

Reprint
as at 19 April 2016



Canterbury Earthquake (Civil Defence Emergency Management Act) Order 2010

(SR 2010/316)

Canterbury Earthquake (Civil Defence Emergency Management Act) Order 2010: revoked (after expiring on the close of 29 November 2010), on 19 April 2016, by section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 16th day of September 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 6 of the Canterbury Earthquake Response and Recovery Act 2010, His Excellency the Governor-General makes the following order acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister made in accordance with section 6(2) of that Act.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint. Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Civil Defence and Emergency Management.

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Order**1 Title**

This order is the Canterbury Earthquake (Civil Defence Emergency Management Act) Order 2010.

*Preliminary provisions***2 Commencement**

This order comes into force on 16 September 2010.

3 Expiry

This order expires on the close of 29 November 2010.

4 Interpretation and application

(1) In this order, unless the context otherwise requires,—

Act means the Canterbury Earthquake Response and Recovery Act 2010

authorised person means a person who is, or who is acting under the authority of,—

- (a) a Controller; or
- (b) a constable

CDEM Act means the Civil Defence Emergency Management Act 2002

Controller means a person who is—

- (a) the Group Controller appointed under section 26(1) or (2) of the CDEM Act by the Canterbury Civil Defence Emergency Management Group and for its area; or
- (b) a Local Controller appointed under section 27(1) of the CDEM Act by that Group to carry out any of the functions and duties of, or delegated to, that Group's Group Controller and to exercise the powers of Controllers in the area for which the Group Controller is appointed

relevant authority means a territorial authority that is—

- (a) Christchurch City Council; or
- (b) Selwyn District Council; or
- (c) Waimakariri District Council

response to the Canterbury earthquake, as referred to in clause 7(1)(b), 8(b), 9(1)(c), or 10(1)(b), includes, without limitation, every act or omission, and every performance or exercise or intended performance or exercise of functions, responsibilities, duties, or powers, that is (in whole or in part) authorised by, or made lawful by virtue of,—

- (a) provisions of this order other than that clause; or
- (b) provisions of any other order made under section 6 of the Act

specified district means a district of a relevant authority.

- (2) A reference in this order to an offence in a section of the CDEM Act includes a reference to any 1 or more related defences provided for by the section.
- (3) Terms used and not defined in this order but defined in the Act or the CDEM Act have, in this order, the meanings given to them by that Act.
- (4) The modifications or extensions in this order apply only in respect of a specified district, and apply in respect of a specified district only in respect of the period that—
 - (a) begins at the expiry or termination of all or any part of the state of local emergency declared (and, if applicable, extended) for that district because of the Canterbury earthquake; and
 - (b) ends when this order expires on the close of 29 November 2010.

Modifications of, or extensions to, provisions of CDEM Act

5 Evacuation of, and exclusion of persons or vehicles from, premises and places (including public places)

- (1) An authorised person may exercise all or any powers stated in section 86 of the CDEM Act in respect of any premises or place (including any public place) in a specified district as if a state of emergency were in force in respect of that

district but only if, in the authorised person's opinion, or if he or she is acting under the authority of a Controller or constable in that Controller's or constable's opinion, the exercise of those powers is necessary for the preservation of human life.

- (2) The offence and penalty in sections 99 and 104 of the CDEM Act apply (without limitation) to a failure by a person to comply with a direction given to the person under section 86 of that Act as modified or extended by this clause.

6 Entry on, and breaking into, premises and places

An authorised person may exercise all or any powers stated in section 87 of the CDEM Act in respect of any premises or place within a specified district as if a state of emergency were in force in respect of that district but only if the authorised person, or if he or she is acting under the authority of a Controller or constable that Controller or constable, believes on reasonable grounds that the exercise of those powers is necessary for—

- (a) saving life, preventing injury, or rescuing and removing injured or endangered persons; or
- (b) permitting or facilitating the carrying out of any urgent measure for the relief of suffering or distress.

7 Prohibitions or restrictions on public access, with or without vehicles, to roads and public places

- (1) An authorised person may exercise all or any powers stated in section 88 of the CDEM Act in respect of any roads or public places within a specified district as if a state of emergency were in force in respect of that district but only if the authorised person, or if he or she is acting under the authority of a Controller or constable that Controller or constable, believes on reasonable grounds that the exercise of those powers is necessary in order to—

- (a) prevent or limit the consequences of the Canterbury earthquake; or
- (b) facilitate the response to the Canterbury earthquake.

- (2) The offence and penalty in sections 100 and 104 of the CDEM Act apply (without limitation) to a failure by a person to comply with a prohibition or restriction imposed under section 88 of that Act as modified or extended by this clause.

8 Removal of (and for that purpose using force or breaking into) aircraft, vessels, vehicles, etc

An authorised person may exercise all or any powers stated in section 89 of the CDEM Act in respect of any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle impeding civil defence emergency management in a specified district as if a state of emergency were in force in respect of that district but only if the authorised person, or if he or she is acting under the authority of a

Controller or constable that Controller or constable, believes on reasonable grounds that the exercise of those powers is necessary in order to—

- (a) prevent or limit the consequences of the Canterbury earthquake; or
- (b) facilitate the response to the Canterbury earthquake.

