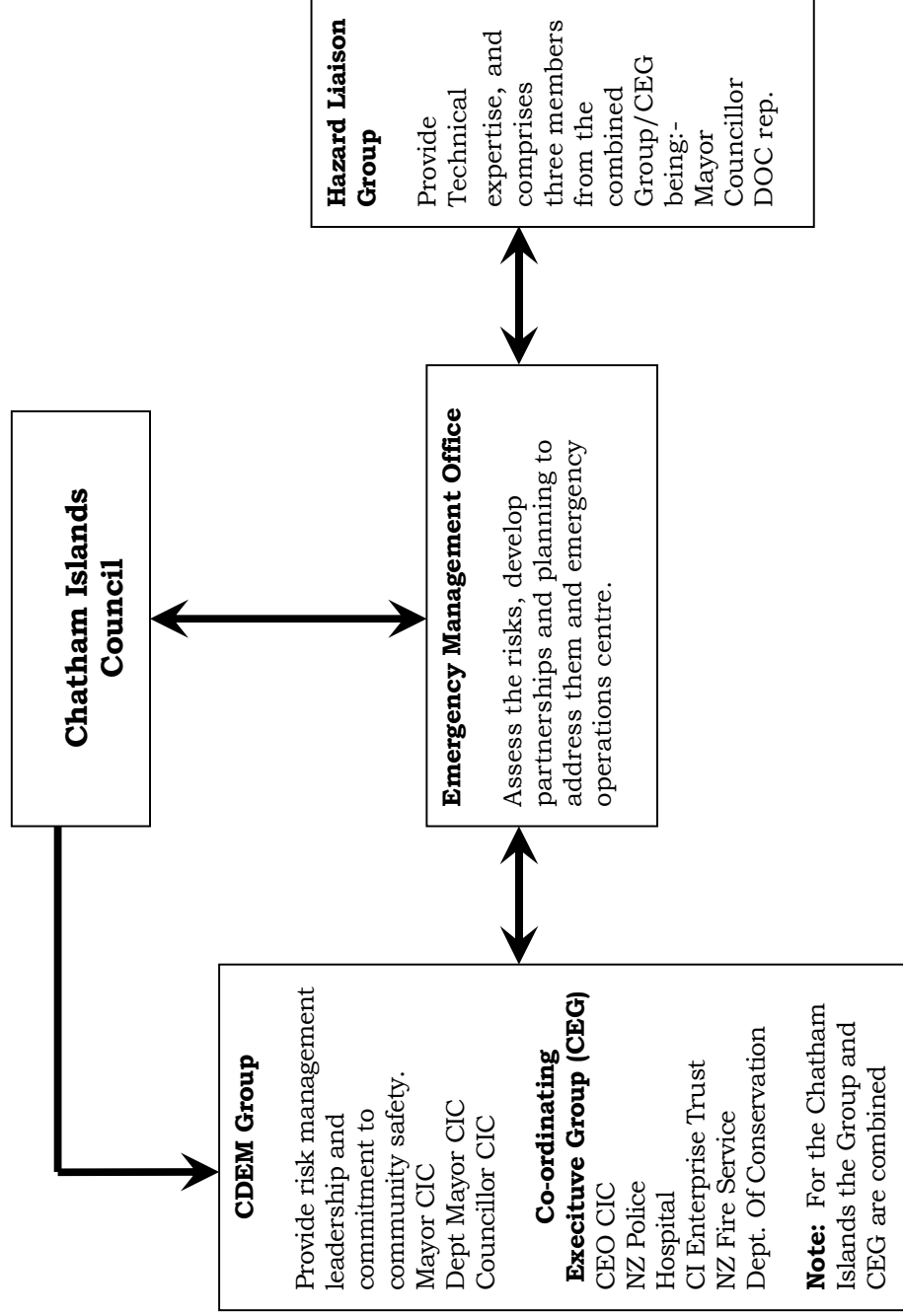


Administration Arrangements

Part Four

4.1 Administration Arrangements

CDEM Group Description



4.1.1 Meeting Requirements

The CDEM Group will meet when necessary, but not less than twice a year.

4.1.2 Delegations and Powers

The Group delegates under section 18 of the Act all of the powers of section 85 the Act, to the person appointed as the Controller.

The Group delegates under section 18 of the Act the powers of section 85 b, c, d, e, f, and h of the Act to the persons appointed as Area Co-ordinators if they have lost communications with the Controller or there is an imminent threat to life.

The Group delegates under section 18 of the Act, to the person who declares a state of local civil defence emergency, in a state of local emergency, the authority granted under section 26 of the Act, to appoint a Controller in the absence of the Group Controllers named in this Plan. This appointed person will also have the powers of section 85 of the Act.

4.2 Appointments

4.2.1 Group Controller

The Mayor is appointed as the Group Controller under section s29 (28) 1-4) of the Act.

Alternate Controller

Deputy Mayor is appointed as the Alternate Controller who will act in the absence of the Controller under section 26 (2) of the Act.

4.2.2 Recovery Manager

Appointment of the General Manager as the Recovery Manager still to be confirmed.

