

CIVIL DEFENCE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Civil Defence Act 1962.

Clause 1 relates to the Short Title.

Clause 2 relates to interpretation. The clause extends the definition of "Controller" to include a Sub-regional Controller of Civil Defence appointed under *clause 12* of the Bill.

The clause also inserts a new definition; that of "Secretary", being the Secretary for Civil Defence under *clause 3* of the Bill.

In addition two minor amendments are made; first to the definition of "local authority" as a result of the abolition of Sounds County; and secondly to the term "operative" in relation to a civil defence plan.

Clause 3 creates the new office of Secretary for Civil Defence. This office will be held by the Secretary for Internal Affairs, who will be responsible for the general administration of the Act, subject to the control of the Minister of Civil Defence.

The clause also provides that if there is a vacancy in the office of Secretary or if the Secretary is absent from duty, the Deputy Secretary for Internal Affairs shall take over the Secretary's functions, duties, and powers so long as the vacancy or absence continues.

If there are vacancies in both of the above offices or if the persons holding those offices are absent from duty, any person authorised by the Minister shall take over the Secretary's functions, duties, and powers so long as the vacancies or absences continue.

Clause 4 re-enacts the provisions relating to the office of Director of Civil Defence, as that office will no longer be held by the Secretary for Internal Affairs. The Director will be subject to the general direction of the Secretary for Civil Defence.

Clause 5 provides that if there is a vacancy in the office of Director or if the Director is absent from duty, the Deputy Director shall take over the Director's functions, duties, and powers so long as the vacancy or absence continues.

If there are vacancies in both of the above offices or if the persons holding those offices are absent from duty, any person authorised by the Secretary shall take over the Director's functions, duties, and powers so long as the vacancies or absences continue.

Clause 6 makes the Director's functions subject to the control of the Minister, and where applicable, to the general direction of the Secretary for Civil Defence.

Clause 7 substitutes the Chief of the Defence Staff for the Chief of the General Staff as a member of the National Civil Defence Committee.

The clause also empowers the Secretary for Civil Defence, or any person authorised by him, to attend a Committee meeting and be Chairman, in the absence of the Director.

Clause 8 gives the National Civil Defence Committee the power to appoint sub-committees not necessarily consisting of members of the Committee.

Clause 9: At present local authorities may amend or revoke a civil defence plan which has been approved by the Regional Commissioner or the Minister. This clause enables local authorities to amend or revoke a plan which has been confirmed by the Regional Commissioner under section 34A of the Act (as enacted by *clause 12* of this Bill).

Clause 10 is a new provision requiring local authorities whose civil defence plan is operative to take all necessary steps to ensure that the plan can be implemented if the need arises. There is no such provision at present.

Clause 11 provides that when a civil defence plan has been confirmed under section 34A of the Act (as enacted by *clause 12* of this Bill) with modification, the modification is to be regarded as an amendment to the plan so as to require the modification to be made available for public inspection.

Clause 12 is a new provision requiring Regional Commissioners of Civil Defence to review operative local and joint plans at intervals of not more than three years.

Clause 13 is a new provision. It allows local authorities to enter into arrangements with the appropriate Regional Commissioner for the establishment of a civil defence sub-region and the appointment of a Sub-regional Controller of Civil Defence, for the purpose of assisting any other local authority affected by a national emergency or major disaster.

Clause 14 extends the existing provisions for the payment of pensions under the War Pensions Act 1954 to civil defence workers. At present pensions are payable only to those who are members of a formal civil defence organisation. This clause extends eligibility for the payment of pensions to all persons who, in the opinion of a War Pensions Board, suffer disablement or die as a direct result of the carrying out by them of civil defence work under the control of a local authority, the Director or Deputy Director, a Regional Commissioner, a Controller, a senior member of the Police, or any person or organisation acting under the authority of any of those bodies or persons.

Clause 15 extends the powers of requisition during a state of national emergency or major disaster. At present a Regional Commissioner, a Controller, or any member of the Police may requisition certain things that are immediately and urgently necessary for the preservation of human life. The things allowed to be requisitioned at present are any vehicle, horse, or boat. This clause extends this list to read any vehicle, horse, boat, apparatus, implement, earth-moving equipment, construction equipment, or other equipment of any kind whatsoever.

