



## Quick Guide: Giving notice of a local transition period

### Purpose of transition periods

A local transition period helps support the transition from response to initial recovery phase by providing extraordinary powers. It also allows for the Recovery Manager to direct and coordinate the use of personnel, material and other resources for the purpose of carrying out recovery activities.

A transition notice should only exist if it is necessary or desirable to carry out vital and immediate recovery activities that could not otherwise be achieved urgently during the transition phase using business as usual powers.

### Key tests

1. Does it appear to you that a local transition period is required within one or more districts or wards?

Things that might help you determine this are:

- Are transition powers provided by the CDEM Act 2002 required or likely to be required?
- Is there a need to retain the measures undertaken under the state of emergency e.g. evacuations from property for the preservation of human life, powers to inspect buildings etc?

2. Is invoking the powers to manage, coordinate, or direct recovery activities-

- In the public interest, and
- Necessary or desirable to ensure a timely and effective recovery?

In deciding whether a local transition period is required you must have regard to-

- The areas, districts, or wards affected by the emergency; and
- Whether the focus of activities in any area, district or ward is moving from response to recovery

3. Is a state of emergency about to expire or be terminated?

If no state of emergency was declared or the state of emergency is required to respond to COVID-19 matters, you will need to seek the approval of the Minister of Civil Defence.

4. Is the local transition period related to COVID-19? If so, you will need to seek the approval of the Minister of Civil Defence.
5. Is a statutory Recovery Manager role holder (appointed under the CDEM Act) available to exercise the powers?
6. Is a handover planned between the Controller and Recovery Manager? This will ensure that the appropriate knowledge and information is transferred.

### Other considerations

To assist in considering all aspects of public interest, have you talked with:

- Group Controller/Controller, Group Recovery Manager/Recovery Manager, Emergency Management Officer?
- NEMA Regional Emergency Management Advisor?
- Local Authority departments involved in response and recovery, e.g. building control, asset management?
- Fire and Emergency New Zealand?
- Providers of health and disability services (e.g. District Health Boards, Primary Health Organisations, Ambulance Services)?

## Other considerations(continued)



**Important:** A state of emergency must be terminated or expire before a local transition period can be notified for that emergency event. Measures taken using powers under a state of emergency (for example restricting access to unsafe buildings) do not automatically continue under a local transition period.

Being in a state of emergency does not automatically mean that a local transition period is required. A new assessment of what powers may be needed (e.g. placarding, evacuation, closing of roads etc) needs to be made before giving notice of a local transition period. Not all powers available during a state of emergency are available during a transition period e.g. no power of requisitioning (s90), no ability to remove aircraft, vessels, vehicles (s89).

When the state of emergency ends you will need to reassess the need for the measures in place and, if they are still needed, new powers under the transition period will need to be exercised, applying the relevant statutory tests for transition powers.

### **Ministerial approval is required to give notice of a local transition period for COVID-19 related reasons**

The CDEM Act has been amended to require approval from the Minister of Civil Defence before notice of a local transition period can be given for COVID-19 related reasons (s94B(12)). This provides the opportunity to test if the transition period is necessary or desirable and to ensure that a nationally consistent approach continues to be taken to COVID-19.

### **Allowing a local transition period for a non-COVID-19 related emergency when a national transition period for COVID-19 is in place**

Normally, the CDEM Act does not allow a national and local transition period to be in place at the same time for the same area (or part area). The CDEM Act has been amended to allow notice of a local transition period to be given for a non-COVID-19 related emergency when a national transition period for COVID-19 is in place for the same area (or part area) (s94B(13)).