4.2.3 Area Co-ordinators

Area A – Joseph Thomas
Area B – Dale Whitiri
Area C – Nigel Ryan
Area D – Donna Gregory-Hunt
Area E – Ted Lanauze

4.3 Emergency Management Office

The Council provides the Emergency Management Office and employs a person (Emergency Response Co-ordinator) who has the responsibility to provide and co-ordinate CDEM services on the islands. The Office co-ordinates and facilitates the 'day to day' planning and project work on behalf of the Group. Other Tasks Include:

- Administrative and advisory support to the CEG, and CDEMG Committee.
- Project and financial management, including development and implementation of the CDEMG Plan.
- Co-ordination of CDEMG policy development and deployment.
- External liaison support with MCDEM and other CDEM Group's.

- Co-ordination of monitoring and evaluation activities.
- Ensuring there is a functioning EOC.
- Maintaining a link to the community through Area Co-ordinators.
- Maintaining a communication system that links communities and the EOC.
- Responsible for educating the public and providing advice for emergency planning.
- Maintain the warning system and supporting the co-ordination of non-declared events.

4.3.1 Chatham Islands Council

As a general rule, elected Councillors will not hold positions in the CDEM organisation.

Rural Councillors should make themselves available to their Area Co-ordinator to provide assistance in the Area Headquarters. Most likely roles are, helping with providing local knowledge to the Information Management Group. Urban Councillors are best utilised by keeping the Mayor up to date with any major concerns in their Wards.

4.3.2 Costs

Unless there is a specific agreement for an identified project, costs for all agencies during and outside of emergencies 'belong' to that agency.

4.3.3 Constituting Agreement

When the CDEM GROUP was formed on The 26th June 2003, the key partners and affected parties agreed to principles under which the Group would function. All of the conditions and principles of that agreement have been incorporated into this Plan and as such, this Plan replaces any previously signed agreement or plan.

4.3.4 Monitoring and Evaluation

This is the first CDEM Group Plan developed for the Chatham Islands under the CDEM Act (2002). The Plan seeks to meet the purpose of that Act (s3) as well as the Plan's Vision. It will do this by achieving the Targets and Actions specified in the Plan.

Monitoring and reviewing the effectiveness of those Targets and Actions, and the Plan, is necessary to determine if the Plan's Objectives, Goals, and ultimately its Vision are being achieved.

Monitoring and reviewing this Plan will occur at four levels.

- CDEM Group Plan monitoring
- CDEM Group Plan review
- Legislative compliance
- External monitoring of the Plan (and the CDEM Group).

The first three levels will be undertaken by the CDEM Group itself, while the Director, Ministry of Civil Defence and Emergency Management (MCDEM) will undertake the fourth (s8(f), CDEM Act (2002)).

As set out in the Plan, Objectives, Targets, and Actions have been developed to make progress towards achieving the Goals and Vision. It is not expected that by the end of this Plan's life (five years) that the Vision will have been realised or that all of the Objectives will have been achieved.

4.3.5 Legislative Compliance

The Emergency Response Co-ordinator is responsible for monitoring compliance between the CDEM Act and other relevant legislation.

4.3.6 Arrangements with other CDEM Groups: Contract Agreement

The Chatham Islands Council has a contract agreement with Environment Canterbury that covers support for CDEM, Rural Fire and Maritime Safety activity. Under CDEM Support, Chathams has access to ECAN planning support for activities such as public education, maritime safety planning, exercising, response planning etc.

Given its remoteness and lack of physical neighbours, the Chathams has no direct agreements as yet for emergency response support with other CDEM Groups. The Lifelines study and Operational Response Plan review by ECAN may identify the need for specific operational support agreements.

Risk reduction and hazards studies are being supported by Crown Research Institutes (CRIs) such as the National Institute for Water and Atmospheric Research (NIWA) and the Institute of Geological and Nuclear Sciences (GNS).

