

GISBORNE DISTRICT

CIVIL DEFENCE EMERGENCY MANAGEMENT PLAN

**Produced by
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APPROVED: July 2004

EXPIRES: July 2009

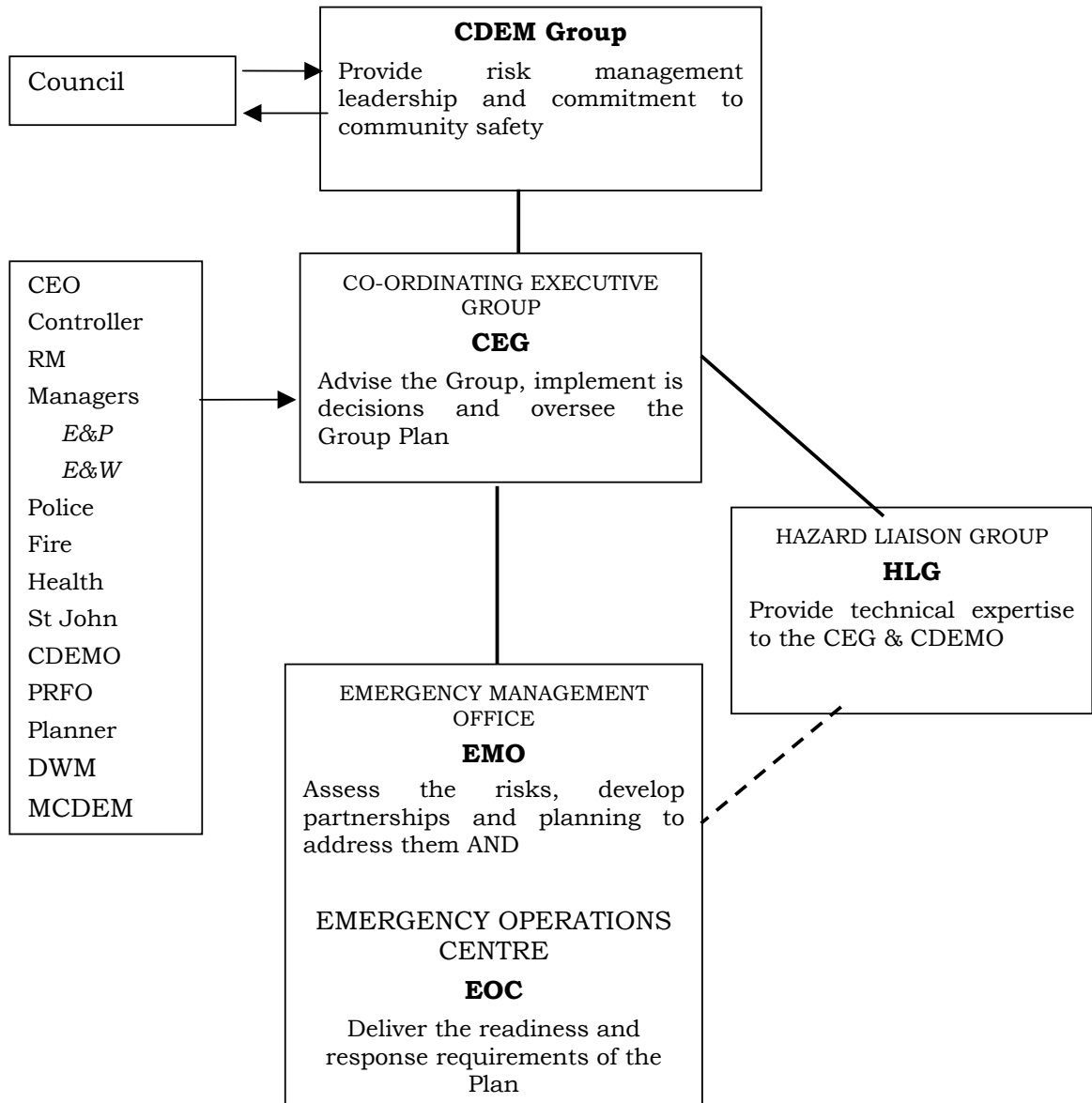


▶▶ PART FOUR ◀◀
Administrational
Arrangements

PART FOUR - Administration Arrangements

4.1 CDEM Group Description

As a Unitary Authority the Gisborne District has formed a CDEM Group based on its boundaries and the Council has established itself as the CDEM Group (political committee) to meet the requirements of Section 12 of the Act . This has simplified authorities, reporting lines and delegations (see tables 1,2 & 3)



Note see glossary – annex a for explanation of abbreviations.

4.2 The Role and Legal Requirements of the CDEM Group

The Act requires CDEM planning to take an “all hazards approach” to improve and promote the sustainable management of hazards, enable communities to achieve acceptable levels of risk and plan and prepare for emergency response and recovery.

All natural and technological¹ hazards that have the potential to be beyond the ability of emergency services to cope with, or may require a significant and co-ordinated response, must be planned for by CDEM Groups.

The strategic component binds together the elements of reduction, readiness, response and recovery (the 4R's). This approach will add to rather than replace, the operational aspects of existing plans.

The Act requires that the various members of the CDEM Group shall work together, to achieve comprehensive emergency management within the Gisborne District.

The Act recognises that different regions of New Zealand are subjected to different hazards, and that each regional community is better able to address the effects of hazards that affect that region.

The Act requires the establishment of CDEM Groups. The Gisborne Group is a consortium of Council, working in partnership with emergency services (Police, Fire, Health), lifeline utilities and the wider Community to deliver emergency management at the local level. The CDEM Group is responsible for the preparation of this Plan and its final approval and implementation.

