



Meeting of the HB Civil Defence Emergency Management Group Joint Committee

Date: 26 June 2023
Time: 1.30pm
Venue: Council Chamber
 Hawke's Bay Regional Council
 159 Dalton Street
 NAPIER

Agenda

Item	Title	Page
1.	Welcome/Karakia/ Apologies Housekeeping / Notices	
2.	Conflict of interest declarations	
3.	Confirmation of Minutes of the HB Civil Defence Emergency Management Group Joint Committee meeting held on 28 April 2023	
4.	Richard Gaddum deputation - Waimārama community resilience & leadership	
Decision Items		
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HB CDEM Group Joint Committee

26 June 2023

Subject: Cyclone Gabrielle HB CDEM Group Response Review Terms of Reference and Framework

Reason for Report

1. This report presents the final Terms of Reference and framework for the review of the Hawke's Bay Civil Defence Emergency Management (CDEM) Group response to Cyclone Gabrielle for the Joint Committee's approval.

Officers' Recommendations

2. Officers recommend that the Joint Committee confirms the Term of Reference and Framework as proposed and endorses the proposed procurement plan to enable the review to proceed.

Background

3. At its meeting on 28 April, the Joint Committee reviewed and provided feedback on a draft Terms of Reference (ToR) for a review of the CDEM Group response to Cyclone Gabrielle. Since then officers have worked with the contractors to further refine the ToR and produce a procurement plan to find and appoint a suitable review team.
4. A key point in the review of the ToR has been feedback from Te Kahui Ohanga o Takitimu (TKO). This has been generously provided and further supports the aims of the overall review. The revised ToR and Framework documents are attached.
5. Due to the time since the deactivation of the Group Emergency Coordination Centre (GECC) and concerns that individuals may not be able to recall important issues, a "hot debrief" survey has been developed based on best practice standards and distributed to some 1600 staff directly involved in the GECC, Regional Distribution Hub and Bridge Pa Aerodrome responses. The survey and the data are being held by Simplexity who will make the data available to the review team once appointed.
6. As part of Phase Two the review panel may decide to undertake its own survey if required.

Key Changes to Review ToR and Framework

7. The following summarises the key changes made:
 - 7.1. The changes throughout both documents reflect the requirement for a priority and focus on community
 - 7.2. An outcome directly related to appropriate capability and capacity to support community resilience, considering the impacts of Cyclone Gabrielle on communities, has been included
 - 7.3. Clearer narrative as to why direct engagement with communities is out of scope has been added, as well as suggested mechanisms for community engagement parallel to the review.

Terms of reference changes

8. Review purpose – now includes “a review that supports better emergency management outcomes not for Hawke’s Bay communities.”
9. Scope – now includes:
 - 9.1. “The community voice and how Cyclone Gabrielle impacted communities”
 - 9.2. “Outcome 1: Hawke’s Bay CDEM Group has appropriate capability and capacity to support community resilience, considering the impacts of Cyclone Gabrielle on communities.”
10. Out of scope – includes additional context as to why direct engagement with communities is out of scope and suggested mechanisms for community engagement to run parallel to the review.
11. Governance – roles and responsibilities for Review Governance have been revised, including the Review Technical Advisory Group which includes representation from CDEM, Lifelines, mana whenua and the community.

Review Framework changes

12. Review Framework changes include:
 - 12.1. Inclusion of additional and revised wording of constraints
 - 12.2. Outcome 1: Supporting Focus and Criteria added
 - 12.3. Inclusion of additional agencies in Engagement/Key Stakeholders as discussed by the Joint Committee on Friday 28 April 2023
 - 12.4. Appendix 1 added to suggest mechanisms for community engagement to run parallel to the review.

Input from Te Kāhui Ohanga o Takitimu (TKO)

13. Generous feedback into the review ToR was provided by TKO. Substantially, the feedback identified the need for stronger representation of and partnership with mana whenua throughout a response. The key changes include:
 - 13.1. An improved mana whenua perspective across the review documents, as anticipated by providing sufficient time for TKO to review both the ToR and Framework.
 - 13.2. Understanding as to how previous review learnings were not fully implemented through the event and if there are any changes to be made to previous learnings.
 - 13.3. The role of mana whenua in decision-making, including communication with and relationships to each Takiwa (area).

Procurement Plan

14. Concurrent with ToR development, work has progressed on developing a procurement plan. This was supported by the Hawke’s Bay Regional Council Procurement Team. They recommend a condensed process that has been approved by the CE HBRC. At the time of writing this paper, the HBRC Procurement team was working on getting the documentation into the Government Electronic Tenders Service (GETS).
15. The indicative timeframes for the process are as follows.

Action	Indicative date
Pre-procurement	
Procurement plan approved	Complete
Market approach documents developed (Request for Proposal)	Complete – awaiting final ToR

Action	Indicative date
Request for [tender, proposal or quotation] documents approved	26 June 2023
Pre-procurement market engagement (as required)	6-24 June 2023
Tender	
Request for Proposal advertised on GETS	26 June 2023
Supplier briefing/s (as required)	26 June 2023
Last date for supplier questions	7 July 2023
Last date for agency to answer questions	7 July 2023
Request for proposal closing date	17 July 2023
Evaluation	
Panel confidentiality and conflict of interest declarations signed	17 July 2023
Evaluation panel meets	18 July 2023
Interview short listed suppliers – if applicable	18 July 2023
Panel minutes and recommendation	18 July 2023
Recommendation accepted/denied	18 July 2023
Post-evaluation	
Advise bidders of outcome	21 July 2023
Debrief unsuccessful suppliers	21 July 2023
Due diligence and contract negotiation	21 July 2023
Contract award notice published on GETS	24 July 2023
Contract start date (dependent on negotiation with selected supplier)	August 2023 (tbc)

16. It is proposed that the panel for reviewing the proposals and deciding the selected supplier to conduct the review will consist of:
- 16.1. Chair Hinewai Ormsby (Chair, HB CDEM Group JC)
 - 16.2. Mr Leon Symes (Co-chair, Matariki Governance Group)
 - 16.3. Mr Doug Tate (Chair, HB CDEM Coordinating Executives Group).

Review timelines

17. The indicative timelines for the Review, to be confirmed with the successful bidder, are as follows. The intent is for the review team to present its findings to the Joint Committee before the end of 2023.

Phase	Deliverables	Completed by
One	<ol style="list-style-type: none"> 1. Independent review Terms of Reference approved by the Hawke's Bay CDEM Group Joint Committee. 2. Independent Review Framework. 3. Procurement Process commences. 	June 2023
Two	<ol style="list-style-type: none"> 4. Review of Agency Debriefs/ Review. 5. Development of a Hawke's Bay-specific survey for Hawke's Bay CDEM Group response to Cyclone Gabrielle including tailored lines of enquiry for groups of stakeholders. 6. Execution of a Hawke's Bay-specific survey to defined stakeholders 	September 2023

Phase	Deliverables	Completed by
	involved in the Hawke's Bay CDEM Group response to Cyclone Gabrielle. 7. Combined analysis of feedback from the interviews and survey findings to capture early thematic findings.	
Three	8. Key stakeholder interviews within the Hawke's Bay CDEM Group, tangata whenua, partner agencies, and other agencies and volunteer organisations that supported the Cyclone response in the Hawke's Bay region. 9. Combined analysis of feedback from the interviews and survey findings to capture broad theme areas.	October 2023
Four	10. Development of an Operational Review report.	November 2023
	11. Brief CDEM Joint Committee on Operational Review After-Action report findings.	December 2023

18. These review timeframes may seem long, however the likely extent of the review and to ensure the successful quality outcomes result, will require time and in particular the opportunity to draw the best information from participants. The proposed timeframes set the review up for success in the best way possible, including ensuring that there are robust procurement steps in place.

Financial and resource implications

19. The initial body of scoping work has been funded by the Hawke's Bay CDEM Group and undertaken with support from external contractor Simplexity and the CDEM CEG Chair as the Project Sponsor.
20. Funding for the review has been identified as part of the HBRC 2023-2024 Annual Plan and is estimated to cost up to \$200, 000.

Decision Making Process

21. The Joint Committees is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
- 21.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
- 21.2. The use of the special consultative procedure is not prescribed by legislation.
- 21.3. The decision is not significant under the criteria contained in the HBRC adopted Significance and Engagement Policy.
- 21.4. The persons affected by this decision are all rate payers and ultimately communities.
- 21.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Civil Defence Emergency Management Group Joint Committee:

1. Receives and considers the *Cyclone Gabrielle HB CDEM Group Response Review Terms of Reference and Framework* staff report.
2. Approves the Terms of Reference and Framework for the *Cyclone Gabrielle HB CDEM Group Response Review* as proposed.
3. Endorses the Procurement Plan timeframes and evaluation panel for the *Cyclone Gabrielle HB CDEM Group Response Review* as proposed.

Authored & Approved by:

Doug Tate
Chair, HB CDEM Coordinating Executive Group

Attachment/s

- 1 [↓](#) 19 June 2023 Terms of Reference - HB CDEM Group Cyclone Gabrielle Response Review
- 2 [↓](#) 19 June 2023 Review Framework - HB CDEM Group Cyclone Gabrielle response

Hawke's Bay Civil Defence Emergency Management Group

Operational Review of the Response to Cyclone Gabrielle 2023

FINAL | Terms of Reference

1. Review Purpose

The purpose of this Independent Review is to assess the operational performance of the Hawkes Bay Civil Defence Emergency Management Group's (the Group)¹ response to Cyclone Gabrielle, with a particular emphasis on the systems and processes; roles and responsibilities of Group members and partners; and to what extent the implementation of pre-existing arrangements contributed to an effective management of the response for mana whenua and the community.

Review outcomes will focus on improving resilience and ensuring that the Hawke's Bay CDEM Group has robust emergency management capability and capacity before, during and after an emergency that supports better emergency management outcomes for Hawke's Bay communities.

2. Context

Severe Tropical Cyclone Gabrielle devastated the North Island of New Zealand in February 2023. The cyclone hit New Zealand from 12 to 16 February 2023. Hawke's Bay Civil Defence Emergency Management (CDEM) Group declared a State of Local Emergency for the Hawke's Bay region on 14 February 2023². Shortly after a National State of Emergency was declared also on 14 February 2023³. All states of emergency were lifted by 14 March 2023.

Hawke's Bay communities were severely impacted by Cyclone Gabrielle. In the lead up to the event, the Hawke's Bay CDEM Group activated its emergency response arrangements across the region. The response to Cyclone Gabrielle included the activation of the Group Emergency Coordination Centre and local Emergency Operation Centres to coordinate and manage the impacts from Cyclone Gabrielle (February-March 2023) for the Hawke's Bay region. Hawke's Bay emergency response arrangements extended to community-led responses across the region.

The Joint Committee of the Hawke's Bay CDEM Group wishes to conduct an Independent Review of the CDEM Group response to Cyclone Gabrielle to provide confidence to all stakeholders and communities within the Hawke's Bay that a robust and independent review process is completed.

The review will focus on the timeframe between the initial warning of the cyclone, including the termination of the State of National Emergency², through to the demobilisation of the Group Emergency

¹ The Hawke's Bay CDEM Group is formed under Section 12 of the CDEM Act 2022, and its functions are outlined in Section 17 of the CDEM Act 2022. Hawke's Bay Civil Defence Emergency Management Group covers all areas of Hawke's Bay. The local authorities in the Hawke's Bay region are Napier City Council, Wairoa District Council, Hastings District Council, Central Hawke's Bay District Council and Hawke's Bay Regional Council.

² At 5:15am on 14 February 2023 a State of Local Emergency declared owing to Cyclone Gabrielle for the Hawke's Bay Region. Prior to this declaration, States of Local Emergency owing the Cyclone Gabrielle had been declared for Napier City Council and Hastings District Council.

³ At 8:43am on 14 February 2023 a State of National Emergency declared owing to Cyclone Gabrielle for the Northland, Auckland, Waikato, Bay of Plenty, Tairāwhiti and Hawke's Bay Regions.

Coordination Centre (9 February – end-April 2023). This review will outline strengths and areas for improvement and will inform the Hawke's Bay CDEM Group work programme aligned to the Hawke's Bay CDEM Group Plan³.

This review will provide a framework for continuous improvement; and will align with any national (National Emergency Management Agency-led) lessons management methodology, approach, and any corrective actions framework.

3. Review Definition

Problem

Cyclone Gabrielle has left wide-ranging and significant impacts across the Hawke's Bay region. At the peak of the disaster, communities, local Emergency Operation Centres (EOCs) and emergency services experienced isolation from the loss of critical roading, power and communications infrastructure. This has meant that a clear picture of what happened and when has still not emerged across the region.

The declaration of a National State of Emergency created misunderstandings around who was responsible for what (roles and responsibilities). Communities felt frustrated by the level of support from 'Civil Defence' and that emergency management arrangements could, and should have, done more for communities across all of Hawke's Bay.

This review will consider previous CDEM Group-level review recommendations⁴ and will examine the extent to which current investment in the implementation of corrective actions has realised benefits in emergency management arrangements before, during and after an emergency.

Principles

The Review will operate according to principles that include, but are not limited to:

- Acting in an independent, impartial, and fair way.
- Working in accordance with the principles of Treaty of Waitangi.
- Engaging with local authorities (members of the Hawke's Bay CDEM Group), Mana Whenua, partner agencies, government agencies, and other key stakeholders.
- Ensuring the efficiency, transparency, and accountability of the independent review through the timely development of documents; effective recording of information, and timely communication with key stakeholders and Review Governance Structures.
- Recognition of emerging recovery arrangements at a local level with an intent to align not duplicate community engagement efforts.

Scope

Early-stage engagement with key stakeholders has identified the areas below to explore within this review. Expansion of inquiry areas is captured within the Operational Review Framework⁵. These areas include:

- a) Timeline of events for the response to Cyclone Gabrielle across the Hawke's Bay region.
- b) The community voice and how Cyclone Gabrielle impacted communities.