Table 1 Approval, Reporting & Delegations

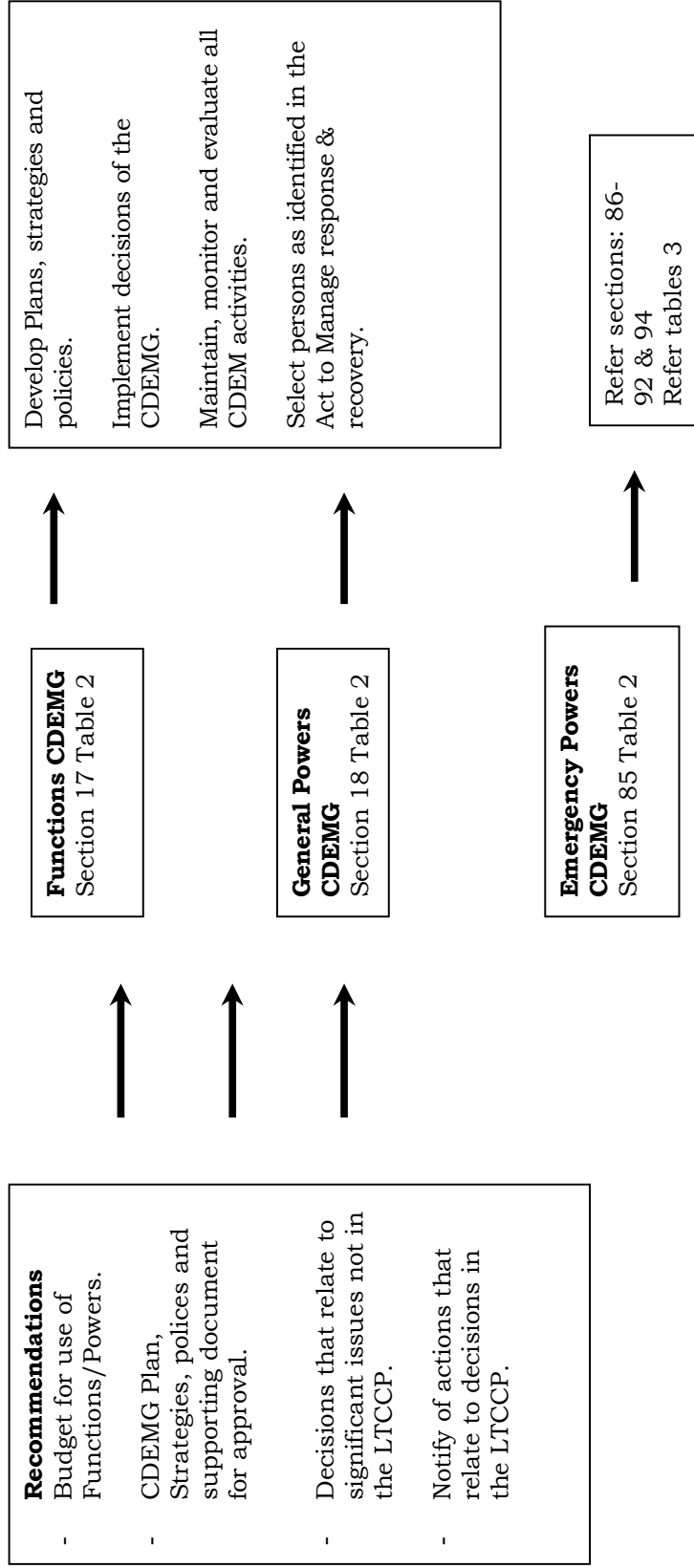


TABLE 2 – Functions, Powers & Emergency Powers of CDEM Groups

| Functions of Civil Defence Emergency Management Group | General Powers of Civil Defence Emergency Management Groups | Emergency Powers of Civil Defence Emergency Management Groups |
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| <p>17. Functions of a Civil Defence Emergency Management Group</p> <p>1. The functions of a Civil Defence Emergency Management Group (and of each member,) are to:</p> <ul style="list-style-type: none"> a. In relation to relevant hazards and risks: <ul style="list-style-type: none"> ➢ Identify, assess and manage those hazards and risks: ➢ Consult and communicate about risks: ➢ Identify and implement cost effective risk reduction: b. Take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, competent personnel (including volunteers), and an appropriate organizational structure for those personnel, for effective civil defence emergency management in its area: c. Take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information and any other resources for effective civil defence emergency management in its area: d. Respond to and manage the adverse effects of emergencies in its area: e. Carry out recovery activities: f. When requested, assist other groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Groups own area and any other requests for assistance from other Groups): g. Within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act: h. Monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act: i. Develop, approve, implement and monitor a civil defence emergency management group plan and regularly review the plan: | <p>18. General Powers of Civil Defence Emergency Management Groups</p> <p>1. Civil Defence Emergency Management Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions (including the power to delegate any of its functions to members, the Group Controller or other persons).</p> <p>2. Without limiting the generality of subsection (1), a Group may:</p> <ul style="list-style-type: none"> a. Recruit and train volunteers for civil defence emergency management tasks: b. Conduct civil defence emergency management training exercises, practices and rehearsals. c. Issue and control the use of signs, badges, insignia and identification passes authorized under this Act, regulations made under this Act, or any civil defence emergency management plan: d. Provide, maintain, control and operate warning systems: e. Provide communications, equipment, accommodation and facilities for the exercise of its functions and powers during and emergency. f. Exercise any other powers that are necessary to give effect to any civil defence emergency management plan. | <p>85. Emergency Powers of Civil Defence Emergency Management Groups</p> <p>1. While a state of emergency is in force in its area, a Civil Defence Emergency Management Group may:</p> <ul style="list-style-type: none"> a. Carry out or require to be carried out all or any of the following: <ul style="list-style-type: none"> ➢ Works: ➢ Clearing roads and other public places: ➢ Removing or disposing of, or securing or otherwise making safe, dangerous structures and materials (wherever they may be): b. Provide for the rescue of endangered persons and their removal to areas of safety; c. Set up first aid posts, and provide for first aid to be given to casualties and for their movement to hospital (other place of treatment), or areas of safety: d. Provide for the relief of distress, including emergency food, clothing and shelter: e. Provide for the conservation and supply of food, fuel and other essential supplies: f. Prohibit or regulate land, air and water traffic within the area or district to the extent necessary to conduct civil defence emergency management: g. Undertake emergency measures for the disposal of (the dead) (dead persons or animals) if it is satisfied that the measures are urgently necessary in the interests of public health: h. Disseminate information and advice to the public: i. Enter into arrangements, including employment arrangements, with any person for the purpose of carrying out civil defence emergency management as may be agreed: j. Provide equipment, accommodation and facilities for the exercise of any of the powers conferred by this subsection. |