Clause 16 amends the provisions relating to the payment of pensions under the War Pensions Act 1954 to members of the Civil Defence Police to conform to the changes made by *clause 14* of the Bill.

Clause 17 is a new provision. It provides for the appointment of civil defence traffic officers by the Commissioner of Transport. This clause is analogous to the existing provisions relating to the appointment of civil defence police.

Hon. Mr Seath

CIVIL DEFENCE AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Civil Defence Act 1962

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

1. Short Title—This Act may be cited as the Civil Defence Amendment Act 1965, and shall be read together with and deemed part of the Civil Defence Act 1962* (hereinafter referred to as the principal Act).

10 **2. Interpretation**—(1) Section 2 of the principal Act is hereby amended—

(a) By inserting in the definition of the term “Controller”,
after the words “Group Controller of Civil Defence”,
15 the words “or a Sub-regional Controller of Civil Defence”:

*1962, No. 36

No. 92—1

- (b) By omitting from the definition of the term “local authority” the words “in relation to any part of the County of Sounds or the County of Fiord that is not within the jurisdiction of a Road Board”, and substituting the words “in relation to the County of Fiord”:
- (c) By adding to the definition of the term “operative”, the words “or confirmed, whether with or without modification, by the Regional Commissioner under section 34A of this Act or by the Minister under the said section 33”.
- (2) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “Regional Commissioner”, the following definition:
 “‘Secretary’ means the Secretary for Civil Defence under this Act.”.

3. Secretary for Civil Defence—The principal Act is hereby further amended by repealing section 4, and substituting the following section:

“4. (1) The person for the time being holding the office of Secretary for Internal Affairs shall be the Secretary for Civil Defence and, subject to the control of the Minister, shall be charged with the general administration of this Act.

“(2) On the occurrence from any cause of a vacancy in the office of Secretary for Civil Defence, whether by reason of death, resignation, or otherwise, or in the absence from duty of the Secretary for Civil Defence, from whatever cause arising, and so long as the vacancy or absence continues, the Deputy Secretary for Internal Affairs shall have and may exercise and perform all the functions, duties, and powers of the Secretary for Civil Defence under this Act.

“(3) On the occurrence from any cause of vacancies in the office of Secretary for Civil Defence and in the office of Deputy Secretary for Internal Affairs, whether by reason of death, resignation, or otherwise, or in the absence from duty of the Secretary for Civil Defence and the Deputy Secretary for Internal Affairs, from whatever cause arising, and so long as the vacancies or absences continue, any person authorised in that behalf by the Minister shall have and may exercise and perform all the functions, duties, and powers of the Secretary for Civil Defence under this Act.

“(4) The fact that the Deputy Secretary for Internal Affairs, or any other person authorised by the Minister, exercises or performs any function, duty, or power as aforesaid shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased.”

4. Director of Civil Defence—The principal Act is hereby further amended by repealing section 5, and substituting the following section:

10 “5. (1) There shall from time to time be appointed under the State Services Act 1962 a Director of Civil Defence.

“(2) The office of Director may be held in conjunction with any other office in the Department of Internal Affairs.

15 “(3) Subject to the general direction of the Secretary, the Director shall exercise and perform such functions, duties, and powers as are conferred or imposed on him by this Act, and such general official duties in connection with the administration of this Act as he is called upon to perform by the Secretary.”

20 **5. Deputy Director**—Section 6 of the principal Act is hereby amended by repealing subsections (3) and (4), and substituting the following subsections:

25 “(3) On the occurrence from any cause of a vacancy in the office of Director, whether by reason of death, resignation, or otherwise, or in the absence from duty of the Director, from whatever cause arising, and so long as the vacancy or absence continues, the Deputy Director of Civil Defence shall have and may exercise and perform all the functions, duties, and powers of the Director under this Act.

30 “(4) On the occurrence from any cause of vacancies in the office of Director and in the office of Deputy Director of Civil Defence, whether by reason of death, resignation, or otherwise, or in the absence from duty of the Director and the Deputy Director of Civil Defence, from whatever cause arising, and so long as the vacancies or absences continue, any person authorised in that behalf by the Secretary shall have and may exercise and perform all the functions, duties, and powers of the Director under this Act.