Preparation of a CDEM Plan is mandatory. The Act requires that each Civil Defence Emergency Management Group prepare and approve a CDEM Group plan. This plan fulfils the requirement of the Act and is one of the most significant tools to ensure that hazard management within the District occurs in an integrated and co-ordinated way.

The members of the Group agree to apply risk management principles to their assets and processes. The preferred method of implementation is the AS/NZ Standard 4630:1999.

¹ Technological hazards are non natural hazards, namely those hazards created as a result of human activities (and technologies), that have the potential to create an emergency situation

The Gisborne CDEM Group is required by the Act to:

- a. In relation to relevant hazards and risks:
 - i. identify, assess, and manage those hazards and risks.
 - ii. consult and communicate about risks.
 - iii. identify and implement cost-effective risk reduction.
- b. Take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, [including volunteers,] and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area.
- c. Take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective Civil Defence Emergency Management in its area.
- d. Respond to and manage the adverse effects of emergencies in its area.
- e. Carry out recovery activities.
- f. When requested, assist other Groups in the implementation of Civil Defence Emergency Management in their areas (having regard to the competing Civil Defence Emergency Management demands within the Group's own area and any other requests for assistance from other Groups.
- g. Within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act.
- h. Monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act.
- i. Develop, approve, implement, and monitor a Civil Defence Emergency Management Group Plan and regularly review the plan.
- j. Participate in the development of the National Civil Defence Emergency Management Strategy and the National Civil Defence Emergency Management Plan.
- k. Promote Civil Defence Emergency Management in its area that is consistent with the purpose of this Act.

A Group also has any other functions that are conferred or imposed by or under this Act or any other enactment.

Provisions in the following Acts are also relevant to emergency management:

- a. Biosecurity Act 1993:
- b. Building Act 1991:
- c. Fire Service Act 1975:
- d. Forest and Rural Fires Act 1977:
- e. Hazardous Substances and New Organisms Act 1996:

- f. Health Act 1956:
- g. Health and Safety in Employment Act 1992:
- h. Local Government Act 2002:
- i. Maritime Transport Act 1994:
- j. Resource Management Act 1991:

4.3 Meeting Requirements

As Council meets about every six weeks this will enable reports to be submitted as required so there will be no need to establish a set number of meetings per year. The minutes and recommendations of each CEG meeting will be presented to the next Council meeting after it has met.

The Co-ordinating Executive Group (CEG) will meet at least twice per calendar year, mid November to ensure input into the Emergency Management Budget and in March.

Any member of the CEG may at any time make a request to the CEG chairperson for a meeting to be held.

4.4 Delegations and Powers

The Group delegates under Section 18 of the Act all of the powers of section 85 of the Act to the persons appointed as Group Controllers.

The Group delegates under Section 18 of the Act the powers of section 85 b, c, d, e, f, and h of the Act to the persons appointed as Area Co-ordinators and Community Emergency Managers if they have lost communications with the Group Controller or there is an imminent threat to life.

The Group delegates under Section 18 of the Act, to the person who declares a state of local civil defence emergency, in a state of local emergency, the authority granted under Section 26 of the Act, to appoint a Group Controller in the absence of the Group Controllers named in this Plan. This appointed person is also delegated the powers of Section 85 of the Act.

4.5 Appointments

4.5.1 **Group Controllers** (the persons appointed in this section are shown in annex o.

The Group Controllers have been appointed by the Group (upon recommendation by the CEG) under Section 26 (1) of the Act.

A Group Controller who will act in the absence of the Group Controller under Section 26 (2) of the Act has also been appointed.

As mentioned in the section above, in the event neither is available the person who declares the emergency is able to appoint a Group Controller at the time of declaration.

The structure also allows for the appointment of Alternate Controllers who can support the Group Controllers. The Alternates do not have any specific powers.

4.5.2 Group Recovery Manager

The CDEM Group has appointed a Group Recovery Manager to carry out its recovery functions. The Recovery Manager reports to the CEG.

4.5.3 Area Co-ordinators

The CDEM Group appoints a person to be the Area Co-ordinator for each of the identified civil defence Areas.

4.6 Emergency Management Office

The Emergency Management Office is provided by the Gisborne District Council. The Office co-ordinates and facilitates the 'day to day' planning and delivery of Civil Defence Emergency Management on behalf of the Group. General Tasks Include:

- ❖ Administrative and advisory support to the CEG, and CDEMG Committee.
- ❖ Project and financial management, including development and implementation of the CDEMG Plan.
- ❖ Co-ordination of CDEMG policy development and implementation.
- ❖ External liaison support with MCD&EM and other CDEM Group's.
- ❖ Co-ordination of monitoring and evaluation activities.
- ❖ Ensuring there is a functioning EOC.
- ❖ Training activities as outlined in this Plan
- ❖ Maintaining a community link.
- ❖ Maintaining a communication system that links communities and the EOC.
- ❖ Responsible for educating the public and providing advice for emergency planning.
- ❖ Providing a district wide warning system and co-ordination of non-declared events where it is required by the Group Adverse Event Plan.

4.7 Emergency Services Co-ordination Committee (ESCC)

The ESCC is an amalgamation of the ESCC committee and the Hazardous Technical Liaison Committee. The Airport Manager will be a part of the

ESCC but must maintain the Airport Emergency Committee as a requirement of the CAA. The ESCC meets bi-monthly and resolves any 'day to day' issues involving emergency services operations. It also organises joint training and exercises and other joint initiatives that have multi-agency benefits. It reports to the CEG for resolution of issues that require a higher-level involvement.