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| <p>j. Participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan: Promote civil defence emergency management in its area that is consistent with the purpose of this Act.</p> | |
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TABLE 3 – Emergency Powers Available to the Controller

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| <p>86. Evacuation of Premises and Places If a state of emergency is in force and, in the opinion of a Controller or any member of the police, the action authorized by him or her may require, within the area or district in which the emergency is in force: The evacuation of any premises or place, including any public place or;</p> <p>a. The exclusion of persons or vehicles from any premises or place, including any public place.</p> <p>87. Entry on Premises If a state of emergency is in force in any area, a Controller or a member of the police, or any person acting under the authority of a Controller or member of the police, may enter on, and if necessary break into, any premises, or place within the area or district in respect of which the state of emergency is in force if he or she believes on reasonable grounds that the action is necessary for:</p> <p>a. Saving life, preventing injury, or rescuing and removing injured or endangered persons; or</p> <p>b. Permitting or facilitating the carrying out of any urgent measure for the relief of suffering or distress.</p> <p>88. Closing Roads and Public Places If a state of emergency is in force, a Controller or a member of the police, or any person acting under the authority of a Controller or member of the police, or any person so authorized in a relevant civil defence emergency management plan, may, in order to prevent or limit the extent of the emergency, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place within the area or district in respect of which the</p> | <p>89. Removal of aircraft, Vessels, Vehicles etc If a state of emergency is in force, a Controller or a member of the police, or any other person acting under the authority of a Controller or member of the police, may, in order to prevent or limit the extent of the emergency:</p> <p>a. Remove from any place within the area or district in respect of which the state of emergency is in force, any aircraft, hovercraft, chip or ferry or other vessel, or vehicle impeding civil defence emergency management and;</p> <p>b. If reasonably necessary for that purpose, use force or break in the aircraft, hovercraft, ship or ferry or other vessel, or vehicle.</p> <p>90. Requisitioning Powers This section applies if a state of emergency is in force and in the opinion of a Controller or a member of the police; the action authorized by this section is necessary for the preservation of human life.</p> <p>1. The Controller or member of the police, or a person authorized by him or her, may direct the owner or person for the time being in control of any land, building, vehicle, animal, boat, apparatus, implement, earthmoving equipment, construction materials or equipment, furniture, bedding, food, medicines, medical supplies, or any other equipment, materials, or supplies, to immediately place that property (requisitioned property):</p> <p>➤ Under his or her control and direction or;</p> <p>➤ Under the control and direction of a Controller or a member of the police, or person authorized by that Controller or</p> | <p>91. Power to Give Directions While a state of emergency is in force, a controller or a member of the police, or any person acting under the authority of a Controller or member of the police, may:</p> <p>a. Direct any person to stop any activity that may cause or substantially contribute to an emergency;</p> <p>b. Request any person, either verbally or in writing, to take any action to prevent or limit the extent of the emergency.</p> <p>92. Power to Carry out Inspections etc While a state of emergency is in force, a Controller or a member of the police, or any person acting under the authority of a Controller or member of the police, may examine, mark, seize, sample, secure, disinfect, or destroy any property, animal or any other thing in order to prevent or limit the extent of the emergency.</p> <p>94. Contracts in Urgent Cases 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:</p> <p>a. The Chairperson of the Group;</p> <p>b. The Deputy Chairperson of the Group;</p> <p>c. Any employee of the Group who is authorized for the purpose in the Groups civil defence emergency management plan;</p> <p>d. The Group Controller</p> |
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| <p>state of emergency is in force.</p> | <p>member of the police, if that person has requested the person making the requisition to do so on his or her behalf.</p> <p>3. A person exercising and power conferred on him or her by this section just give to the owner or person in charge of the requisitioned property a written statement specifying the property that is requisitioned and the person under whose control the property is to be placed.</p> <p>4. If the owner or person for the time being in control of any property that may be requisitioned under this section cannot be immediately found, a Controller or a member of the police, or a person authorized by a Controller or member of the police, may assume immediately the control and direction of the requisitioned property.</p> <p>5. If a person assumes the control and direction of requisitioned property under subsection (4), that person must ensure that, as soon as is reasonably practicable in the circumstances, a written statement specifying the property that has been requisitioned and the person under whose control it has been placed is given to the owner or person formerly in charge of the requisitioned property.</p> <p>6. The owner or person in control of any property immediately before it is requisitioned under this section must provide the person exercising the power under this section with any assistance that the person may reasonably require for the effective and safe use of that property.</p> |
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TABLE 4 – Emergency Powers Of Other Responders