⁴ Including emergency management recommendations made by Mana Whenua.

⁵ See Hawkes' Bay CDEM Group Operational Review for the Response to Cyclone Gabrielle 2023 | Review Framework and Engagement Plan.

- c) Readiness and response arrangements and capabilities in place before Cyclone Gabrielle and how well these interfaced with communities, including the understanding of roles and responsibilities throughout the response.
- d) Promulgation of warning information to agencies and communities ahead of, during, and after the immediate impacts of Cyclone Gabrielle.
- e) The flow of information to and from the community, and between EOC (local), Group (ECC) and national level response arrangements; and how this contributed to decision making and on the ground resourcing.
- f) The timeliness of Emergency Operations Centre (EOC) and Emergency Coordination Centre (ECC) activations; decisions making; communication, and use of pre-defined tools and processes.
- g) Understanding of the Hawke's Bay regions' lifeline vulnerabilities and what planned contingencies existed.
- h) The effectiveness of community level support through both formal response arrangements and informal community networks; and the contributions these had on community wellbeing.
- i) The respective roles of Iwi, Hapū and Mana Whenua within emergency management, and appropriate representation in the emergency management system within Hawkes' Bay.
- j) Effectiveness of 'transition to recovery' arrangements and structure.

The scope of this review will examine the response arrangements (*including response capabilities within the Hawkes Bay; communication and information flow; and the interoperability of local EOC; CDEM Group ECC and National emergency management NCC structures*); relationships with partners; any emerging practice that could support future resilience for communities; local authorities and the CDEM Group; the criticality of lifeline infrastructure during an emergency; any strategic lessons that could support National level response management, and the arrangements in place to support an effect transition to recovery.

The scope will consider emergency management within the Hawke's Bay region⁶:

- Hawke's Bay CDEM Group (Regional): includes the Joint Standing Committee; Coordinating Executive Group; relationships with Mana Whenua; the Group Emergency Coordination Centre and its functions; partner agencies connected to the GECC; the Regional Distribution Centre; Bridge Pa Aerodrome and some Civil Defence Centres directed by the GECC.
- Local Authority: includes Chief Executives; Local Authority elected representatives; relationships with Mana Whenua; all EOC's and their functions; partner agencies connected to EOC's; Local Welfare arrangements including any Evacuation Centres and Civil Defence Centres.
- Community: includes those formal response arrangements connected with any local community response plans, welfare provisions, community-led centres (including Marae), and initial engagement with local recovery structures, particularly reflecting on local recovery community engagement.
- Mana Whenua: includes any formal response arrangements connected with Mana Whenua at a local and CDEM Group level and impacts of decisions during the response on Mana Whenua.

The Independent review should consider the following desired outcomes:

- | | |
|------------------|--|
| Outcome 1 | Hawke's Bay CDEM Group has appropriate capability and capacity to support community resilience, considering the impacts of Cyclone Gabrielle on communities. |
| Outcome 2 | Hawke's Bay CDEM Group has appropriate capability and capacity to coordinate and effectively manage a response before, during and after an emergency. |

⁶ This is expanded further in the Review Framework.

Outcome 3	Strengthened relationships with Mana Whenua, Iwi, Hapū; partner agencies; and communities that support a coordinated approach to emergency management capability.
Outcome 4	Emerging response practice is recognised and assessed with a view to informing future emergency management approaches (including community arrangements).
Outcome 5	Identification of key lifeline vulnerabilities and planned contingencies that can inform recovery and improvement programmes.
Outcome 6	Review findings identify strategic themes to share with NEMA that can inform future emergency management legislative changes.
Outcome 7	Hawke's Bay CDEM Group has appropriate arrangements in place for future transition to recovery situations.

Out of scope

The review will not examine:

- Individual, or partner agency, response actions as part of the response to Cyclone Gabrielle in Hawke's Bay.
- Information connected to the deaths resulting from Cyclone Gabrielle. This will legally sit within the coronial inquiry.
- Local, regional, and national Cyclone Gabrielle recovery activities.
- Direct engagement with affected communities, as this will be managed by Local Authorities as part of recovery locality planning.
- While not specifically excluded, the review does not have to consider the implications of the proposed Emergency Management Bill 2023, but the report may reference it if it is helpful to do so.

Given the tension between urgency and having a broad scope, this review will not engage with wider communities. It is recognised that the importance of community voice and the opportunity for Hawke's Bay communities to tell their stories of the impacts from Cyclone Gabrielle, post this event, is given appropriate action and priority.

The Review will seek access to community voices through a range of mechanisms such as connection to local recovery planning and community engagement; inclusion of community representation within the Review Advisory Group; connection with local authority elected representatives and Mana Whenua through engagement with formalised community groups established as part of community response planning.

A suggested range of mechanisms to effectively and appropriately engage with communities is detailed in the Review Framework. These mechanisms are separate to this review but could be led and conducted by the appropriate local authority (or other organisation) in parallel to this review process.

4. Key Deliverable

A Review Report examining the Hawke's Bay CDEM Group's operational response to Cyclone Gabrielle with a focus on the systems and processes; roles and responsibilities of Group members and partners; and the extent that pre-existing arrangements contributed to an effective management of the response. The document will be provided to the Hawkes's Bay CDEM Group no later than *31 December 2023* (TBC).

5. Project Governance

The review governance structure and the roles of each party are described following.

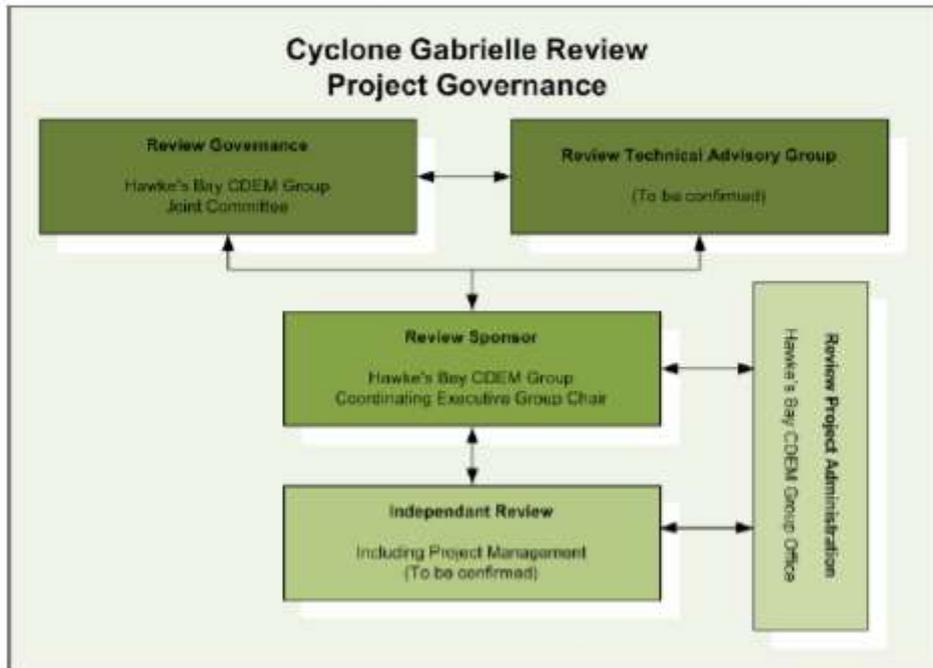


Figure 1: Operational Review Governance Structure

Table 1: Operational Review Governance Roles and Responsibilities

Role	Responsibilities
Review Governance	<ul style="list-style-type: none"> Oversight and direction of the overall Review.
Review Technical Advisory Group <i>(to be confirmed)</i>	<ul style="list-style-type: none"> Provide technical expertise for the Review. Ensure that the review process is carried out appropriately and those involved in the process can contribute to the overall review. Representation to support the review outcomes including CDEM; Lifelines; representation from Mana Whenua; and community.
Project Administration	<ul style="list-style-type: none"> Administration support to review through Review Project Manager and Review Sponsor.
Review Sponsor	<ul style="list-style-type: none"> Setting and managing review work and monitoring review progress. Control review effort.
Independent Review Project Manager	<ul style="list-style-type: none"> Review Project Manager is an independent contractor to enable separation between Review management and review participation. Monitors the delivery of the roadmap for the review. Communicate with the Review Sponsor and Review Governance on the defined outcomes aligned with the project objectives. Ensure on-time delivery of specific objectives. Set up and coordinate review performance. Provide regular reporting to Review Technical Advisory Group, Sponsor and Governance.
Independent Review Contractors <i>(to be confirmed)</i>	<ul style="list-style-type: none"> Review is undertaken by independent contractors. Develop a roadmap for delivery with timeframes. Provide regular project reporting to the Project Manager.

6. Review Framework and Engagement Plan

Separate documentation will detail the review framework and stakeholder engagement arrangements for this independent review.

The review framework outlines in more detail the scope areas and proposed methodology for engaging with stakeholders across the outcome areas along with indicative timelines.

There will be direct engagement with a range of stakeholders as their experiences will inform the findings within each outcome area.

Given the time constraint to complete this review while experiences are still fresh for those involved, engagement methodologies will vary depending on the stakeholder type, and the roles and responsibilities of held by different stakeholders. Engagement throughout the review will be stewarded by the Review Project Manager and review consultants with oversight from Review Governance.

Appendix | Terms of Reference Version Control

Date	Version	Notes
22 April	0.1	Initial DRAFT Terms of Reference for review by Project Sponsor
24 April	0.2	DRAFT Terms of Reference for review and discussion by the Hawke's Bay Joint Committee at its meeting 28 April 2023.
03 May	0.3	Revised DRAFT Terms of Reference for consultation with Joint Committee and Mana Whenua Partners
20 June	0.4	<i>FINAL DRAFT Terms of Reference for approval by Hawke's Bay CDEM Group Joint Committee</i>

Hawke's Bay Civil Defence Emergency Management Group

Operational Review of the Response to Cyclone Gabrielle 2023

FINAL | Review Framework and Engagement Map.

1. Review Purpose

The purpose of this Independent Review is to assess the operational performance of the Hawkes Bay Civil Defence Emergency Management Group's (the Group)¹ response to Cyclone Gabrielle, with a particular emphasis on the systems and processes; roles and responsibilities of Group members and partners; and to what extent the implementation of pre-existing arrangements contributed to an effective management of the response for mana whenua and the community.

Review outcomes will focus on improving resilience and ensuring that the Hawke's Bay CDEM Group has robust emergency management capability and capacity before, during and after an emergency that supports better emergency management outcomes for Hawke's Bay communities.

2. Context

Severe Tropical Cyclone Gabrielle devastated the North Island of New Zealand in February 2023. The cyclone hit New Zealand from 12 to 16 February 2023. Hawke's Bay Civil Defence Emergency Management (CDEM) Group² declared a State of Local Emergency for the Hawke's Bay region on 14 February 2023³. Shortly after a National State of Emergency was declared also on 14 February 2023⁴. All states of emergency were lifted by 14 March 2023.

Hawke's Bay communities were severely impacted by Cyclone Gabrielle. In the lead up to the event, the Hawke's Bay CDEM Group activated its emergency response arrangements across the region. The response to Cyclone Gabrielle included the activation of the Group Emergency Coordination Centre and local Emergency Coordination Centres to coordinate and manage the impacts from Cyclone Gabrielle (February-March 2023) for the Hawke's Bay region. Hawke's Bay emergency response arrangements extended to community-led responses across the region.

The Joint Committee of the Hawke's Bay CDEM Group wishes to conduct an Independent Review of the CDEM Group response to Cyclone Gabrielle to provide confidence to all stakeholders and communities within the Hawke's Bay that a robust and independent review process is completed.

¹ The Hawke's Bay CDEM Group is formed under Section 12 of the CDEM Act 2022, and its functions are outlined in Section 17 of the CDEM Act 2022. Hawke's Bay Civil Defence Emergency Management Group covers all areas of Hawke's Bay. The local authorities in the Hawke's Bay region are Napier City Council, Wairoa District Council, Hastings District Council, Central Hawke's Bay District Council and Hawke's Bay Regional Council.

² The Hawke's Bay CDEM Group is formed under Section 12 of the CDEM Act 2022, and its functions are outlined in Section 17 of the CDEM Act 2022. Hawke's Bay Civil Defence Emergency Management Group covers all areas of Hawke's Bay. The local authorities in the Hawke's Bay region are Napier City Council, Wairoa District Council, Hastings District Council, Central Hawke's Bay District Council and Hawke's Bay Regional Council.

³ At 5:15am on 14 February 2023 a State of Local Emergency declared owing to Cyclone Gabrielle for the Hawke's Bay region. Prior to this declaration, States of Local Emergency owing the Cyclone Gabrielle had been declared for Napier City Council and Hastings District Council.

⁴ At 8:43am on 14 February 2023 a State of National Emergency declared owing to Cyclone Gabrielle for the Northland, Auckland, Waikato, Bay of Plenty, Tairāwhiti and Hawke's Bay regions.

The review will focus on the timeframe between the initial warning of the cyclone, including the termination of the State of National Emergency², through to the demobilisation of the Group Emergency Coordination Centre (9 February – end-April 2023). This review will outline strengths and areas for improvement and will inform the Hawke's Bay CDEM Group work programme aligned to the Hawke's Bay CDEM Group Plan³.

This review will provide a framework for continuous improvement; and will align with any national (National Emergency Management Agency-led) lessons management methodology, approach, and any corrective actions framework.

Overview of Review Framework

The Independent Review will consider the Hawke's Bay CDEM Group's response to Cyclone Gabrielle at the Group Emergency Coordination Centre (GECC) and local Emergency Operations Centres (EOC) levels and how response efforts supported impacted communities. The review will not consider the National level response but will consider the interoperability between each of the three response levels.