4.8 District Councillors

As a general rule Councillors will not hold positions in the civil defence organisation. Exceptions will only be made with the agreement of the Mayor for a specific purpose or skill.

Rural Councillors should make themselves available to their Area Co-ordinator to provide assistance in the Area Headquarters. Most likely roles are, helping with the media, providing local knowledge to the Intelligence Teams and relating any concerns to the Mayor.

Urban Councillors are best utilised by keeping the Mayor up to date with any major concerns in their Wards.

4.9 Costs

Unless there is a specific agreement for an identified project, costs for all agencies during and outside of emergencies 'belong' to that agency. The GDC agrees to fund the costs involved with servicing the CEG meetings. This does not include external agencies time related costs or travel expenses.

4.10 Constituting Agreement

When the Group was formed on the 23rd of May 2003 the key partners signed a Constitution/MOU that outlined the conditions and partnership principles under which the Group would function. All of the conditions and principles of that agreement have been incorporated into this Plan and as such this Plan replaces the Constitution/MOU previously signed. The partners, being the Gisborne District Council, NZ Police, NZ Fire Service and the Tairāwhiti District Health Board regard the adoption of this Plan as confirmation of their acceptance without the need to sign a constituting agreement.

4.11 Memorandum of Understanding

The Gisborne Group has a MOU with the Hawke's Bay and Bay of Plenty Groups for support during and outside of emergencies, they are contained in annex n.

4.12 Monitoring and Evaluation

4.12.1 Group Plan Monitoring & Review

To ensure effective management all project team leaders are required to report to CEG at least once in a calendar year on the status of their project. The CEG is responsible to the Group to ensure that the team leaders complete their targets and actions and will report on progress when milestones are reached.

The CDEM Officer will check the Plan for any changes or minor alterations due to currency in February each year to coincide with the March CEG meeting. Any amendments shall be discussed and acted upon then and the Plan updated in accordance with section 57 of the Act.

Any major amendments that require review under section 56 of the Act, unless deemed critical to the overall emergency management function of the Group, will be held over until a new Plan is made. A full review of the Plan will commence one year before its expiry date. The Plan remains current for a period of five years after approval.

Documents, i.e. SOP's and Contingency Plans, incorporated by reference in this Plan will also be reviewed in February and minor alterations and amendments made under section 57 of the Act. As the documents have all been approved by the CDEM Group, albeit under the old legislation, any major review will require Group approval and notification as required by section 51 (3) (b).

4.12.2 Legislative Compliance

The CDEM Officer is responsible for monitoring compliance between the Act and other relevant legislation.

4.12.3 External Monitoring

The Ministry of CDEM will be invited to report to the CEG at each of its November meetings on its view of how the Group is performing. The CEG will prepare a report to Council on this activity for the next Council meeting following its November meeting. The preparation of this report will be the responsibility of the CEO of the Gisborne District Council.

