

Declaration

DIRECTOR'S GUIDELINES FOR CDEM SECTOR [DGL 05/06]



Te Rākau Whakamarumarū

Ministry of Civil Defence
& Emergency Management



Declaration

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Authority

This guideline has been issued by the Director of the Ministry of Civil Defence & Emergency Management pursuant to s49(3) of the Civil Defence Emergency Management (CDEM) Act 2002. It provides assistance to CDEM Groups in the development plans as required under s17(e) of the Act and CDEM Groups are required to take account of this guideline in their planning (s53(2)).

The Ministry consulted substantially with local government representatives, CDEM Group Recovery Managers, Recovery Coordinators and government agencies in producing this guideline (DGL 4/05).

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**Director's Guidelines for the Civil Defence Emergency Management (CDEM) Sector
(DGL 05/06)**

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1 – Foreword



John Hamilton
Director

Since the enactment of the Civil Defence Emergency Management Act 2002, New Zealand has experienced a number of major civil defence emergency management events. Many of these events were managed without the need for a declaration of a state of emergency, although where required, declarations have been made. This was done to gain the powers of the CDEM Act, increase coordination and obtain resources in response to emergencies.

Following the February 2004 storm and resulting floods in the lower North Island, a review (Reid et al) recommended the Ministry of Civil Defence & Emergency Management produce a guideline on declarations of states of emergency. This guideline explains why declarations of states of emergency should be made, who should make them and how they should be made. It also explains and clarifies some of the issues involved in the declaring of a state of emergency. This document provides guidelines on indicative operational levels and the relationship of those levels to states of emergency.

As with all the Director's guidelines produced in recent years, the audience for this document is wide and varied. However, this guideline is particularly relevant to the emergency management practitioners and political leaders physically involved in the declaration process. Members of emergency services and government departments may also find it informative.

The information in this guideline supplements the information provided in RAPID® and Controllers training and is intended to assist CDEM sector professional development. Familiarity with this guideline will enable the continuing improvement of Civil Defence Emergency Management. It is another tool towards building a more resilient New Zealand.

A handwritten signature in black ink, appearing to read 'John Hamilton', written in a cursive style.

John Hamilton
Director: Ministry of Civil Defence & Emergency Management.

2 – Executive summary

This document provides guidance and clarification on the following:

- Why declarations of states of emergency are made,
- Who should make them,
- How one should be made.

This Director's Guideline is for use by the Civil Defence Emergency Management (CDEM) sector. It is primarily designed for those who have authority to make declarations. In addition those in the wider CDEM community are advised to use this Guideline to increase their own understanding of declarations of states of emergency. This includes Civil Defence/Emergency Management Officers, Controllers at both Local and Group level, members of lifelines and members of emergency response and recovery network. This guideline should also be a useful reference document for local and regional representatives of government agencies.

The Civil Defence Emergency Management Act 2002 ("the Act") has two levels of declaration, local and national, where the former Civil Defence Act 1983 Act had three. These three levels were local, regional and national. The new framework removes the regional declaration terminology. Declarations scale up from district, to Group, to national. Each tier of the scaling process is known as a CDEM operational level¹. This process will be explained in the body of the Guideline. In addition, the National CDEM Plan 2006 and its Guide explain the Operation Levels in detail.

Declaring a state of emergency allows the Controller and others access to statutory powers. Its purpose is to be a public method of granting people the necessary authority to protect life and property in extraordinary emergency events. It must be noted that there is no requirement to declare a state of emergency in order to gain financial support through CDEM claims processes. The rationale for declaring a state of emergency is:

- an emergency event has occurred or may occur
- the safety of the public or property is endangered
- loss of life, injury or illness or distress may be caused
- usual services are inadequate to deal with the emergency

This guideline provides a range of practical advice, templates and examples covering the issues raised above.

Key Messages

- There are two levels of a declaration of a state of emergency - Local and National.
- Underpinning these two levels of declaration are five CDEM operational levels.
- The type of declaration dictates who may declare the state of emergency. Nominated people in the CDEM Group Plan and Mayors and their deputies may declare states of local emergency. Only the Minister of Civil Defence may make a declaration of national emergency.
- Declarations may be made to gain access to emergency powers, but needing access to emergency powers is not a precondition for the ability to declare. The only requirement is that an emergency has occurred or may occur.
- Specific financial assistance from central government is available without the need for a declaration of a state of emergency
- Before making declarations consultation should take place between decision makers of key agencies.

¹National CDEM Plan, 2005, Clause 53

3 – Background

3.1 Background details

In December 2002 the Civil Defence Emergency Management Act 2002 came into force, superseding the Civil Defence Act 1983. The current Act has a number of provisions relating to the declaration process. These are:

- Part 1 - the interpretations section that defines what a state of civil defence emergency is, both local and national;
- Part 2 – provisions for the Appointment of persons who may declare a state of local emergency;
- Part 4 - the legislation concerned with the declaration of a state of emergency; and
- Part 5 - the powers that a declaration provides to appropriate persons.

The National Civil Defence Emergency Management (CDEM) Plan has been developed to provide for:

- (1) effective management of states of national emergency or civil defence emergencies of national significance through a planned and co-ordinated whole-of-government response.
- (2) effective recovery from states of national emergency and civil defence emergencies of national significance through a planned and co-ordinated whole-of-government response.
- (3) effective management of national support in states of local emergency through a planned and coordinated whole-of-government response.

3.2 Controller's role

The key roles for managing a civil defence emergency are those of 'Controllers' Section 28(1) of CDEM Act 2002, which states:

“The Group Controller must, during a state of local emergency for the area for which the Group Controller is appointed, direct and co-ordinate, for the purposes of this Act, the use of the personnel, material, information, services, and other resources made available by departments, Civil Defence Emergency Management Groups, and other persons.”

CDEM Groups are to appoint a Group Controller (s26)¹ and one or more Local Controllers (s27). Local Controllers are to follow any directions given by the Group Controller during an emergency (s27(2)).

Chapter 14 of the Controllers' Manual (MCDEM 2005) describes the roles of Local and Group Controllers within the declaration process.

A suite of training resources has been provided to the CDEM sector under Project RAPID®. This suite includes unit standard 7326 Declare a State of Local Emergency. This Guideline, the Controllers Manual and the RAPID® module are all complementary.

¹Letters/numbers in brackets refer to the section of the CDEM Act 2002 from which the preceding information is drawn.

4 – Response Levels

Underpinning the levels of a declaration of a state of emergency - Local and National - are five CDEM response levels. They are set out in the National CDEM Plan and have generally been applied by CDEM Groups (see **Annex A**). The levels described in the National CDEM Plan provide the basis for a common understanding of civil defence emergency management operations. They also indicate the levels of declaration, used in this Guideline.

4.1 levels of response for a CDEM Group.