All local authorities as members of the Hawke's Bay CDEM Group will be part of this Review: Napier City Council, Wairoa District Council, Hastings District Council, Central Hawke's Bay District Council and Hawke's Bay Regional Council. Response partner agencies will be included at a CDEM Group and local level. Formalised response arrangements structured at the community level will also be included.

The Hawke's Bay CDEM Group will seek Mana Whenua engagement at the governance⁵, operational and community level as part of the review. The review must consider (where available) debriefing/ review inputs from for partner agencies and Mana Whenua. Figure 1 shows the three levels of response within the Hawke's Bay CDEM Group (Regional; Local and Community) and the relationship with the National response structure (out of scope).

⁵ Mana Whenua engagement at the governance level will be nominated by Mana Whenua Post Settlement Governance Entities.

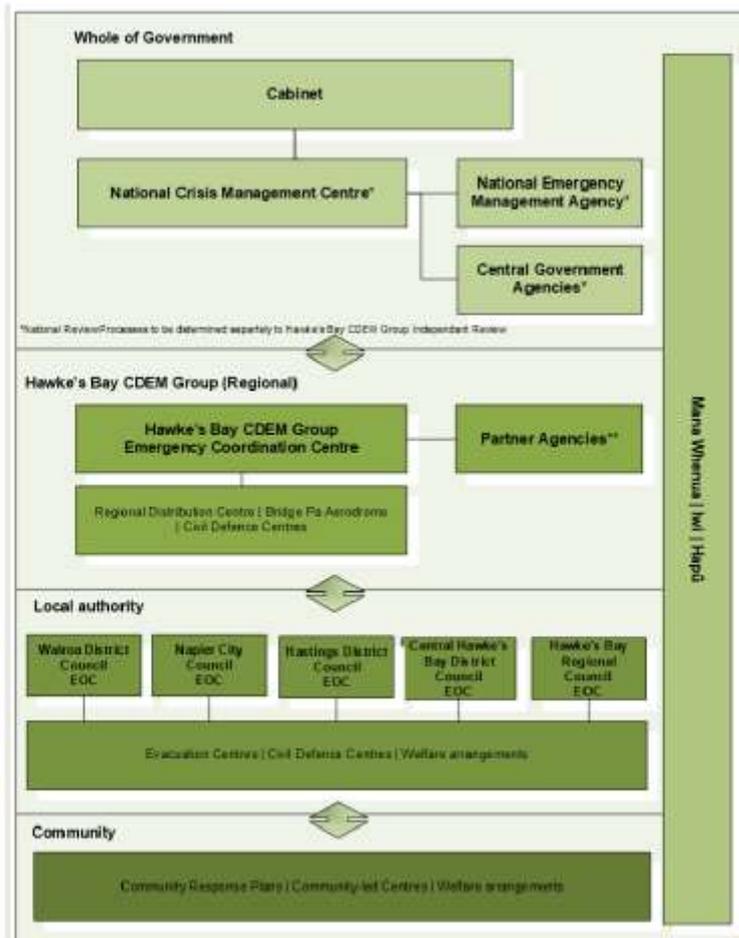


Figure 1: Response levels within the Hawkes Bay CDEM Group

3. Review Definition

Cyclone Gabrielle has left wide-ranging and significant impacts across the Hawke's Bay region.

At the peak of the disaster, communities, local Emergency Operation Centres (EOCs) and emergency services experienced isolation from the loss of critical roading, power and communications infrastructure. This has meant that a clear picture of what happened and when has still not emerged across the region.

The declaration of a National State of Emergency created misunderstandings around who was responsible for what. Communities felt frustrated by the level of support from 'Civil Defence' and that emergency management arrangements could and should have done more for communities across all of Hawke's Bay.

This review will consider previous CDEM Group-level review recommendations and will examine the extent to which current investment in the implementation of corrective actions has realised benefits in emergency management arrangements before, during and after an emergency.

The following assumptions and constraints have been identified in the development of the review scope.

Assumptions	Constraints
<ul style="list-style-type: none"> • Regular progress engagement with the Hawkes Bay CDEM Group Coordinating Executive Group and the Joint Standing Committee will be undertaken as part of the Review Governance Structure. • Partner agencies and Mana Whenua will conduct their own debriefing / reviews on their Cyclone Gabrielle response in the Hawke's Bay region. • Mana whenua are actively participating and engaged at all levels of the review. • Relevant documentation including partner agency debriefing / review material, will be provided by an agreed timeframe as part of the discovery process (see phase 2). • Some aspects of the Review will only relate to specific locations, however relevant stakeholders, regardless of locality (in/out of region) will be engaged in relevant Review stages. • Stakeholders will be available for interviews (in person and / or online). • There will be alignment to the national (National Emergency Management Agency-led) lessons management methodology, approach, and any corrective actions framework. • In the event of an emergency, Hawke's Bay CDEM Group will confirm whether agreed timeframes for the Review are still manageable and will proactively support rescheduling if required. 	<ul style="list-style-type: none"> • The ability to secure independent consultants with the necessary skills, expertise, availability, and independence from the Hawkes Bay CDEM Group to deliver against the scope of the review. • The willingness, availability, and capacity of stakeholders to participate in engagement phases as part of the Review (Survey, Interviews, Focus Group(s)). • The capacity, ability and timeliness of partner agencies, other agencies, and Mana Whenua to conduct their own debriefing / reviews on their Cyclone Gabrielle response in the Hawke's Bay region which will then be available to inform the review. • The ability to undertake a review process in a timeframe that aligns with public expectation. • Potential cost and available budget for the review to be delivered. • The timeliness of communications, consultation and dissemination of information related to the Review. • The technology and administrative support available to the Review. • Further emergency events.

4. Scope

Early-stage engagement with key stakeholders has identified the areas below to explore within this review. Expansion of inquiry areas is captured within the Operational Review Framework⁶. These areas include:

- a) Timeline of events for the response to Cyclone Gabrielle across the Hawke's Bay region.
- b) The community voice and how Cyclone Gabrielle impacted communities.
- c) Readiness and response arrangements and capabilities in place before Cyclone Gabrielle and how well these interfaced with communities, including the understanding of roles and responsibilities throughout the response.
- d) Promulgation of warning information to agencies and communities ahead of, during, and after the immediate impacts of Cyclone Gabrielle.
- e) The flow of information to and from the community, and between EOC (local), Group (ECC) and national level response arrangements; and how this contributed to decision making and on the ground resourcing.
- f) The timeliness of Emergency Operations Centre (EOC) and Emergency Coordination Centre (ECC) activations; decisions making; communications and use of pre-defined tools and processes.
- g) Understanding of the Hawke's Bay regions' lifeline vulnerabilities and what planned contingencies existed.
- h) The effectiveness of community level support through both formal response arrangements and informal community networks; and the contributions these had on community wellbeing.
- i) The respective roles of Iwi, Hapū and Mana Whenua within emergency management and appropriate representation in the emergency management system within Hawkes' Bay.
- j) Effectiveness of 'transition to recovery' arrangements and structure.

The scope of this review will examine the response arrangements (*including response capabilities within the Hawkes Bay; communication and information flow; and the interoperability of local EOC; CDEM Group ECC and National emergency management NCC structures*); relationships with partners; any emerging practice that could support future resilience for communities; local authorities and the CDEM Group; the criticality of lifeline infrastructure during an emergency; any strategic lessons that could support National level response management, and the arrangements in place to support an effect transition to recovery.

The review scope will consider emergency management within the Hawke's Bay region⁷:

- Hawkes Bay CDEM Group (Regional): includes the Joint Standing Committee; Coordinating Executive Group; relationships with Mana Whenua; the Group Emergency Coordination Centre and its functions; partner agencies connected to the GECC; the Regional Distribution Centre; Bridge Pa Aerodrome and some Civil Defence Centres directed by the GECC.
- Local Authority: includes Chief Executives; Local Authority elected representatives; relationships with Mana Whenua; all EOC's and their functions; partner agencies connected to EOC's; Local Welfare arrangements including any Evacuation Centres and Civil Defence Centres.
- Community: includes those formal response arrangements connected with any local community response plans, welfare provisions, community-led centres (including Marae), and initial engagement with local recovery structures, particularly reflecting on local recovery community engagement.
- Mana Whenua: includes any formal response arrangements connected with Mana Whenua at a local and CDEM Group level and impacts of decisions during the response on Mana Whenua.

⁶ See Hawkes' Bay CDEM Group Operational Review for the Response to Cyclone Gabrielle 2023 | Review Framework and Engagement Map.

⁷ This is expanded further in the Review Framework.

The independent review will consider the following desired outcomes:

Outcome 1	Hawke's Bay CDEM Group has appropriate capability and capacity to support community resilience, considering the impacts of Cyclone Gabrielle on communities.
Outcome 2	Hawke's Bay CDEM Group has appropriate capability and capacity to coordinate and effectively manage a response before, during and after an emergency.
Outcome 3	Strengthened relationships with Mana Whenua, Iwi, Hapū; partner agencies; and communities that support a coordinated approach to emergency management capability.
Outcome 4	Emerging response practice is recognised and assessed with a view to informing future emergency management approaches (including community arrangements).
Outcome 5	Identification of key lifeline vulnerabilities and planned contingencies that can inform recovery and improvement programmes.
Outcome 6	Review findings identify strategic themes to share with NEMA that can inform future emergency management legislative changes.
Outcome 7	Hawke's Bay CDEM Group has appropriate arrangements in place for future transition to recovery situations.

Table 1 (pg 8-10) provides detail on the scope within each of the review outcomes, supported by Focus areas and detailed criteria.

Out of scope

The review will not examine:

- Individual or partner agency response actions as part of the response to Cyclone Gabrielle in Hawke's Bay.
- Information connected to the deaths resulting from Cyclone Gabrielle. This will legally sit within the coronial inquiry.
- Local, regional, and national Cyclone Gabrielle recovery activities.
- Direct engagement with affected communities, as this will be managed by Local Authorities as part of recovery locality planning.
- While not specifically excluded, the review does not have to consider the implications of the proposed Emergency Management Bill 2023, but the report may reference it if it is helpful to do so.

Given the tension between urgency and having a broad scope, this review will not engage with wider communities. It is recognised that the importance of community voice and the opportunity for Hawke's Bay communities to tell their stories of the impacts from Cyclone Gabrielle, post this event, is given appropriate action and priority.

The Review will seek access to community voice through a range of mechanisms such as connection to local recovery planning and community engagement; inclusion of community representation within the Review Advisory Group; connection with local authority elected representatives and Mana Whenua through engagement with formalised community groups established as part of community response planning.

A suggested range of mechanisms to effectively and appropriately engage with communities is detailed in the Review Framework. These mechanisms are separate to this Independent Review but could be led and conducted by the appropriate local authority (or other organisation) in parallel to this Review process.

Table 1: Independent Review Scope

Outcome 1	Focus	Criteria
Hawke’s Bay CDEM Group has appropriate capability and capacity to support community resilience, considering the impacts of Cyclone Gabrielle on communities.	Strengthened response structures, practices, and processes that will deliver improved emergency management outcomes for communities.	<ul style="list-style-type: none"> • Consideration of pre-planning, capacity, and capability to support communities. • Community-level response structures and interoperability with local and regional structures. • Community-level processes and interoperability with local and regional Activation; Emergency Coordination/ Operations Centre information management; response documents (SITREPs, Action Plans); Common Operating Picture. • Consideration of the quality, effectiveness, and timing of engagement with communities before, during and after emergencies, including hazard risk.
Outcome 2	Focus	Criteria
Hawke’s Bay CDEM Group has appropriate capability and capacity to coordinate and effectively manage a response before, during and after an emergency.	Strengthened response structure, practices, and processes that will deliver improved outcomes for future emergencies.	<p>Timeline of Events</p> <ul style="list-style-type: none"> • Detailed timeline of Hawke’s Bay CDEM Group response to Cyclone Gabrielle, including key factors in chronological order. • Consideration of the timing, reasoning, decision-making process, and escalation of state of emergency declarations. <p>Warnings</p> <ul style="list-style-type: none"> • Consideration of the application of science / technical advice received at Local / Group CDEM level with reference to warnings (Cyclone Gabrielle and subsequent flooding). • Use of Emergency Mobile Alerts, including promulgation of warning messages to Iwi/Hapu and wider community <p>Activations (Emergency Coordination / Operations Centres)</p> <ul style="list-style-type: none"> • Emergency Coordination/ Operations Centre activations. • Consideration of the timing and mode of activations; operational periods; staffing levels including staff deployed to the region. • Consideration of information management between Local / Group / National levels. • Interoperability and effectiveness of Emergency Coordination/ Operations Centre. <p>Structure and interoperability</p> <ul style="list-style-type: none"> • Understanding of all roles and responsibilities across the emergency management sector in the Hawkes’ Bay. • Clarifying the use of States of Emergency. • Local and regional response structures and interoperability with national structures. <p>Response practices and processes</p> <ul style="list-style-type: none"> • ECC and EOC processes: Activation; Emergency Coordination/ Operations Centre information management; response documents (SITREPs, Action Plans); Common Operating Picture. • Regional Distribution Centre. • Staging Areas: Bridge Pa Aerodrome. <p>Welfare</p> <ul style="list-style-type: none"> • Consideration of pre-planning, capacity, and capability for welfare support to communities: Civil Defence Centres, Community-led Centres, Evacuation Centres, Marae. • Consideration of arrangements for welfare sub function planning as mandated by the National CDEM Plan.

