



Quick Guide: Declaring a state of local emergency

Purpose of state of local emergency

Declaring a state of local emergency provides for Controllers to direct and coordinate personnel, material and other resources made available and provides access to extra-ordinary powers to deliver an effective and timely response to an emergency.

Even when the tests below in the Act are met, there is an element of judgement about if a state of emergency should be declared. However, if access to extra-ordinary powers is required, such as requiring an evacuation, a state of emergency should be declared.

Key tests

A declaration can only be made if all the tests in the Act are met.

1. Does it appear to you that an emergency has occurred or may occur within the area?
2. Is the situation an emergency as defined in the CDEM Act 2002? Is it:
 - The result of a 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**
 - 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**
 - Cannot be dealt with by emergency services or otherwise requires a significant and co-ordinated response?

The approval of the Minister of Civil Defence is required for any declaration of a state of local emergency related to COVID-19 matters (s68(6)). This is to ensure that a nationally consistent approach continues to be taken to COVID-19. Talk to your REMA if you think you may need to make such a declaration.

Good practice advice

Talk to the Controller about the tests above and whether powers are needed, or coordination may be required, under the Act. For example, do people need to be evacuated or access restricted to certain areas? Are inspections on private property needed? Do CDEM officials need to take control of land or buildings to enable the preservation of human life?

Indicators that an emergency may require a significant and coordinated response include:

- many agencies involved in responding to the emergency.
- lifeline utilities aren't functioning or are having difficulty functioning;
- social utilities such as schools are closed.

Other matters

The provisions for Government financial support to local authorities relating to emergencies apply whether or not there is a state of emergency.

For Mayors or a person delegated in the Mayor's absence, does the emergency affect more than one district? If so, have you contacted the CDEM Group person authorised to declare a state of emergency for the CDEM Group area to see if they plan to declare a state of local emergency for the Group area?

Other matters (continued)

We recommend you talk to your Controller first. We also recommend you talk to your NEMA Regional Emergency Management Advisor (REMA) or NEMA Duty Officer if you cannot contact your REMA. They can help you consider all the necessary factors and ensure that NEMA is aware of the situation in case national support is required.

Depending on the circumstances, others you may want to talk to:

- Other members of the CDEM Group e.g. neighbouring mayors
- Local Controller and Emergency Management Officers
- Local Authority Utility Managers
- New Zealand Police
- Fire and Emergency New Zealand
- Providers of health and disability services (e.g. District Health Boards, Primary Health Organisations, Ambulance Services).

Allowing a state of local emergency for a non-COVID-19 related emergency when a state of national emergency is in place for COVID-19 is in place

Normally, the CDEM Act does not allow a state of national emergency and a state of local emergency to be in place at the same time for the same area (or part area). The CDEM Act has been amended to allow a state of local emergency for a non-COVID-19 related emergency when a state of national emergency for COVID-19 is in place for the same area (or part area) (s68(8)).