

## ANNEX 7: LOGISTICS

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### 7.1 Responsibilities

All organisations must consider the likely impact of damage to critical supply lines and critical transportation routes. This includes the likely effect on people relying on their goods and services if they were disrupted and the extent to which alternative sources or temporary measures may have to be capable of replacing existing supplies.

The likely extent of any shortfall must also be notified to local authorities and supporting organisations from which assistance will be required in an emergency. A lead agency may be identified to manage the logistics function of one source (for example electricity).

Local authorities are responsible to determine the extent of local logistics requirements and for the delivery of logistics support to their own organisation during a state of local emergency. Normal methods of supply procurements should be used, including assistance from neighbouring CDEM Group's if goods are unobtainable through local efforts.

### 7.2 Finance

All organisations and agencies are responsible for meeting their own civil defence emergency management obligations, including the financing of their response operations, and therefore it is the responsibility of all CDEM organisations to have appropriate accounting provisions in place.

### 7.3 Supply

Local authorities may have to purchase or requisition goods or services to undertake their own core functions during a state of local emergency. Local resources should always be utilised first to ensure the best use is made of regional resources. Normal ordering and supply systems should be used.

### 7.4 Transport

Locally based transport providers, including air transport are best controlled in a centralised fashion by the Controller (Group or Local) during any state of local emergency. Prior planning by Members of the CDEM Group to identify major transport resources that may be available within Hawke's Bay during an emergency is required.

The Group Controller will co-ordinate transport requests to assist emergency services and Local Authority (TLA's) to move evacuees, or to transport goods or persons into or from affected Districts.

Resources required from outside the Hawke's Bay CDEM Group area will be obtained and controlled by the Group Controller working with the Ministry of Civil Defence & Emergency Management.

Any transport resource requisitions must be in accordance with the *National Civil Defence Plan* guidelines.

## 7.5 Procurement and Accounting

Unless directly authorised by the Group or Local Controller, procurement of goods and services may only be made by staff who have been granted written financial authority to do so by the Chief Executive, and then only to within the limited amount that they have been authorised.

Normal procurement procedures, including the use of Council order forms, will be used by staff during a state of local emergency. In accordance will standard procedures a full record of item, quantity, purchase cost, delivery instructions and end user will be maintained.

In the event that supplies are not available, or are in limited supply, requests in the first instance should be made to the next normal source of supply. Every effort should be made to procure resources using local commercial enterprises first.

## 7.6 Requisition of Property

Essential goods and resources that are urgently required may be requisitioned only on authorisation by the Controller (Group or Local), or a member of the Police. This method of obtaining goods must be used with discretion. Persons authorised to requisition **must first ensure** that:

- The property is needed urgently for the preservation of life.
- Normal means of supply are not available, or would take too long.
- A written statement must be provided stating what is being requisitioned and who will have control of it. (The Group Controller will also need to know of any costs to be incurred, and any damage must be noted before the item is removed.)
- Property may be requisitioned even if the owner cannot be found immediately, but a written statement must be given to the owner as soon as possible.

See APPENDIX ONE: REQUISITION OF PROPERTY (page 133) of this Annex for the requisition form.

Resources that are requisitioned should where possible be utilised by the person normally responsible for that resource. This is particularly important in the case of vehicles or plant equipment.

In most instances, hiring of equipment is preferable to requisitioning and will normally be readily agreed to by the owner in the knowledge that there is an agreed rate of payment before equipment is utilised.

## 7.7 Contract Negotiations

Pursuant to *Section 94 of the Civil Defence Emergency Management Act 2002*, no person other than those granted authority, or have specific powers in accordance with *Section 4 of the Public Bodies Contracts Act 1959*, may enter into

any contract on behalf of the Hawke's Bay CDEM Group or its individual members.

## 7.8 Payment and Reimbursement

Payment or reimbursement procedures for goods and services procured during an emergency should, wherever possible, follow standard business practices. Payments and recoveries are made under the following conditions:

- Goods and services purchased during an emergency are paid for by the organisation **under whose authority they were procured** (i.e. user pays).
- Civil defence emergency expenditure incurred by a local authority may be submitted for grant assistance in accordance with Treasury Regulations.
- Government departments will meet all their own costs of supporting or participating in a civil defence emergency.
- State owned enterprises and other agencies will meet all costs associated with carrying out their corporate functions. Costs for goods and services provided at the request of a local authority will be subject to normal commercial arrangements.
- In accordance with *Section 107 of the Civil Defence Emergency Management Act 2002*, compensation is payable for the use of, loss of, or damage to, requisitioned property by the local authority responsible for the response operation.
- Compensation is payable to a member of civil defence for the loss of, or damage to, personal property which is in excess of insurance cover during the execution of civil defence duties (see *Section 108 of the Civil Defence Emergency Management Act 2002*, for provisions of the Act and the formula to be applied).