		<p>Communication</p> <ul style="list-style-type: none"> • Consideration of the quality, effectiveness, and timing of communications. • Communication with CDEM Group members, partners; Iwi, Hapū and Mana Whenua and the community. <p>Public Information Management (PIM)</p> <ul style="list-style-type: none"> • Communication with the public (frequency/tone) through various communication mediums (e.g., television, radio, print, social media, and websites). • PIM capability and capacity at EOC / ECC level. • Consistency of messages at EOC / ECC level and impact on the community.
Outcome 2	Focus	Criteria
<p>Hawke’s Bay CDEM Group has appropriate capability and capacity to coordinate and effectively manage a response before, during and after an emergency.</p>	<p>Response capability and capacity vulnerabilities that require immediate action.</p>	<ul style="list-style-type: none"> • Identify priority gaps requiring immediate consideration.
	<p>Acknowledge and understand previous reviews conducted for Hawke’s Bay CDEM Group.</p>	<ul style="list-style-type: none"> • Known Hawkes Bay CDEM Group capability gaps outlined in previous reviews, monitoring and evaluation, and reviews on previous emergencies, including emergency management recommendations made by Mana Whenua • Corrective Action implementation.
Outcome 3	Focus	Criteria
<p>Strengthened relationships with Mana Whenua, Iwi, Hapū; partner agencies; and communities that support a coordinated approach to emergency management capability.</p>	<p>Clearer definition of the roles and responsibilities of all CDEM Group members, partners; Iwi, Hapū and Mana Whenua, and the community before, during and after an emergency.</p>	<ul style="list-style-type: none"> • Understanding and implementation of the roles and responsibilities) of key stakeholders (as defined in the CDEM National Plan), and the ability to effectively execute these in a response. • Engagement and collaborative planning with key partners not defined in the CDEM National Plan. • Clarity around partnership and participation role of Mana Whenua in emergency management.
	<p>Strengthened communications arrangements between Mana Whenua, Iwi, Hapū; partner agencies; and communities.</p>	<ul style="list-style-type: none"> • Communications mechanisms to support coordination of response. • Information management Regional-Local-Community.
Outcome 4	Focus	Criteria
<p>Emerging response practice is recognised and assessed with a view to informing future emergency management approaches (including community arrangements).</p>	<p>Strengthened future emergency management arrangements that recognise first response efforts come from the community.</p>	<ul style="list-style-type: none"> • Locally led emerging response structures or practice that could be considered for future emergency management planning recognising that first response efforts often come from the community. • Innovative response practice (ECC / EOC) evolving as part of the response to Cyclone Gabrielle.

Outcome 5	Focus	Criteria
Identification of key lifeline vulnerabilities and planned contingencies that can inform recovery and improvement programmes.	The CDEM Group understands key local and regional infrastructural vulnerabilities and the potential impacts that could arise from lifeline failure.	<ul style="list-style-type: none"> • Consideration of the roles and effectiveness in an emergency response of the Lifelines Engineering Group and local authorities. • Identification of infrastructure vulnerability resulting from Cyclone Gabrielle and subsequent impacts.
	Appropriate contingencies are considered to mitigate the impacts of lifeline failure.	<ul style="list-style-type: none"> • Identification of potential contingencies / owners.
Outcome 6	Focus	Criteria
Review findings identify strategic themes to share with NEMA that can inform future emergency management legislative changes.	Identify any challenges with the practical application of legislative roles, responsibilities, and powers defined in the CDEM Act 2002, and CDEM National Plan Order.	<ul style="list-style-type: none"> • How were legislative obligations met by the CDEM Group, local authorities, partner agencies and communities required by CDEM Act 2002. • Understanding of the powers used including rationale for declaring a state of emergency.
	The role of Mana Whenua participation and engagement at all levels within emergency management.	<ul style="list-style-type: none"> • Recognition of Iwi within the constraints of the current CDEM Act. • Outline the role and impact Iwi had during the response to Cyclone Gabrielle.
Outcome 7	Focus	Criteria
Hawke's Bay CDEM Group has appropriate arrangements in place for future transition to recovery situations.	Fit for purpose 'transition to recovery' processes with appropriate structure and systems.	<ul style="list-style-type: none"> • Structures and tools supported an effective transition to recovery (including the use of national recovery guidance). • The level and extent of transition and recovery planning preparedness. • Current connection between recovery efforts and the 'transition to recovery'.
	Clearer definition of the roles and responsibilities of partners and the partnership with Mana Whenua at all levels, within the 'transition to recovery'.	<ul style="list-style-type: none"> • Engagement by emergency management partners and mana whenua in the 'transition to recovery'.

5. Review Methodology

To ensure a balance between quantitative and qualitative inputs, the review will be conducted over four phases (See Figure 2) – the first being the development of the Terms of Reference and Review Framework.

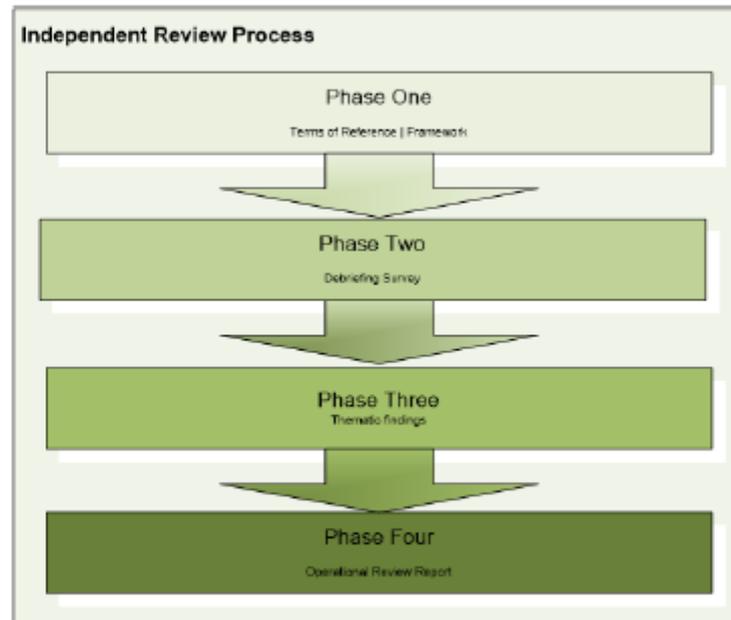


Figure 2: Review Phases.

Phase One – Terms of Reference and Review Framework – this has been completed.

- Development of Terms of Reference and Review Framework

Terms of Reference and Review Framework will be developed for consideration by the CDEM Joint Standing Committee as the accountable entity for the performance of CDEM within Hawkes Bay. The process will include input from a range of key senior leaders, CEG partners, with the final Terms of Reference and Review Framework will be considered by Mana Whenua partners and approved by the Joint Standing Committee as the entity ultimately accountable under the CDEM Act 2002⁸.

Phase Two –Debriefing Survey of operational response personnel – this is underway.

- Operational debriefing survey.

Due to the extensive number of staff that supported the Hawke’s Bay CDEM Group response (at an EOC and GECC level) an online debriefing survey will be used to gain quantitative and qualitative information from those who supported the response. A survey is considered the appropriate mechanism to capture initial feedback on response practice and processes from such a large number of people.

⁸ See Footnote 1.

Phase Three –Thematic findings.

- Review of Agency debriefs, other reviews of the response to Cyclone Gabrielle, and debrief Survey findings and other materials.

Analysis of debriefs / review materials (where available) from partner agencies, and Mana Whenua, along with analysis from the debrief survey to inform early thematic findings.

- Key Stakeholder interviews.

Targeted interviews/focus groups will explore early thematic findings, build a deeper picture of the drivers for these themes, and support identifying where process or practice improvements could be made. Targeted key stakeholder interviews/focus groups with representatives from the Hawke's Bay CDEM Group, Iwi, partner agencies; and other agencies and volunteer organisations that supported the Cyclone response.

Phase Four – Operational Review Report.

- Report.

Preparing the Operational Review report reflecting the scope outcomes. The report will outline analysis of root causes and issues, identifying areas of strength and opportunities for improvement for consideration and discussion by the Hawke's Bay CDEM Group. The review report will detail recommendations to inform the Hawke's Bay CDEM Group work programme aligned to the Hawke's Bay CDEM Group Plan⁹.

6. Review Deliverables

The following deliverables and timeframes are proposed.

Phase	Deliverables	Completed by
One	<ol style="list-style-type: none"> 1. Independent review Terms of Reference approved by the Hawke's Bay CDEM Group Standing Committee. 2. Independent Review Framework. 3. High-level stakeholder map. 	Complete
Two	<ol style="list-style-type: none"> 4. Development of a Hawke's Bay-specific survey for Hawke's Bay CDEM Group response to Cyclone Gabrielle including tailored lines of enquiry for groups of stakeholders. 5. Execution of a Hawke's Bay-specific survey to defined stakeholders involved in the Hawke's Bay CDEM Group response to Cyclone Gabrielle 6. Analysis of feedback from the survey. 	Under way
Three	<ol style="list-style-type: none"> 7. Review of Agency Debriefs/ and Survey findings. 8. Key stakeholder interviews within the Hawke's Bay CDEM Group, Iwi, partner agencies; and other agencies and volunteer organisations that supported the Cyclone response in the Hawke's Bay region. 9. Combined analysis of feedback from the interviews, agency debriefs and survey findings to capture broad theme areas. 	October 2023
Four	10. Development of an Operational Review report.	November 2023
	11. Brief CDEM governance committee on Operational Review After-Action report findings.	December 2023

⁹ Hawke's Bay Civil Defence Emergency Management Group Plan 2014-2019

7. Engagement

Stakeholder engagement will be integrated into all phases of the Independent Review Process with participation and engagement conducted through a combination of the following approaches:

- Online survey.
- Stakeholder interviews / focus groups.
- Ongoing governance project updates.
- Mana Whenua engagement and participation at all levels.

To ensure meaningful engagement for the independent review, these best practices principles will be adopted:

- Ensure consistent messaging on the Review regardless of National/Group/Regional/Local level tailored appropriate for stakeholder groups.
- Clearly communicate the objectives and methodology and disclose and circulate consultation materials at least seven working days pre-engagement to encourage an informed participation.
- Conduct communications with stakeholders with the provision of timely updates on the Review which are published via agreed channels.
- All engagement is to be conducted through Independent Review Contractors with the administrative support of the Hawke's Bay CDEM Group Office.
- Engagement is to be clearly documented.

High Level Stakeholder map- to include (but not limited to):

	Governance	Control	Response Operations	Transition to Recovery
CDEM Group / Regional	Chair of CDEM Group Joint Committee	Group Controller	CIMS IMT Managers (GECC)	Group Recovery Manager/ Recovery Specialist
	CDEM Joint Standing Committee	GECC Response Managers	Emergency Services Liaison Officers (NZ Police, FENZ, St. John, Te Whatu Ora).	Mana Whenua, Iwi, Hapū
	Coordinating Executive Group Chair		Staff working / deployed to work in the GECC (Including, but not limited to: Other CDEM Groups, New Zealand Defence Forces, Te Puni Kōkiri, Tihei Mauri Ora, Ministry of Health/ Te Whatu Ora, Ministry of Social Development, Ministry for Business, Innovation and Employment, Ministry of Education, Surf Lifesaving New Zealand)	
	Coordinating Executive Group members		Group Public Information Manager	
	Mana Whenua		Group Welfare Manager / Welfare Coordinating Group	
			Engineering Lifelines Committee Chair / Committee	
			Local Iwi representation. Iwi liaison staff within the ECC	
			Other agency Liaison Officers	
			Civil Defence Centre (CDC) staff coordinated through the GECC	
			Regional Distribution Centre staff	
			Bridge Pa Aerodrome staff	
	Volunteer organisations			
	NEMA Regional Emergency Management Advisor			
Local	Mayors/Chairman/elected officials of Local Authorities	Local Controllers	CIMS IMT Managers (EOC)	Local Recovery Manager/ Recovery Specialist
	Chief Executive Officers of Local Authorities	EOC Response Managers	Local Liaison Officers for the Emergency Services Liaison Officers (NZ Police, FENZ, St. John, Te Whatu Ora).	Mana Whenua, Iwi, Hapū
	Mana Whenua		Staff working / deployed to work in the EOC	
			Local Public Information Manager	
			Local Welfare Managers	
			Local Welfare structures including Civil Defence Centres/Evacuation Centres/ Community-led Centres (coordinated through an EOC), Marae	
			Local iwi representation. Iwi liaison staff within the EOC	
Volunteer organisations.				

*Stakeholders include personnel deployed to the Hawke’s Bay to support the Hawke’s Bay CDEM Group and Local response to Cyclone Gabrielle.

8. Resources

Documentation relating to CDEM in the Hawke's Bay CDEM Group (regional) and national level. This includes, but is not limited to:

- Debrief/ Review documentation from local authorities, partner agencies, other agencies, and Mana Whenua.
- MCDEM/NEMA/Independent capability (monitoring and evaluation) assessments.
- Reviews of the region's response to recent emergencies and updates on subsequent actions.
- CDEM Group work planning and quarterly / annual performance reporting.
- Key CDEM Directors Guidelines and planning documents including any updates in progress.
- Key NEMA documentation and guidance issued relating to the declaration of a National State of Emergency.
- Relevant existing service level agreements and memorandums of understanding.
- Other documents identified in the Operational Review process.

Appendix One | Community Engagement

The Joint Committee has expressed interest in broadening the reach of the Review to include community voice. While it may not be practical to include direct community engagement as part of an Operational Review, it is important that impacted communities have the opportunity to share their experiences and identify areas where community resilience to future emergencies could be strengthened.

Options for community engagement (See Table 2) with a focus on the impact of Cyclone Gabrielle could be conducted:

- In parallel to this Independent Review.
- With tailored outcomes for specific communities as part of ongoing recovery activities and local locality planning.

Table 2: Suggested Community Engagement Strategies

Strategy Options	Detail	Responsible agency
Community Survey	Survey to provide mechanism for communities to provide details on their story of response and the impact of Cyclone Gabrielle.	Led by local authorities in collaboration with recovery activities and locality plans.
Online Community Story Portal	Regional portal allowing communities to share images or video of local impacts to contribute to a story board timeline for future projects.	Coordinated through Hawke's Bay Regional Council.
Community Wellbeing	Wellbeing resources (online and in-person) to support community social impact from Cyclone Gabrielle.	Led by local authorities (through locality recovery planning) and Mana Whenua.
Community Focus Groups	Engagement with Community Groups and organisations that arose through the impacts from Cyclone Gabrielle. Eg. Regional Affected Community Panel or through local recovery planning community engagement	Led by local authorities (through locality recovery planning).