TABLE 1 - Approval, Reporting & Delegations

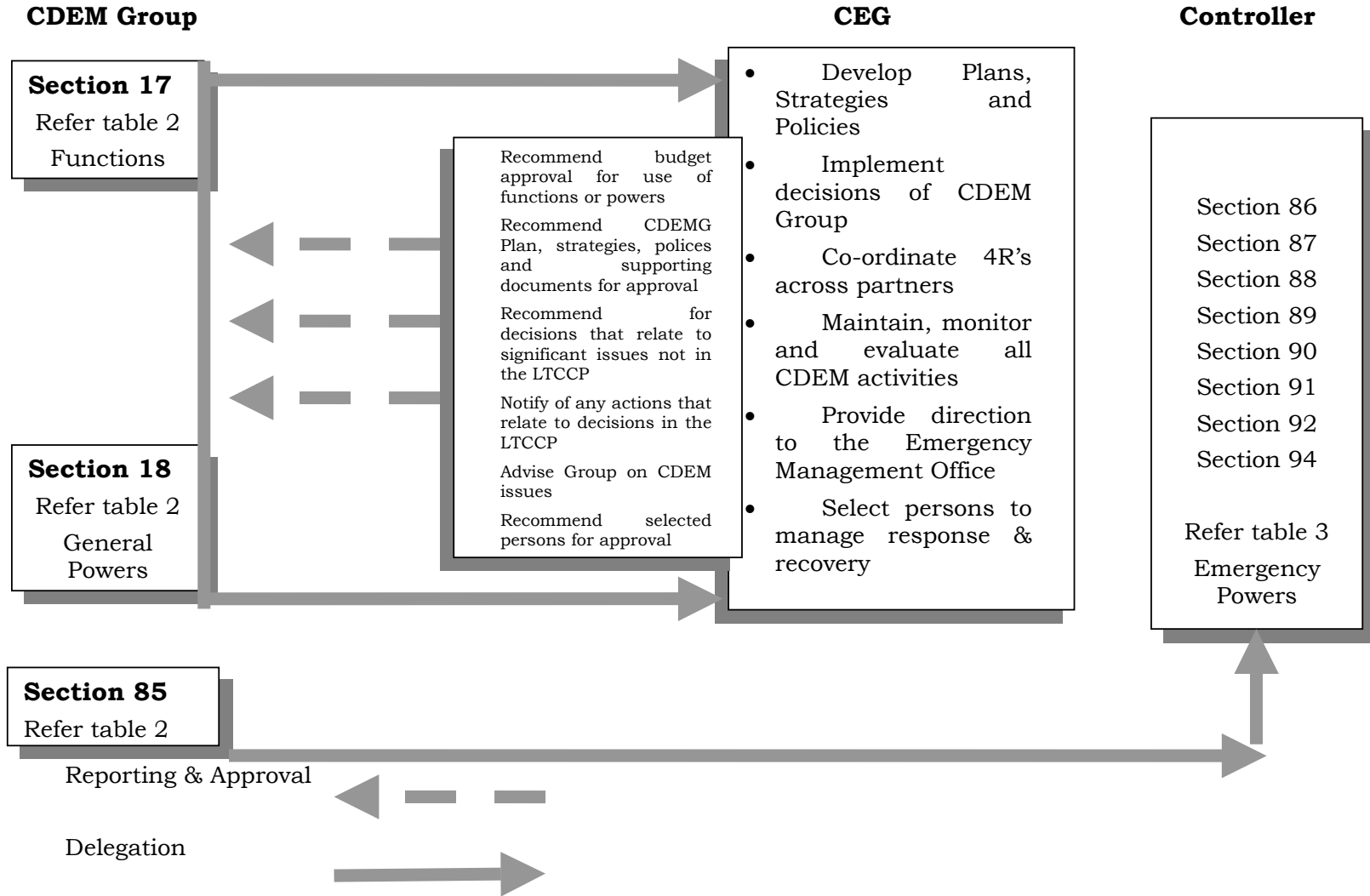


TABLE 2 - Functions, Powers & Emergency Powers of CDEM Groups

FUNCTIONS	GENERAL POWERS	EMERGENCY POWERS
<p>17. Functions of Civil Defence Emergency Management Group</p> <p>1. The functions of a Civil Defence Emergency Management Group [and of each member,] are to:</p> <ul style="list-style-type: none"> a. In relation to relevant hazards and risks: <ul style="list-style-type: none"> i. identify, assess and manage those hazards and risks: ii. consult and communicate about risks: iii. identify and implement cost-effective risk reduction: b. Take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel [including volunteers], and an appropriate organisational structure for those personnel, for effective civil defence emergency management in its area: c. Take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information and any other resources for effective civil defence emergency management in its area: d. Respond to and manage the adverse effects of emergencies in its area: e. Carry out recovery activities: f. When requested, assist other Groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Group's own area and any other requests for assistance from other Groups): g. Within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act: h. Monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act: i. Develop, approve, implement and monitor a civil defence emergency management group plan and regularly review the plan: j. Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan: k. Promote civil defence emergency management in its area that is consistent with the purpose of this Act. 	<p>18. General Powers of Civil Defence Emergency Management Groups</p> <p>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].</p> <p>2. Without limiting the generality of subsection (1), a Group may:</p> <ul style="list-style-type: none"> a. Recruit and train volunteers for civil defence emergency management tasks: b. Conduct civil defence emergency management training exercises, practices and rehearsals: c. Issue and control the use of signs, badges, insignia and identification passes authorised under this Act, regulations made under this Act, or any civil defence emergency management plan: d. Provide, maintain, control and operate warning systems: e. Provide communications, equipment, accommodation and facilities for the exercise of its functions and powers during an emergency. f. Exercise any other powers that are necessary to give effect to any civil defence emergency management plan. 	<p>85. Emergency Powers of Civil Defence Emergency Management Groups</p> <p>1. 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"> a. Carry out or require to be carried out all or any of the following: <ul style="list-style-type: none"> i. works: ii. clearing roads and other public places: iii. removing or disposing of, or securing or otherwise making safe, dangerous structures and materials [wherever they may be]: b. Provide for the rescue of endangered persons and their removal to areas of safety: c. Set up first aid posts, and provide for first aid to be given to casualties and for their movement to hospital [other place of treatment], or areas of safety: d. Provide for the relief of distress, including emergency food, clothing and shelter: e. Provide for the conservation and supply of food, fuel and other essential supplies: f. Prohibit or regulate land, air and water traffic within the area or district to the extent necessary to conduct civil defence emergency management: g. Undertake emergency measures for the disposal of [the dead] [dead persons or animals] if it is satisfied that the measures are urgently necessary in the interests of public health: h. Disseminate information and advice to the public: i. Enter into arrangements, including employment arrangements, with any person for the purpose of carrying out civil defence emergency management as may be agreed: j. Provide equipment, accommodation and facilities for the exercise of any of the powers conferred by this subsection.

TABLE 3 - Emergency Powers Available to the Controller

86. Evacuation of Premises and Places

If a state of emergency is in force and, in the opinion of a Controller or any member of the police, the action authorised by this section is necessary for the preservation of human life, that person or a person authorised by him or her may require, within the area or district in which the emergency is in force:

- a. The evacuation of any premises or place, including any public place: *or*
- b. The exclusion of persons or vehicles from any premises or place, including any public place.

87. Entry on Premises

If a state of emergency is in force in any area, a Controller or a member of the police, or any person acting under the authority of a Controller or member of the police, may enter on, and if necessary break into, any premises, or place within the area or district in respect of which the state of emergency is in force if he or she believes on reasonable grounds that the action is necessary for:

- a. Saving life, preventing injury, or rescuing and removing injured or endangered persons; *or*
- b. Permitting or facilitating the carrying out of any urgent measure for the relief of suffering or distress.