| Medical Officer of Health | On Scene Commander | Principal Rural Fire Officer |
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| <p>305. Powers of on-scene commander</p> <p>1. If a regional on-scene commander or the National On-Scene Commander decides that it is appropriate for a regional council or the Authority, ad the case may be, to take action in respect of a marine oil spill, he or she may do all or any of the following:</p> <p>a. Direct the master or owner of any New Zealand ship, or the owner of any offshore installation, or the owner of any oil transfer site that is the subject of a marine oil spill response to do anything, or refrain from doing anything, that the on-scene commander considers necessary or desirable to control or clean up the marine oil spill, or both:</p> <p>b. Remove any person obstructing a marine oil spill response from an area, or any part of an area, where a marine oil spill response is being carried out:</p> <p>c. Require the evacuation or the exclusion of persons, vehicles, or New Zealand ships from any area, or any part of an area, where a marine oil spill response is being carried out:</p> <p>d. Totally or partially prohibit, or restrict, public access on any road or to any public area or any part of the sea, that is within an area where a marine oil spill response is being carried out:</p> <p>e. Remove from any road, public place, or from the sea, in an area were a marine oil spill response is being carried out, any New Zealand ship, any vehicle, or other thing impeding that response, and where reasonably necessary for the purpose, may enter forcible any such ship, vehicle, or other thing:</p> <p>f. Carry out such inspections as he or she thinks appropriate in respect of any New Zealand ship, any vehicle, or other thing in an area where a marine oil spill response is being carried out:</p> <p>g. Subject to the provisions of section 306 of this Act, require the owner or person for the time being in control of any land,</p> | <p>36. Powers of Principal Fire Officers or Rural Fire Officers at fires</p> <p>1. For the purposes of fire control upon the outbreak of fire the Principal Fire Officer (or Rural Fire Officer) shall perform the following duties and may exercise the following powers:</p> <p>a. He shall, upon being advised of the existence of a fire, proceed, or, if a Principal Fire Officer, may arrange for a deputy to proceed, with all possible speed to the place where the fire is and, if in his opinion the fire constitutes a hazard to life or property, endeavour by all practical means to extinguish the fire and prevent the spread thereof and to save lives and property in danger:</p> <p>b. He shall have the control and direction of any brigade present at the fire and of any persons who voluntarily place their services at his disposal and of any persons (not being engaged in essential services) whose services he requires under the provisions hereinafter contained. Provided that, while under any such direction any brigade officer is serving in connection with any building that is on fire, the senior brigade officer so serving shall have the control and direction of any such brigade that is, and of any such persons who are, for the time being directed by the said Principal Fire Officer (or Rural Fire Officer) to serve in connection with the building:</p> <p>c. He, and any person acting under his control and direction and with his authority, may enter upon any land, house, building, or premises and, if necessary, break open any outer or inner doors of any house or building which may be on fire or in the near neighbourhood of any fire for the purpose of taking any steps which he deems necessary:</p> <p>d. He may take or give directions for taking any apparatus required to be used at a fire into, through, or upon any land, house, building, or premises which he considers convenient for the purpose:</p> | <p>Principal Rural Fire Officer</p> <p>36. Powers of Principal Fire Officers or Rural Fire Officers at fires</p> <p>1. For the purposes of fire control upon the outbreak of fire the Principal Fire Officer (or Rural Fire Officer) shall perform the following duties and may exercise the following powers:</p> <p>a. He shall, upon being advised of the existence of a fire, proceed, or, if a Principal Fire Officer, may arrange for a deputy to proceed, with all possible speed to the place where the fire is and, if in his opinion the fire constitutes a hazard to life or property, endeavour by all practical means to extinguish the fire and prevent the spread thereof and to save lives and property in danger:</p> <p>b. He shall have the control and direction of any brigade present at the fire and of any persons who voluntarily place their services at his disposal and of any persons (not being engaged in essential services) whose services he requires under the provisions hereinafter contained. Provided that, while under any such direction any brigade officer is serving in connection with any building that is on fire, the senior brigade officer so serving shall have the control and direction of any such brigade that is, and of any such persons who are, for the time being directed by the said Principal Fire Officer (or Rural Fire Officer) to serve in connection with the building:</p> <p>c. He, and any person acting under his control and direction and with his authority, may enter upon any land, house, building, or premises and, if necessary, break open any outer or inner doors of any house or building which may be on fire or in the near neighbourhood of any fire for the purpose of taking any steps which he deems necessary:</p> <p>d. He may take or give directions for taking any apparatus required to be used at a fire into, through, or upon any land, house, building, or premises which he considers convenient for the purpose:</p> |

