Name and logo of Council

Report on powers exercised during a transition period template

*Replace yellow highlights with relevant information or delete if not applicable.*

The Recovery Manager must report powers used during a transition period to the Director CDEM and copied to the CDEM Group (Section 94P of the Civil Defence Emergency Management Act). The report must identify the powers exercised under Part 5A of the Act during a transition period, the person who exercised the power or powers, and the reasons for the exercise of those powers.

See [Reporting on use of powers during a transition period](file:///C:\NRPortbl\DPMC\HAMMONDTOOKEA\Reporting%20on%20use%20of%20powers%20during%20a%20transition%20period) for more information.

*The information should be lifted and updated from the Record of powers exercised during a transition period.*

Report to Director of Civil Defence Emergency Management – use of powers during local transition period for the name of emergency

To the Director of Civil Defence Emergency Management

70-84 Lambton Quay  
PO Box 5010  
Wellington 6145

Copied to the xxx Civil Defence Emergency Management Group

Date

**Introduction**

This report is intended to meet the Recovery Manager’s obligation under section 94P of the Civil Defence Emergency Management Act 2002 (the Act) to report on the exercise of statutory powers during a transition period.

**Statutory requirement**

Pursuant to section 94P, within seven days of the end of the transition period, the Recovery Manager, or person acting under the authority of the Recovery Manager, is required to provide a report to the Director of Civil Defence Emergency Management outlining:

(a) The power or powers exercised under the Act

(b) The person who exercised the powers

(c) The reasons for the exercise of those powers.

**Powers exercised**

Under section [specify section for the power] of the Act which provides the power to [describe power], [insert person who exercised the power and their position] exercised this power [specify number of times] for the purpose of [specify reasons].

For example, John Smith, Local Recovery Manager, exercised section 94K power, which provides for the exclusion of any persons or vehicles from any premises or place for the preservation of human life during the flooding event. John Smith also used section 94H(a)(iii) five times to examine buildings for the risk of structural collapse. John Smith also exercised section 94L three times, the power of entry, to enter flood affected buildings for the purposes of assessments under section 94(H)(a)(iii).

*The information could be displayed in a table if several powers have been used during a transition period and it would be easier to read than text:*

| Reporting requirements – explanation of powers used | | | | | Factors considered by the Recovery Manager for tests of exercise of powers | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Power used (section of the Act and description of power) | Number of  times power exercised | Date | By whom (name, title, Territorial Authority) | Reason for use | In the public interest | Necessary or desirable to ensure a timely and effective recovery | Proportionate in the circumstances | |
| Section 94K: power to exclude any persons or vehicles from any premises or place for the preservation of human life during the flooding event. | 1 | 1 March 2018 | John Smith, Local Recovery Manager | To protect public safety while buildings were being assessed |  |  |  | |
| Section 94H(a)(iii) to examine buildings for the risk of structural collapse. | 5 | Date – | John Smith, Local Recovery Manager |  |  |  |  | |
| Section 94L: power of entry, to enter flood affected buildings for the purposes of assessments under section 94(H)(a)(iii). | 3 | Date – | John Smith, Local Recovery Manager |  |  |  |  |
| Section 94N: power to require an engineering assessment. | 12 | 1 March 2018 | Joan Jones, Building Control Manager, Coastal District Council, who the Local Recovery Manager delegated powers to under Sxxx | To determine if buildings have structural damage 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 might be at risk, and only those where there are significant concerns of risk of injury or to the safety of life are required to be assessed. |
|  |  |  |  |  |  |  |  |

[Recovery Manager name]

[National, Group, Local] Recovery Manager