Table 1 – Response Levels²

Level	Description	Declaration status
1	Single-agency incidents with on-site coordination:	No Declaration
2	Multi-agency incidents with on-site, local coordination; these are managed by the incident controller of the relevant lead agency.	No Declaration
3	A multi-agency emergency led by an agency other than a CDEM Group, or a state of local emergency at below CDEM Group-level (district or ward); at this level, CDEM Group support and co-ordination will be required and may be monitored by the National Controller.	Declaration of a state of local emergency for a ward, part of a district or one or more local authorities within the CDEM Group. <i>NB Unitary Authorities would use level 3 for ward declarations only.</i>
4	A multi-agency emergency with more significant consequences than in level 3; co-ordination may be required between agencies or areas or both; CDEM Group-level support and co-ordination is required; the actual or potential need for a declaration of a state of local emergency by a CDEM Group requires consideration; national monitoring will occur and national support is available.	Declaration of a state of local emergency for the whole of the CDEM Group area
5	A state of national emergency exists or the civil defence emergency is of national significance; at this level, co-ordination by the National Controller will be required.	Declaration of a state of national emergency.

Level 1.

The majority of incidents are managed at level one as day-to-day business as usual activity for fire, police and ambulance using their own statutory powers and the New Zealand Coordinated Incident Management System (CIMS). CIMS is a framework to help emergencies to be managed effectively, efficiently and consistently. As the demand for resources and coordination increases, the level of emergency escalates.

² National CDEM Plan Part 7, section 53.

Level 2

Level two multi-agency incidents occur when the emergency services require on-site or local coordination and may require the added assistance of CDEM Groups, for delivery of supporting functions such as welfare provision to evacuees. There are fewer level 2 incidents than level 1 incidents. The incidents involving CDEM Groups at a level 2 do not require the powers or coordination afforded by the CDEM Act. The incident controller of the relevant lead agency manages these incidents. For emergency information management to take place, as described in the National CDEM Plan (clause.68 (2)), when a Local Emergency Operations Centre (EOC) is in operation at level 2 or above, the Group EOC must also be activated. This is to ensure the passage of information to the National Crisis Management Centre (NCMC) occurs through CDEM Group EOCs.

Level 3

A level three emergency is a multi-agency emergency led by an agency other than a CDEM Group or a declaration made by the Groups nominee or by the Mayor for that district using the powers in section 25(5) of the CDEM Act 2002. There may be a time when one or more districts have declared, but the emergency is not considered to be of a scale that requires the CDEM Groups overall coordination or control. Avoid if possible a number of independent declarations made by individual Mayors within the same CDEM Group. If this was to occur the process should be well managed. An approach by one CDEM Group (predetermined and documented in its plan) ensures that should more than one declaration be considered at level three, this event automatically becomes a level four emergency. This would be considered to be the appropriate action. The National Controller may also monitor this emergency.

Level 4

A level four multi-agency emergency has more significant consequences than in level 3. For a level four emergency either the declaration of a state of local emergency has been seen as an emergency that requires group coordination, or the declaration has been made in support of another CDEM Group where the resources are required to assist. For unitary authorities it may be more appropriate to by-pass the level 3 and move directly to a level 4 emergency - as this declaration is for the whole Group (of which the unitary authority district is the Group) unless a declaration is for a ward of a unitary authority, then it could be classed as a level 3.

It is not essential for the declaration for the whole area of the CDEM Group to supersede all other declarations of states of local emergency for that area, although it is more efficient to do so. This should be stated in the CDEM Group plan. Some CDEM Groups have only a group wide single local declaration for all civil defence emergencies, as there is only one organisation and a single Group Controller.

Level 5

A level five emergency occurs when a declaration of a state of national emergency exists or the civil defence emergency is of national significance. Coordination by the National Controller will be required. Note that section 66(3) of the CDEM Act states that:

“If a declaration of a state of national emergency is made, any other state of emergency then in force in the area to which the state of national emergency applies ceases to have effect.”

If a state of national emergency is declared for part of New Zealand and an emergency happens elsewhere but not covered by that state of emergency, a CDEM Group may declare a state of local emergency for their area. No confusion should exist as to which declaration has the authority during the management of a national emergency; to avoid this consultation should take place with MCDEM.

5 – Whether to declare a state of emergency or not?

5.1 Definition of emergency

The definition of emergency is found in the CDEM Act 2002 s4

“emergency” means a situation that -

“(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**

(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**

(c) cannot be dealt with by emergency services, **or** otherwise requires a significant and co-ordinated response under this Act³”

The significant aspects of the definition are that an event of some type must have occurred, unless in relation to an attack or warlike act (which can be imminent), but this restriction does not prevent a declaration being made if an event has yet to occur. Section 68(1) authorises a person appointed to declare a state of emergency for an event that has occurred or may occur.

The question of ‘*Whether to declare a state of emergency or not?*’ requires sound consideration of a number of factors identified in a flow chart at **Annex B** and the checklist in **Annex C**. These factors include:

Can the emergency be managed through the powers of agencies without a declaration being made?

The Chief Fire Officer, Principal Rural Fire Officer, Police, On Scene Commander (Oil Spill), Hazardous Substance Incident Coordinator and the Medical Officer of Health all have a number of powers in their own right to use during or leading up to an emergency. Local Authorities have available to them provisions under legislation other than The Act that can enable them to carry out management of emergencies. For example the nuisance sections in the Public Health Act is used by Local Authorities to clean up streets and properties when there is residual sewage after a flood. These powers may be able to be used without the need for a State of Emergency to be declared under the Act.

Can a Controller coordinate without the need for a declaration?

Controllers do not have powers under the Act until a state of emergency is declared. However Controllers are expected to be actively engaged in managing an event before that occurs. The Act provides that a Group can delegate any of its functions to a Group Controller and other persons, and can direct Local Controllers to carry out any of the duties and functions of the Group Controller, or those duties and functions delegated to the Group Controller, and to exercise the powers of Controllers, including the emergency powers in sections 86 to 94.

Functions of the Group that can be delegated include responding to and managing the adverse effects of emergencies, (section 17(1)(d)). It is expected that a Group would delegate this function to its Group Controller and Local Controllers. The Controllers would then have delegated authority to respond to events which are “emergencies” in terms of section 4 of the Act. If the Group has not delegated this function to Controllers, they would not have authority under the Act to manage

³ CDEM Act 2002 Part 1, section 4, Interpretations.

the response until a state of emergency had been declared. It would be possible for Controllers to actively manage the response, but they would be operating outside the Act's framework. The Act does not require Groups to delegate to Controllers and a Group can delegate to other persons and not give Controllers a role until a state of emergency is declared. However, it is desirable that Groups delegate to Controllers and they be engaged as an event begins to develop. Services such as welfare support, lifelines coordination and logistics resources can be provided to varying extents in support of the emergency without the requirement for a declaration.

Is there financial assistance from declaring?