Appendix Two | Review Framework Version Control

Date	Version	Notes
22 April 2023	0.1	Initial draft Review Framework for Project Sponsor
24 April 2023	0.2	Draft Review Framework for review and discussion by the Hawkes Bay CDEM Joint Standing Committee at its meeting 28 April 2023
03 May 2023	0.3	Revised DRAFT Terms of Reference for consultation with Joint Committee and Mana Whenua Partners
20 June 2023	0.4	<i>FINAL DRAFT Review Framework for approval by Hawke's Bay CDEM the Joint Standing Committee</i>



HB CDEM Group Joint Committee

26 June 2023

Subject: HB CDEM Group Joint Committee mana whenua representation

Reason for Report

1. This item proposes a proactive change to the Terms of Reference (ToR) for the Hawke's Bay Civil Defence Emergency Management Group Joint Committee (Joint Committee) and seeks a recommendation from the Joint Committee to each of the Partner Councils to adopt the amended ToR to enable mana whenua representation on the Joint Committee.

Officers' Recommendations

2. Council officers recommend that the Terms of Reference for the Joint Committee is amended to include mana whenua members on the Joint Committee. This is an interim step for the period leading up to the enactment of the Emergency Management Bill (EMB), which is expected to include provisions for mana whenua membership on CDEM Groups at both the governance (Joint Committee) and operational (Coordinating Executive Group [CEG]) levels.
3. The Bill will also introduce a clause that outlines how the principles of Te Tiriti o Waitangi will be enacted in emergency management.

Executive Summary

4. As part of the corrective actions from the report "Strengthening CDEM in Hawke's Bay", it was recognised that the CDEM Group structure, both at the governance and operational levels, did not effectively provide for tangata whenua representation and participation. At the time there was work between Te Puni Kōkiri, iwi, NEMA, and Group Managers to identify changes within the legislation through the *Emergency Management Trifecta Reforms*. It was hoped these changes would give certainty as to how iwi/mana whenua representation, relationships and partnerships could be provided for within CDEM.
5. The resulting EMB was supposed to be introduced in August last year, however due to a number of significant event responses over the last 12 months this was delayed. The EMB is now progressing through the legislative process and this gap is proposed to be closed by provisions added specifically so that "iwi and Māori participation is recognised, enabled, and valued".
6. Although the EMB was introduced in Parliament on 7 June 2023, it is not anticipated to be enacted before the end of this year given Select Committee and Committee of the Whole House stages are still to come, as well as a general election on 14 October 2023.
7. For Hawke's Bay, tangata whenua participation in emergency management is a critical element of the region's recovery from Cyclone Gabrielle and future responses and cannot wait until the lengthy legislative process concludes.

Options

8. The options available to the Joint Committee are to:
 - 8.1. Wait until the legislative process concludes and the EMB and associated Regulations are enacted to invite tangata whenua to make appointments to the Joint Committee
 - 8.2. Take proactive steps now to enable and invite tangata whenua participation at the governance level, on the HB CDEM Group Joint Committee, as advisory, non-voting members.
9. In addition to changes proposed to membership and the consequential amendments, staff have taken advantage of this opportunity to propose a change in relation to audio or audio-visual attendance at Joint Committee meetings.

Financial and resource implications

10. It is proposed to initially pay appointed tangata whenua representatives \$452 per meeting attended, plus associated travel reimbursement, which is the current HBRC rate paid to tangata whenua appointees on the Māori Committee.
11. As more detail becomes available on what the EMB provisions are, it is likely the remuneration of members will be reviewed to ensure that they are being remunerated appropriately.

Decision Making Process

12. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 12.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 12.2. The use of the special consultative procedure is not prescribed by legislation.
 - 12.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 12.4. The persons affected by this decision are everyone in the region, particularly in relation to emergency management.
 - 12.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Hawke's Bay Civil Defence Emergency Management Group Joint Committee:

1. Receives and considers the *HB CDEM Group Joint Committee mana whenua representation* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy, and that the Joint Committee can exercise its discretion and make the necessary decisions without conferring directly with the community or persons likely to have an interest in the decision.
3. Recommends to each of the partner councils, the adoption of the amended Terms of Reference as proposed (**OR**) as amended as agreed by the Joint Committee.

Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

Ian Macdonald
HB CDEM Group Controller / Manager

Attachment/s

- 1↓ [June 2023 amended CDEM Group Joint Committee Terms of Reference](#)
- 2↓ [Emergency Management Act provisions relating to Joint Committee Terms of Reference proposed amendments](#)



Hawke's Bay Civil Defence Emergency Management Group Joint Committee

Terms of Reference

1. Preamble

- 1.1 The Hawke's Bay Civil Defence Emergency Management Group was established pursuant to a Terms of Reference dated August 2003 which was subsequently amended in December 2013, and further amended and adopted in December 2016 and again on 23 March 2020. Pursuant to a resolution passed by the Group ~~on 23 March 2020~~ 26 June 2023, this Terms of Reference is adopted to replace and supersede all previous versions of the Terms of Reference for the Joint Committee.

2. Parties

- 2.1 Each of the following local authorities is a Member of the Hawke's Bay Civil Defence Emergency Management Group and is a party to this Terms of Reference:

Central Hawke's Bay District Council
 Hastings District Council
 Hawke's Bay Regional Council
 Napier City Council
 Wairoa District Council

3. Definitions

For the purpose of this Terms of Reference:

- 3.1 "Act" means the Civil Defence Emergency Management Act 2002.
- 3.2 "Administering Authority" means the Hawke's Bay Regional Council.
- 3.3 "Coordinating Executive Group" (the CEG) means the Coordinating Executive Group to be established under section 20 of the Civil Defence and Emergency Management Act 2002.
- 3.4 "Group" means the Hawke's Bay Civil Defence Emergency Management Group.
- 3.5 "Group Controller" means a person appointed under section 26 of the Civil Defence and Emergency Management Act 2002 and clause 10.1 of this Terms of Reference as a Group Controller.
- 3.6 "Group Plan" means the Hawke's Bay Civil Defence Emergency Group Plan prepared by the Group in accordance with the Act.
- 3.7 "Hawke's Bay Region" for the purposes of this document means the Hawke's Bay region as defined in the Local Government (Hawke's Bay Region) Reorganisation Order 1989, excluding the parts of Rangitikei and Taupo District Councils falling within the area administered by the Hawke's Bay Regional Council.
- 3.8 "local authority Member or Partner Council" means a Local Authority that is a member of the Civil Defence Emergency Management Group that is the subject of this document.
- 3.9 "4Rs" means Reduction, Readiness, Response, and Recovery.

4. The Purpose and Term of this Terms of Reference

4.1 The purposes of this Terms of Reference are to:

- 4.1.1 set out the purposes, functions, powers, and duties of the Group and its members in accordance with the requirements of the Act;
- 4.1.2 define the responsibilities of the Group as delegated to the Group by the Members; and
- 4.1.3 provide for the administrative arrangements of the Group.

5. Joint Committee

5.1 Pursuant to section 12 of the Act the Parties were united in August 2003 to establish a Group as a Joint Standing Committee now under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002. This choice is irrevocable under section 14(3) of the Act.

5.2 In accordance with section 12(2) of the Civil Defence Emergency Management Act 2002, neither clause 30(5) nor (7) of Schedule 7 of the Local Government Act 2002 which provides for a committee to be discharged or reconstituted, or be discharged following the triennial general election, shall apply to the Joint Committee.

6. Membership of the Group

6.1 The Members of the Group are the Hawke's Bay Regional Council and all those territorial authorities that lie wholly within the boundaries of the Hawke's Bay region. Each member is to be represented on the Group by one person only, being the Mayor or Chairperson of that local authority, or if they are unavailable an alternate representative who has been given the delegated authority to act for the Mayor or Chairperson.

6.2 Under section 13(4) of the Act, the alternate representative must be an elected person from that local authority.

6.3 Under clause 30(9) of Schedule 7 of the Local Government Act 2002, the powers to discharge any representative of the Group and appoint his or her replacement shall be exercisable only by the local authority Member that appointed the representative being discharged.

6.4 Tangata whenua representatives appointed as advisory, non-voting members representing:

6.4.1 Mana Ahuriri

6.4.2 Maungaharuru-Tangitu Trust

6.4.3 Heretaunga Tamatea Settlement Trust

6.4.4 Tatau Tatau o Te Wairoa

6.4.5 Ngati Kahungunu Iwi Incorporated.

7. Representatives to have Full Delegated Authority

7.1 Each local authority Member agrees to confer full delegated authority on its Representative, or in their absence the alternate Representative in order for the Group to exercise the functions, powers, and duties of Members under the Act within approved Group budgets.

7.2 At meetings of the Group, each local authority Member's Representative is to have full authority to vote and make decisions on behalf of that Member-local authority without further recourse ~~to that Member~~ in respect of the authority granted under 7.1 above.

- 7.3 If a [local authority](#) Member's Representative to the Group is not re-elected at the triennial Local Government Elections that Representative will cease to be a Member of the Group and will be replaced by the elected Mayor or Chairperson of the relevant local authority.
- 7.4 It is the responsibility of each Member of the Group to ensure that they have a representative available to participate in the Group, as soon as practicable after their representative is no longer able to represent that Member for whatever reason, with the same delegated functions, duties and powers as their predecessor.

8. The Group to Give Effect to the Purposes of The Act

- 8.1 The functions, powers and duties of the Group are specified in sections 16, 17 and 18 the Act. To assist the Group to meet these requirements, the Group adopts the following objectives:
- 8.1.1 To ensure that hazards (as defined in the Act) and the consequential risks are identified and assessed.
- 8.1.2 Improve and promote the sustainable management of identified hazards in a way that contributes to the long term social, economic, cultural, and environmental well-being and safety of people and communities.
- 8.1.3 Encourage and enable communities to achieve acceptable levels of risk (as risk is defined in the Act), including, without limitation
- (i) identifying, assessing, and managing risks, and
 - (ii) consulting and communicating about risks, and
 - (iii) identifying and implementing cost-effective risk reduction, and
 - (iv) monitoring and reviewing the risk management process.
- 8.1.4 To require local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the 4Rs, and encourage co-operation and joint action within those regional groups.
- 8.1.5 To encourage through partnership and co-ordination, emergency management planning and civil defence emergency management activities amongst the organisations represented on the Co-ordinating Executive Group, other CDEM partners and the Lifeline utility operators that operate within the region.
- 8.1.6 To ensure an effective and efficient region-wide civil defence emergency management capability to respond to and recover from emergencies.

9. Obligations of [local authority](#) ~~m~~Members

- 9.1 Each [local authority](#) member of the Group will:
- 9.1.1 In accordance with section 7 and 8 above, appoint their Mayor or Chairperson to the Joint Committee; and
 - 9.1.2 appoint its chief executive officer to the Co-ordinating Executive Group (CEG); and
 - 9.1.3 participate in the preparation of and agree to the content of a Group Plan; and
 - 9.1.4 contribute technical expertise and resources to maintain an effective Group and local level response capability; and
 - 9.1.5 provide to the Group the information or reports that may be required by the Group to discharge its powers, functions and duties under the Act and the Group Plan.
- 9.2 Each local authority ~~Member~~ [member](#) of the Group will be responsible for the risk reduction, readiness, response and recovery arrangements required of it under the Act, and under the Group Plan or as otherwise agreed by the Group, to the standards agreed by the Group.

10. Delegated Authority

- 10.1 Power to Appoint Group Controller. The Group will appoint one or more suitably qualified and experienced persons or person to be the Group Controller for the CDEM Group pursuant to by section 26 of the Act and in accordance with the Governance and Management section of the current Group Plan. The powers delegated to the Group Controller(s) are as defined in the Group Plan.
- 10.2 Appointment of Local Controllers. The Group may from time to time appoint in accordance with section 27 of the Act and following consultation with the relevant Members, one or more persons to be a Local Controller in accordance with the Governance and Management section of the current Group Plan.
- 10.3 Appoint Persons who may a Declare State of Local Emergency. The Group will appoint at least one person as a person authorised to declare a state of local emergency for its area and in accordance with the Governance and Management section of the current Group Plan.

11. Civil Defence Emergency Management Group Plan

- 11.1 The Group will prepare, approve, adopt and review a Group Plan in accordance with sections 48 to 57 of the Act.
- 11.2 For the avoidance of doubt each and every obligation, agreement, covenant, responsibility and liability under the Group Plan is binding on and will continue to bind each and every Member of the Group and is and will continue to be enforceable as between each of the Members, against each of the other Members, and every Member of the Group agrees and covenants to carry out and perform all of its obligations under the Group Plan.

12. Maintain the Coordinating Executive Group

- 12.1 In accordance with section 20 of the Act, establish and maintain a Co-ordinating Executive Group consisting of:
- 12.1.1 The chief executive officer of each Member or a senior person acting on that person's behalf; and
 - 12.1.2 A senior representative of the Police assigned for the purpose by the Commissioner of Police; and
 - 12.1.3 A senior representative of Fire and Emergency New Zealand assigned for the purpose by their Chief Executive; and
 - 12.1.4 The chief executive of a District Health Board in Hawke's Bay representing the District Health Board in Hawke's Bay, or a person acting on their behalf; and
 - 12.1.5 Any other persons that may be co-opted by the CDEM Group to assist the CEG to undertake its responsibilities.

13. Remuneration

- 13.1 Each Local Authority Member of the Group shall be responsible for remunerating its representative on the Group for the cost of that person's participation in the Group.

13.2 Each tangata whenua member will be remunerated \$452 per meeting attended, plus reimbursed mileage to travel to/from meetings at the rate of \$0.83/km. These costs will be divided proportionally among the local authority members.

