

Public Safety Conservation Act 1932

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**An Act to make Provision for the Protection of the Community in Cases of
Emergency.**

BE IT ENACTED by the General Assembly of New Zealand in Parliament
assembled, and by the authority of the same, as follows:—

1 Short Title.

This Act may be cited as the Public Safety Conservation Act, 1932.

2 Issue of Proclamations of Emergency.

- (1) If at any time it appears to the Governor-General that any action has been taken or is immediately threatened by any persons or body of persons of such a nature and on so extensive a scale as to be calculated, by interfering with the supply and distribution of food, water, fuel, or light or with the means of locomotion, to deprive the community or any substantial portion of the community of the essentials of life, or if at any time it appears to the Governor-

General that any circumstances exist, or are likely to come into existence, whereby the public safety or public order is or is likely to be imperilled, the Governor-General may, by Proclamation approved in Executive Council (hereinafter referred to as a Proclamation of Emergency), declare that a state of emergency exists throughout New Zealand or, according to the tenor of the Proclamation, throughout any area or areas that may be specified or defined in the Proclamation in that behalf.

- (2) No such Proclamation shall be in force for more than one month, without prejudice to the issue of another Proclamation at or before the end of that period.
- (3) Where a Proclamation of Emergency has been made, the occasion thereof shall forthwith be communicated to Parliament if Parliament is then in session, and if Parliament is not then in session, shall be communicated to Parliament within fourteen days after the commencement of the next ensuing session.

Compare: 10 & 11, Geo. V, c. 55, s. 1

3 Emergency regulations.

- (1) Where a Proclamation of Emergency has been made, and so long as the Proclamation is in force, it shall be lawful for the Governor-General, by Order in Council, to make all such regulations as he thinks necessary for the prohibition of any acts which in his opinion would be injurious to the public safety, and also to make all such other regulations as in his opinion are required for the conservation of public safety and order and for securing the essentials of life to the community. Without limiting the generality of the authority conferred by the foregoing provisions of this subsection, any regulations as aforesaid may confer or impose on a responsible Minister of the Crown, or on any Department of State, or on any persons in the Service of the Crown or acting on behalf of the Crown, such powers and duties as the Governor-General may deem necessary for the preservation of peace and order, for securing and regulating the supply and distribution of food, water, fuel, light, and other necessities, for maintaining the means of transit, transport, or locomotion, and for any other purposes essential to the maintenance of public safety and order and the life of the community; and may make such provisions incidental to the powers aforesaid as may appear to the Governor-General to be required for making the exercise of those powers effective.
- (2) Any regulations made under the authority of this section may apply throughout New Zealand, notwithstanding that a Proclamation of Emergency may have been issued only in respect of a limited area or of limited areas, or may, according to the tenor of the Order in Council by which such regulations are made, apply only within the area or areas specified or defined in the Proclamation of Emergency.
- (3) Any regulations so made shall be laid before Parliament as soon as may be after they are made, and shall not continue in force after the expiration of

fourteen days from the time when they are so laid before Parliament unless a resolution is passed by both Houses providing for the continuance thereof.

- (4) Every person who commits, or attempts to commit, or does any act with intent to commit, or counsels, procures, aids, abets, or incites any other person to commit, or conspires with any other person (whether in New Zealand or elsewhere) to commit, any offence against any such regulation shall be liable on summary conviction before a Magistrate to imprisonment for a term of three months or a fine of one hundred pounds, or both such imprisonment and fine, together with the forfeiture of any goods or money in respect of which the offence has been committed. In any prosecution for any such offence the Court may admit such evidence as it thinks fit, whether such evidence would be admissible in other proceedings or not.
- (5) The regulations so made shall have effect as if enacted in this Act, but may be added to, altered, or revoked by resolution of both Houses of Parliament or by regulations made in like manner and subject to the like provisions as the original regulations. All regulations made under the authority of this section and not theretofore revoked shall expire on the expiration of the Proclamation of Emergency by virtue whereof they were made, but may be revived either in whole or in part by any subsequent Proclamation of Emergency.
- (6) The expiry or revocation of any regulations so made shall not be deemed to have affected the previous operation thereof, or the validity of any action taken thereunder, or any penalty or punishment incurred in respect of any contravention or failure to comply therewith, or any proceeding or remedy in respect of any such punishment or penalty.
- (7) No regulation under this Act shall be deemed invalid because it deals with any matter already provided for by any Act in that behalf, or because of any repugnancy to any such Act.
- (8) Nothing in this Act or in any regulation under this Act shall be so construed or shall so operate as to take away or restrict the liability of any person for any offence punishable independently of this Act.

Compare: 10 & 11, Geo. V, c. 55, s. 2

4 Special provisions applicable pending issue of Proclamation of Emergency.

- (1) In any case of public emergency, whether arising from earthquake, fire, flood, public disorder, or otherwise howsoever, in which, owing to the suddenness of the occurrence, the interruption of communications, or any other cause, the foregoing provisions of this Act cannot be put into operation immediately, the senior officer of the Police Force present in the locality shall assume responsibility for the issuing of all orders and instructions necessary in his opinion for the preservation of life, the protection of property, and the maintenance of order. The authority conferred by this section shall cease and determine on the issue of a Proclamation of Emergency under section two hereof.

- (2) Every person who obstructs or interferes with any officer of police or other person in the execution of any orders or instructions given by or with the authority of the senior officer of the Police Force as aforesaid commits an offence against this Act and shall be liable to the same penalty as if he had committed an offence against regulations made under the authority of the last preceding section.

5 Protection of persons acting under authority of this Act or of regulations thereunder.

No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person against the Crown, or any Minister of the Crown, or any officer or person acting in the execution or intended execution of this Act or of any regulations thereunder, for or in respect of any damage, loss, or injury sustained or alleged to have been sustained by reason of anything done or purporting to be done under the authority of this Act or of regulations as aforesaid, save only in respect of reasonable compensation for any property used or taken for or on behalf of the Crown in pursuance of any powers conferred by this Act or by regulations under this Act.