There is no requirement to declare a state of emergency in order to obtain financial support from Government. The National CDEM Plan and its accompanying Guide (section 26) states that Civil Defence Emergency expenses claims for caring for the displaced, other response costs and council essential asset recovery costs do not require a declaration of a state of emergency. In many situations it may be more effective to issue a local media statement, giving guidance to communities as to what to do, or expect.

Should the Group declare to show activity to the public?

A declaration should not be made for the sole reason that the authority wishes to show a position of activity and control over the situation. Gaining public confidence, however, may be sufficient reason if this could lead to an improved overall response to the emergency. Making a declaration is a significant event, potentially affecting civil liberty, and should not be carried out lightly.

When to declare?

The timing of the declaration will depend on the nature of the event and the information available. However, the following factors need consideration:

- **Early rather than late:** an early declaration, or one made in anticipation, can reduce the negative impacts, e.g. early closure of schools mean children will not be stranded, workers are likely to remain at home to prepare their households and response agencies will have time to organise their actions.
- **In daylight rather than darkness:** people are better able to cope with crisis situations in daylight, and coordination is easier and safer.
- **Public rather than private:** the declaration must be promulgated to everyone who could be involved or affected, by whatever means are available including the broadcast and news media (not simply to the CDEM organisation).
- **Pro-active rather than reactive:** a declaration of a state of local emergency provides powers to implement measures that will establish control over the area and allow action plans to be initiated. Delay in making the declaration could result in the CDEM organisation being reduced to reacting to crisis situations, rather than being proactive and planning ahead.

6 – Powers under declaration of a state of emergency

Part 5 of the CDEM Act 2002 (Part 5) provides authorised persons a number of powers in relation to civil defence emergency management. Nationally, the Minister of Civil Defence and the Director of Civil Defence & Emergency Management have significant power. Locally a Controller and members of the Police or others acting under the authorisation of a Controller or Police may use the powers depending on the situation. The powers that are available in a state of emergency include:

Section 78 – Power of entry to obtain information in urgent cases.

Section 84 – Minister’s power of direction.

Section 85 – Emergency powers of Civil Defence Emergency Management Groups.

- Carry out works, clearing roads and other public places, removing or disposing of, or securing or otherwise making safe, dangerous structure.
- Provide for rescue.
- Set up first aid posts.
- Provide for the relief of stress.
- Conservation and supply of food, fuel and essential supplies.
- Prohibit or regulate land, air and water traffic.
- Undertake emergency measures for disposal of dead persons or animals.
- Disseminate information and advice to public.
- Enter into employing arrangements.
- Provide equipment, accommodation, and facilities.

Section 86 – Evacuation of premises and places.

Section 87 – Entry on premises.

Section 88 – Closing roads and public places.

Section 89 – Removal of aircraft, vessels, vehicles etc.

Section 90 – Requisitioning powers

Section 91 – Power to give directions.

Section 92 – Power to carry out inspections.

Section 94 – Contracts in urgent cases.

These powers will not be available unless a declaration of a state of emergency is in place.

Compensation for loss or damage caused as a result of any action or measure taken under instructions from Controllers or the police can be claimed if emergency powers have been exercised. Compensation is capped and insurance, if available, must be claimed on first. Sections 107, 108 and 109 of the Act set out the details of compensation.

7 – Authorisation to declare a state of local emergency

Authorisation to declare a state of emergency is contained in two widely separated sections in the Act and both need to be read together. The first is indicated to be about the appointment of persons and the second about the making of declarations, but both are found to provide for the identification and authorisation of persons who may declare. The second provision affects the first, with the result that the persons who may declare and the areas for which they may declare are more extensive than would first be thought. The two sections are set out below and are discussed in some detail in sections 8 and 9 which follow. The following sections taken from the Act outline the complexities.

7.1 Section 25 Appointment of persons who may declare state of emergency

- “(1) A Civil Defence Emergency Management Group must appoint at least 1 person as a person authorised to declare a state of local emergency for its area.
- (2) The person or persons appointed under subsection (1) must be chosen from the representatives of the members of the Group.
- (3) If a Group appoints more than 1 person under this section, it must state in the instrument of appointment—
- (a) whether the appointee has equal status to make a declaration or whether the appointee is authorised only to act in the absence of other named persons:
 - (b) any other conditions or limitations.
- (4) If no appointed person is or is likely to be able to exercise his or her functions, duties, and powers under this Act, a representative of any member of the Group may exercise the power to declare a state of local emergency.
- (5) Despite subsections (1) to (4), the Mayor of a territorial authority, or an elected member of the territorial authority designated to act on behalf of the Mayor if the Mayor is absent, may declare a state of local emergency that covers the district of that territorial authority.”

7.2 Section 68, Declaration of state of emergency

- “(1) A person appointed for the purpose under section 25 may declare that a state of local emergency exists in the area for which the person is appointed if at any time it appears to the person that an emergency has occurred or may occur within the area.
- (2) A person who is authorised to declare a state of local emergency may declare that the state of local emergency exists in respect of the whole area of the Civil Defence Emergency Management Group concerned or 1 or more districts or wards within the area.
- (3) A state of local emergency may be declared in respect of an area that is not affected by an emergency if, in the opinion of any person authorised to declare a state of local emergency in respect of that area, the resources of that area are needed to assist any other area where a state of local emergency is in force.
- (4) The fact that a person purporting to be authorised by section 25 declares a state of local emergency is, in the absence of proof to the contrary, conclusive evidence that the person is a person authorised under that section to do so.
- (5) Nothing in this section authorises a person to declare a state of local emergency for any part of New Zealand while a state of national emergency is in force in respect of that part.”

8 – Authorisation of persons who may declare a local state of emergency.

The Act authorises elected members, mayors and their deputies and the Minister to declare a state of local emergency and it enables many people in a Group area to be authorised to declare. It is a matter for a Group as to the number of people to be appointed. In deciding that, a Group can take into account that mayors and deputies can declare for their districts as of right, without need for appointment. A Group can appoint mayors and deputies to declare for their districts irrespective of that. However, a Group can provide for a hierarchy of declaration across districts and the Group area if it wants to. Or it can simply appoint one person to declare the whole Group area and leave matters thereafter to mayors and their deputies. The minimum requirement is that a Group must appoint at least one person to declare for its area. Any elected member of a territorial authority or community board in the Group area is capable of being appointed to declare. A person who is authorised to declare is entitled to declare for the whole Group area or any part of the Group area down to ward level, irrespective of what may have been intended when an appointment was made. The scheme is further explained below and in section 9.

8.1 Persons who may declare

1. Any elected member of a local authority or an elected member of a community board in a CDEM Group area may be appointed by the Group as a person authorised to declare a state of local emergency. The following provisions provide this effect, Section 25 subsection (1) and (2) authorise a Group to appoint as many people as it needs. The appointees are to be chosen from the representatives of the members of the Group. “Representative” is defined in section 4 to mean, unless the context otherwise requires, “an elected member of a local authority, including an elected member of a community board.”