14. Meetings

- 14.1 The Hawke's Bay Regional Council standing orders will be used to conduct Group meetings.

- 14.2 Other standing orders may be used, subject to the agreement of the Group, and in accordance with section 19(1) of the Act.
- 14.3 The Group shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference. However there will be at least two meetings per year.
- 14.4 In accordance with clause 23 of Schedule 7 of the Local Government Act 2002 the quorum of the Group is all [Local Authority](#) Members.
- 14.5 A representative may attend any meeting of the Joint Committee by means of audio or audio-visual link unless lawfully excluded.
- 14.6 A representative may attend a meeting by means of audio or audio-visual link despite –
- 14.6.1 clauses 25A(1) and (4) and 27(5)(a) of the Local Government Act 2002, and
- 14.6.2 any limitation or condition on the use of an audio or audio-visual link, or other contrary provision, that is contained in any standing orders that apply to the meeting.
- 14.7 A representative who attends a meeting by means of audio or audio-visual link in accordance with this Terms of Reference is to be counted as present for the purposes of (the quorum) clauses 23 and 30A of Schedule 7 of the Local Government Act 2002.
- 14.5 In the event that a quorum cannot be achieved, the business at any meeting convened for the Joint Committee may be considered without further notice by a subcommittee of the Joint Committee. The recommendations of this subcommittee will be reported for final decision at the next Joint Committee meeting.
- 15. Voting**
- 15.1 Each [local authority](#) member has one vote at a meeting of the Group or when the Group is required at any time to make a decision in respect of an action to be taken by the Group.
- Or Each member ... including tangata whenua representatives
- 15.2 All actions (other than the entering into of contracts within the authorised Group budget) to be taken by the Group must first be approved by way of a majority vote of all members that are present and voting.
- 15.3 The ~~Ministry of Civil Defence and National~~ Emergency Management [Agency](#) shall have observer status on the Group and also the Coordinating Executives Group.
- 16. Election of Chairperson and Deputy Chairperson**
- 16.1 The Group may elect a Group Chairperson and Deputy Chairperson for the Group at the first meeting following the triennial local government elections, [from amongst the local authority representatives](#), and appoint replacements when any of those offices become vacant between elections.
- 16.2 The Group's Chairperson and Deputy Chairperson shall hold office until the first meeting following the triennial general election.
- 17. Administering Authority**
- 17.1 In accordance with section 23 of the Act, the Administering Authority for the Group will be the Hawke's Bay Regional Council. The Administering Authority is responsible for the provision of administrative and related services that may from time to time be required by the Group.

18. Group Emergency Management Office

- 18.1 The Hawke's Bay Regional Council will establish and manage a Hawke's Bay Emergency Management Group Office on behalf of the Group.
- 18.2 The Group Office shall coordinate technical expertise, planning and operational functions, performance monitoring, coordination of Group wide projects and any other functions as are assigned to it by the Group. The Group Office will also maintain at least one Emergency Management Advisor to be co-located in each TLA to support and where appropriate implement local emergency management outcomes.
- 18.3 The Hawke's Bay Regional Council will employ staff for the Group Office as authorised by the Group and manage the office's expenditure in accordance with the principles of the Local Government Act 2002 and amendments.

19. Group Funding and Budget

- 19.1 The proposed annual Group work programme and budget will be signed off by the Group no later than ~~the 30th of~~30 November of the year ~~preceding~~~~preceeding~~ the year ~~to~~ which the programme and budget will apply.
- 19.2 The Group work programme, and administrative and related services pursuant to section 24 of the Act, will be funded by way of a Targeted Rate Uniform General Charge (UGC) across the area of the Group and administered by the Hawke's Bay Regional Council. In order to set the Targeted Rate UGC, the Group will communicate its agreed programme and budget to the Hawke's Bay Regional Council no later than 1 February of the year which the programme and budget applies.
- 19.3 The Joint Committee is responsible for deciding the civil defence and emergency management levels of service and outcomes to be provided to the community. As the Administering Authority the Hawke's Bay Regional Council is responsible for providing the resources to achieve these outcomes.

20. Good Faith

- 20.1 In the event of any circumstances arising that were unforeseen by the parties at the time of adopting this Terms of Reference, the parties hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of:
- 20.1.1 the Members of the CDEM Group collectively; and
- 20.1.2 the Hawke's Bay community represented by the Members of the Group collectively.

21. Variations

- 21.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Group.
- 21.2 ~~Amendments to the Terms of Reference may only be made with the unanimous agreement of all members. The Terms of Reference will only be amended upon a unanimous vote and resolution passed by the Group and duly recorded in writing.~~

22. Review of the Terms of Reference

- 22.1 The Terms of Reference will be reviewed and if appropriate amended by the Group at its first meeting following the following the triennial local government elections.
- 22.2 The adoption of an amended Terms of Reference revised under clause 22.1 will be undertaken in accordance with section 21 above.

23.3 Amendments to the Terms of Reference will come into effect once agreed, by resolution, by all partner councils in accordance with Schedule 7, clause 30A of the Local Government Act.

23. Adopted by

~~The By Common Seal resolution~~ of the
Central Hawke's Bay District Council

Mayor Alex Walker

~~The By Common Seal resolution~~ of the
Hastings District Council

Mayor Sandra Hazlehurst

~~Signed under By the Common Seal resolution~~ of the
Hawke's Bay Regional Council

Chair Hinewai Ormsby

~~The By Common Seal resolution~~ of the
Napier City Council

Mayor Kirsten Wise

~~The Common Seal By resolution~~ of the
Wairoa District Council

Mayor Craig Little



The Emergency Management Bill

Overview of proposed changes

Recognising, enhancing, and valuing Māori participation in emergency management

Māori members on Emergency Management Committees and Co-ordinating Executive

Clauses 26, 33 and 144

The Bill includes a requirement to have one or more Māori members on both Emergency Management Committees, and Emergency Management Co-ordinating Executives (currently the CDEM Group and Co-ordinating Executive Group).

The Bill enables regulations to prescribe locally appropriate appointment mechanisms for members, which will be developed with Māori and local government.

However, where decisions cannot be agreed or are not made, the Bill includes a Ministerial backstop for appointments to be made.

National Māori Emergency Management Advisory Group

Clauses 20 and 21

The Bill enables the appointment of a National Māori Emergency Management Advisory Group.

This Group will advise the Director of Emergency Management (Chief Executive of NEMA) on Māori interests, and knowledge relevant to emergency management.

This includes advising on NEMA's role as it relates to the delivery of positive outcomes for Māori through the emergency management system.

Emergency Management Bill

Government Bill
225—1

Explanatory note

Māori play a significant role in emergency management, responding swiftly to emergencies, and providing valuable insights to inform risk reduction, readiness, response, and recovery activities. However, their roles are not formally recognised under the 2002 Act. This Bill recognises and enhances Māori participation in the emergency management system at national, regional, and local levels and across governance, planning, and operational activity, including by—

- introducing a requirement to include Māori members on Emergency Management Committees and Emergency Management Co-ordinating Executives (currently referred to as Civil Defence Emergency Management Groups and Coordinating Executive Groups in the 2002 Act);
- establishing a National Māori Emergency Management Advisory Group to advise the Director of Emergency Management on Māori interests and knowledge, as they relate to the purpose and functions of emergency management;
- requiring Emergency Management Committees to engage with Māori on the development of emergency management committee plans.

The Bill also includes a descriptive Tiriti o Waitangi/Treaty of Waitangi clause.

5 Interpretation

In this Act, unless the context otherwise requires,—

Emergency Management Committee or Committee means a Committee maintained under **section 24** or established or re-established under **clause 7 of Schedule 2**

emergency management committee plan means a plan prepared and approved under **section 72**

24 Emergency Management Committees

- (1) The local authorities of an area must maintain an Emergency Management Committee for the purpose of emergency management within that area.
- (2) Clause 30(5) or (7) of Schedule 7 of the Local Government Act 2002 must not be read as permitting, during a term of local government or as a consequence of a local government election, the discharge or reconstitution of an Emergency Management Committee maintained for the purposes of this Act.
- (3) **Clauses 5(1)(a) and (b), 6, and 7 of Schedule 1** set out provisions relating to the establishment of Emergency Management Committees, their form under the Local Government Act 2002, and their membership at the commencement of this Act.
- (4) **Clauses 2 to 7 of Schedule 2** set out matters of detail and procedure relating to membership and meetings of Emergency Management Committees.

25 Membership of Emergency Management Committees

- (1) The membership of each Emergency Management Committee consists of—
 - (a) the local authorities within the Committee's area; and
 - (b) 1 or more Māori members appointed in accordance with **section 26**.
- (2) Every local authority must be a member of an Emergency Management Committee.
- (3) Each local authority that is a member of a Committee with other local authorities must be represented on the Committee by 1 person, being the mayor or chairperson of that local authority or an elected person from that local authority who has delegated authority to act for the mayor or chairperson.
- (4) Nothing in this Act requires the Minister of Local Government to be a member of a Committee.

26 Appointment of Māori members of Emergency Management Committees

- (1) An Emergency Management Committee must appoint Māori members to the Committee in accordance with regulations made under **section 144**.
- (2) The Minister must appoint at least 1 Māori member to the Committee if the Committee does not appoint a Māori member in accordance with the relevant process and time frame prescribed in those regulations.
- (3) Before making an appointment to a Committee, the Minister must consult the Director and the Committee.

144 Regulations relating to Māori representation on Emergency Management Committees and Emergency Management Co-ordinating Executives

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations relating to the appointment of Māori members of Emergency Management Committees and Emergency Management Co-ordinating Executives:
- (2) Regulations made under this section may provide for appointment processes and mechanisms that are locally-appropriate, including by providing for different appointment processes and mechanisms to apply to different Committees and Executives.
- (3) Without limiting **subsection (1)**, regulations made under this section may—
 - (a) set out appointment criteria for Māori members of Committees and Executives;
 - (b) set out nomination and appointment processes;
 - (c) provide a time frame for the first and subsequent appointments;
 - (d) provide for the term of the appointments.
- (4) Before making a recommendation under **subsection (1)**, the Minister must consult any persons who, in the Minister's opinion, have the required expertise and the ability to reflect relevant perspectives and concerns, including, without limitation, the perspectives and concerns of Māori.
- (5) Regulations made under this section are secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

29 Role of Emergency Management Committees

- (1) The role of an Emergency Management Committee is to,—
 - (a) in relation to hazards and risks within the Committee's area,—
 - (i) take the lead in identifying and assessing those hazards and risks;
 - (ii) co-ordinate the management of those hazards and risks;
 - (iii) identify and implement cost-effective risk reduction;
 - (iv) assist each local authority represented in the Committee to—
 - (A) identify and assess those hazards and risks relevant to that local authority;
 - (B) consult and communicate with the communities within that local authority about those hazards and risks;
 - (b) ensure that suitably trained and competent personnel, including volunteers, are available and there is an appropriate organisational structure for those personnel for effective emergency management in its area;
 - (c) respond to and manage the adverse effects of emergencies in its area;
 - (d) co-ordinate emergency management throughout its area;
 - (e) plan and carry out recovery activities in its area;
 - (f) when requested, assist other Committees in the implementation of emergency management in their areas (having regard to the competing emergency management demands within the Committee's own area and any other requests for assistance from other Committees);
 - (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) identify the needs of iwi and Māori within its area in relation to emergency management and develop plans to address those needs;
 - (i) recognise the role and contributions of iwi and Māori in emergency management in its area and communicate that information to local authorities, communities, and others within the area if it is relevant;
 - (j) monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act (including the Acts set out in **clause 3 of Schedule 2**);
 - (k) develop, approve, implement, and monitor an emergency management committee plan and regularly review the plan;
 - (l) engage with Māori and iwi within its area in the development of the emergency management committee plan;
 - (m) establish systems and processes to ensure that the Committee has the capability and capacity to engage with iwi and Māori and to understand the perspectives of iwi and Māori;
 - (n) participate in the development of the national disaster resilience strategy and the national emergency management plan;
 - (o) promote emergency management in its area that is consistent with the purpose of this Act.
- (2) A Committee also has any other functions that are conferred or imposed by or under this Act or any other enactment.

30 General powers of Emergency Management Committees

- (1) An Emergency Management Committee 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 Area Controller, the Area Recovery Manager, or other persons.
- (2) Those powers include the power to—
 - (a) recruit and train volunteers for emergency management tasks;
 - (b) conduct emergency management training exercises, practices, and rehearsals;
 - (c) issue and control the use of signs, badges, insignia, and identification passes authorised under this Act, regulations, or any emergency management plan;
 - (d) provide, maintain, control, and operate warning systems;
 - (e) provide communications, equipment, accommodation, and facilities for the performance and exercise of the Committee's functions and powers during an emergency;
 - (f) perform any other functions that are necessary to give effect to any emergency management plan.
- (3) A Committee, or a person acting under the authority of a Committee, may require any person to give the Committee information in accordance with **section 16**, as if a reference in that section to the Director were a reference to a Committee.

35 Administering authorities

- (1) Every Emergency Management Committee must have an administering authority.
 - (2) The administering authority is a local authority member of a Committee that all of the members of the Committee agree to appoint as the administering authority.
 - (3) However, if the Committee decides to change the administering authority but members fail to agree on the appointment within 2 months of that decision,—
 - (a) if the Committee includes a regional council, the regional council becomes the administering authority; and
 - (b) if **paragraph (a)** does not apply, and the Committee has 2 or more unitary authorities as members and those members have failed to reach agreement to appoint the administering authority, the Minister must direct 1 or more of the unitary authorities to establish their own Committees; and
 - (c) in all other cases, the Minister must appoint one of the local authority members as the administering authority.
 - (4) A unitary authority that is subject to a ministerial direction under **subsection (3)(b)** must comply with that direction.
- Compare: 2002 No 33 s 23

36 Role of administering authorities and chief executives of administering authorities

- (1) An administering authority established under **section 35** and, as appropriate, the chief executive of that authority are responsible for providing administrative and related services that may from time to time be required by the relevant Emergency Management Committee.
- (2) The administrative and related services referred to in **subsection (1)** include services required for the purposes of the Local Government Act 2002, this Act, or any other legislation that applies to the conduct of a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.
- (3) **Clause 8 of Schedule 2** provides for agreement to and division of the costs of administering authorities.

