

Procedure for extending or terminating a Transition Period

Who can extend a local transition period? (Section 94D)

- The person who gave notice under s25(1), the Minister, or the person authorised to give notice, may extend a local transition period for a further 28 days.
- A local transition period can be extended more than once, if an extension is required (s94D(2) and (7)). However, if it is extended a third or further time, the person extending it must give the Minister a copy of the notice at the same time as notifying the public under s94F(4). The Minister is then required to inform the House of Representatives (s94D(8)).

Requirements for extending a local transition notice

Section 94F sets out the content for a notice extending a transition period, including that it must be in the form prescribed by regulations or a form of similar effect.

When does an extension come into force and end?

Section 94F(6) – provided the requirements for extending a local transition period are met:

- An extension comes into force immediately before the end of the transition period that is extended.
- A transition period ends 28 days after the time and date on which the extension comes into force, unless terminated earlier.

Tests for extending a local transition period

Test for extending a notice of a local transition notice

Section 94D(2) – ‘if it appears to that person that a local transition period is required’

Section 94D(3) - In deciding whether an extension of a transition period is required –

- (a) Must have regard to the areas, districts, or wards affected by the emergency; and
- (b) Must be satisfied that invoking the powers to manage, co-ordinate, or direct recovery activities is –
 - (i) In the public interest; and
 - (ii) Necessary or desirable to ensure a timely and effective recovery.

Additional tests for Minister to extend notice of a local transition notice

Section 94D:

- (4) In deciding whether an extension is required, the Minister must also have regard to the capacity of any Civil Defence Emergency Management Group and any local authority in any area, district, or ward affected by the emergency to carry out recovery activities.
- (5) Before giving notice under subsection (2), the Minister must, in a manner the Minister considers appropriate, seek and consider comment from any affected Civil Defence Emergency Management Group and the Mayor of any affected local authority, unless—
 - (a) it is impracticable in the circumstances; or
 - (b) in the opinion of the Minister, the urgency of the situation requires the notice of extension to be given immediately

Who can terminate a local transition period? (s94E)

- The person who gave notice of a local transition period (or the Minister or another appointed or person authorised to give the notice) may by notice terminate the local transition period (s94E(2))
- If a state of emergency is declared over an area (or any part of an area) to which a transition period applies, the transition period ends without a termination notice being given.

Requirements for terminating a local transition period

- Section 94E(5) sets out the content for a notice terminating a transition period, including that it must be in the form prescribed by regulations or a form of similar effect.

Tests for terminating a local transition period

Tests for Minister to terminate notice of a local transition notice

Section 94E:

- (4) Before terminating a local transition period under 94E(2) the Minister must, in the manner the Minister considers appropriate, seek and consider comment from any affected CDEM Group and the Mayor of any affected local authority, unless –
 - (iii) it is impracticable in the circumstances; orIn the opinion of the Minister, the urgency of the situation requires the notice of termination to be given immediately.