88. Closing Roads and Public Places

If a state of emergency is in force, a Controller or a member of the police, or any person acting under the authority of a Controller or member of the police, or any person so authorised in a relevant civil defence emergency management plan, may, in order to prevent or limit the extent of the emergency, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place within the area or district in respect of which the state of emergency is in force.

89. Removal of aircraft, Vessels, Vehicles etc

If a state of emergency is in force, a Controller or a member of the police, or any other person acting under the authority of a Controller or member of the police, may, in order to prevent or limit the extent of the emergency:

- a. Remove from any place within the area or district in respect of which the state of emergency is in force, any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle impeding civil defence emergency management: *and*
- b. If reasonably necessary for that purpose, use force or break in the aircraft, hovercraft, ship or ferry or other vessel, train or vehicle.

90. Requisitioning Powers

1. This section applies if a state of emergency is in force, and in the opinion of a Controller or a member of the police, the action authorised by this section is necessary for the preservation of human life.
2. The Controller or member of the police, or a person authorised by him or her, may direct the owner or person for the time being in control of any land, building, vehicle, animal, boat, apparatus, implement, earthmoving equipment, construction materials or equipment, furniture, bedding, food, medicines, medical supplies, or any other equipment, materials, or supplies, to immediately place that property (requisitioned property):
 - a. Under his or her control and direction; *or*
 - b. Under the control and direction of a Controller or a member of the police, or person authorised by that Controller or member of the police, if that person has requested the person making the requisition to do so on his or her behalf.
3. A person exercising any power conferred on him or her by this section just give to the owner or person in charge of the requisitioned property a written statement specifying the property that is requisitioned and the person under whose control the property is to be placed.
4. If the owner or person for the time being in control of any property that may be requisitioned under this section cannot be immediately found, a Controller or a member of the police, or a person authorised by a Controller or member of the police, may assume immediately the control and direction of the requisitioned property.
5. If a person assumes the control and direction of requisitioned property under subsection (4), that person must ensure that, as soon as is reasonably practicable in the circumstances, a written statement specifying the property that has been requisitioned and the person under whose control it has been placed is given to the owner or person formerly in charge of the requisitioned property.
6. The owner or person in control of any property immediately before it is requisitioned under this section must provide the person exercising the power under this section with any assistance that the person may reasonably require for the effective and safe use of that property.

91. Power to Give Directions

While a state of emergency is in force, a Controller or a member of the police, or any person acting under the authority of a Controller or member of the police, may:

- a. Direct any person to stop any activity that may cause or substantially contribute to an emergency;
- b. Request any person, either verbally or in writing, to take any action to prevent or limit the extent of the emergency.

92 Power to Carry out Inspections etc

While a state of emergency is in force, a Controller or a member of the police, or any person acting under the authority of a Controller or member of the police, may 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.

94. Contracts in Urgent Cases

1. Despite anything in the Public Bodies Contracts Act 1959, the following persons may, during a state of emergency, enter into any contract on behalf of a Civil Defence Emergency Management Group for any of the purposes of this Act:
 - a. The Chairperson of the Group;
 - b. The Deputy Chairperson of the Group;
 - c. Any employee of the Group who is authorised for the purpose in the Group's civil defence emergency management plan;
 - d. The [local] [Group] Controller.

TABLE 4 - Emergency Powers of other responders

Medical Officer of Health	On Scene Commander	Principal Rural Fire Officer
<p>70. Special powers of Medical Officer of Health</p> <p>(1) For the purpose of preventing the outbreak or spread of any infectious disease, the Medical Officer of Health may from time to time, if authorised to do so by the Minister [or if [[a state of emergency has been declared under the Civil Defence Emergency Management Act 2002]]],—</p> <p>(a) Declare any land, building, or thing to be insanitary, and prohibit its use for any specified purpose:</p> <p>(b) Cause any insanitary building to be pulled down, and the timber and other materials thereof to be destroyed or otherwise disposed of as he thinks fit:</p> <p>(c) Cause insanitary things to be destroyed or otherwise disposed of as he thinks fit:</p> <p>(d) Cause infected animals to be destroyed in such manner as he thinks fit:</p> <p>(e) Require persons to report themselves or submit themselves for medical examination at specified times and places:</p> <p>(f) Require persons, places, buildings, ships, animals, and things to be isolated, quarantined, or disinfected as he thinks fit:</p> <p>(g) Forbid persons, ships, 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:</p> <p>(h) Forbid persons to leave 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 such preventive treatment as he may in any such case prescribe:</p>	<p>305. Powers of on-scene commander</p> <p>(1) If a regional on-scene commander or the National On-Scene Commander decides that it is appropriate for a regional council or the Authority, as the case may be, to take action in respect of a marine oil spill, he or she may do all or any of the following:</p> <p>(a) 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 that is the subject of a marine oil spill response 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:</p> <p>(b) Remove any person obstructing a marine oil spill response from an area, or any part of an area, where a marine oil spill response is being carried out:</p> <p>(c) Require the evacuation or the exclusion of persons, vehicles, or New Zealand ships from any area, or any part of an area, where a marine oil spill response is being carried out:</p> <p>(d) 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:</p> <p>(e) 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 where reasonably necessary for the purpose, may enter forcibly any such ship, vehicle, or other thing:</p> <p>(f) Carry out such inspections as he or she thinks appropriate 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:</p>	<p>36. Powers of Principal Fire Officers or Rural Fire Officers at fires</p> <p>(1) For the purposes of fire control upon the outbreak of fire the Principal Fire Officer [or Rural Fire Officer] of the district shall perform the following duties and may exercise the following powers:</p> <p>(a) He shall, upon being advised of the existence of a fire, proceed, or [if a Principal Fire Officer, may] arrange for a deputy to 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:</p> <p>(b) He 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 under the provisions hereinafter contained</p> <p>Provided that, while under any such direction any brigade officer is serving in connection with any building that is on fire, the senior brigade officer so serving shall have the control and direction of any such brigade that is, and of any such persons who are, for the time being directed by the said Principal Fire Officer [or Rural Fire Officer] to serve in connection with the building:</p> <p>(c) He, and any person acting under his control and direction and with his authority, may 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 for the purpose of taking any steps which he deems necessary:</p>

