.
<p>Emergencies involving animals or animal products</p>	<p>Under the Fisheries Act 1996</p> <p>The Minister may impose emergency measures in respect of stock or areas affected by</p> <ul style="list-style-type: none"> • an outbreak of disease • a serious decline in the abundance or reproductive potential of one or

	<p>more stocks or species</p> <ul style="list-style-type: none"> • a significant adverse change in the aquatic environment [s 16]. <p>Under the Animal Products Act 1999</p> <p>The Minister may institute “emergency control schemes” if—in his or her opinion—an emergency or urgent situation has arisen involving risk to</p> <ul style="list-style-type: none"> • human or animal health • the integrity or reputation of New Zealand exports of animal material or products • overseas market access for New Zealand exports of animal material or products <p>and it is not practicable in time to deal with the situation, to issue regulations or otherwise minimise the risk. [s 41].</p> <p>In the same circumstances the Minister may issue emergency animal product standards and specifications [s46].</p>
<p>Marine oil spill</p> <p>oil spill into the internal waters of New Zealand or New Zealand marine</p>	<p>Under the Marine Transport Act 1994</p> <p>Marine oil spoils are not specifically classified as emergencies under the</p>

waters [Marine Transport Act 1994, [s 281](#)]

Act.

However, [part 23](#) sets out various powers of national, regional and on-scene commanders to respond to such an event.

Under [s 300](#) if a regional on-scene commander is notified or otherwise becomes aware, of a marine oil spill within the region of the council by whom that on-scene commander is appointed, he or she shall decide whether or not it is appropriate for any action to be taken in response to that marine oil spill.

Under [s 301](#), if a National On-Scene Commander is notified by the Director or otherwise becomes aware of a marine oil spill, he or she shall decide whether or not it is appropriate for any action to be taken in response to that marine oil spill.

Under [s 305](#), if a regional on-scene commander or the National On-Scene Commander decides that it is appropriate for a regional council or Maritime New Zealand to take action in respect of a marine oil spill, he or she may

- direct the master or owner of any New Zealand ship, or the owner of any offshore installation, or the owner of any oil transfer site to do anything, or refrain from doing anything, that the on-scene commander considers necessary or desirable to control or clean up the marine oil spill, or both
- remove any person obstructing a marine oil spill response from an area

	<p>where a marine oil spill response is being carried out</p> <ul style="list-style-type: none"> • require the evacuation or the exclusion of persons, vehicles, or New Zealand ships from any area where a marine oil spill response is being carried out • totally or partially prohibit, or restrict, public access on any road or to any public area or any part of the sea, that is within an area where a marine oil spill response is being carried out • remove from any road, public place, or from the sea, in an area where a marine oil spill response is being carried out, any New Zealand ship, any vehicle, or other thing impeding that response, and may enter forcibly any such ship, vehicle, or other thing • carry out such inspections in respect of any New Zealand ship, any vehicle, or other thing in an area where a marine oil spill response is being carried out • require the owner or person for the time being in control of any land, building, vehicle, New Zealand ship, or any other property to place that property under his or her control and direction. <p>Under s 311 of the Act, if a regional on-scene commander or the National On-Scene Commander decides that it is appropriate for a regional council or Maritime New Zealand to take action in respect of a marine oil spill, he or she may:</p>
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	<ul style="list-style-type: none">• disseminate information and advice to the public relating to the marine oil spill• carry out such works as will control and clean up the marine oil spill• provide any item, equipment, or facility to assist with the control and clean up of the marine oil spill. <p>Under the Hazardous Substances and New Organisms Act 1996</p> <p>If an emergency is foreseeable, the Environmental Protection Authority may approve (or decline) under s 48, applications made under s 47 to</p> <ul style="list-style-type: none">• import any hazardous substance for release in an emergency• import any new organism for release in an emergency• release any new organism from containment in an emergency• release any hazardous substance from containment in an emergency• use any hazardous substance in an emergency in a manner which would otherwise contravene the provisions of the HSNO Act or any regulations. <p>(Under s 46(1)(e) an emergency includes a marine oil spill emergency.)</p> <p>The Authority may only decline the application if satisfied that</p> <ul style="list-style-type: none">• the organism or substance is not necessary for use in the emergency or• if the application relates to a substance, the proposed plan does not adequately control the adverse effects of the substance or• if the application relates to a new organism, the proposed plan does not adequately control the adverse effects of the organism or any
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	<p>inseparable organism [s 48(1)].</p> <p>Under s 49B a responsible minister may declare an “adverse event” to be a special emergency if the event is a matter that falls within the Minister’s portfolio. An adverse event includes a marine spill emergency [s 49A].</p> <p>See section on “special emergencies”.</p> <p>Under the Marine and Coastal Area (Takutai Moana) Act 2011</p> <p>“Accommodated activities” may be carried out in a part of the common marine and coastal area despite customary marine title being recognised in respect of that part, and is not limited or otherwise affected by the exercise of an RMA permission right or a conservation permission right. An “accommodated activity” includes an “emergency activity” [s 64]. Under s 63 an “emergency activity”</p> <ul style="list-style-type: none"> • means an activity undertaken in a customary marine title area to prevent, remove, or reduce— <ul style="list-style-type: none"> ○ an actual or imminent danger to human health or safety ○ a danger to the environment or property so significant that immediate action is required and • includes any activity authorised by an enactment for the purpose of preventing any of the matters referred under the above bullet point, including an activity in relation to a marine oil spill response under the Maritime Transport Act 1994.
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<p>Emergency involving the waters of Lake Wanaka</p>	<p>Under the Lake Wanaka Preservation Act 1973</p> <p>Under s 5(2)(b) of the Act, the Guardians of Lake Wanaka (who are appointed by the Minister of Conservation) may declare as an emergency “any state of affairs existing when the lake water appears likely to attain such a level as to cause loss or damage to human life, livestock, or property by flooding” .</p>
<p>Ship posing an immediate threat to the security or safety of persons, ships, or other property.</p>	<p>Under the Maritime Security Act 2004</p> <p>Under s 31(1)(e), if the Chief Executive has clear grounds to believe that a ship is not in compliance with the requirements of the Act or a valid International Ship Security Certificate has not been produced when required, the Chief Executive must impose control measures which may include expelling the ship from the port if—</p> <ul style="list-style-type: none"> • the chief executive has reasonable grounds to believe that the ship poses an immediate threat to the security or safety of persons, ships, or other property and • there are no other appropriate means for removing that threat and • the chief executive has consulted with the local medical officer of health and the chief executives of—