Schedule 1

6 Form of Civil Defence Emergency Management Group to continue

- (1) Every Civil Defence Emergency Management Group that was established under section 12(1)(a) of the 2002 Act by the uniting of a regional council and the territorial authorities within the council's region continues as an Emergency Management Committee for the purposes of this Act as a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

Schedule 2

Emergency Management Committee details and procedures

2 Certain powers of local authorities in Local Government Act 2002 not to apply to Emergency Management Committees

Clause 30(5) or (7) of Schedule 7 of the Local Government Act 2002 must not be read as permitting, during a term of local government or as a consequence of a local government election, the discharge or reconstitution of an Emergency Management Committee established for the purposes of this Act.

Compare: 2002 No 33 s 12(2)

3 Relevant legislation for Emergency Management Committees to monitor and report on compliance

For the purposes of **section 29(1)(j)**, legislative provisions relevant to the purpose of this Act include, but are not limited to, the provisions in the following Acts that may be relevant to emergency management:

- (a) Biosecurity Act 1993;
- (b) Building Act 2004;
- (c) Climate Change Response Act 2002;
- (d) Fire and Emergency New Zealand Act 2017;
- (e) Hazardous Substances and New Organisms Act 1996;
- (f) Health Act 1956;
- (g) Health and Safety at Work Act 2015;
- (h) Local Government Act 1974;
- (i) Local Government Act 2002;
- (j) Maritime Transport Act 1994;
- (k) Resource Management Act 1991;
- (l) any enactment passed in substitution for any of the Acts in paragraphs (a) to (k).

4 Emergency Management Committee to follow model standing orders

- (1) Unless three-quarters of the representatives of an Emergency Management Committee present at a meeting of the Committee agree otherwise, at its meetings the Committee must follow the New Zealand Standard for standing orders (NZS 9202:2003) or any New Zealand Standard substituted for that standard.
- (2) If the representatives of the Committee agree in accordance with **subsection (1)** to adopt other standing orders, those standing orders must not contravene the provisions of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other enactment.

Compare: 2002 No 33 s 19

5 Attendance at Emergency Management Committee meetings by audio link or audiovisual link during state of emergency

- (1) A representative of an Emergency Management Committee may attend any meeting of the Committee by means of audio link or audiovisual link unless lawfully excluded.
- (2) A representative may attend a meeting by means of audio link or audiovisual link despite—
 - (a) clauses 25A(1) and (4) and 27(5)(a) of Schedule 7 of the Local Government Act 2002; and
 - (b) any limitation or condition on the use of an audio link or audiovisual link, or other contrary provision, that is contained in any standing orders that apply to the meeting (including all of the standing orders that apply under **clause 4**).
- (3) A representative who attends a meeting by means of audio link or audiovisual link in accordance with this clause is to be counted as present for the purposes of clauses 23 and 30A of Schedule 7 of the Local Government Act 2002.

Administering authorities

8 Costs relating to administering authorities

- (1) The cost of the administrative and related services must be agreed from time to time by each Emergency Management Committee.
- (2) The costs agreed under **subclause (1)** must be divided equally among all local authority members and, unless the members of a Committee agree otherwise, each of those paying members must pay 1 share of the cost.



HB CDEM Group Joint Committee

26 June 2023

Subject: Emergency Management Bill

Reason for Report

1. This paper introduces the Emergency Management Bill and the opportunity for the Joint Committee to discuss what changes to expect when it is enacted and how the Group may wish to make a submission on this to the Select Committee.

Background

2. On 7 June 2023 the Emergency Management Bill had its first reading in Parliament. The Bill will replace the now two-decades old Civil Defence Emergency Management Act 2002. Attachment 1 outlines the significant changes proposed by the Bill.
3. At this stage the Select Committee has yet to release the timeframes for making submissions. Given the up-and-coming election period this may either be delayed or have an extended submission period.

Discussion

4. A short presentation will be given by NEMA at the meeting outlining the key changes in the Bill.
5. The Committee may wish to give officers initial guidance on:
 - 5.1. What parts of the Bill it wishes a submission to focus on.
 - 5.2. Any other issues not covered in the Bill that the Group may wish to submit on.
 - 5.3. How the Committee would like a submission to be developed and approved.

Decision-making Process

6. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision-making provisions do not apply.

Recommendation

That the HB Civil Defence Emergency Management Group Joint Committee receives and notes the *Emergency Management Bill* staff report.

Authored & Approved by:

Ian Macdonald
HB CDEM Group Controller / Manager

Attachment/s

- 1 [↓](#) Factsheet - about the Emergency Management Bill June 2023



The Emergency Management Bill

Overview of proposed changes

The Government is committed to ensuring New Zealand's emergency management system is geared towards inclusive, community-led responses to emergency events, as well as continuing work with iwi and Māori in emergency management.

The emergency management system needs changes so that:

- communities are better prepared to respond to and recover from emergencies
- iwi and Māori participation is recognised, enabled, and valued
- the impacts of emergencies on people, the economy, and the environment are reduced
- the emergency management system is well-coordinated, high-performing, and enjoys widespread trust and confidence.

An Emergency Management Bill has been introduced to replace the two decades old Civil Defence Emergency Management Act 2002 (CDEM Act). Information about the Bill, and its progress, can be found on parliament.govt.nz (search for "Emergency Management Bill").

When passed, the Emergency Management Bill will create an updated legal and regulatory framework within which Aotearoa New Zealand can prepare for, deal with, and recover from local, regional and national emergencies.

The Bill is not a fundamental transformation of the emergency management system, but instead makes practical improvements to ensure the system can meet current and future needs.

Some of the key measures in the Emergency Management Bill include:

- clarifying roles and responsibilities across the emergency management system (pages 2-3)
- recognising and enhancing the role of Māori in emergency management (pages 3-4)
- enhancing the resilience and accountability of critical infrastructure (page 5)
- enabling equitable outcomes for communities disproportionately impacted by emergencies (page 6)
- improving operational effectiveness (page 6)
- updating the legal and regulatory frameworks for the emergency management system (pages 7-8)
- replacing the term 'civil defence emergency management' with 'emergency management'.

These measures are explained in more detail in this factsheet.

These proposed changes will set the system up to be more responsive, and set a solid foundation for adaptations that might be required in the future.

The Bill does not change the current emergency powers available under a state of emergency, and while the Bill changes the name of 'Civil Defence Emergency Management Groups' to 'Emergency Management Committees', it does not remove the existing key local and regional roles and responsibilities.

Clarifying roles and responsibilities across the emergency management system

Clarifying the roles and responsibilities of Emergency Management Committees and local authorities

Clauses 29 and 37

To improve role clarity, the Bill specifies the distinct and separate functions of local authorities, and Emergency Management Committees (currently Civil Defence Emergency Management (CDEM) Groups).

Lack of clarity about roles and responsibilities of CDEM Groups and local authorities has impacted the effectiveness of the emergency management system.

The Bill clarifies that:

- Emergency Management Committees are responsible for regional co-ordination and governance
- local authority members are responsible for delivering local emergency management in their communities, and for participating in the Emergency Management Committees.

Clarifying the administering authority process

Clause 35

The Bill enables greater flexibility for who can act as an administering authority for Emergency Management Committees (currently CDEM Groups).

The Bill further clarifies the processes by which Emergency Management Committees can agree their administering authority.

For example, the Bill removes the current requirement that the administering authority can only be changed if the Minister agrees.

Clarifying the roles of the Chief Executive of the National Emergency Management Agency (NEMA), and Director of Emergency Management

Clause 5

The Bill sets out that the Chief Executive of the responsible department (currently NEMA) holds the role of Director of Emergency Management.

The current legal arrangements for the national statutory role holders require updating to account for NEMA's creation (in 2019) as an autonomous departmental agency with a chief executive.

Consistent with the current arrangements, the Director would be able to delegate response and recovery functions and powers to the National Controller, and National Recovery Manager as appropriate.

Confirming the roles of lead and support agencies

Clause 146

The Bill includes regulation making powers to confirm the roles and responsibilities of lead and support agencies.

The current uncertainty contributes to misunderstanding of roles and responsibilities before, during, and following emergencies.

The regulations enabled by the Bill will also:

- establish the mechanisms and criteria by which lead and support agencies are allocated
- provide for the governance of lead and support agencies for their emergency management activities
- specify the triggers and thresholds that determine the lead agency for a specific event.

Roles and responsibilities will be determined via consultation. The Bill requires the Minister for Emergency Management to consult with other relevant Ministers and agency chief executives when developing new regulations for lead and support agencies.

Publication of Emergency Management Committee Plans

Clause 72(2)

The Bill makes it explicit that Emergency Management Committee Plans (formerly CDEM Group Plans) must be published on a publicly available internet site.

The Bill also introduces updated principles to guide which documents can be incorporated by reference as part of Emergency Management Committee Plans.

This will improve consistency of what information is published, and ensure that all documents that

form part of Emergency Management Committee Plans are easily accessible to the public.

The current CDEM Act does not explicitly set out requirements for the publication of CDEM Group Plans. It is also unclear which documents are reasonable to incorporate by reference.

Ambulance services

Clauses 5 and 33(1)

The Bill includes ambulance services in the definition of 'emergency services' to reflect their core role in emergencies.

Ambulance services play a vital role in responding to emergency events, but are not included within the definition of emergency services in the current CDEM Act.

The Bill also introduces a permanent position for a chief executive or senior officer of an ambulance service on an Emergency Management Co-ordinating Executive.

Recognising, enhancing, and valuing Māori participation in emergency management

Māori members on Emergency Management Committees and Co-ordinating Executive

Clauses 26, 33 and 144

The Bill includes a requirement to have one or more Māori members on both Emergency Management Committees, and Emergency Management Co-ordinating Executives (currently the CDEM Group and Co-ordinating Executive Group).

The Bill enables regulations to prescribe locally appropriate appointment mechanisms for members, which will be developed with Māori and local government.

However, where decisions cannot be agreed or are not made, the Bill includes a Ministerial backstop for appointments to be made.

National Māori Emergency Management Advisory Group

Clauses 20 and 21

The Bill enables the appointment of a National Māori Emergency Management Advisory Group.

This Group will advise the Director of Emergency Management (Chief Executive of NEMA) on Māori interests, and knowledge relevant to emergency management.

This includes advising on NEMA's role as it relates to the delivery of positive outcomes for Māori through the emergency management system.

Treaty of Waitangi / Te Tiriti o Waitangi clause

Clause 4

The Bill includes a descriptive Treaty of Waitangi / Te Tiriti o Waitangi clause.

The clause expressly references the Crown's Treaty responsibilities and describes how these are given effect to in the emergency management context.

It also gives effect to proposals which aim to strengthen the role of Māori.

Emergency Management Committees are not a Person Conducting a Business or Undertaking (PCBU)

Clause 32

To ensure the Māori members of Emergency Management Committees (currently CDEM Groups) have the same protection from liability as elected members, the Bill clarifies that an Emergency Management Committee is not a PCBU for the purposes of the Health and Safety at Work Act 2015 (HSWA).

Currently, members of territorial authorities elected in accordance with the Local Electoral Act 2002 are excluded from liability. However, this would not extend to the proposed Māori members.

If Emergency Management Committees are not PCBUs, then all members will be treated the same and will, therefore, not be exposed to liability.

Requirement for Emergency Management Committees to recognise and plan for the needs and contribution of Māori

Clause 29(1)

The Bill establishes new responsibilities for Emergency Management Committees (currently CDEM Groups) to recognise and plan for the needs and contribution of iwi and Māori in their area.

Emergency Management Committees will be required to collaborate with Māori and iwi in the

development of Emergency Management Committee plans.

The Bill requires Emergency Management Committees to establish systems and processes to ensure they have the capacity and capability to engage with iwi and Māori.

Inclusion of Māori in the National Emergency Management Plan

Clause 67(1)

The Bill introduces a requirement for the National Emergency Management Plan (currently the National Civil Defence Emergency Management Plan Order 2015) to include the role of Māori in emergency management.

Iwi and Māori play an important role in the emergency management system, and this needs to be reflected in the National Emergency Management Plan.

Permanent legislative authority to reimburse iwi and Māori organisations

Clause 149

The Bill updates the permanent legislative authority so that iwi and Māori organisations can be reimbursed directly for welfare costs incurred during an emergency.

This will reduce the burden of administration, and increase the security and confidence of iwi and Māori organisations to continue performing essential activities in an emergency.

Iwi and Māori carry out vital work in ensuring the welfare of their people, and those in the communities surrounding them. Iwi and Māori entities often incur similar costs as local authorities in an emergency response, and are currently unable to access reimbursements directly from Government. Instead, they are required to lodge claims with local authorities, who in turn, request reimbursement from the Government.

Increasing the resilience of critical infrastructure

Updating terminology and definition of Critical Infrastructure

Clause 5

The Bill replaces the terminology 'Lifeline Utilities' with 'Critical Infrastructure', which is more fit for purpose and reflects international practice.

The Bill also includes a definition of 'Critical Infrastructure' that encompasses services that are essential for everyday life and is aligned with international best practice.

Specifying critical infrastructure sectors and entities

Clauses 50 and 51

The Bill will enable specifying the critical infrastructure sectors and entities via a notice made by the Minister in the *New Zealand Gazette*.

This change from using an Order in Council that allows for increased responsiveness to changes within the sector.

The Bill sets out the criteria for recognition of critical infrastructure entities and sectors.

