



Powers of the Minister of Civil Defence: National and Local Transition Periods

The Civil Defence Emergency Management Amendment Act 2016 changes enable the Minister:

- to give, extend or terminate notice of a national transition period (s94A, 94D(1) and 94E(1))
- to give, extend or terminate notice of a local transition period (s94B(3), 94D(2) and 94E(2))
- during a transition period, to give direction to the Director or any Civil Defence Emergency Management (CDEM) Group or person, to perform or cease activities (s94J)

The Minister is required to advise the House of Representatives of:

- notice of a national transition period (and any extension) (s94A(4) and 94D(8))
- a local transition period that is extended three or more times (s94D(9)), and
- a report by a Recovery Manager on the use of any powers under the Act (during either a national or local transition period) (s94P(7)).

National Level

The Minister may give notice of a national transition period if it appears to him or her that one is required.

The test for a notice of a national transition period mirrors those for a local transition period - i.e. the Minister must be satisfied the action is 'in the public interest' and 'necessary or desirable'. PLUS the areas or districts affected by the emergency, whether the focus of activities is moving from response to recovery and the capacity of relevant CDEM Groups and local authorities is a factor to consider.

National transition periods:

- can occur after a state of emergency declaration, or simply follow an emergency
- can cover the whole of New Zealand, or just part
- replace any existing local transition periods if it concerns the same area
- last 90 days unless terminated early by the Minister
- can be extended.

Powers available to recovery managers during national transition periods are the same as those available during local transition periods.

No Group Recovery Manager or local Recovery Manager may exercise any of their powers during a national transition period in a manner contrary to any priorities for the use of resources and services that has been determined by the Director or National Recovery Manager (s30A(5)).

Local level

In deciding whether a local transition period is required the Minister must:

- be satisfied that invoking the powers is in the public interest and necessary or desirable to ensure a timely and effective recovery (s94B(4))
- have regard to the areas, districts or wards affected by the emergency and whether the focus is moving from response to recovery (s94B(5))
- have regard to the local capacity (s 94B(6))
- seek and consider comment from any affected CDEM Group and Mayor, unless—
 - (a) it is impracticable in the circumstances; or
 - (b) in the Minister's opinion, the urgency of the situation requires the notice to be given immediately (s 94B(7)).

Similar requirements apply to any Ministerial decision to extend (94D) or terminate (94E).

A state of local emergency is terminated when a local transition period is given by the Minister (section 72(3)).