## 7.9 Management of unsolicited goods

As noted in the Recovery Section of the Plan, money is the preferred donation. If goods are donated, they will need to be stored, assessed and catalogued. A suitable location for their storage will need to be organised. This will need to be large enough and provide easy access.

Guidelines will need to be developed for the distribution of goods, and for the appropriate disposal of any remaining goods once the immediate needs of the affected community has been met.

## 7.10 Recovery and Disposal of Unused Goods

On the lifting of the civil defence emergency surplus resources must be disposed of in accordance with the *National Civil Defence Plan (Part 9, Logistics)*, and Treasury Regulations.



# APPENDIX ONE: REQUISITION OF PROPERTY\*

BY THE GROUP CONTROLLER DURING A STATE OF LOCAL EMERGENCY

(Civil Defence Emergency Management Act 2002 – Section 90)

TO: .....  
(Name and address of owner or person in control of property)

**TAKE NOTICE:**

1. That a state of local emergency has been declared and is in force under the Civil Defence Emergency Management Act 2002 in the Hawke's Bay CDEM Group area (or part thereof); and
2. That this notice is furnished in accordance with the Civil Defence Emergency Management Act 2002, Section 90 (see over).
3. That whereas, .....

[full name of person requisitioning]

being a [delete inapplicable] Group Controller / Local Controller / Constable, believes that the action proposed is urgently necessary for the preservation of human life.

Now, therefore, I ..... being a [delete inapplicable] Group Controller / Local Controller / Constable / person authorised by ....., named above, hereby require you to place the following property under my control and direction:

.....  
.....  
.....

[Description of property]

**YOU ARE WARNED** that it is an offence to fail to comply with this notice.

**YOU ARE ENTITLED** under Section 107 of the Act [see over] to apply to the HB CDEM Group for compensation for:

1. the use of the property hereby requisitioned; and
2. any loss or damage or injury to that property suffered or incurred while under the control of the Civil Defence authorities.

Dated at ..... this ..... day of ..... 20...

Signed: \_\_\_\_\_

Title or Designation: \_\_\_\_\_

\_\_\_\_\_

\* "Property" means land, building, vehicle, horse, boat, apparatus, implement, earthmoving equipment, construction materials or equipment, furniture, bedding, food, medicines, medical supplies, or any other equipment, materials or supplies.

## REQUISITION OF PROPERTY\*

### BY THE GROUP CONTROLLER DURING A STATE OF LOCAL EMERGENCY

[BACK OF FORM]

#### Extract of Civil Defence Emergency Management Act 2002 – Sections 90 & 107

#### **90. Requisitioning powers—**

- (1) 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 authorised by this section is necessary for the preservation of human life.
- (2) The Controller or member of the police, or a person authorised 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, earth-moving 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")—
  - (a) under his or her control and direction; or
  - (b) under the control and direction of a Controller or a member of the police, or person authorised by that Controller or member of the police, if that person has requested the person making the requisition to do so on his or her behalf.
- (3) A person exercising any power conferred on him or her by this section must 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.
- (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 authorised by a Controller or member of the police, may assume immediately the control and direction of the requisitioned property.
- (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.
- (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.

#### **107. Compensation if property requisitioned—**

- (1) Subsection (2) applies if any requisitioned property has come under the control of the National Controller, any member of the police, or a person authorised by the National Controller or member of the police, while acting under section 90 in a state of emergency.
- (2) There is payable, on application by any person having an interest in the requisitioned property, out of money appropriated by Parliament, reasonable compensation for—
  - (a) the use of that requisitioned property while under that control; and
  - (b) any loss of or damage or injury to that requisitioned property suffered or incurred while under that control.
- (3) Subsection (4) applies if any requisitioned property has come under the control of a Civil Defence Emergency Management Group, a Group Controller, or a person authorised by the Group or Group Controller, while acting under section 90 in a state of emergency.
- (4) There is payable, on application by any person having an interest in the requisitioned property, by the Civil Defence Emergency Management Group that appointed the Group Controller, reasonable compensation for—
  - (a) the use of that requisitioned property while under that control; and
  - (b) any loss of, or damage or injury to, that requisitioned property suffered or incurred while under that control.
- (5) In determining the amount of compensation payable under this section for any loss of, or damage or injury to, requisitioned property, any amount that the person having an interest in the property has, or is likely to, recover under a contract of insurance or by any other means must be taken into account.
- (6) If there is any dispute as to the entitlement of any person to compensation under this section, or as to the amount of the compensation, or as to the liability of the Crown or any Civil Defence Emergency Management Group or other person to pay the compensation, the matter may be determined by a court of competent jurisdiction.