	<ul style="list-style-type: none"> ○ the New Zealand Police and ○ the New Zealand Customs Service and ○ the Ministry of Health and ○ the Department of Labour and ○ any other department of State whose operations may, in the opinion of the chief executive, be affected by the action. <p>If the Chief Executive has clear grounds to believe that a ship is not in compliance with the Act, he or she may also deny the ship entry, if the conditions listed above apply [s 34].</p>
<p>“Special emergency”</p> <p>An “adverse event” can be declared a special emergency under the Hazardous Substances and New Organisms Act 1996. An “adverse event” can include but is not limited to [ss 49A and 46(1)]</p> <ul style="list-style-type: none"> ● an event involving the release of a new organism for which a national 	<p>Under the Hazardous Substances and New Organisms Act 1996</p> <p>Under s 49B of the HSNO Act a responsible minister may declare an “adverse event” to be a special emergency if the event is a matter that falls within the Minister’s portfolio. Responsible Ministers are ministers responsible for the administration of the HSNO Act, the Agricultural Compounds and Veterinary Medicines Act 1997, the Biosecurity Act 1993,</p>

<p>pest management plan has been approved under the Biosecurity Act 1993</p> <ul style="list-style-type: none"> • a state of emergency declared under the CDEM Act 2002 • an emergency as defined in the Fire Service Act 1975 • a hazardous substance or new organism emergency under the HSNO Act • a marine oil spill emergency under the Maritime Transport Act 1994. 	<p>the Conservation Act 1987, the Fisheries Act 1996, the Health Act 1956, and the Medicines Act 1981 [s 49A]. Someone who otherwise does not have approval for these activities may apply to the Environmental Protection Authority in a special emergency to</p> <ul style="list-style-type: none"> • import any agricultural compound or medicine for release • manufacture an agricultural compound or medicine that is a hazardous substance otherwise in containment; or • release any agricultural compound or medicine from containment • use any agricultural compound or medicine in a manner that would contravene the HSNO Act or any regulations- [s 49D]. <p>As soon as practicable after receiving such an application, the Environmental Protection Authority must complete a rapid assessment of the application and decide whether to approve or decline the application [s 49F].</p> <p>Under the Medicines Act 1981</p> <p>Under s24D the Minister may approve an application to distribute, sell, or advertise in a special emergency a medicine that is or contains a hazardous substance or new organism if the medicine is required for the special emergency and a special emergency has been declared</p> <p>Under the Agriculture Compounds and Veterinary Medicines Act 1997</p>
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	<p>The Director-General may waive the requirement to notify an application to register a trade name product</p> <p>if the Director-General is of the opinion that a trade name product is likely to be required for use in a special emergency declared under the Hazardous Substances and New Organisms Act. [s 15(2)]</p>
<p>International terrorist emergency</p> <p>As defined by the International Terrorism (Emergency Powers) Act 1987, an international terrorist emergency means a situation in which a person is threatening, causing, or attempting to cause—</p> <ul style="list-style-type: none"> • the death of, or serious injury or serious harm to, any person or persons or • the destruction of, or serious damage or serious injury to <ul style="list-style-type: none"> ○ any premises, building, erection, structure, installation, or road ○ any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle ○ any natural feature which is of such beauty, uniqueness, or scientific, economic, or cultural importance that its preservation from destruction, damage or injury is in the national interest ○ any chattel of any kind which is of significant historical, archaeological, scientific, cultural, literary, or artistic value or importance ○ any animal— 	<p>Under the International Terrorism (Emergency Powers) Act 1987</p> <p><i>Powers of Prime Minister and Minister</i></p> <p>Ministers of the Crown at a meeting of ministers called by the Prime Minister may authorise the exercise, by the Police, of emergency powers if they believe on reasonable grounds that</p> <ul style="list-style-type: none"> • an emergency is occurring and • the emergency may be an international terrorist emergency and <p>that the exercise of emergency powers is necessary to deal with that emergency. [s 6].</p> <p>If authority has been given to exercise emergency powers, the Prime Minister may prohibit or restrict the publication or broadcasting of</p> <ul style="list-style-type: none"> • the identity of any person dealing with the emergency or any identifying information, if he believes publishing or broadcasting these matters would be likely to endanger the safety of that person or any other person •