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| <p>building, vehicle, New Zealand ship, or any other real or personal property to place that property under his or her control and direction.</p> <p>2. The powers under subsection (1) of this section may be exercised by any on scene commander, any person authorized by him or her, and any member of the Police.</p> <p>3. Nothing in subsection (1) (g) of this section applies to any land, building, ship, vehicle, or other real or personal property under the control of the New Zealand Defence Force.</p> <p>306. Matters to be complied with in requisitioning:</p> <p>1. Any person exercising any power conferred by section 305 (1) (g) of this Act shall give to the owner or person in charge of the requisitioned property a written statement specifying the property being requisitioned and the person under whose control the property is to be placed.</p> <p>2. Where the owner or person for the time being in control of any property that may be requisitioned under section 305 (1) (g) of this Act cannot immediately be found, an on scene commander, member of the Police, or person so authorized by an on scene commander may assume forthwith the control and direction of the requisitioned property.</p> <p>3. Where any person assumes the control and direction of requisitioned property under subsection (2) of this section, that person shall ensure that, as soon as is reasonably practicable in all the circumstances, a written statement specifying the property that has been requisitioned and the person under whose control it has been placed is given to the owner or person formerly in charge of the requisitioned property.</p> <p>310. Minister's power of direction</p> <p>1. The Minister may, if he or she considers that having regard to all the circumstances it is expedient to do so, give any directions to the Authority, a regional council, or an on scene commander in respect of the performance of any functions or duties or the exercise of any powers under this part</p> | <p>e. He may take any measures which in the circumstances are reasonable and which appear to him to be necessary or expedient, and in particular, but without prejudice to the generality of the foregoing and subject to section 40 of this Act. He may cause any vegetation to be burnt or otherwise destroyed or removed, and any house, building, or structure to be entered into, taken possession of, pulled down, or otherwise destroyed or removed.</p> <p>f. Subject to the overall requirements of the (Controller under the Civil Defence Emergency Management Act 2002, while a state of emergency exists under that Act.) he may cause water to be shut off from any main, pipe, channel, or other works of water supply in order to obtain greater supply and pressure of water for the purpose of extinguishing or restricting the spread of the fire, and he may enter or give directions for entering any land or premises and may take or cause to be taken water from any river, creek, stream, watercourse, lake, lagoon, well, dam, tank, main, or pipe, or other source of water supply whatsoever; and no person or body of persons having the management of any water supply shall be liable to any penalty or claim by reason of any interruption in the supply of water occasioned by any act, matter, or thing done under this paragraph:</p> <p>g. He may cause any street, road, private road, right of way, or thoroughfare in the vicinity of any fire or likely to be affected by the fire or by any fire-fighting operations to be closed for traffic during the continuance of the fire:</p> <p>h. He may shut off or disconnect, or order any person having control thereof to shut off or disconnect, the supply of gas or electricity to any building which is on fire or which is in the vicinity of any fire:</p> <p>i. He may order to withdraw, and (in the event of a failure or refusal to withdraw) remove or direct any Fire Officer or any member of any fire brigade present at the fire to remove, any persons who interfere by their presence or otherwise with the fire-fighting operations or who are on or in</p> |
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| | <p>of this Act, and that person shall comply with those directions.</p> <p>Where any direction has been made by the Minister under subsection (1) of this section, the Minister shall, as soon as practicable, lay before the House of Representatives a copy of the direction in written form.</p> <p>Cf 1990 No 98 s 72C; 1992 No 75 s 31</p> | <p>any land, building, or premises then burning or threatened by fire, unless they have a pecuniary interest therein or in any goods or valuables whatsoever thereon:</p> <p>j. He may, at the time of the fire or afterwards, pull down or shore up any wall or building which is in his opinion so damaged by fire as to be or to be likely to become dangerous to life or property, and the expense of any such operation so damaged by fire as to be borne by the owner of the building, and shall be paid by him to the Fire Authority.</p> <p>2. The person who is appointed as a deputy of a Principal Fire Officer under subsection (1) (a) of this section shall be a Fire Officer or a brigade officer or a person who (in the opinion of the Principal Fire Officer) is otherwise competent in the circumstances to exercise the powers and perform the duties of a Principal Fire Officer under this section.</p> <p>3. While a deputy of a Principal Fire Officer is acting in the place of a Principal Fire Officer under subsection (1) (a) of this section, the deputy shall have all the powers and duties conferred and imposed on the Principal Fire Officer by this section.</p> <p>4. Every person commits an offence against this Act who resists, deceives, harasses, or knowingly obstructs any Principal Fire Officer (or Rural Fire Officer), or any person appointed as a deputy under subsection (1) (a) of this section, or any Fire Officer, member of a brigade, or other person acting under the instructions or control of such Principal Fire Officer (or Rural Fire Officer) or deputy, in the exercise or attempted exercise of any power, or the performance or attempted performance of any function or duty, conferred or imposed by this section.</p> <p>Cf 1955 No 44 s 32</p> <p>37. Police to assist Fire Officers Every member of the Police present at any fire is empowered to support and assist the Fire Officer in the maintenance of his authority and in enforcing due obedience by all persons to his orders in the execution of his duty. Cf 1995 No 44 s 33</p> |
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TABLE 5 - Chief Fire Officer