40 “(5) The fact that the Deputy Director of Civil Defence, or any other person authorised by the Secretary, exercises or performs any function, duty, or power as aforesaid shall be conclusive evidence of his authority to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased.”

6. Functions and powers of Director—Section 8 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), before the words “The functions of the Director”, the words “Subject to the control of the Minister and, where applicable, to the general direction of the Secretary,”: 5
- (b) By omitting from paragraph (c) of subsection (1) the words “Subject to the control of the Minister and, where applicable, to the general direction of the Secretary for Internal Affairs”. 10

7. National Civil Defence Committee—(1) Section 10 of the principal Act is hereby amended—

- (a) By inserting in subsection (1), after the words “section 11”, the words “and section 11A”:
- (b) By omitting from paragraph (e) of subsection (2) the word “General”, and substituting the word “Defence”. 15

(2) Section 10 of the principal Act is hereby further amended by repealing subsection (4), and substituting the following subsection: 20

“(4) In the absence of the Director from any meeting of the Committee, the Secretary or any person authorised by the Secretary may attend the meeting in the place of the Director, and while so doing the Secretary or any person authorised as aforesaid shall be the Chairman of the Committee.” 25

8. Power to appoint sub-committees—The principal Act is hereby further amended by inserting, after section 11, the following section:

“11A. (1) The Committee may from time to time, by resolution, appoint or discharge or alter or continue or re-constitute such sub-committees as it thinks fit to advise the Committee on such matters concerning civil defence as are referred to them by the Committee. 30

“(2) Any person may be appointed to be a member of a sub-committee under this section notwithstanding that he is not a member of the Committee. 35

“(3) Subject to any directions given by the Committee, every sub-committee shall determine its own procedure.”

9. Amendment or revocation of plan after confirmation—

Section 32 of the principal Act is hereby amended by inserting in subsection (3), after the words "section 33 of this Act", the words "or whose local plan or joint plan has been confirmed by the Regional Commissioner under section 34A of this Act or by the Minister under the said section 33,".

10. Obligation to conform to operative local or joint plan—

The principal Act is hereby further amended by inserting, after section 33, the following section:

10 "33A. A local authority or the uniting local authorities whose local plan or joint plan prepared under the provisions of this Act is operative shall, to the satisfaction of the Regional Commissioner for the region within which the district or combined district is situated, take all necessary
15 steps to ensure that the civil defence organisation provided for in the local plan or joint plan is able to implement the plan."

11. Modification of plan to be available for inspection—

Section 34 of the principal Act is hereby amended by adding
20 the following subsection:

"(3) For the purposes of this section a modification of a plan under section 34A of this Act shall be deemed to be an amendment of the plan."

12. Review of operative plans—The principal Act is hereby

25 further amended by inserting, after section 34, the following section:

"34A. (1) Every operative local plan and every operative joint plan shall, from time to time at intervals of not more than three years, be reviewed by the Regional Commissioner
30 for the region within which the district or combined district to which the plan relates is situated.

"(2) In reviewing any operative local plan or operative joint plan the Regional Commissioner shall have regard to national plans and to the extent to which the plan in his
35 opinion continues to make adequate provision for the satisfactory carrying out of civil defence measures in the district or combined district, and may, in his discretion,—

"(a) Confirm the plan; or

40 "(b) Confirm it subject to such modification as he thinks fit.

“(3) The Regional Commissioner shall send his decision in writing to the local authority or uniting local authorities whose operative local plan or operative joint plan has been reviewed by him.

