



22 July 2019

Reference: OIA-2018/19-0727

Official Information Act request relating to use of emergency powers in Civil Defence Events

Thank you for your Official Information Act 1982 (the Act) request received on 26 June 2019. You requested:

- "1. Have the emergency powers provided in Part 5 of the Civil Defence Emergency Management Act 2002 ever been invoked?*
- 2. Have the emergency powers under any previous statutes related to Civil Defence ever been invoked?"*

Part 5 of the Civil Defence and Emergency Management Act 2002 (CDEM Act) sets out the powers in relation to civil defence emergency management, including specific powers which may be exercised if a declared state of emergency (local or national) is in force.

Part 5B of the CDEM Act sets out the powers in relation to transition periods. These powers may be exercised if notice of a transition period (local or national) is in force. The MCDEM website provides a list detailing the number of times a declared state of emergency has occurred since 2002 (www.civildefence.govt.nz/resources/previous-emergencies/declared-states-of-emergency/), as well as a list of the transition period notices given from November 2016, which is when transition periods were incorporated into the CDEM Act (www.civildefence.govt.nz/resources/previous-emergencies/transition-periods/).

Upon declaration of a state of emergency, or when a transition period comes into force, access to all corresponding powers are in effect invoked, subject to the legal tests detailed in the relevant powers. Whether these powers are used remains at the discretion of those authorised to direct and coordinate the response and/or recovery.

The Civil Defence Emergency Management Act 2002 came into force on 1 December 2002. Prior to that there was the Civil Defence Act 1983. Part 5 of the 1983 Act lists the powers relating to state of national emergency or state of civil defence emergency under that Act. A declaration of a state of emergency under that Act also enables access to special powers (sections 58-68). A list of the historical emergencies declared can be found on the MCDEM website (www.civildefence.govt.nz/resources/historical-emergencies/).

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Sarah Stuart-Black
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