| <p>Chief Fire Officer</p> | <p>Hazardous Substance Incident Co-ordinator</p> |
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| <p>28. Functions, duties, and powers of Chief Fire Officer</p> <p>(1) Subject to this Act, the Chief Fire Officer shall be charged with the direction of all technical matters and with the operation of all fire brigades in the Fire District for which the Chief Fire Officer is appointed, and the Chief Fire Officer shall carry out those responsibilities in accordance with the policy of the Commissioner and the operational instructions of the National Commander under section 27A of this Act, so as to provide protection for that Fire District and within any area or concerning any property which the fire brigade of the Fire District is under an obligation to protect pursuant to section 38 or section 39 of this Act.)</p> <p>(2) In the event of any alarm of fire or any fire happening, the Chief Fire Officer of the Fire District, or in his or her absence, the Deputy Chief Fire Officer, or, in the absence of both of them, the person for the time being in charge of the fire brigade, shall forthwith proceed, or direct some other member of the brigade to proceed forthwith, to the place to which the brigade has been called, and endeavour by all practicable means to extinguish and prevent the spread of the fire (if any), and to save lives and property in danger)</p> <p>(3) If, in the event of any emergency occurring, other than an emergency involving fire or hazardous substances, at which the Chief Fire Officer of the Fire District, or, in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or, in the absence of both of them, the person for the time being in charge of the fire brigade, considers that the brigade could render assistance, that officer or other person may proceed, or direct some other member of the brigade to proceed, forthwith to the emergency and shall take whatever action is necessary to save lives and property in danger.)</p> <p>3b. If, in the event of any hazardous substance emergency occurring, the Chief Fire Officer of the Fire District, or in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or in the absence of both of them, the person for the time being in charge of the fire brigade, considers that the fire brigade could render assistance, that officer or other person may proceed, or direct some other person to proceed, forthwith to the place to which he brigade has been called, and endeavour by all practicable means to cause the stabilizing or rendering safe of the hazardous substance emergency, and save lives and property in danger.)</p> <p>3b. For the purposes of subsection (3a) of this section, in the event of the attendance of the brigade, the Chief Fire Officer of the Fire District, or in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or in the absence of both of them, the person for the time being in charge of the fire brigade shall have the powers of an (enforcement officer under the Hazardous Substances and New Organisms Act 1966) pertaining to that emergency until the arrival of an (sic) (such an enforcement officer)</p> <p>(4) In the event of fire or other emergency, the person for the time being</p> | <p>Declaration of emergency</p> <p>Where any enforcement officer has reasonable grounds to believe that there is an emergency; and</p> <p>Either</p> <ul style="list-style-type: none"> i. No state of Civil Emergency has been declared under the Civil Defence Emergency Management Act 2002; or ii. The emergency is not being dealt with under the Fire Service Act 1997; or iii. No emergency has been declared under section 144 of the Bio-security Act 1993; or iv. No other enforcement officer has declared an emergency under this Act; and <p>c. All or any of the powers set out in section 137 of this Act should be exercised in order to –</p> <ul style="list-style-type: none"> i. Enter any premises or dwelling; or ii. Remove the cause of the emergency; or iii. Stabilize the situation to limit the actual or likely adverse effects of the emergency; or iv. Protect the health and safety of people, chattels, or the environment from the actual or likely adverse effects of any emergency, the enforcement officer may declare a hazardous substance or new organism's emergency. <p>(2) A hazardous substance or new organisms emergency shall be declared by the enforcement officer by –</p> <ul style="list-style-type: none"> a. Identifying himself or herself to any persons in the vicinity; and b. Stating his or her authority to exercise emergency powers; and c. Announcing the nature of the emergency and the area likely to be affected. <p>(3) Every enforcement officer shall notify-</p> <ul style="list-style-type: none"> a. The person who appointed him or her as an enforcement officer, if he or she was appointed under section 98 of this Act; and b. The Authority of every occasion on which a hazardous substances or new organisms emergency is declared under this section. <p>(4) Any emergency declared under this section shall cease –</p> <ul style="list-style-type: none"> a. 48 hours after the time of declaration; or b. When a state of emergency is declared under the Civil Defence Emergency Management Act 2002; or c. When the emergency is treated by a Chief Fire Officer as an emergency under the Fire Service Act 1975; or d. When an emergency is declared under section 144 of the Bio-security Act 1993, whichever is the sooner? <p>Where the conditions which caused the emergency to be declared under subsection (1) of this section still exist 48 hours after the time of declaration of the emergency and the emergency has not been treated as an emergency under any of the provisions in paragraphs (b) (c) and (d) of this section, one further declaration of emergency may be made under this Act and the provisions of</p> |