“(4) The provisions of section 33 of this Act shall, with the necessary modifications, apply to every decision of a Regional Commissioner under this section.” 5

13. Local authorities may enter into arrangements with Regional Commissioner—Section 37 of the principal Act is hereby amended by adding, as subsections (2) and (3), the following subsections: 10

“(2) Without limiting the provisions of subsection (1) of this section, any arrangements entered into pursuant to that subsection may include a provision for the establishment of a civil defence sub-region consisting of the combined districts of the local authorities which are parties to the arrangements, and a provision for the appointment of a suitable person to be Sub-regional Controller of Civil Defence for the sub-region so established. 15

“(3) Every Sub-regional Controller appointed under this section shall have and may exercise and perform within the sub-region, for a specified period being not longer than the duration of the national emergency or major disaster, such of the functions, duties, and powers conferred upon Regional Commissioners and local authorities under this Act or under regulations made under this Act as may be agreed upon between the Regional Commissioner and the local authorities which are parties to the arrangements, except those powers conferred upon a local authority by sections 43 and 46 of this Act.” 20 25 30

14. Pensions in respect of death or disablement—The principal Act is hereby further amended by repealing section 45, and substituting the following section:

“45. (1) The provisions of Part V of the War Pensions Act 1954 (which relates to Emergency Reserve Corps pensions), as far as they are applicable and with the necessary modifications, shall apply, as if he were a member of the Emergency Reserve Corps, to any member of a civil defence organisation established by a local authority or by uniting local authorities, and his dependants, who suffers disablement or death while engaged in carrying out civil defence work under the control of— 35 40

- “(a) The local authority or the uniting local authorities;
or
“(b) The Director or Deputy Director or any person
authorised to act in place of either of them; or
5 “(c) A Regional Commissioner or a Controller; or
“(d) A senior member of the Police acting under the
authority of subsection (4) of section 42 of this
Act; or
10 “(e) Any person or organisation acting under the authority
of any of those bodies or persons—
where the disablement or death was directly attributable to
the carrying out of that work.
“(2) A War Pensions Board may grant a pension under
Part V of the War Pensions Act 1954 to any person to
15 whom subsection (1) of this section does not apply, or to the
dependants of any such person, where the Board is satisfied
that he suffered disablement or death while engaged in carry-
ing out civil defence work under the control or authority of any
local authority, organisation, or person referred to in
20 paragraphs (a) to (e) of that subsection.”

15. Requisitioning powers—Section 48 of the principal Act
is hereby amended—

- 25 (a) By omitting from subsection (1) the words “vehicle,
horse, or boat” where they first occur, and substituting
the words “vehicle, horse, boat, apparatus,
implement, earth-moving equipment, construction
equipment, or other equipment of any kind whatsoever
(hereinafter in this section referred to as
requisitioned property)”:
30 (b) By omitting the words “vehicle, horse, or boat”
wherever they subsequently occur, except where
they first occur in subsections (3) and (4), and
substituting in each case the words “requisitioned
property”:
35 (c) By omitting from subsections (3) and (4) the words
“a vehicle, horse, or boat” where they first occur
in those subsections, and substituting in each case
the words “any requisitioned property”.

16. Civil defence police—Section 53 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) The provisions of subsection (1) of section 45 of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to persons for the time being holding an appointment under this section, while carrying out their duties as such, as if they were members of a civil defence organisation carrying out civil defence work under the control of a local authority, organisation, or person referred to in paragraphs (a) to (e) of that subsection.”

17. Civil defence traffic officers—The principal Act is hereby further amended by inserting, after section 53, the following section:

“53A. (1) The Commissioner of Transport may from time to time, with the consent of the Minister of Transport, appoint such persons to be civil defence traffic officers for the purposes of this Act as he considers necessary, and may train any persons so appointed.

“(2) During a state of national emergency or of major disaster, but at no other time, a person for the time being holding an appointment under this section shall be deemed to be a traffic officer appointed under the Transport Act 1962, and shall have all the power, authority, duty, and responsibility of such a traffic officer:

“Provided that during a state of major disaster he may exercise that power and shall have that authority, duty, and responsibility only in the area in respect of which the state of major disaster has been declared and in any other area specified by the Commissioner of Transport.

“(3) Every person appointed under this section shall hold office at the will of the Commissioner of Transport.

“(4) The provisions of subsection (1) of section 45 of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to persons for the time being holding an appointment under this section, while carrying out their duties as such, as if they were members of a civil defence organisation carrying out civil defence work under the control of a local authority, organisation, or person referred to in paragraphs (a) to (e) to that subsection.”