2. A mayor or deputy in the absence of the mayor may declare for their district as of right under section 25(5). This is irrespective of whatever appointments the Group may have made.

3. The Minister may also declare a state of local emergency under section 69 if a state of emergency has not been declared.

The arrangements for declaring a state of emergency in the area of the Group are required to be included in the CDEM Group Plan by section 49(2)(f). Representatives appointed by the Group would be expected to be identified by office.

8.2 The manner of appointment

Section 68(2) provides that a person authorised to declare a state of local emergency may declare for the whole Group area or one or more districts or wards. This affects the making of appointments under section 25(1). It is apparent from section 68(2), that a Group need do no more than identify a person or persons authorised to declare within the Group area, without indicating what parts of the area the appointee or appointees are to declare for. While section 25(3) indicates that an appointment may be subject to conditions and limitations, should those conditions and limitations restrict the area which the appointee can declare for, the effect would be negated by section 68(2). The intention in providing for appointments within the Group area to be made by the Group, is to have practical arrangements in place which suit local circumstances and section 68(2) is not understood as preventing a Group from establishing hierarchical arrangements, if it is understood that the ability of appointees to declare for the whole area, districts and wards is unaffected.

9 – The area for which declarations may be made

9.1 Declaring for a Group area or part of a Group area

Section 25(1) permits a Group to appoint persons to declare for its area. This would generally be understood to be for the whole Group area given that section 4 defines “area” in relation to a Group, unless the context otherwise requires, to mean the area that encompasses all the districts of the local authorities that are members of the Group. As mentioned above, Section 68(2) provides that once a person has been authorised to declare, the person can declare for the whole Group area or part of the Group area. It can be seen that the meaning which would ordinarily be taken from section 25(1), is extended by section 68(2). “A representative of any member of the Group” would appear to mean that any elected member of a territorial authority or community board is able to declare, in this situation. There is no indication that “representative” is intended to be limited to representatives who attend Group meetings.” (See 9.3).

Section 25(3) provides that if a Group appoints more than one person to declare, the Group must state in the instrument of appointment whether the appointee has equal status to make a declaration or whether the appointee is authorised only to act in the absence of other named persons, and any other conditions or limitations. It could be thought from the latter, that it was intended under subsection (1) that appointments could be made with restrictions as to area, but that would seem to be ruled out by the definition of “area”. Further, section 68(2) indicates that whatever the nature of the appointment, an appointee is authorised to declare for the whole Group area or part of it.

If no appointed person is, or is likely to be able to exercise his or her functions, duties and powers under the Act, section 25(4) provides that a representative of any member of the Group may exercise the power to declare a local state of emergency. This can be taken to mean that if no one appointed under subsection (1) is able to undertake any action, any other representative can declare a state of local emergency. It means that the appointee must not only be unable or unlikely to be able to declare for the area, but must be unable to exercise any functions, duties or powers under the Act.

9.2 Declaring for a district or ward.

A mayor or deputy designated to act on behalf of the mayor in the mayor’s absence, may declare a state of local emergency that covers the district of the territorial authority under section 25(5).

The power is stated to be the power to declare a state of local emergency “that covers the district of the territorial authority”. That can be taken to indicate that the power is to declare for the whole district only. ‘District’ is defined in section 4, to have the same meaning as in section 4 of the Local Government Act 2002, unless the context requires otherwise. The term is defined in the Local Government Act 2002 to mean “the district of the territorial authority.” Neither that Act nor the CDEM Act contains anything to suggest that the term can mean part of a district.

Any person authorised to declare, may declare for a district or ward of a district. Section 68(1) provides that a person appointed for the purpose under section 25 may declare that a state of local emergency exists in the area for which the person is appointed if at any time it appears to the person that an emergency has occurred or may occur within the area. Section 68(2) provides that a person who is authorised to declare a state of local emergency may declare that the state of local emergency exists in respect of the whole area of the Group concerned or one or more districts or wards within the area. A person appointed under section 25(1) and authorised under section 68(1), accordingly comes within section 68(2) and can declare for a district or ward. A person authorised under section 25(5) also comes within section 68(2) and can declare for a district or ward.

9.3 Intended legislative intent - Select Committee Commentary

The Act is not easy to follow and the Commentary by the Government Administration Committee on clause 64(2), (now section 68(2)), when the Bill was reported back to the House, is set to indicate a legislative intention to permit an elected representative in an isolated area which has been cut off from the rest of the district or region, to declare for that area. Should contact be re-established and the event escalate, there could be sequential declaration by district or group area.

9.4 Declaration of local state of emergency by Minister

The Minister of Civil Defence may also declare a state of local emergency in certain cases. As stated in CDEM Act 2002 section 69;

- “(1) If at any time it appears to the Minister that an emergency has occurred or may occur in the area of any Civil Defence Emergency Management Group and a state of local emergency has not been declared under section 68, the Minister may declare a state of local emergency for that area.
- (2) Nothing in this section authorises the Minister to declare a state of local emergency for any part of New Zealand while a state of national emergency is in force in respect of that part.”

9.5 Validation of authority to act and statutory indemnity

Section 68(4) provides that the fact that a person purporting to be authorised by section 25 declares a state of local emergency is, in the absence of proof to the contrary, conclusive evidence that the person is a person authorised under that section to do so. The Ministry understands the effect of section 68(4) is that a declaration can be made which is of legal effect, whether it is established or not, (but not shown otherwise) that the person is authorised to declare. The Ministry also understands the protection from liability provided by section 110 is not available if it is subsequently determined that the person was not authorised to declare. That is because section 110(2) provides that the protection is only available if the person is exercising or performing a function, duty or power under the Act and an unauthorised person would not be doing so.

10 – Declaring States of Emergencies

10.1 How is a State of Local Emergency Declared?

CDEM Group Plans dictate the process for declaring a state of emergency in the local area. Matters to take into account according to the CDEM Act 2002 are:

“A state of emergency comes into force immediately on the making of the declaration declaring it, or at a later time and date stated in that declaration” (s70(1))

“A person who declares a state of local emergency, or extends or terminates a state of local emergency, must do so by a declaration in the appropriate form prescribed.” (s73(1))

These forms are prescribed in Civil Defence Emergency Management Regulations 2003, Schedule 2, Form 2. (See **Annex E**) or a form of similar effect usually found in the CDEM Group Plan. Once declared a state of emergency must be promulgated to every person and organisation that has an interest, in particular MCDEM. The CDEM Act states:

“A person who makes a declaration in accordance with subsection (1) must immediately give notice to the public of the declaration by any means of communication that are reasonably practicable in the circumstances of the case, and must ensure that the declaration is published in the Gazette as soon as practicable.” (s73(3))

“A state of emergency expires with the commencement of the seventh day after the date on which it was declared, or any earlier time and date that may be stated in the declaration of the state of emergency.” (s70(2))

The commencement of the seventh day:

Is one minute past midnight on the start of the seventh day, it is not 144 hours from the time the declaration was made. It is advisable to declare an extension well before this time.