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| <p>in charge of the fire brigade so engaged.</p> <p>Shall control and direct all fire brigades (and defence fire brigades) and industrial fire brigades and all persons there who place their services at his disposal.</p> <p>May enter upon any land, building, or structure and if necessary, break into any building or structure which may be on fire or otherwise endangered or which is in the near neighbourhood of the emergency, for the purpose of taking any steps which he deems necessary in order to carry out his duties.</p> <p>May take any equipment required to be used into, through, or upon any land, building, or structure where he deems it necessary for the purpose of carrying out his duties.</p> <p>May remove from any building or structure which is on fire or otherwise endangered or which is in the near neighbourhood of the fire or emergency, without responsibility for any consequent loss or damage, any flammable, combustible, explosive, or dangerous material found therein.</p> <p>May, for the purpose of extinguishing or preventing the spread of fire, cause any building or structure which is on fire or otherwise endangered, or which is adjacent to or in the vicinity of any building or structure which is on fire, to be pulled down, either wholly or partially, or otherwise.</p> <p>May, for the purpose of extinguishing or preventing the spread of fire or for the purpose of reducing danger from any emergency, cause any tree or other plant which is on fire or otherwise endangered, or which is adjacent to or in the vicinity of any building or structure or tree or other plant which is on fire or otherwise endangered, to be cut or pulled down, either wholly or partially and removed if he considers it necessary.</p> <p>May, subject to section 30(1) of this Act, cause water to be shut off from, or turned into, any main or pipe in order to obtain a greater pressure and supply of water.</p> <p>May cause any road, street, private road, right of way, service lane, and access way, thoroughfare, in the vicinity of the fire or other emergency to be closed for traffic during the continuance of the emergency.</p> <p>May remove any vehicle impeding the operation of the fire brigades, and, where reasonably necessary for that purpose, he may use force or break into any such vehicle.</p> <p>May remove, using reasonable force if necessary, any person who, by his presence or otherwise, interferes with operations to deal with the fire or emergency or who, in his opinion, is in danger.</p> <p>May shut off or disconnect, or order any person having the control thereof shut off or disconnect, the supply of gas, fuel oil, or electricity to any building which is on fire or otherwise endangered or which is in the vicinity of the emergency.</p> <p>May, at the time of the fire or emergency or within a reasonable time thereafter, pull down or shore up any building or structure or any portion of any building or structure which, in his opinion, has been so damaged as to be or likely to become dangerous to life or property, after, in his discretion, first removing the contents thereof, and the</p> | <p>subsection (4) of this section shall apply accordingly.</p> <p>Any emergency declared under this section shall have effect over the area specified under subsection (2) (c) of this section.</p> <p>137. Emergency powers</p> <p>When a hazardous substance or new organisms emergency has been declared under section 136 of this Act, any enforcement officer may –</p> <p>Enter any premises or any dwelling at any time without complying with the provisions of section 103 or 119 of this Act.</p> <p>Exercise any of the powers set out in section (103) of this Act.</p> <p>Exercise any of the powers set out in section 119 (5) of this Act.</p> <p>Direct any person to stop any activity, which may contribute to the emergency.</p> <p>Request any person, either verbally or in writing, to take any action to prevent or limit the extent of the emergency.</p> <p>Direct any person to leave any place in the vicinity of the emergency.</p> <p>Direct any person to refrain from entering the vicinity of the emergency.</p> <p>Requisition any property for use in the emergency.</p> <p>Destroy any property or any other thing in order to prevent or limit the extent of the emergency.</p> <p>Secure the site for up to 24 hours following the decision of the enforcement officer that the immediate danger is past.</p> <p>If an enforcement officer enters any private property pursuant to the powers conferred by subsection (1) of this section, he or she shall advise the occupier of the property as soon as practicable.</p> |
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expense of any such operation, so far as it relates to the pulling down or shoring up, shall be borne by the owner of the building or structure and so far as it relates to the removal of the contents, shall be borne by the owner of the contents, and shall in either case be paid to the Commission.

m) May, at the time of the fire or emergency or within a reasonable time thereafter, cut or pull down any tree or other plant or any part of any tree or other plant which, in his opinion, has been so damaged as to be or likely to become dangerous to life or property and the expense of the operation shall be borne by the owner of the land on which the tree or other plant is or was situated, and shall be paid to the Commission.

n) May generally do all other things that are reasonably necessary for protecting life or property in dealing with the fire or other emergency.

n)a) (May require the owner of the property, or the owner's agent, to provide such information pertaining to that incident as the person in charge of the fire brigade so engage deems necessary in order to carry out that person's duties).

(5) In the event of an emergency not involving fire or the risk of fire, the powers referred to in subsection (4) of this section shall not be exercised by the person for the time being in charge of the fire brigade without the authorization of the person in charge of the operations at the scene of the emergency. Provided that, where the person in charge of the fire brigade is of the opinion that lives or property are in imminent danger, he may exercise any of those powers notwithstanding that he has not been authorized to do so.

a. The fact that any person performs any function or duty or exercises any power under subsection (4) of this section shall be conclusive evidence of his authority to do so, and no person shall be concerned to enquire whether the occasion requiring or authorizing him to do so has arisen or has ceased.

28a Functions, duties, and powers of Chief Fire Officer outside of the Fire District.

(1) In the event of the attendance of the brigade, the Chief Fire Officer of the Fire District or in the absence of the Chief Fire Officer, the Deputy Chief Fire Officer, or, in the absence of both of them, the person for the time being in charge of the fire brigade shall have all the functions, duties, and powers conferred on that officer or person by section 28 of this Act.