



## Miscellaneous Changes

The Civil Defence Emergency Management Amendment Act 2016 makes some general amendments to the Civil Defence Emergency Management Act 2002 (the Act) as set out below.

### Definition of a CDEM's Group area

The definition of "area" has been clarified in the Amendment Act and,

*in relation to a Civil Defence Emergency Management Group,—*

*(a) means all the districts of the local authorities that are members of the Group; and*

*(b) extends to—*

*(i) the landward boundary of the territorial authorities in the Group; and*

*(ii) the seaward boundary of the regions of regional councils or unitary authorities in the Group*

It is assumed that the district and regional council boundaries as gazetted under the Local Government Act 2002 will apply.

### Comments made by the Minister on draft CDEM Group Plans

Section 49 (Proposed plan to be sent to Minister) has been amended. There is now a specific requirement that the CDEM Group 'must have regard to any comments made by the Minister [of Civil Defence]'

*What does 'have regard to' mean?*

It is a term commonly used in legislation. Generally, to meet the test will require the CDEM Groups to give those matters raised by the Minister genuine attention and thought. But, the Group is not necessarily required to accept them all.

The CDEM Groups still need to meet other requirements of the Act. Its Group Plan must: state and provide for all the matters listed in section 49(2), not be inconsistent with the national CDEM strategy (section 53(1)), and 'take account of' any Director's Guidelines (section 53(2)).

### CDEM Co-ordinating Executive Group (CEG) membership

There are two changes:

- Section 20(1)(d) has been amended so it now refers to a provider of a 'health and disability service'. The previous reference was to 'hospital and health service'. This change reflects the new definition in the NZ Public Health and Disability Act 2000. (Section 4 interpretation is also updated.)
- A senior ambulance service officer may be co-opted as a member of the CEG. Section 20(1A) now specifically refers to the option of a member being a 'senior ambulance service officer'. It is assumed that each CDEM Group will make its own evaluation as to whether it is appropriate to have any members co-opted under section 20(1)(e).