States of emergency may be extended or terminated, refer to section **12** and **13** of this guideline.

Note: No person may declare a state of local emergency for any part of New Zealand while a state of national emergency is in force⁴

10.2 Controller to seek declaration

Declarations should occur as a result of an emergency happening, has happened or (in the opinion of authorised persons) is imminent requiring the powers provided by the CDEM Act. It may also be beyond the resources of the local authority or the emergency services or require a more coordinated response between responding agencies.

The Local or Group Controller is advised to make this assessment in consultation with emergency services and the applicable CDEM Group or Local emergency management offices (See **Annex C & D** for guidance). The Controller should then advise the person making the declaration to declare a state of local emergency.

10.3 Signing the declaration

The person authorised to make the declaration on making it must sign the declaration form for the declaration to be valid. The person or persons authorised to make declarations of states of emergency should have forms available to them at all times. If the first person contacted is not able to sign a form, and the declaration is urgent the next authorised person with forms available to sign should make the declaration of a state of emergency.

⁴ CDEM Act 2002 section 68(5).

10.4 Gazette declaration

Once a declaration on a state of emergency has taken place, the declaration must be notified to the public and published in the New Zealand Gazette by the CDEM Group or territorial authority that has made the declaration as soon as practicable.

The forms prescribed in the CDEM Regulations and discussed previously are an ideal format to be used for notices to be published in the New Zealand Gazette on commencement, extending and terminating a declaration of a state of emergency.

The notices must be sent to:

New Zealand Gazette Office
Department of Internal Affairs
PO Box 805
Wellington

Fax: (04) 470 2932

Email: gazette@parliament.govt.nz

10.5 District, part of area or ward.

LEVEL 3 EMERGENCY

Scenario 1 - Declaration authorised under sec 25(5) CDEM Act 2002

An emergency occurs that isolates a local authority and communication systems between the isolated local authority and the CDEM Group have been broken. As the district is unable to communicate with the CDEM Group, the Mayor makes the decision to declare a state of local emergency.

Scenario 2 – Multiple declarations with a CDEM Group

A Mayor for a district declares because the district is affected by a severe storm that overwhelms local emergency services. Within a few days of a declaration, another district, in the CDEM Group has a hazardous substance emergency that requires a declaration to coordinate it. The Group sees these as two separate incidents. As the result of another emergency a third declaration is needed for a ward, some distance from the other two events.

The coordination of the resources and timings of the declarations in scenario 2 are important features of these declarations.

Why Declare a State of Local Emergency?

As a result of different emergencies happening within a close timescale declarations of a state of local emergency may be declared for a number of single local authorities within a CDEM Groups boundary. Refer section to **9** for detailed information.

Who Declares a State of Local Emergency?

The CDEM Group Plan is the primary reference for those who have authority to declare states of local emergency. In addition, Mayors and those authorised to act in place of Mayors in times of absence also have statutory authority to declare. For details refer section **9**.

How is a State of Local Emergency Declared?

Refer to section **9** for advice on the process for individual districts.

There are further factors to consider when dealing with multiple declarations within a Group. When districts declare independently of each other, there is a high chance of an uncoordinated and ineffective response. In order to increase the coordination and effectiveness, it is strongly advised that a state of local emergency for the Group area be made when multiple declarations occur. This will ensure that regional assets are tasked appropriately. Local protocols should be set out in the CDEM Group Plan.

10.6 CDEM Group wide

LEVEL 4 EMERGENCY

Scenario

1 – The safety of the public is threatened by ash from an active volcano falling on the whole of the CDEM Groups area.

2 – As a result of wide spread ash fall, a CDEM Group declares In support of a neighbouring CDEM Group. This declaration of a state of local emergency is made to provide the resources required to care for and accommodate the influx of evacuees from the affected area.

Why Declare a State of Local Emergency?

For information specific to a CDEM Group, refer to section 9. In addition to those reasons, a state of local emergency may also be declared in assistance of another area. For example, if the resources of a non-affected Group are needed to assist any other CDEM Group where a state of local emergency exists, the assisting Group can declare in order to access the powers of the Act⁵.

To ensure continuity and coordination, the CDEM Group plan should state that, on the declaration of a state of local emergency for a level four emergency that all other declarations of states of local emergency within the CDEM Group concerned (level three emergencies) will be terminated.

Who Declares a State of Local Emergency?

In general, for those who can declare refer to section 9 of this document. However, Section 25(5) of the Act does not apply to a Group-wide declaration. This means that Mayors have no statutory authority to declare a Group-wide declaration. In order for a Mayor to be granted this authority, the Mayor must be included in the Group plan.

How is a State of Local Emergency Declared?

The CDEM Group Plan is the primary reference on local protocols. Additionally section 9 of this document is also useful. When declaring over the entire CDEM Group area it is important that as much consultation as possible with key agencies takes place. These agencies include, but are not limited to other local authority members of the CDEM Group, Local Controllers, emergency services and MCDEM.

⁵ CDEM Act 2002 section 68(3)

11 – Declaration of state of national emergency

LEVEL 5 EMERGENCY

Scenario:

An earthquake devastates much of the centre of the country, it creates severe damage to housing, infrastructure and many casualties over a number of CDEM Groups. This event totally overwhelms the CDEM Groups resources and requires a nationally coordinated and managed response by Central Government.

Events of this sort affect both domestic and international concerns in regard to support required and response provided. This event will also have international media, trade and financial implications.

Why Declare a State of National Emergency?

The CDEM Act states in section 66 that:

“(1) The Minister may declare that a state of national emergency exists over the whole of New Zealand or any areas or districts if at any time it appears to the Minister that—

- (a) an emergency has occurred or may occur; and
- (b) the emergency is, or is likely to be, of such extent, magnitude, or severity that the civil defence emergency management necessary or desirable in respect of it is, or is likely to be, beyond the resources of the Civil Defence Emergency Management Groups whose areas may be affected by the emergency.”

Who Declares a State of National Emergency?

The Minister of Civil Defence

How is a State of National Emergency Declared?

Following government crisis management arrangements, advice from the Director of Civil Defence Emergency Management and the Committee of Officials for Domestic and External Security Coordination (ODESC) will be provided for the Minister of Civil Defence.

ODESC is a group of senior officials which is normally chaired by the chief executive of Department of Prime Minister and Cabinet. It supports ministers in developing high-level strategic direction, policy and priorities, and in authorising additional resources to deal with crises. It is also the strategic mechanism for coordinating a whole-of-government response to events.

The Minister will follow the same process as the CDEM Groups by signing a declaration form (refer CDEM Regulations) (**Annex E**), notifying the public and having the declaration notified in the Gazette as described in section **10.4** of this document. Extension, Termination and duration of declaration is the same as the local declaration stated in section **12 & 13**

Section 66 of the CDEM Act 2002 also states:

“(2) The Minister must advise the House of Representatives as soon as practicable where a state of national emergency has been declared or extended.