Requirement for critical infrastructure entities to develop response plans

Clause 54(1)

The Bill introduces a new requirement for critical infrastructure entities to develop, or contribute to the development of, sector-specific plans for responding to and recovering from emergencies.

This will enable effective and efficient response during major disruption to services.

Currently the only supporting plan that exists is the National Fuel Plan.

Critical infrastructure planning emergency levels of service

Clause 57

The Bill introduces a requirement for critical infrastructure entities to establish and publicly state their planning emergency levels of service.

The current duty for lifeline utilities to "ensure that [they are] able to function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency" is vague and not measurable.

The Bill also includes a five-year review requirement, and an empowering clause for regulations setting out further detail.

Critical infrastructure annual compliance reporting

Clause 58

The Bill introduces a requirement for critical infrastructure entities to report annually to the Director of Emergency Management and their regulatory agencies.

Currently, critical infrastructure entities are not required to report on how well their organisations are meeting their obligations under the CDEM Act.

Enabling equitable outcomes

Clause 76

The Bill requires Emergency Management Committees (currently CDEM Groups) to engage with representatives of communities likely to be disproportionately impacted by emergencies in the development of their Emergency Management Committee Plan.

This will require Emergency Management Committees to identify and then engage with

communities in their area that are likely to be disproportionately impacted by emergencies.

This will ensure that the needs of people and communities disproportionately impacted by emergencies are included at the outset.

Emergencies amplify existing inequalities across a number of indicators. This change represents a way to better provide for the needs of communities disproportionately impacted by emergencies.

Improving operational effectiveness of the emergency management system

Concurrent Emergencies

Clause 93

The Bill includes a clause to enable management of concurrent local and national emergencies.

There has been an increasing number of emergency events in recent years, but the CDEM Act does not provide explicit guidance for the management of concurrent events.

The Bill will enable local states of emergencies and transition periods to remain in force concurrently with national states of emergencies or national transition periods.

The Bill also includes a clause to ensure Local or Area Controllers do not contradict priorities set by the Director, National Controller, or National Recovery Manager.

Secondary legislation and emergency management rules will set out the operational approach to the management of concurrent emergencies.

Emergency Management Committees can meet via audio or audio-visual link during a state of emergency

Schedule 2(5)

The Bill will allow representatives of Emergency Management Committees to attend meetings of the Committee via an audio or audio-visual link during a state of emergency.

Meeting in person during an emergency can be impractical or unsafe, and can result in delayed decision-making.

The current inability for a CDEM Group to meet in person has been an issue in several past emergencies, such as the Kaikōura/Hurunui earthquakes and COVID-19.

Updating the legal and regulatory framework

National Emergency Management Plan no longer an Order in Council

The prescriptive form of the current legislation has created issues in terms of enabling the responsiveness and durability of systems, processes, roles, and responsibilities.

The Bill empowers the Minister for Emergency Management to approve a new or revised National Emergency Management Plan.

The current CDEM Act requires the National CDEM Plan to be made by Order in Council. However, as the primary role of the National Plan is to explain and draw together arrangements that exist across the legislation system, it does not require legislative effect.

This change will enable greater responsiveness and ensure that the Plan can be kept up to date. The National Emergency Management Plan will be published in the *New Zealand Gazette*, and on a publicly available internet site.

Director's power to make rules

The Bill empowers the Director of Emergency Management (the Chief Executive of NEMA) to make rules prescribing matters of detail and procedure in relation to the emergency management system.

Rules would be made as required to cover administrative, operational, and technical matters during 'peacetime' only - such as specifying forms, setting qualification standards, and prescribing requirements for maintaining and operating warning systems.

The Director could not, for example, prescribe rules to modify emergency powers available under a state of emergency.

The emergency management rules would be made by the Director following a process that includes consultation with partners and

stakeholders (including iwi and Māori, and local authorities).

The key advantage of the rules approach is that it helps ensure that the legal framework keeps up-to-date with technical and operational advances in emergency management. For example, as technical standards for warning systems change the Director will be able to update the rules expediently.

This rules-based approach is already being used in other sectors. For example, the relevant chief executives are empowered to make rules under the Customs and Excise Act 2018 and the Education and Training Act 2020.

Climate change and definition of emergencies

Schedule 2(3)

The Bill includes the Climate Change Response Act 2002 in the list of relevant legislation for Emergency Management Committees to promote and raise public awareness of, and to monitor and report on compliance with provisions relevant to the purpose of the Bill.

To reflect the impact of climate change and work currently happening across government, the inclusion of this relevant legislation in the Bill serves as an acknowledgement of the effects of climate change as an exacerbator of hazards and risks.

Offences and Penalties

Clauses 125 to 132

The Bill updates the offences and penalties regime to ensure it is fit for purpose.

The penalties set out in the CDEM Act have not been updated since 2002, and there is scope for the maximum amounts to be increased in line with other legislation.

The Bill introduces an infringement offence regime, which will provide an additional tool for requiring compliance in emergency situations.

To ensure flexibility, the Bill also empowers regulations to prescribe the infringement offence regime.

Naming conventions: shifting from 'civil defence emergency management' to 'emergency management'

Clauses 4(2) and 5(2) of Schedule 1

The Bill provides an opportunity to update naming conventions in the current CDEM Act to better reflect the modern understanding of emergency management.

The Bill replaces the term '*civil defence emergency management*' in the Act with '*emergency management*'. This better reflects the broad and integrated nature of the emergency management sector.

The change from civil defence to emergency management is consistent with international practice and reflects a progressive change already underway in New Zealand.

Civil defence is a trusted national brand with wide recognition across New Zealand, so the concept will be retained for frontline facing activities.

Implementation

A phased implementation approach will be used to minimise the impacts, especially for local government and critical infrastructure entities, of the changes on operational activity, and to enable the changes to be delivered effectively.

This includes transitional arrangements to ensure that new Emergency Management Committee Plans are not required immediately upon commencement of the Bill.

Other changes, such as appointing Māori members, establishing an Administering Authority, developing new Standard Operating Procedures,

The Bill also updates other terminology:

- *Civil Defence Emergency Management Group* becomes *Emergency Management Committee*.
- *Co-ordinating Executive Group* becomes *Emergency Management Co-ordinating Executive*.
- *Group Controllers* become *Area Controllers*.

Removing Minister's and Emergency Management Committees' duties when creating regulatory instruments

The CDEM Act imposes duties on the Minister for Emergency Management and CDEM Groups to be complied with when creating specific types of regulatory instruments. For example, the duty to complete a cost benefit analysis.

These duties no longer need to be set out in an Act. It is unusual for Acts to deal with policy methodologies, including cost benefit analyses. Since 2002, for central Government agencies, requirements such as those set out in section 65 have been incorporated within regulatory impact analyses. Accordingly, the duties in section 65 of the CDEM Act are not carried over in the Bill.

and negotiating cost sharing agreements, will also have a phased implementation.

These changes will be further developed and brought into force via other regulatory instruments such as Regulations, the National Emergency Management Plan or Rules.

The Bill includes delayed commencement of some provisions for two years to give existing lifeline utilities time to comply with the new legal requirements relating to critical infrastructure 'planning emergency levels of service' and annual compliance reporting.



HB CDEM Group Joint Committee

26 June 2023

Subject: Operational capability and preparedness update

Reason for report

1. This report provides an update on work being undertaken by the Group office on the operational capability and preparedness of the Group post Cyclone Gabrielle.

Background

2. The response to Cyclone Gabrielle commenced the week before 14 February 2023 and officially the Group Emergency Coordination Centre deactivated on 30 April 2023. As part of the deactivation process a weather escalation plan was developed.
3. The recovery officially commenced on 14 March 2023 when a national transition notice was put into place. As recovery structures were still being developed at the time, the GECC remained activated and undertaking response activities until the end in April 2023.
4. At the end of April 2023 all outstanding response activities (residual welfare deliveries to a few isolated communities/farms) were handed over to the relevant local council.
5. Post event administration continues and is taking up some considerable time with Group office staff either managing or supporting this. HBRC has put considerable financial staff time into verifying and paying invoices, collating claims to NEMA and identifying costs that need to be passed on to other agencies. Group office staff have also had to provide support for this process including identifying the reasons and approvals for costs, and liaising and consulting with NEMA to get the best outcomes from the claims process.
6. There is also equipment that is being identified, secured, refurbished and, where appropriate, disposed of.
7. Some emergency stock has also been identified and stored to allow for the rapid deployment of essential food and other items should there be an escalation of weather impacts over the winter period. This stock is located at Bridge Pa Aerodrome and the Hawke's Bay Showgrounds and will need to be actively managed over the next 6-12 months in terms of expiry dates and security.

Discussion – ongoing response capability

8. Civil Defence is not just the CDEM Group¹. Other agencies, the emergency services and the community are an important part of the Civil Defence capability to respond.
9. The overall capability of the Group is based primarily around:
 - 9.1. Incident management teams (people) capability
 - 9.2. Plans and processes

¹ The CDEM Group is the four TLAs and HBRC.

- 9.3. Community resilience
- 9.4. Equipment and technical tools (as mentioned above).

People

10. The 12 staff of the Group office were involved in the response between February 2023 and the end of April 2023. Half of the Group office staff were also directly impacted by the event. One vacancy has just been filled and one staff member has recently resigned; that position will be advertised shortly.
11. Individual staff had access to wellbeing support from early in the response and were encouraged to talk to an employee assistance critical event professional one-on-one where needed. As part of being prepared for future events, the month of May was identified as a stand-down period to allow staff to take staggered leave to refresh.
12. The wider people capability of the Group comes from other council staff and each council has been working with their staff to ensure their ongoing wellbeing. This is challenging given most staff who responded to the event in February/March, are now involved in recovery work.
13. The response to Cyclone Gabrielle was a challenge to the wellbeing of all staff involved. Through the careful management of teams and individuals, the capability of the Group office to manage and coordinate the response to future events remains intact. The team has also built up a good level of experience through being involved in the response.
14. While the Group office and local government has experienced high attrition since COVID-19, Cyclone Gabrielle has given many of the Group Staff their first major response experience that will build their capability for the next event. In general, the Group office team has started to “bounce back” and overall morale is good.
15. Incident management staffing capability over the near to intermediate future across the system has been raised with NEMA and is key risk for most Groups in the country. Contingencies are being discussed at a national level, and should a significant event occur in Hawke's Bay, surge staff will quickly be requested from NEMA.
16. Despite this, we are able to coordinate the response for small to medium events and since the deactivation of the GECC in late April 2023, the Group office have had to deal with earthquakes in Porangahau and two tsunami advisories for earthquakes close to New Caledonia.
17. An important part of the next 12 months will be assuring the community about the preparedness for a variety of events and supporting the ongoing wellbeing of people, given the anxieties around ongoing weather watches and warnings. For this reason, a proactive approach is being taken to communicating with the public beyond what was usual before Cyclone Gabrielle.
18. In June, Coordinated Incident Management System level 3 training was carried out with some council incident management team staff. Where requested, further training for individual councils is being booked for the next few months.

Plans and processes

19. At the time of Cyclone Gabrielle, the Group was part-way through embedding a community centred, locally delivered, regionally coordinated, and collectively led response model (CONOPS), as recommended by the report “Strengthen CDEM in Hawke's Bay” and agreed to by the Joint Committee. Cyclone Gabrielle helped embed and prove the value of many aspects of this agreed future response model. While there is still further work needed to fully embed this, it is felt that the outcomes of the review into the Cyclone Gabrielle response will provide further insights into this change.
20. Upon the deactivation of the GECC, weather escalation plans were developed and approved. A refresh of these plans commenced in May 2023, and a planning workshop will be held shortly

with the emergency services, councils, Iwi and other regional agencies.

21. Contingency plans taking into consideration the post Cyclone Gabrielle context have been drafted for COVID-19 resurgence and earthquake responses, and work has begun on a tsunami contingency plan. These will also be consulted on with other agencies as appropriate.
22. As part of the post event work, processes developed or refined during the response have, or are being captured. Consolidation and embedding this work is therefore a focus, especially in information systems and common operating platform work.
23. This has placed the Group in a strong position with regard to tested tools and processes for future events.

Community engagement

24. The community led response to an event is intrinsic to any response, as it was in Cyclone Gabrielle. Post Cyclone Gabrielle there has been considerable interest from communities across Hawke's Bay in getting better prepared for disasters.
25. The community engagement team has been working with councils as they have worked with their communities in recovery and developing locality plans.
26. This is being stepped up as Group office staff are transitioning out of the post response work, and a vacancy has recently been filled in this area.
27. After discussions with the emergency services, the Community Engagement team leader will be leading a workshop involving the councils, emergency services and other agencies to take a planned and coordinated approach to working with communities to develop community response planning. This also needs to be better coordinated with the councils' community recovery work.
28. The intent is to make better use of existing resources across agencies and develop a common and coordinated community engagement work plan focusing on community response.

Group Work Programme

29. The last Group Work Programme was approved by the Committee in July 2022. This can be found at <https://www.hbemergency.govt.nz/assets/Documents/Plans-Procedures-and-Strategies/Group-Work-Programme-2022-24.pdf>
30. It is intended that this will be reviewed taking into account the post Cyclone Gabrielle context and resulting new/amended priorities, and a revised Programme will be presented at the next Joint Committee meeting.

Summary

31. While the last few months have been challenging, we are, on balance, well placed to respond to a variety of events should they occur. Through the CEG this will need to be continually monitored and adjustments made if necessary.
32. This response capability will continue to grow as staff are able to move out of the immediate administration post event and advantage can be taken of work occurring with communities in the recovery space.

Decision-making process

33. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision-making provisions do not apply.

Recommendation

That the Hawke's Bay Civil Defence Emergency Management Group Joint Committee receives and notes the *Operational capability and preparedness update*.

Authored & Approved by:

Ian Macdonald
HB CDEM Group Controller / Manager

Attachment/s

There are no attachments for this report.