<p>in order to coerce, deter, or intimidate</p> <ul style="list-style-type: none"> • the Government of New Zealand, or any agency of the Government of New Zealand or the Government of any other country, or any agency of the Government of any other country or • any body or group of persons, whether inside or outside New Zealand,— <p>for the purpose of furthering, outside New Zealand, any political aim [s 2].</p>	<p>any information or material (including a photograph) relating to any equipment or technique lawfully used to deal with the emergency, if he believes publishing or broadcasting this material would be likely to prejudice measures designed to deal with international terrorist emergencies [s 14]. <i>Emergency powers of police</i></p> <p>To deal with the emergency or preserve life or property threatened by the emergency, a constable may (within the area in which the emergency is occurring)</p> <ul style="list-style-type: none"> • require the evacuation of any premises or place or the exclusion of persons or vehicles from any premises or place • enter, and if necessary break into, any premises or place, or any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle • totally or partially prohibit or restrict public access on any road or public place • remove(from any road or public place) any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle impeding measures to deal with that emergency; and, where reasonably necessary for that purpose, may use force or may break into any such aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle • destroy any property which constitutes a danger to any person • requisition any land, building, vehicle, boat, apparatus, implement, or equipment
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	<ul style="list-style-type: none"> totally or partially prohibit or restrict land, air, or water traffic [s 10(2)] <p>Any constable (who is of or above the level of position of inspector) may, for the purpose of preserving life threatened by any emergency</p> <ul style="list-style-type: none"> connect any additional apparatus to, or otherwise interfere with the operation of, any part of the telecommunications system and intercept private communications— <p>in the area in which the emergency is occurring [ss 10(3) and (4)].</p> <p>At the request of a constable, members of the Armed Forces assisting the Police may exercise the same emergency powers (except for the powers to connect additional apparatus and intercept private communications) at the request of a constable [s 12].</p>
<p>Terrorist act</p> <p>As defined in s 5(1) of the Terrorism Suppression Act 2002, an act is a terrorist act if the act is</p> <ul style="list-style-type: none"> an act against a specified terrorism convention a terrorist act in armed conflict 	<p>Under New Zealand Security Intelligence Service Act 1969</p> <p>Under s 41D of the Act, the Director may authorise a person to exercise certain powers without an intelligence warrant or a visual surveillance warrant if he or she is satisfied</p> <ul style="list-style-type: none"> that the exercise of the power is necessary for the detection, investigation, or prevention of any actual, potential, or suspected—