(3) If a declaration of a state of national emergency is made, any other state of emergency then in force in the area to which the state of national emergency applies ceases to have effect.”

12 – Extending declarations of state of emergency

From the CDEM Act section 71:

- “(1) The duration of a state of national emergency may be extended by declaration made by the Minister.
- (2) The duration of a state of local emergency may be extended by declaration by a person authorised to declare a state of local emergency for the area concerned.
- (3) Every extension of a state of emergency expires with the commencement of the seventh day after the date on which it was declared, or at any earlier time and date that may be stated in the declaration of the extension of the duration of the state of emergency.
- (4) Nothing in this section prevents the termination of a state of emergency under section 72, or the making of another declaration under this section, before the expiration of the state of emergency (as extended), further extending the state of emergency.”

It is important to follow the checklist in **Annex F**. This will ensure that the reasoning for extending the declaration is sound.

To meet procedural requirements for extending the declaration, the correct form must be used. A form for your area is usually found in your CDEM Groups Plan. A generic form that meets the requirements is included in **Annex E**. For further reference, the form requirements are also found in the Civil Defence Emergency Management Regulations 2003, Schedule 2, Form 2.

13 – Terminating declarations of state of emergency

To assess whether it is appropriate to terminate a declaration, use the checklist in **Annex F**. The CDEM Act 2002 section 72 states:

- “(1) A person who is authorised to declare a state of emergency may, by declaration, terminate that state of emergency, whether or not the declaration of the state of emergency or any extension of it was made by that person.
- (2) Every declaration made under subsection (1) takes effect from the time and date of the declaration, or any later time and date that may be stated in the declaration.”

A termination of a declaration of a state of emergency must be done so by a declaration in the appropriate form prescribed in Civil Defence Emergency Management Regulations 2003, schedule 2, form 2. (See **Annex E**) or a form of similar effect, this form is usually found in the CDEM Group Plan.

The recovery phase of the emergency management process gains momentum when the state of civil defence emergency is terminated. At this point, the threat to life has passed, rescue activities have been completed and community safety is assured. It is important to consider the implications the termination of the state of civil defence emergency will have on these activities. Not only will statutory powers cease but some agencies and organisations, whose contribution may be linked directly to the state of civil defence emergency, may decide their role is over.

14 – Transition to Recovery.

14.1 Background

This section has been reproduced from Part 3 of the MCDEM publication Recovery Management: Director's Guideline for CDEM Groups [DGL 4/05].

Recovery starts while response activities are still in progress. Key decisions taken during the response phase are likely to directly influence and shape recovery. The CDEM Group Recovery Manager will be named in the CDEM Group plan, and will take up the role while the emergency is still in force and the controller is managing response efforts.

During the response phase, many of the agencies with significant recovery roles will be heavily committed. Consequently, the Group Recovery Manager needs to be involved in key response conferences and briefings to:

- align response and recovery priorities
- connect with key agencies
- understand key impacts and tasks
- identify recovery requirements and priorities as early as possible

14.2 Transition Process

The Controller and the Group Recovery Manager are to formally acknowledge the transfer of coordination and accountability for recovery-related activities in the following manner:

14.3 Response Transition Report

(A copy of this report is to be given to the Group Recovery Office.)

Immediately prior to termination of the civil defence emergency (or the end of the response if a declaration has not been made), the Group Controller will prepare a response transition report for the Group Recovery Manager outlining:

- the response action plan in place at the time of transition, noting actions that are incomplete
- the type and status of all assigned resources
- action taken to finalise the calculation of emergency expenditure
- a summary of the type and extent of damage in the district at the time of transition, noting specifically any areas or situations with the potential for a re-escalation to a state of civil defence emergency as well as a summary of the condition of the various aspects of the community and environment affected by the emergency and their inter-relationships.

14.4 Transition briefing

The Group Controller should chair the transition briefing, which should be formally conducted and minuted. At the end of the briefing, the Group Controller formally transfers coordination and accountability for recovery-related activities to the Group Recovery Manager.

A thorough briefing should be planned and conducted by key incident management team appointees, covering the actions currently being undertaken within their span of control and a forecast of expected outcomes and proposals for activities to be continued in the recovery phase. Key recovery personnel will be present to ensure that the relationships between the various elements of each phase are recognised and provided for.

14.5 Communications

A media briefing should be held immediately following the handover from response to recovery, arranged by the outgoing response media liaison team. The briefing will be fronted by the outgoing Group Controller⁶ and incoming Group Recovery Manager. The purpose of this media briefing will be to:

- reflect on the positive aspects of the emergency response
- outline the scope and current priorities for recovery
- reinforce selected key messages to target audiences
- provide the media with new/updated contacts for the recovery office's public information manager.

It is imperative that the communications are continually developed, maintained, adequately resourced prior to the transition, implemented and monitored during the recovery phase.

Table 2: Checklist for activities prior to the Transition from Response to Recovery

✓	The Group Controller and Group Recovery Manager:
	ensure that agencies with both response and recovery obligations are aware of their continuing role
	The Group Controller:
	develops a Transition Report in liaison with the Group Recovery Manager
	prepares for the Transition Briefing in liaison with the Group Recovery Manager
	combines impact assessments from response into categories eg, social, economic, natural and built environments
	includes the Group Recovery Manager in critical response briefings
	The Group Recovery Manager:
	ensures the Group Controller is aware of recovery requirements and tasks prior to transition
	works with the PIM to prepare the Communications Plan for recovery
	prepares a recovery action plan prior to transition
	initiates key recovery arrangements during the response phase
	begins to address the impacts from the emergency and puts in place inter-agency processes, meetings, reporting, etc to ensure recovery needs are met and coordinated

15 – Learning from the Emergency

Post-emergency learning is an essential aspect of both the planning process and successful recovery. Emergencies occur on an infrequent basis and it is 'important to document any lessons identified from managing incidents and to change current procedures and plans and provide reasons for any changes, so that they can be used in on-going training and development, and referred to in future incidents, which may not be managed by the same team. Many of the lessons identified in managing an incident have value for others working in the field'⁷.

Readers of this document who have a role during emergencies, should familiarise themselves with the MCDEM publication *Organisational Debriefing: Information for the CDEM Sector* [IS6/05]. The publication provides a framework for organisational debriefing. The Guideline can be downloaded from www.civildefence.govt.nz or hardcopies can be obtained from MCDEM.

⁶ In a local emergency, the briefing will be fronted by the local controller and local recovery manager.

⁷ Eagles, E, Goodfellow, F, Welsh, F, Murray, V, (2003) *Environmental and Public Health*, HMSO, London

16 – Triennium Election Issues

Elections for Territorial authorities and regional councils generally occur triennially on the second Saturday in October. It is possible that all elected representatives in a CDEM Group area may be out of office at the same time, creating a gap of nominated people able to make declarations. Newly elected members come into office the day after the Electoral Officer's declaration but are not able to act formally until they have sworn a declaration at the first Council meeting of the triennium.

