

Excerpts from the Civil Defence Emergency Management Act of 2002 (New Zealand)  
2002 No. 33 (17 October 2002)

#### 4. Interpretation—

In this Act, unless the context otherwise requires,—

“**administering authority**” means, in relation to a Civil Defence Emergency Management Group, the administering authority appointed under section 23

“**area**”, in relation to a Civil Defence Emergency Management Group, means the area that encompasses all the districts of the local authorities that are members of the Group

“**civil defence emergency management**” —

- (a) means the application of knowledge, measures, and practices that—
  - (i) are necessary or desirable for the safety of the public or property; and
  - (ii) are designed to guard against, prevent, reduce, or overcome any hazard or harm or loss that may be associated with any emergency; and
  
- (b) includes, without limitation, the planning, organisation, co-ordination, and implementation of those measures, knowledge, and practices

**“Civil Defence Emergency Management Co-ordinating Executive Group”** or **“Executive Group”** means a Group established under section [20](#)

**“Civil Defence Emergency Management Group”** or **“Group”** means a Group established under section [12](#) or established or re-established under section [22](#)

**“civil defence emergency management group plan”** means a plan prepared and approved under section [48](#)

**“civil defence emergency management plan”** means a national civil defence emergency management plan or a civil defence emergency management group plan

**“Controller”** means the person who is the National Controller in accordance with section [10](#), or a Group Controller appointed under section [26](#)

**“department”** means a department of the public service listed in the First [Schedule](#) of the State Sector Act 1988

**“Director”** means the Director of Civil Defence Emergency Management appointed under section [8](#)

[**“district”** means the district of a local authority; and includes a region]

**“emergency”** means a situation that—

(a) is the result of any 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

(b) 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

(c) cannot be dealt with by emergency services, or otherwise requires a significant and co-ordinated response under this Act

**“emergency services”** means the New Zealand Police, New Zealand Fire Service, National Rural Fire Authority, rural fire authorities, and hospital and health services

**“Group Controller”** means a person appointed as a Group Controller under section [26](#)

**“hazard”** means something that may cause, or contribute substantially to the cause of, an emergency

**“hospital and health service”** has the same meaning as in section [2](#) of the Health and Disability Services Act 1993

**“lifeline utility”** means an entity named or described in Part A of Schedule 1, or that carries on a business described in Part B of Schedule 1

**“local authority”** means a local authority within the meaning of the [Local Government Act 2002](#)

“**member**” means a local authority that is a member of a Civil Defence Emergency Management Group

“**Minister**” means, subject to any enactment, the Minister of the Crown who, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

“**national civil defence emergency management plan**” means a plan made under section 39

“**national civil defence emergency management strategy**” means a strategy completed under section 31

“**National Controller**” means the person who is the National Controller in accordance with section 10

“**national significance**” includes, without limitation, any case where the Minister or the Director considers that—

- (a) there is widespread public concern or interest; or
- (b) there is likely to be significant use of resources; or
- (c) it is likely that the area of more than 1 Civil Defence Emergency Management Group will be affected; or
- (d) it affects or is likely to affect or is relevant to New Zealand's **international**

obligations; or

(e) it involves or is likely to involve technology, processes, or methods that are new to New Zealand; or

(f) it results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment)

**“public place”** means a place that, at any material time, is—

(a) open to or is being used by the public, whether free or on payment of a charge, and whether or not any owner or occupier of the place is lawfully entitled to exclude or reject any person; and

(b) includes, without limitation, any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward

**“recovery activities”** means activities carried out under this Act or any civil defence emergency management plan after an emergency occurs, including, without limitation,—

(a) the assessment of the needs of a community affected by the emergency;  
and

(b) the co-ordination of resources made available to the community; and

(c) actions relating to community rehabilitation and restoration; and

(d) new measures to reduce hazards and risks

**Recovery Co-ordinator** means a Recovery Co-ordinator appointed under section 29

**region** means a region within the meaning of the [Local Government Act 2002](#)

**regional council** means a regional council within the meaning of the [Local Government Act 2002](#)

**representative** means an elected member of a local authority, including an elected member of a community board

**responsible department** means the department that is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act

**risk** means the likelihood and consequences of a hazard

**road** has the same meaning as in section 2(1) of the Land Transport Act 1998

**state of emergency** means a state of national emergency or a state of local emergency

**state of local emergency** means a state of local emergency declared under section 68 or section 69

“**state of national emergency**” means a state of national emergency declared under section [66](#)

“**State services**” has the same meaning as in section [2](#) of the State Sector Act 1988

[“**territorial authority**” means a territorial authority within the meaning of the [Local Government Act 2002](#)]

[“**unitary authority**” means a unitary authority within the meaning of the [Local Government Act 2002](#)]

“**working day**” means any day of the week other than—

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and

(b) a day in the period beginning on 25 December in any year and ending with 15 January in the following year.

### **38. Matters relevant to development of civil defence emergency management plans—**

All persons exercising functions in relation to the development of civil defence emergency management plans under this Act must have regard to—

(a) the responsibility of people and communities to provide for their own well-being and the well-being of future generations:

(b) the benefits to be derived for people and communities from the management of hazards and risks:

(c) New Zealand's **international** obligations.

#### **94. Contracts in urgent cases—**

(1) Despite anything in the [Public Bodies Contracts Act 1959](#), the following persons may, during a state of emergency, enter into any contract on behalf of a Civil Defence Emergency Management Group for any of the purposes of this Act:

(a) the chairperson of the Group:

(b) the deputy chairperson of the Group:

(c) any employee of the Group who is authorised for the purpose in the Group's civil defence emergency management plan:

(d) the Group Controller.

(2) A person who exercises the power conferred on him or her by this section must report the full circumstances of its exercise to the Civil Defence Emergency Management Group at its next ordinary meeting or, if that is not practicable, at its next succeeding ordinary meeting.



## **110. Protection from liability—**

(1) Except as provided in sections 107 to 109, there is no cause of action against the Crown, or a Civil Defence Emergency Management Group, or an officer or employee or member of any of them, or against any other person, to recover damages for any loss or damage that is due directly or indirectly to a state of emergency.

(2) Subsection (1) applies whether the loss or damage is caused by any person taking any action or failing to take any action, so long as the act or omission occurred in the exercise or performance of his or her functions, duties, or powers under this Act.

(3) No person is exempted from liability under subsection (1) for any act or omission to act that constitutes bad faith or gross negligence on the part of that person.

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