<ul style="list-style-type: none"> • an act intended to cause, in any one or more countries, one or more of specified outcomes, and is carried out for the purpose of advancing an ideological, political, or religious cause, and with the following intention <ul style="list-style-type: none"> ○ to induce terror in a civilian population or ○ to unduly compel or to force a government or an international organisation to do or abstain from doing any act <p>The specified outcomes referred to above are:</p> <ul style="list-style-type: none"> ○ the death of, or other serious bodily injury to, one or more persons (other than a person carrying out the act) ○ a serious risk to the health or safety of a population ○ destruction of, or serious damage to, property of great value or importance, or major economic loss, or major environmental damage, if likely to result in one or more of the other specified outcomes (except the last listed) ○ serious interference with, or serious disruption to, an infrastructure facility, if likely to endanger human life ○ introduction or release of a disease-bearing organism, if likely to devastate the national economy of a country. 	<ul style="list-style-type: none"> terrorist act or facilitation of a terrorist act and • that certain conditions apply and • that obtaining an intelligence warrant or a visual surveillance warrant within the time in which it is proposed to exercise the power is impracticable in the circumstances and a delay is likely to result in a loss of intelligence. <p>The conditions that apply are</p> <ul style="list-style-type: none"> • in the case of an intelligence warrant <ul style="list-style-type: none"> ○ the value of the information sought to be obtained under the proposed warrant justifies the particular interception or seizure or electronic tracking and ○ the information is not likely to be obtained by any other means and ○ any communication sought to be intercepted or seized under the proposed warrant is not privileged in proceedings in a court of law. • in the case of a visual surveillance warrant <ul style="list-style-type: none"> ○ the value of the information sought to be obtained under the proposed warrant justifies the visual surveillance; and ○ the information is not likely to be obtained by any other means; and
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	<ul style="list-style-type: none"> ○ any recording of activity that is sought to be obtained under the proposed warrant is not privileged in proceedings in a court of law. <p>The powers that may be exercised are the power to</p> <ul style="list-style-type: none"> • in relation to an intelligence warrant <ul style="list-style-type: none"> ○ intercept or seize any communication, document, or thing not otherwise lawfully obtainable by the person ○ undertake electronic tracking • in relation to a visual surveillance warrant, undertake visual surveillance.
<p>War or other like emergency, or actual or imminent emergency involving the deployment outside New Zealand of any part of the Armed Forces</p>	<p>Under the Defence Act 1990</p> <p>The Governor-General may from time to time, in the name and on behalf of the Sovereign and maintain armed forces [s 5].</p> <p>By virtue of being the Commander-in-Chief of New Zealand, the Governor-General shall have such powers and may exercise and discharge such duties and obligations relating to the armed forces as pertain to the office</p>

	<p>of the Commander-in-Chief [s 6(1)].</p> <p>In time of war or other like emergency—or in the event of an actual or imminent emergency involving the deployment of members of the Armed Forces outside New Zealand—the Governor-General may, by Proclamation, make an order that members of the regular forces who would otherwise be entitled to be discharged or released shall be liable to continue to serve [ss 38(2)(b) and (c)].</p> <p>In time of war or other like emergency— or in the event of an actual or imminent emergency involving deployment of members of the Armed Forces outside New Zealand—the Governor-General may, by Proclamation, declare the territorial forces, or any specified part of those forces, to be liable for continuous service [s 39(2) and (3)].</p> <p>In time of war or other like emergency—or in the event of an actual or imminent emergency involving the deployment of members of the Armed Forces outside New Zealand— the Governor-General may, by Proclamation, transfer the reserve forces, or any specified part of those forces, to the regular forces or the territorial forces; and on the making of any such Proclamation, the forces so transferred shall be liable for continuous service [ss 40(2) and (3)].</p> <p>In relation to the defence of New Zealand, the Minister has the power of control of the New Zealand Defence Force, which is exercised through the Chief of Defence Force [s 7].</p>
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	<p>The Chief of Defence Force commands the Navy, Army and the Air Force through the the Chief of those Services [s 8].</p> <p>It is the duty of the Chief of the Defence Force to perform the functions and exercise powers in accordance with the terms of reference given by the Minister to the Chief [s 25(3)].</p> <p>The Chief of Defence Force shall have all such other powers as may be reasonably necessary to perform the functions and duties imposed on the Chief by or under the Defence Act or any other enactment [s 25(4)].</p> <p>If authorised by the Minister of Defence—and in connection with an actual or imminent emergency involving the deployment outside New Zealand of any part of the Armed Forces—the Chief of Defence Force may requisition</p> <ul style="list-style-type: none"> • any ship, vehicle, aircraft, supplies, or equipment necessary for the use of the Armed Forces • any land, building, or installation necessary to enable the use of any ship, vehicle, aircraft, supplies, or equipment by the Armed Forces [s 10]. <p>It is the duty of each Chief of Service to perform the functions and to exercise the powers of appointment in accordance with the terms of reference given to each Chief of Service by the Chief of the Defence Force</p>
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	<p>[s28 (4)].</p> <p>Under the Layout Act 1994</p> <p>An act done by or on behalf of the Crown (or a person authorised by the chief executive of a department) in relation to an “eligible layout design” is not an infringement of the rights in the layout if the act is done for the defence or national security of New Zealand [s 20(1)]</p> <p>Under the Patents Act 2013</p> <p>Under s 179, a government department may exploit an invention “for the services of the Crown” any time after the relevant patent specification has become open to public inspection. Under s 185(1), this includes the power to exploit the invention for any purpose that appears to the government department necessary or desirable to avoid prejudice to the security or defence of New Zealand [s 185 (2)].</p> <p>Under the Designs Act 1953</p> <p>During any period of emergency the powers exercisable in relation to a design by a government department (or a person authorized by a government department) shall include power to use the design for any purpose which appears to the department necessary or expedient—</p>
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	<ul style="list-style-type: none"> • for the efficient prosecution of any war in which Her Majesty may be engaged • for the maintenance of supplies and services essential to the life of the community • for securing a sufficiency of supplies and services essential to the well-being of the community • for promoting the productivity of industry, commerce, and agriculture • for fostering and directing exports and reducing imports, or imports of any classes, from all or any countries and for redressing the balance of trade • generally for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community • for assisting the relief of suffering and the restoration and distribution of essential supplies and services in any part of the Commonwealth or of the Republic of Ireland or in any foreign countries that are in grave distress as a result of war • for providing or securing supplies and services required for the defence of any part of the Commonwealth or for the maintenance or restoration of peace and security in any part of the world, or for any
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	<p>measures arising out of a breach or apprehended breach of peace in any part of the world</p> <ul style="list-style-type: none"> • for preventing supplies or services being disposed of in a manner prejudicial to the defence of any part of the Commonwealth or to peace and security in any part of the world or to any such measures as aforesaid [s 19 (1)].
<p>Security emergency</p> <p>As defined in the Public Safety (Public Protection Orders) Act 2014, a security emergency means a state of affairs, brought about by the conduct of one or more persons in a residence, (i.e. a building and adjacent land located in prison precincts) that leads the residence manager reasonably to believe that persons or property in the residence cannot be protected from harm or damage without assistance [s 74(9)].</p>	<p>Under the Public Safety (Public Protection Orders) Act 2014</p> <p>If there is a security emergency in a residence the manager of the prison may direct corrections officers to assist in restoring order [s 74(1)].</p>
<p>Industrial/employment</p>	<p>Under the Defence Act 1990</p> <p>In accordance with the written authority of the Minister of Defence, the Armed Forces may be used to provide any public service in connection with an industrial dispute [s 9(2)].</p>