<p>(i) Forbid the removal of ships, animals, or things from the health district, or from one part 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:</p> <p>(j) Prohibit the keeping of animals or of any species of animal in any specified part of the health district:</p> <p>(k) Forbid the discharge of sewage, drainage, or insanitary matter of any description into any watercourse, stream, lake, or source of water supply:</p> <p>(l) 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, notwithstanding that such use may conflict with any trust, enactment, or condition affecting the reserve or endowment:</p> <p>(m) By order published in a newspaper circulating in the health district, require all theatres and other places of public amusement, all bars and private bars in premises licensed or deemed to be licensed for the sale of liquor under [the Sale of Liquor Act 1989], all billiard rooms, all churches, reading rooms, and public halls, and all other premises where people are accustomed to assemble for any purpose within the district, or within any defined area thereof, or any of such premises as aforesaid, to be closed for admission to the public either until further order or for any fixed period, and either absolutely or subject to such qualifications as he thinks fit:</p> <p>(n) By order published in like manner, prohibit until further order or for any fixed period, and either absolutely or subject to such qualifications as he thinks fit, the congregation of people at any racecourse, recreation ground, or other place within the health district:</p> <p>(o) By order published in like manner, prohibit until further order or for a fixed period the attendance of children under the age of 16 years in schools, Sunday schools, theatres, or places of public amusement within the district or within any</p>	<p>(g) Subject to the provisions of section 306 of this Act, require the owner or person for the time being in control of any land, building, vehicle, New Zealand ship, or any other real or personal property to place that property under his or her control and direction.</p> <p>(2) The powers under subsection (1) of this section may be exercised by any on-scene commander, any person authorised by him or her, and any member of the Police.</p> <p>(3) Nothing in subsection (1)(g) of this section applies to any land, building, ship, vehicle, or other real or personal property under the control of the New Zealand Defence Force. Cf 1983 No 46 ss 58-64(1)</p> <p>306. Matters to be complied with in requisitioning</p> <p>(1) Any person exercising any power conferred by section 305(1)(g) of this Act shall give to the owner or person in charge of the requisitioned property a written statement specifying the property being requisitioned and the person under whose control the property is to be placed.</p> <p>(2) Where the owner or person for the time being in control of any property that may be requisitioned under section 305(1)(g) of this Act cannot immediately be found, an on-scene commander, member of the Police, or person so authorised by an on-scene commander may assume forthwith the control and direction of the requisitioned property.</p> <p>(3) Where any person assumes the control and direction of requisitioned property under subsection (2) of this section, that person shall ensure that, as soon as is reasonably practicable in all the circumstances, a written statement specifying the property that has been requisitioned and the person under whose control it has been placed is given to the owner or person formerly in charge of the requisitioned property. Cf 1983 No 46 s 64(2)-(4)</p> <p>310. Minister's power of direction</p>	<p>(d) He 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 which he considers convenient for the purpose:</p> <p>(e) He may take any measures which in the circumstances are reasonable and which appear to him to be necessary or expedient, and, in particular, but without prejudice to the generality of the foregoing and, subject to section 40 of this Act, he may cause any vegetation to be burnt or otherwise destroyed or 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> <p>(f) Subject to the overall requirements of the [Controller under the Civil Defence Emergency Management Act 2002, while a state of emergency exists under that Act], he may cause water to be shut off from any main, pipe, channel, or other works of water supply in order to obtain greater supply and pressure of water for the purpose of extinguishing or restricting the spread of the fire, and he 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, watercourse, lake, lagoon, well, dam, tank, main, or pipe, or other source of water supply whatsoever; and no person or body of persons having the management of any water supply shall be liable to any penalty or claim by reason of any interruption in the supply of water occasioned by any act, matter, or thing done under this paragraph:</p> <p>(g) 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 fire-fighting operations to be closed for traffic during the continuance of the fire:</p> <p>(h) He 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:</p> <p>(i) He 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</p>
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<p>defined area thereof; or, without the publication of an order, prohibit the admission of children under the age of 16 years to any school, Sunday school, theatre, or place of public amusement.</p> <p>(2) The Medical Officer of Health, and any Inspector or other person authorised in that behalf by the Medical Officer of Health, may at any time, with or without assistants, enter on any lands, buildings, or ships, and inspect the same and all things thereon or therein; and may do, with respect to any persons, places, lands, buildings, ships, animals, or things, whatever in the opinion of the Medical Officer of Health is necessary or expedient for the purpose of carrying out the foregoing provisions of this section.</p> <p>(3) In no case shall the Medical Officer of Health, or any Inspector or assistant or other person, incur any personal liability by reason of anything lawfully done by him under the powers conferred by this section.</p> <p>71. Powers of Medical Officer of Health on outbreak of infectious disease</p> <p>(1) In the event of the outbreak of any infectious disease the Medical Officer of Health, with the authority in writing of the Minister [or during [[a state of emergency declared under the Civil Defence Emergency Management Act 2002]]], may—</p> <p>(a) Take possession of and occupy and use such lands and buildings, whether public or private, as in his opinion are required for the accommodation and treatment of patients:</p> <p>(b) By requisition in writing served on the owners or other persons for the time being in charge of any vehicles, require the exclusive use of such vehicles for the conveyance of patients, or of persons in attendance on patients, or otherwise for use in connection with the outbreak of disease as aforesaid:</p> <p>(c) By requisition in writing served on the occupier of any premises or on any person for the time being in charge of any premises, 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.