

Advice on recording powers used during a transition period

Factsheet: This factsheet provides advice on recording powers used during a transition period to assist with the reporting requirement under section 94P of the Civil Defence Emergency Management Act 2002 (the Act).

A way to ensure the exercise of powers can be easily recorded for reporting is to have a centralised spreadsheet or document that is regularly updated (e.g. weekly) that sets out:

- the power(s) exercised under Part 5A of the Act;
- the person who exercised the power(s) (these include persons who have delegated authority from a Recovery Manager to exercise the powers);
- the reasons for the exercise of that power(s).

In addition, while it is not required by the Act, it may be useful to include:

• a broad description of the key elements considered in relation to the test for exercising powers under section 94G(3) of the Act.

Appendix One sets out an example table that could form the basis for a central record of the use powers.

Appendix one: Template for a spreadsheet or document to record powers exercised during a transition period

Powers exercised during the [national/local] transition period relating to [describe emergency].

used Date ection of nd broad of power) 94N e.g 1 March	By Whom By Especify name	Reason for use	In the public interest	Necessary or desirable to ensure a timely and effective recovery	Proportionate in the circumstances
94N e.g 1 Marcl	By Ispecify name	To dotormino			
quire 2017 ing	and title] e.g. T Smith Building Control Manager, [specify territorial authority], who the Local Recovery Manager delegated powers to under [xxxe.g 30A(3)]	To determine if there has been structural damage to buildings after the [specify] earthquake	Important to check buildings are safe to occupy	Power is necessary as some building owners are not commissioning engineering assessments or providing them to the Recovery Manager.	The exercise of the power is considered proportionate in the circumstance. An Engineering panel assessed which buildings may be at risk and only those where there are significant concerns that there is a risk of injury or a risk to the safety of life are required to be assessed.
		Control Manager, [specify territorial authority], who the Local Recovery Manager delegated powers to under	Control Manager, [specify territorial authority], whostructural damage to buildings the Local Recovery after the Manager delegated powers to under	Control Manager,structuralare safe to[specify territorialdamage tooccupyauthority], whobuildingsthe Local Recoveryafter theManager delegated[specify]powers to underearthquake	Control Manager, [specify territorial authority], who the Local Recovery powers to understructural damage to buildings after the [specify]are safe to occupyowners are not commissioning engineering assessments or providing them to the Recovery