<p>Emergency affecting an election</p>	<p>Under the Electoral Act 1993</p> <p>Where the polling at any polling place cannot start or has to be suspended whether by reason of riot or open violence, natural disaster, or any other cause, the Returning Officer may adjourn the taking of the poll at that polling place [s 195].</p> <p>Under the Local Electoral Act 1993</p> <p>An electoral officer may adjourn the close of voting at a local election if the electoral officer believes on reasonable grounds that electors are, or are likely to be, denied a reasonable opportunity to cast a valid vote at an election or poll because of—</p> <ul style="list-style-type: none"> • natural disaster • adverse weather conditions • the breakdown of communication or energy services • riot or disorder • any other event [s 73] <p>The Governor-General may, by Order in Council, specify a later date for nomination day or polling day (and other prescribed dates) in respect of a triennial general election of members of one or more local authorities, local boards, and community boards. The Order in Council must be made on the recommendation of the Minister who must (amongst other things)</p>
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	<p>be satisfied the order is necessary to ensure that the adverse effects— of an emergency (whether local or national), or of a natural disaster, adverse weather conditions, the breakdown of communication or energy services, riot or disorder, or any other event — do not deny electors a reasonable opportunity to cast a valid vote, nominate a candidate, or accept nomination as a candidate in relation to the election [s 73A].</p>
<p>Petroleum emergency</p>	<p>Under the International Energy Agreement Act 1976</p> <p>The Governor-General may—by Proclamation approved in Executive Council—declare a petroleum emergency if it appears that New Zealand's obligations under the International Energy Agreement require the taking of emergency measures to deal with a reduction or threatened reduction of petroleum supplies. [s 3]</p> <p>While a petroleum emergency proclamation is in force, the Governor-General by Order-in-Council may make emergency regulations controlling, regulating, prohibiting, or otherwise making provision as to the production, acquisition, distribution, supply, or use of petroleum or engine fuel (other than provision as to the price thereof) [s 4].</p>
<p>Emergencies undefined or broadly defined to include threats to public safety, death or serious injury, damage to property or the environment</p>	<p>Under the Policing Act 2008</p>