9 Requisitioning property

- (1) An authorised person may exercise all or any powers stated in section 90 of the CDEM Act in respect of a specified district and any property referred to in that section as requisitioned property, and in respect of the owner or person for the time being in control of that property, as if a state of emergency were in force in respect of that district but only if the authorised person, or if he or she is acting under the authority of a Controller or constable that Controller or constable, believes on reasonable grounds that the exercise of those powers is necessary—
 - (a) for the preservation of human life; or
 - (b) in order to prevent or limit the consequences of the Canterbury earthquake; or
 - (c) in order to facilitate the response to the Canterbury earthquake.
- (2) The offences and penalty in sections 101 and 104 of the CDEM Act apply (without limitation) in respect of a person who intentionally fails to—
 - (a) comply with any direction given to him or her under section 90(2) as modified or extended by this clause; or
 - (b) provide assistance under section 90(6) as modified or extended by this clause.
- (3) Section 107 (compensation if property requisitioned) of the CDEM Act applies (without limitation) in respect of any exercise of powers stated in section 90 of the CDEM Act as modified or extended by this clause.

10 Directing or requesting persons to stop certain activities or to take certain actions

- (1) An authorised person may exercise all or any powers stated in section 91 of the CDEM Act in respect of a specified district and an activity by or action to be taken by a person as if a state of emergency were in force in respect of that district but only if the authorised person, or if he or she is acting under the authority of a Controller or constable that Controller or constable, believes on reasonable grounds that the exercise of those powers is necessary in order to—
 - (a) stop the activity by the person because it may substantially contribute to any consequences of the Canterbury earthquake; or
 - (b) require the person to take the action to facilitate the response to the Canterbury earthquake.

- (2) The offence and penalty in sections 102 and 104 of the CDEM Act apply (without limitation) to a failure by a person to comply with a direction given under section 91(a) of that Act as modified or extended by this clause.

11 Carrying out inspections, etc

An authorised person may exercise all or any powers stated in section 92 of the CDEM Act in respect of a specified district and any property, animal, or any other thing as if a state of emergency were in force in respect of that district but only if the authorised person, or if he or she is acting under the authority of a Controller or constable that Controller or constable, believes on reasonable grounds that the exercise of those powers is necessary in order to prevent or limit the consequences of the Canterbury earthquake.

12 Person exercising powers to provide proof of identity

All requirements stated in section 93 of the CDEM Act apply (without limitation) to a person exercising a power conferred on him or her by section 86, 87, 88, 89, 90, 91, or 92 of the CDEM Act as modified or extended by this order.

13 Obstruction

The offence and penalty in sections 98 and 104 of the CDEM Act apply (without limitation) to any person who threatens, assaults, or intentionally obstructs or hinders any person in that person's exercise or performance of a function, power, or duty under section 86, 87, 88, 89, 90, 91, or 92 of the CDEM Act as modified or extended by this order.

14 Personation

The offence and penalty in sections 103 and 104 of the CDEM Act apply (without limitation) to any person who intentionally personates or falsely represents himself or herself to be a person duly authorised or employed for carrying out any of sections 86 to 92 of the CDEM Act as modified or extended by this order.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order comes into force on 16 September 2010, and expires on the close of 29 November 2010.

It modifies or extends provisions of the Civil Defence Emergency Management Act 2002 (**CDEM Act**). While a state of local emergency was in force in respect of a spe-

cified district (Christchurch City, Selwyn District, or Waimakariri District), those provisions enabled civil defence emergency management powers to be exercised in respect of that district by persons who are, or who are acting under the authority of, a Controller or a constable (**authorised persons**). The modifications or extensions apply only in respect of a specified district, and apply in respect of a specified district only in respect of the period that—

- begins at the expiry or termination of all or any part of the state of local emergency declared (and, if applicable, extended) for that district because of the Canterbury earthquake; and
- ends when this order expires on the close of 29 November 2010 (*clause 4(4)*).

The following clauses modify or extend the following provisions of the CDEM Act to make available to authorised persons the following powers and associated provisions.

Clause 5 modifies or extends sections 86, 99, and 104 to make available powers to evacuate, and to exclude persons or vehicles from, premises and places (including public places) and an associated offence and penalty.

Clause 6 modifies or extends section 87 to make available powers to enter on, and if necessary break into, premises and places.

Clause 7 modifies or extends section 88 to make available prohibitions or restrictions on public access, with or without vehicles, to roads and public places and an associated offence and penalty.

Clause 8 modifies or extends section 89 to make available powers to remove (and if necessary for that purpose to use force or break into) aircraft, vessels, vehicles, etc.

Clause 9 modifies or extends section 90 to make available powers to requisition property, associated offences and an associated penalty, and an associated provision for compensation.

Clause 10 modifies or extends sections 91, 102, and 104 to make available powers to direct or request persons to stop certain activities or to take certain actions and an associated offence and penalty.

Clause 11 modifies section 92 to make available powers to examine, mark, seize, sample, secure, disinfect, or destroy any property, animal, or any other thing.

Clause 12 modifies or extends section 93 to ensure requirements to carry and provide on request evidence of identity and to on request produce evidence of or give a general explanation of the relevant authority for action and powers being exercised apply to a person exercising powers under specified sections modified or extended by this order.

Clause 13 modifies or extends sections 98 and 104 to make an obstruction offence and penalty available in respect of the exercise or performance of functions, powers, or duties under a specified section modified or extended by this order.

Clause 14 modifies or extends sections 103 and 104 to make an offence and penalty available in respect of a person who intentionally personates or falsely represents

himself or herself to be a person duly authorised or employed for carrying out a specified section modified or extended by this order.

This order is made under the Canterbury Earthquake Response and Recovery Act 2010 and its effect is temporary.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 16 September 2010.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Civil Defence Emergency Management Act) Order 2010 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 146(2)

Canterbury Earthquake (Civil Defence Emergency Management Act) Order 2010: clause 3