</p>		<p>at the fire to remove, any persons who interfere by their presence or otherwise with the fire-fighting 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:</p> <p>(j) He 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, and the expense of any such operation shall be borne by the owner of the building, and shall be paid by him to the Fire Authority.</p> <p>(2) The person who is appointed as a deputy of a Principal Fire Officer under subsection (1)(a) of this section shall be a Fire Officer or a brigade officer or a person who (in the opinion of the Principal Fire Officer) is otherwise competent in the circumstances to exercise the powers and perform the duties of a Principal Fire Officer under this section.</p> <p>(3) While a deputy of a Principal Fire Officer is acting in the place of a Principal Fire Officer under subsection (1)(a) of this section, the deputy shall have all the powers and duties conferred and imposed on the Principal Fire Officer by this section.</p> <p>(4) Every person commits an offence against this Act who resists, deceives, harasses, or knowingly obstructs any Principal Fire Officer [or Rural Fire Officer], or any person appointed as a deputy under subsection (1)(a) of this section, or any Fire Officer, member of a brigade, or other person acting under the instructions or control of such Principal Fire Officer [or Rural Fire Officer] or deputy, in the exercise or attempted exercise of any power, or the performance or attempted performance of any function or duty, conferred or imposed by this section.</p> <p>Cf 1955 No 44 s 32</p> <p>37. Police to assist Fire Officers</p> <p>Every member of the Police present at any fire is empowered to support and assist the Fire Officer in the maintenance of his authority and in enforcing due obedience by all persons to his orders in the execution of his duty.</p> <p>Cf 1955 No 44 s 33</p>
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Chief Fire Officer	Hazardous Substance Incident Co-ordinator
<p>28. Functions, duties, and powers of Chief Fire Officer-</p> <p>[(1) Subject to this Act, the Chief Fire Officer shall be charged with the direction of all technical matters and with the operation of all fire brigades in the Fire District for which the Chief Fire Officer is appointed, and the Chief Fire Officer shall carry out those responsibilities in accordance with the policy of the Commission and the operational instructions of the National Commander under section 27A of this Act, so as to provide protection for that Fire District and within any area or concerning any property which the fire brigade of the Fire District is under an obligation to protect pursuant to section 38 or section 39 of this Act.]</p> <p>[(2) In the event of any alarm of fire or any fire happening, the Chief Fire Officer of the Fire District, or in his or her absence, the Deputy Chief Fire Officer, or, in the absence of both of them, 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.]</p> <p>[(3) 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, in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or, in the absence of both of them, the person for the time being in charge of the fire brigade, considers that the brigade could render assistance, that officer or other person may proceed, or 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.]</p> <p>[(3A) If, in the event of any hazardous substance emergency occurring, the Chief Fire Officer of the Fire District, or in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or in the absence of both of them, the person for the time being in charge of the fire brigade, considers that the fire brigade could render assistance, that officer or other 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.]</p> <p>[(3B) For the purposes of subsection (3A) of this section, in the event of the attendance of the brigade, the Chief Fire Officer of the Fire District, or in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or, in the absence of both of them, the person for the time being in charge of the fire brigade shall have the powers of an [[enforcement officer under the Hazardous Substances and New Organisms Act 1996]] pertaining to that emergency until the arrival of an [sic] [[such an enforcement officer]].]</p> <p>(4) In the event of fire or other emergency, the person for the time being in charge of the fire brigade so engaged-</p> <p>(a) 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:</p> <p>(b) 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, for the purpose of taking any steps which he deems necessary in order to carry out his duties:</p> <p>(c) May take any equipment required to be used into, through, or upon any land, building, or structure where he</p>	<p>136. Declaration of emergency</p> <p>(1) Where any enforcement officer has reasonable grounds to believe that—</p> <p>(a) There is an emergency; and</p> <p>(b) Either,—</p> <p>[(i) no state of civil emergency has been declared under the Civil Defence Emergency Management Act 2002; or]</p> <p>[(ii) The emergency is not being dealt with under the Fire Service Act 1975; or</p> <p>[(iii) No emergency has been declared under section 144 of the Biosecurity Act 1993; or</p> <p>[(iv) No other enforcement officer has declared an emergency under this Act; and</p> <p>(c) All or any of the powers set out in section 137 of this Act should be exercised in order to—</p> <p>(i) Enter any premises or dwelling; or</p> <p>(ii) Remove the cause of the emergency; or</p> <p>(iii) Stabilise the situation to limit the actual or likely adverse effects of the emergency; or</p> <p>(iv) Protect the health and safety of people, chattels, or the environment from the actual or likely adverse effects of any emergency,—</p> <p>the enforcement officer may declare a hazardous substance or new organisms emergency.</p> <p>(2) A hazardous substance or new organisms emergency shall be declared by the enforcement officer by—</p> <p>(a) Identifying himself or herself to any persons in the vicinity; and</p> <p>(b) Stating his or her authority to exercise emergency powers; and</p> <p>(c) Announcing the nature of the emergency and the area likely to be affected.</p> <p>(3) Every enforcement officer shall notify—</p> <p>(a) The person who appointed him or her as an enforcement officer, if he or she was appointed under section 98 of this Act; and</p> <p>(b) The Authority—</p>