	<p>The Police Commissioner may appoint people that the Commissioner thinks necessary for the efficient exercise and performance of the powers, functions, and duties of the Police [s 18]. Among the functions of the Police are public safety and emergency management [s 9]. Before administering the constable's oath, the Commissioner must be satisfied that the Police employee is adequately trained to exercise the powers of a constable; and capable of exercising the powers of a constable [s 22(2)]. Specific powers are contained in many enactments.</p> <p>Under the Fire Service Act 1975</p> <p>If, in the event of any emergency occurring (other than an emergency involving fire or hazardous substances) at which the Chief Fire Officer of the Fire District (or the person for the time being in charge of the fire brigade) considers that the brigade could render assistance, that person may proceed (direct some other member of the brigade to proceed) forthwith to the emergency and shall take whatever action is necessary to save lives and property in danger [s 28(3)].</p> <p>Under the Defence Act 1990</p> <p>The Armed Forces may be used in New Zealand or elsewhere to provide assistance to the civil power in time of emergency [s 9(1)(b)].</p> <p>The Prime Minister (or—if the Prime Minister is unavailable—the next</p>
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	<p>most senior Minister available) may authorise any part of the Armed Forces to assist the Police in dealing with an emergency in which one or more persons are threatening to kill or seriously injure any other person, or are causing the destruction of or serious damage to any property (or such an emergency is imminent) and the emergency cannot be dealt with by the Police without the assistance of the Armed Forces exercising powers available to constables [s 9(4)]. Members of the Armed Forces assisting the Police in accordance with such an authority act at the request of the constable in charge of operations in respect of the emergency [s 9(5)] and may, for any purpose necessary to assist the Police, exercise any power of a constable [s 9(6)].</p> <p>Under the Local Government Act 2002</p> <p>A local authority may (for the purpose of doing anything that it is authorised to do) enter occupied land or buildings without giving prior notice, if—</p> <ul style="list-style-type: none"> • there is a sudden emergency causing or likely to cause— <ul style="list-style-type: none"> ▪ loss of life or injury to a person or ▪ damage to property or ▪ damage to the environment or • there is danger to any works or adjoining property [s 173]
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	<p>(Certain provisions of the Search and Surveillance Act apply.)</p> <p>Under the Local Government (Auckland Council) Act 2009</p> <p>Under s 64(c) an Auckland water organisation that is not a local authority has the powers of a local authority under s173 of Local Government Act 2002 in relation to its water supply and wastewater services (i.e. power of entry in cases of emergency).</p> <p>Under s 69, an Auckland water organisation does not need to give notice of its intention to open or break up any road or public land, if work is urgent and necessary because of any defective equipment or other emergency.</p> <p>Under the Conservation Act 1987</p> <p>The Conservation Minister may for reasons of public safety or emergency close any conservation area to public entry [s 13(1)(c)].</p> <p>Under the Resource Management Act 1990</p> <p>Where any public work, any natural and physical resource or area, any work or network utility operation, or any service or system operated by a lifeline utility is affected— or likely to be affected— by an adverse effect on</p>
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	<p>the environment which requires immediate preventive measures or remedial measures—or by any sudden event causing or likely to cause loss of life, injury, or serious damage to property— then certain requirements or restrictions concerning the use of land, the coastal marine area, the beds of lakes and rivers, of water, and on the discharge of contaminants under the RMA Act do not apply to any activity undertaken by—or on behalf of— a person, authority, network utility operator, or lifeline utility to remove the cause of, or mitigate any actual or likely adverse effect on the public work, natural and physical resource or area, project or network utility operation or any service. [s 330]</p> <p><i>Section 330 relates to emergency works and the power to take preventive or remedial action. Under s 63 of the Marine and Coastal Area (Takutai Moana) Act 2011 these emergency works are also defined as an “emergency activities”. For a description of the powers exercisable in this case see the references to this Act in previous sections of the catalogue.</i>Under the Walking Access Act 2008</p> <p>A controlling authority may close a walkway if it is satisfied on reasonable grounds that the walkway should be closed during an emergency[s 38].</p> <p>Under the Marine Mammals Protection Act 1978</p> <p>With some exceptions, the Minister is not required to notify in the <i>Gazette</i> an application for a permit to hold or take any marine mammal or to import or export any marine mammal or marine mammal product, if</p>
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	<p>satisfied that it is expedient for the notice not to be published in any case where the application relates to an emergency situation [s 5(6)].</p> <p>Under the Land Transport Act 1998</p> <p>Under s 122, an enforcement officer may seize and impound a motor vehicle for up to 12 hours in the interests of public safety, if it is unlikely that those interests could be secured by exercising other powers. The 12 hour period may be extended by a further 12 hours [s 122(2)].</p> <p>Under s 162, the Land Transport Agency may make emergency rules to alleviate or minimise any risk of the death of or a serious injury to a person, or of damage to property. The Minister may revoke any emergency rule.</p> <p>Under the Maritime Transport Act 1994</p> <p>Under s 37, the Director may make emergency maritime rules, if the Director considers such rules are necessary to alleviate or minimise any risk of the death of or a serious injury to any person, or of damage to any property (and it is not practicable for the Minister to make these rules). The Minister may revoke these rules.</p> <p>Under s 391, the Director may make emergency marine protection rules, Minister may revoke these rules.</p>
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	<p>Under the Railways Act 2005</p> <p>Under s 56 the New Zealand Transport Agency may make any emergency rules necessary to alleviate or minimise the risk of the death of, or serious injury to, individuals, or significant damage to property, caused by the operation of a railway or the use of railway premises. The Minister may revoke any emergency rules.</p> <p>Under s 76, a “licensed access provider” may direct the owner/occupier of a place or the person in charge of the following things to take effective measures to extinguish, remove, or screen the fire, light, structure, signal, or radiation that may be mistaken for, or interfere with, a railway signal or communication, or create difficulties for a person operating a rail vehicle, without notice in an emergency. An emergency means</p> <ul style="list-style-type: none"> • an actual or imminent danger to human health or safety • a danger to the environment or chattels so significant that immediate action is required to remove the danger. <p>Under s 86 (in the case of existing railway infrastructure that was constructed under the authority of an Act before 1 April 1993) a licensed access provider for that railway infrastructure may enter any land or premises (excluding any dwelling house or marae) at any time in the case of an emergency and may perform any operation necessary for the purposes of inspecting, maintaining, or operating the railway line.</p> <p>Under the Civil Aviation Act 1990</p>
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	<p>The Director of Civil Aviation may issue (medical) directives in emergency situations without consultation or prior notice in the <i>Gazette</i> [s 27G].</p> <p>The Director may make emergency rules to alleviate or minimise any risk of the death of or a serious injury to any person, or of damage to any property [s 31].</p> <p>The Minister may, in the event of an emergency or other crisis, appoint the Aviation Security Service to provide aviation security services at any designated aerodrome or security designated navigation installation, notwithstanding that the operator of that aerodrome or navigation installation is providing aviation security services [s 79A].</p> <p>Under the Copyright Act 1994</p> <p>Copyright in a work is not infringed by anything done in relation to the work, by or on behalf of the Crown (or any person authorised by a government department)</p> <ul style="list-style-type: none"> • for the purpose of national security or during a period of emergency • in the interests of the safety or health of the public or any members of the public [s 63(1)]. <p>Under the Trade Marks Act 2002</p>
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	<p>The Commissioner of Trade Marks may declare the Intellectual Property Office of New Zealand closed without giving publication of the closure if he or she thinks it necessary or desirable because of an emergency or other temporary circumstances [s 189(1)].</p> <p>Under the Nga Wai o Maniapoto (Waipa River) Act 2012</p> <p>Under s 31, the local authority may carry out a statutory function or exercise a power on its own account and not in accordance with a joint management agreement if an emergency situation arises.</p> <p>Under the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010</p> <p>Under s 57, the local authority may carry out a statutory function or exercise a power on its own account and not in accordance with a joint management agreement if an emergency situation arises.</p> <p>Under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010</p> <p>Under s 55, the local authority may carry out a statutory function or exercise a power on its own account and not in accordance with a joint</p>
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	<p>management agreement if an emergency situation arises.</p> <p>Under the Te Urewera Act 2014</p> <p>Under Schedule 2, cl 24 (6)(a)(ii) the chief executive of Tuhoe Te Uru Taumatua and the Director-General of Conservation may, in an emergency, undertake management activities (other than in accordance with accepted parts of the draft plan) that they consider necessary for the safety of Te Urewera or any person in Te Urewera.</p> <p>Under the Search and Surveillance Act 2012</p> <p>Under s 14, a constable who has reasonable grounds to suspect that certain circumstances exist in relation to a place or vehicle may</p> <ul style="list-style-type: none"> • enter the place or vehicle without a warrant and • take any action that he or she has reasonable grounds to believe is necessary to prevent the offending from being committed or continuing, or to avert the emergency. <p>The circumstances are:</p> <ul style="list-style-type: none"> • an offence is being committed, or is about to be committed, that would be likely to cause injury to any person, or serious damage to, or
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	<p>serious loss of, any property</p> <ul style="list-style-type: none"> • there is risk to the life or safety of any person that requires an emergency response. <p>Under s 48, an enforcement officer may use a surveillance device (for a period not exceeding 48 hours) without obtaining a surveillance device warrant in some situations of emergency or urgency: for example, if certain offences are or have been or are about to be committed and the surveillance device would obtain relevant evidential material.</p> <p>Under the Education Act 1989</p> <p>A board of trustees may close a school it administers because of epidemic, flood, fire, or other emergency, and the Secretary may reduce the number of half-days for which the school would otherwise be required to be open for instruction[s 65E].</p> <p>The Secretary may take over the management of partnership school kura hourua from the sponsor if the Secretary has reasonable grounds to believe that</p> <ul style="list-style-type: none"> • there exists in respect of a partnership school kura hourua an emergency affecting the education or welfare of its students or • there is an imminent threat of such an emergency
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	<p>and that the sponsor of the school is unwilling or unable to immediately deal with that emergency or that threat to the satisfaction of the Secretary [s 158M].</p> <p>Under the Juries Act 1981</p> <p>The court may discharge a jury without it giving a verdict if a casualty or emergency makes it, in the court's opinion, highly expedient for the ends of justice to do so [s 22(3)(a)].</p> <p><u>Under the Pitcairn Trials Act 2002</u></p> <p><u>The appropriate New Zealand authorities may enter a Pitcairn Court's premises without the express consent of the Registrar (or of an official designated by the Registrar) if an emergency requiring prompt protective action occurs on those premises, or those authorities believe on reasonable grounds that an emergency of that kind has occurred, is occurring, or is about to occur—and it is not practicable in the particular circumstances for either the Registrar or an official designated by the Registrar to be reached in time [s 23] Examples of an emergency requiring prompt protective action include</u></p> <ul style="list-style-type: none"> • <u>earthquake, fire, flood, hurricane, landslide, or release of a hazardous</u>
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	<p><u>substance, that has caused, is causing, or threatens to cause</u></p> <ul style="list-style-type: none"> ○ <u>serious damage to the Pitcairn Court's premises</u> ○ <u>the death of, or serious bodily injury to, a person on those premises</u> <ul style="list-style-type: none"> ● <u>the suspected commission on those premises, or outside those premises by a person who was freshly pursued onto those premises, of an offence against New Zealand law if that offence involves (or would if committed involve) serious damage to property, or the death of, or serious bodily injury to, a person; or that offence is (or would if committed be) punishable by imprisonment [s 24].</u>
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Appendix