Before a triennial election, a number of matters must be provided for. These matters must be resolved in order to ensure that council can exercise its responsibilities during the period between when current representatives leave, and the newly elected representatives take up their office. This time period could be up to ten days or more.

Following good practice, the Council members of CDEM Groups should set in place a system before issues arrive. Working to an agreed plan ensures the exercise of council responsibilities during the uncertain period. This plan should delegate statutory responsibilities (except the power to make a declaration of a state of emergency)⁸ to a person such as the Chief Executive and make provisions to ensure the CDEM Group continues to function during this period. Councils are advised to seek their own legal advice on this matter, however It is recommended that the Councils:

1. Agree that, from the day following the Electoral Officer's declaration until the new Council is sworn in, the Chief Executive is authorised to make decisions over and above their normal delegations in respect of urgent matters.
2. Note that any decisions made under this delegation will be reported to the first ordinary meeting of the Council.
3. Note that should any urgent decisions arise during this period, requiring significant political input, then an extraordinary Council meeting will be called.
4. Agree that pursuant to Clause 30(7) of Schedule 7 of the Local Government Act 2002, the Council member of the Civil Defence Emergency Management Group and any subcommittee constituted by that Group shall not be deemed to be discharged on the coming into office of the members of the Council elected at a triennial election of members.

17 – On-going development of elected members and senior management

MCDEM strongly recommends that all elected members and senior management make use of training and development opportunities. These may be offered locally and linked to priorities in CDEM Group plans. Development may also be offered by other CDEM Groups, education providers or MCDEM. On-going learning ensures key people are kept up to date, and getting together for training assists in relationship building prior to emergencies. See section 16 of the National CDEM Plan.

⁸ The power to declare is a personal power of the person authorised and is not a power of the local authority and cannot be delegated to a council officer during the gap. The Minister has the power to declare a state of local emergency in the absence of any authorised person within the CDEM Group as stated in CDEM Act 2002 section 69, also refer to section 9.4 of this guideline.

Annex A - Relationship between Groups and levels of emergency

CDEM Groups apply a range of variations to the five levels of emergency response as referred to in section 4. Variations are shown below:

National CDEM Plan Guide levels	Northland	Auckland	Waikato	Bay of Plenty	Gisborne	Hawke's Bay	Taranaki	Man -Wang	Wellington	Nelson/Tasman	Marlborough	West Coast	Canterbury	Otago	Southland	Chatham Is
1	1	1	1	1	1	Though not stated in the Group Plan there is a natural division from engaging in a Non-declared events to declaring a state of local emergency and a state of national emergency	Though not stated in the Group Plan there is a natural division from engaging in a Non-declared events to declaring a state of local emergency and a state of national emergency	Minor	1	1	1	1	1	Non-declared	1	1
2	2	2	2	2				Medium	2	2	2	2	2		2	
3	3	3	3	3	2			Major	3	N/A	3	3	3	Ward/district/s decaration/s	3	2
4	4	4	4	4				Regional significant	4	4		4	4	4	Group declaration	
5	5	5	5	5	3				5	5		5	5	National declaration	5	3

Whilst all responding agencies view levels of response differently in respect of the various types of emergencies, there are similarities and overlaps. The table on this page shows the alignments between levels of engagement between agencies in managing emergencies.

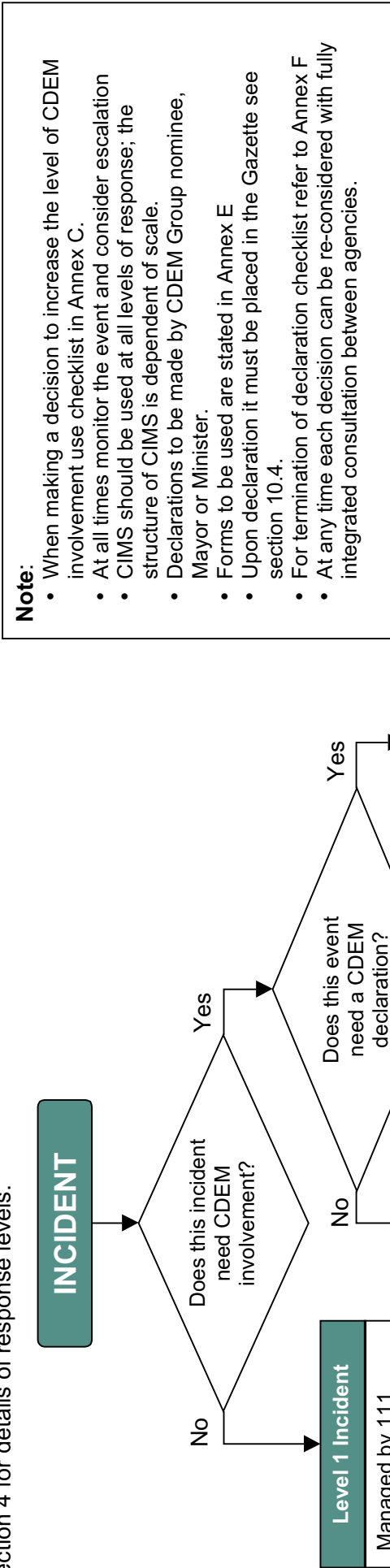
Environment	Status	CDEM Groups	NCMC/MCDEM	MOH	MSA	NZFS	NZDF
Threat	Alert	Alert/Advisory	Alert/Advisory	White			
	Standby	Standby	Standby	Yellow		Standby	Prelim Liaison
Impact	Activate	Level 1		Red	Tier 1	Alarm	Phase 1 Initial response
		Level 2	Mode 1 Monitor		Tier 2		Phase 2 Response / Recovery
		Level 3 ⁹	Mode 2 Engage		Tier 3		Phase 3 Redeployment
		Level 4	Mode 3 Assist				
		Level 5	Mode 4 Manage				
Post Impact	Stand down			Green		Stand down	

This table cannot be read in a linear approach as responding agencies may be at different levels at different times, depending on the emergency type, their function and their degree of involvement.

⁹ If associated with an Unitary Authority there may be no level 3 and therefore straight to level 4.

Annex B - Declaration & levels of emergency

When considering the scale of emergency the decision chart may help give an indicative level from the answers to the questions posed. The decision chart has been developed for Emergency Managers, Controllers and political representatives to aid in the decision making process. Refer to section 4 for details of response levels.



Note:

- When making a decision to increase the level of CDEM involvement use checklist in Annex C.
- At all times monitor the event and consider escalation
- CIMS should be used at all levels of response; the structure of CIMS is dependent of scale.
- Declarations to be made by CDEM Group nominee, Mayor or Minister.
- Forms to be used are stated in Annex E
- Upon declaration it must be placed in the Gazette see section 10.4.
- For termination of declaration checklist refer to Annex F
- At any time each decision can be re-considered with fully integrated consultation between agencies.