<p>deems it necessary for the purpose of carrying out his duties:</p> <p>(d) 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, without responsibility for any consequent loss or damage, any flammable, combustible, explosive, or dangerous material found therein:</p> <p>(e) 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 adjacent to or in the vicinity of any building or structure which is on fire, to be pulled down, either wholly or partially, or otherwise:</p> <p>(f) 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 which is on fire or otherwise endangered, or which is adjacent to or in the vicinity of any building or structure or tree or other plant which is on fire or otherwise endangered, to be cut or pulled down, either wholly or partially and removed if he considers it necessary:</p> <p>(g) May, subject to section 30(1) of this Act, 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> <p>[(h) 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 during the continuance of the emergency:]</p> <p>(i) 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:</p> <p>(j) 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:</p> <p>(k) May shut off or disconnect, or order any person having the control thereof to 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:</p> <p>(l) 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 damaged as to be or likely to become dangerous to life or property, after, in his discretion, first removing the contents thereof, and the expense of any such operation, so far as it relates to the pulling down or shoring up, shall be borne by the owner of the building or structure and, so far as it relates to the removal of the contents, shall be borne by the owner of the contents, and shall in either case be paid to the Commission:</p> <p>(m) 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 and the expense of the operation shall be borne by the owner of the land on which the tree or other plant is or was situated, and shall be paid to the Commission:</p> <p>(n) May generally do all other things that are reasonably necessary for protecting life or property in dealing with the fire or other emergency:</p> <p>[(na) 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.]</p> <p>(5) In the event of an emergency not involving fire or the risk of fire, the powers referred to in subsection (4) of this</p>	<p>of every occasion on which a hazardous substances or new organisms emergency is declared by that officer under this section.</p> <p>(4) Any emergency declared under this section shall cease—</p> <p>(a) 48 hours after the time of declaration; or</p> <p>[(b) when a state of emergency is declared under the Civil Defence Emergency Management Act 2002; or]</p> <p>(c) When the emergency is treated by a Chief Fire Officer as an emergency under the Fire Service Act 1975; or</p> <p>(d) When an emergency is declared under section 144 of the Biosecurity Act 1993,—</p> <p>whichever is the sooner.</p> <p>(5) Where the conditions which caused the emergency to be declared under subsection (1) of this section still exist 48 hours after the time of declaration of the emergency and the emergency has not been treated as an emergency under any of the provisions in paragraphs (b), (c), and (d) of subsection (4) of this section, one further declaration of emergency may be made under this Act and the provisions of subsection (4) of this section shall apply accordingly.</p> <p>(6) Any emergency declared under this section shall have effect over the area specified under subsection (2)(c) of this section.</p> <p>137. Emergency powers</p> <p>(1) When a hazardous substance or new organisms emergency has been declared under section 136 of this Act, any enforcement officer may—</p> <p>(a) Enter any premises or any dwelling at any time without complying with the provisions of section 103 or section 119 of this Act:</p> <p>(b) Exercise any of the powers set out in section [103] of this Act:</p> <p>(c) Exercise any of the powers set out in section 119(5) of this Act:</p> <p>(d) Direct any person to stop any activity which may contribute to the emergency:</p> <p>(e) Request any person, either verbally or in writing, to take any action to prevent or limit the extent of the emergency:</p> <p>(f) Direct any person to leave any place in the vicinity of the emergency:</p> <p>(g) Direct any person to refrain from entering the vicinity of the emergency:</p> <p>(h) Requisition any property for use in the emergency:</p> <p>(i) Destroy any property or any other thing in order to</p>
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<p>section shall not be exercised by the person for the time being in charge of the fire brigade without the authorisation of the person in charge of the operations at the scene of the emergency: Provided that, where the person in charge of the fire brigade is of the opinion that lives or property are in imminent danger, he may exercise any of those powers notwithstanding that he has not been authorised to do so.</p> <p>(6) The fact that any person performs any function or duty or exercises any power under subsection (4) of this section shall be conclusive evidence of his authority to do so, and no person shall be concerned to enquire whether the occasion requiring or authorising him to do so has arisen or has ceased.</p> <p>[28A. Functions, duties, and powers of Chief Fire Officer outside of Fire District-</p> <p>(1) In the event of any fire or other emergency (including a hazardous substance emergency) occurring outside any Fire District, the Chief Fire Officer of a Fire District, or, in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or, in the absence of both of them, the person for the time being in charge of the fire brigade, if the officer or other person considers the brigade could render effective protection to life or property, may proceed, or direct some other member of the brigade to proceed, forthwith to the emergency, to take whatever action is necessary to save lives and property in danger.</p> <p>(2) In the event of the attendance of the brigade, the Chief Fire Officer of the Fire District, or, in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or, in the absence of both of them, the person for the time being in charge of the fire brigade shall have all the functions, duties, and powers conferred on that officer or person by section 28 of this Act.]</p>	<p>prevent or limit the extent of the emergency:</p> <p>(j) Secure the site for up to 24 hours following the decision of the enforcement officer that the immediate danger is past.</p> <p>(2) If an enforcement officer enters any private property pursuant to the powers conferred by subsection (1) of this section, he or she shall advise the occupier of the property as soon as practicable.</p>
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