The following provisions allow the existence of an emergency to constitute a defence otherwise allow certain prohibited activities .It is not a complete list.

- under [s 14](#) of the Antarctic Marine Living Resources Act 1981, if a person is charged with any offence under the Act, it is a defence that the act or omission “took place in circumstances of stress or emergency and was necessary for the preservation, protection, or maintenance of human life”
- under [s 38\(1\)](#) of the Antarctica (Environmental Protection) Act 1994, certain acts or omissions do not constitute offences if they occur in a case of emergency relating to the safety of human life, the safety of ships or aircraft, equipment or facilities of high value, or to the protection of the Antarctic environment. (Under [s 27\(3\)\(b\)](#) of this Act, the contents of, any historic site or historic monument may be removed “in an emergency, for the purpose of protection”)

- under [s 28\(3\)](#) of the Driftnet Prohibition Act 1991, it is a defence if charged with an offence under the Act that “the act or omission constituting the offence took place in circumstances of stress or emergency and was necessary for the preservation, protection, or maintenance of human life”
- under [26\(3\)](#) of the Marine Mammals Protection Act 1978, it is a defence if charged with an offence under the Act, “that the act or omission constituting the offence took place in circumstances of stress or emergency and was necessary for the preservation, protection, or maintenance of human life”
- under [s 14\(6\)](#) of the National Parks Act 1980, a prohibition on certain activities in any area of a park set apart as a wilderness area does not prevent “the doing of anything necessary for any person's protection or because of some emergency involving any person's property”
- under [s 47\(7\)](#) of the Reserves Act 1977, a prohibition on certain activities in any area of a reserve set apart as a wilderness area does not prevent “the doing of anything necessary for any person's protection or because of some emergency involving any person's property”; under [s 57\(6\)](#) and [59\(6\)](#) of the Act, restrictions placed on the anchoring or mooring of boats within a specified area of any island that is a nature reserve or a scientific reserve, do not apply in an emergency
- under [s 23\(2\)](#) of the Marine Reserves Act 1977, in time of stress or emergency, any vessel may anchor within a marine reserve and such measures may be taken by any person to avoid loss of human life or of property or injury to human life or to property as shall be expedient, notwithstanding any provisions in the Act or regulations made under it
- under [s 13\(2\)\(b\)](#) and [s 30\(2\)\(b\)](#) of the Animal Welfare Act 1999, it is a defence in a prosecution for an animal welfare offence and certain other offences if the defendant proves “that the act or omission constituting the offence took place in circumstances of stress or emergency, and was necessary for the preservation, protection, or maintenance of human life”
- under [s 79P](#) of the Land Transport Act 1998, it is a defence if charged with a “work time” offence if the failure to comply with certain provisions was due to unavoidable delay in the completion of any journey arising out of an emergency (defined as a state of emergency under CDEM, an incident attended by an emergency service or an event requiring immediate action to save life or prevent serious injury)
- under [s 13A](#) of the Civil Aviation Act 1990, pilots in command may breach provisions of the Act or regulations made under the Act if satisfied that (among other reasons) the emergency involves a danger to life or property
- under [s 179E](#) of the Corrections Act 2004, no action can be brought against the Crown, a Minister of the Crown, an officer or employee of a Minister of the Crown, the chief executive, an employee of the department (amongst others) to recover damages for any harm or loss that is due to (amongst other events) any failure by any person to comply with any provision— if the failure occurs during an epidemic emergency affecting a prison or prisoners, a prison emergency, or a state of emergency affecting a prison or prisoner.