Annex C - Checklist for declaration to be commenced

When considering a declaration of a state of local emergency it is worth taking into account the list below to aid in the decision making process. Consideration should be made to whether; an emergency exists for example, the emergency services are overwhelmed and/or a multi agency coordination is required, and the Powers provided by the Act are required (see Sect 6 of this guideline). The table below is an indicative list of issues to take into consideration when moving from a level 2 emergency to a level 3 or 4 emergency as stated in section 4 of this document.

Declaring an Emergency				
Considerations for declaring			Yes	No
Is the situation within the definition of an emergency as stated in the CDEM Act 2002?	Result of happening defined under 'emergency' in CDEM Act 2002.			
	Cause or may cause loss of life or Injury or illness or distress or in anyway endangers the safety of the public and property.			
	Cannot be dealt with by emergency services.			
	Requires a significant and coordinated response.			
Is there a need to evacuate?	How many ()			
	How long ()			
Are lifeline utilities having or likely to have difficulties functioning?	Energy			
	Transport			
	Gas			
	Water			
	Telecommunications			
Are the Social Utilities having or likely to have difficulties in functioning?*	Food Retailers			
	Medical Services			
	Schools			
	Refuse Disposal			
Are the powers provided by the CDEM Act 2002 required (s85 – s94)?				
Have the emergency services been consulted?	Police			
	Fire			
	Health/Amb			
Have Local Authority Unit Managers been consulted?				
Has the MCDEM EM Advisor been consulted?				
Will a declaration add value to the response?				
Commencement		Extension		
Declaration for:	Ward	Local Authority	Group	
Signed by:	Date:	Time:		
Controller:		CDEMO:		
**Especially Pandemic emergencies				

Annex D - Declaration Process Checklist

The following checklist is provided as an aide memoir for the process of declarations and provides an indicative list of issues that need to be considered as part of the process. If there is an agency that is not considered appropriate then insert N/A instead of a tick. At the end of the checklist to determine whether to terminate or extend the declaration go through the same process of consultation presented at serial 2, but using the termination checklist in **Annex F**.

Declaration Process				
No.	Action	Participation	Done	Refer
1	Determine emergency and level	CDEMO		Annex B
		Controller		
		Emergency Services		
		MCDEM Advisor		
2	Consultation	CDEM Controller		Annex C & Group Plan
		CDEMO (Group/TA)		
		Emergency Services		
		MCDEM EM Advisor		
		Lifelines		
		Local Authority Unit Managers		
		Recovery Manager		
3	Declaration signed	Group Nominee		Annex E & Group Plan
		Mayor		
4	Gazette declaration	CDEMO		Section 10.4 & Group Plan
		MCDEM		
5	Public notification	Controller		Group Plan & SOP
		Public Information Manager		
6	Monitor and evaluate on going declaration	Controller		Group Plan SOP
7	Extend or Terminate declaration	Re-evaluation and Consultation (Repeat from 2 as necessary)		Annex F

Annex E - Forms for Declaring, Extending & Terminating a state of emergency

The forms that CDEM Groups and the Minister must use to declare a state of emergency are prescribed in the regulations¹⁰, however the validity of the forms are not affected by the inclusion of additional material not specified in the regulations, such as Group logos or other detail that the Groups feel necessary to be on the forms. Extra information is allowable as long as the detail of the regulations is contained within the form. According to the CDEM Regulations 2003 forms must have the following information:

for declaring a state of national emergency

"Pursuant to section 66 of the Civil Defence Emergency Management Act 2002, I [full name], declare that a state of national emergency exists over the whole of New Zealand (or a state of national emergency exists over [names of areas or districts]).

This state of national emergency comes into force on the date of this declaration (or comes into force on [specific later date])

This state of national emergency expires on [date] or with the commencement of the seventh day after the date on which this declaration was declared; whichever is the earliest.

Declared by:
Designation:
Time and date of declaration:"



for declaring a state of local emergency

"Pursuant to section 68 of the Civil Defence Emergency Management Act 2002, I [full name], declare that a state of local emergency exists in [name of the civil defence emergency management group area, district or ward].

This state of local emergency comes into force on the date of this declaration (or comes into force on [specific later date])

This state of local emergency expires on [date] or with the commencement of the seventh day after the date on which this declaration was declared; whichever is the earliest.

Declared by:
Designation:
Time and date of declaration:"



¹⁰ Civil Defence Emergency Management Regulations 2003, schedule 2

for extending a state of emergency

“Pursuant to section 71 of the Civil Defence Emergency Management Act 2002, I [full name], extend the state of national (or local) emergency declared in respect of [state “New Zealand” or the areas or districts over which the state of emergency exists] on [date] until [specify the time and date, which must not be later than the commencement of the seventh day after the date of this declaration].

Declared by:

Designation:

Time and date of declaration:”



for terminating a state of emergency

“Pursuant to section 72 of the Civil Defence Emergency Management Act 2002, I [full name], terminate the state of national (or local) emergency declared in respect of [state “New Zealand” or the areas or districts over which the state of emergency exists] on [date].

The termination of the state of national (or local) emergency takes effect from [date].

Declared by:

Designation:

Time and date of declaration:”



Annex F - Checklist for declaration to be terminated

A declaration may be terminated because it has run out of time and the start of the seventh day on which the declaration was made is about to begin, or the CDEM Group has determined that the declaration is no longer required. If the declaration lapses due to exceeding the statutory timeframe, then a new declaration must be made as an expired declaration cannot be extended.

To determine whether a declaration of a state of emergency should be terminated or not will be similar to determining if a declaration should be made.

It would be worth considering the following:

Terminating a Declaration		
Considerations for terminating	Yes	No
Is the situation still within the definition of an emergency as stated in the CDEM Act 2002?		
Are the reasons for declaring still present?		
Are all the threats to life and property still present?		
Is this event or subsequent event likely to reoccur in the immediate future?		
Will the community be at risk?		
Does the emergency still require a high level of coordination by the Controller?		
Is the Lead Agency still unable to take over control?		
Are the powers provided by the CDEM Act still required?		
Are the emergency Services unable to cope without a declaration?		
Are there still difficulties identifying the area or areas impacted?		
Are the essential lifelines utilities experiencing operating issues?		
If supporting another CDEM Group do they still need the level of support?		
Is the Recovery process unable to proceed?		
Is a state of emergency still required?		
Circle required	TERMINATE DECLARATION	EXTEND DECLARATION
Signed by:	Date:	Time:
Controller:	CDEMO:	

If any of the boxes is ticked 'Yes' the issue must be weighed against risk of termination and the continuation of the declaration. To terminate a declaration of a state of emergency, the form stated in the CDEM regulations and described in **Annex E** must be completed and the public must be notified including being Gazetted as described in section 10.4 of this document.

Notes:

Notes:

Notes:

