



Unconfirmed

Minutes of a 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

Present: Cr H Ormsby, Chair
Mayor A Walker, Deputy
Mayor S Hazlehurst – HDC
Mayor C Little – WDC
Cr N Simpson – NCC
B Barber – Ngati Kahungunu Iwi Inc
L Symes – Te Kahui Ohanga o Takitimu (*online from 1.38pm*)

In Attendance: I Macdonald – HB CDEM Group Controller
P Munro – HBRC Te Pou Whakarae
S Tiatia – NEMA (*online*)
B Bayfield – HBRC Interim Chief Executive (*until 3.07pm*)
D Tate – CHBDC Chief Executive
N Bickle – HDC Chief Executive
L Miller – NCC Chief Executive
K Tipuna – WDC Chief Executive
R McLeod – HB Recovery Agency CEO
L Hooper – HBRC Team Leader Governance
P Martin – HBRC Senior Governance Advisor

1. Welcome/Karakia /Apologies

The Chair welcomed everyone and Bayden Barber opened the meeting with a karakia.

2. Conflict of interest declarations

Bayden Barber declared his membership of the Cyclone Gabrielle National Taskforce.

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Extraordinary HB Civil Defence Emergency Management Group Sub-committee meeting on 28 April 2023

CDE11/23 Resolution

Minutes of the Extraordinary HB Civil Defence Emergency Management Group Sub-committee meeting held on Friday, 28 April 2023, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record; and resolutions made as recommendations to the Joint Committee confirmed in accordance with Terms of Reference clause 14.8¹.

Hazlehurst/Walker
CARRIED

4. Richard Gaddum - Waimārama community resilience & leadership

Sandra Hazlehurst introduced Richard Gaddum, who delivered his deputation.

- Following the 2011 Waimarama floods, the community fund-raised for a purpose-built Civil Defence (CD) shed and other equipment, community training was offered and evacuation routes established.

Leon Symes joined the meeting online at 1.38pm

- Until CDEM Group was centralised in 2014, the Waimarama community CD centre had a good relationship with Hastings District Council CD team. The relationship between Waimarama community CD and the CDEM Group is strained.
- Before CDEM Group was centralised there were active community CD centres in rural and urban areas across the region.
- Loss of communications during Cyclone Gabrielle caused major issues.
- Community-based civil defence centres need to be re-established and fully resourced with equipment, e.g. satellite phones, generators, etc, as determined by each community.
- To improve responses to emergencies, particularly in isolated communities, local people on the ground are required – in place and resourced – rather than waiting for outside assistance.
- Tsunami is a major ongoing risk and community preparedness needs to be greatly improved.

CDE12/23 Resolution

That the Hawke's Bay Civil Defence Emergency Management Group Joint Committee receives and notes the *Waimārama Community Resilience & Leadership* presentation from Richard Gaddum.

Hazlehurst/Walker
CARRIED

¹ 14.8 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.

5. Cyclone Gabrielle HB CDEM Group Response Review Terms of Reference and Framework

Doug Tate, CHBDC Chief Executive, introduced the item which was taken as read.

- Te Kahui Ohanga o Takitimu (TKO) was acknowledged for their input into the ToR.
- Iwi are particularly interested in outcome 3 - key stakeholder relationships and coordinated approach to emergency management.
- Mana whenua need to be decision makers and there needs to be stronger representation of and partnership with mana whenua throughout an emergency response, including marae as key players.
- All communities need to understand their roles in an emergency and be trained, resourced and prepared for future events.
- ToR do not specifically include examining CD funding.
- Capturing survey responses from Community Connectors is critical and the local councils will feed this information in to the Review Panel.
- The review covers the whole HB CDEM Group structure including governance, councils and Group Emergency Coordination Centre.
- A national review will be undertaken and timeframes for that will be announced soon.

CDE13/23 Resolutions

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.

Hazlehurst/Walker
CARRIED

6. HB CDEM Group Joint Committee mana whenua representation

Ian Macdonald introduced the item, which was taken as read. Discussions traversed:

- Proposed changes pre-empt those coming with the Emergency Management Bill (the Bill) which also provides for mana whenua representation on the Coordinating Executive Group (CEG)
- Tangata whenua representatives are initially advisory, non-voting members and as soon as it's made possible full participation including voting rights can be established and the ToR updated accordingly.
- The joint committee works together to achieve consensus so while tangata whenua don't technically have voting rights, they will be involved in decision making.

CDE14/23 Resolutions

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.
3. Adopts the Terms of Reference for the Hawke's Bay Civil Defence Emergency Management Group Joint Committee following, to replace and supersede all previous

versions.

4. Recommends to each of the partner councils, the adoption of the amended Terms of Reference for the Hawke's Bay Civil Defence Emergency Management Group Joint Committee as proposed (following).

Walker/Little
CARRIED unanimously

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 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 local authority without further recourse 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 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 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 Declare a 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.
- 14.8 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.
- 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 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 30 November of the year preceding 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 local authority members.

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 resolution of the
Central Hawke’s Bay District Council
Mayor Alex Walker

_____ by resolution of the
Hastings District Council
Mayor Sandra Hazlehurst

26 July 2023 by resolution of the
Hawke’s Bay Regional Council
Chair Hinewai Ormsby

_____ by resolution of the
Napier City Council
Mayor Kirsten Wise

_____ by resolution of the
Wairoa District Council
Mayor Craig Little

7. Regional Recovery verbal update

Ross McLeod, Regional Recovery Agency Chief Executive, introduced the item and acknowledged the work of all the agencies contributing to the recovery.

- The first iteration of the Regional Recovery Plan is due to the Minister on Friday (30 June) and is focussed on restoration. The next iteration will consider building back better, including land categorisation matters. This is due to be with central government in September.

CDE15/23 **Resolution**

That the Hawke’s Bay Civil Defence Emergency Management Group Joint Committee receives and notes the *Regional Recovery verbal update*.

**Walker/Hazlehurst
CARRIED**

8. Emergency Management Bill

Ian Macdonald introduced the item with Ian Wilson from NEMA adding detail.

- The Bill is three separate pieces of legislation (Emergency Management Bill, National CDEM Plan, National Disaster Resilience Roadmap) often collectively referred to as the legislation ‘trifecta’. It has yet to be read in Parliament and may not be until early 2024
- Name changes from civil defence to emergency management
- Provision for Māori decision-makers at regional governance and management levels, plus NEMA itself will have a National Māori Advisory Group.

- Management/administration of welfare costs during an emergency will be clarified to avoid financial reimbursement issues like those experienced in the wake of Cyclone Gabrielle
- ‘Lifelines’ becomes ‘Critical Infrastructure’. Each sector (e.g. energy) will have a lead agency appointed to oversee the sector to ensure compliance with any infrastructure resilience provisions
- NEMA is preparing templates to help the community prepare submissions to the Bill
- All political parties support the Bill
- Not clear if the Bill will strengthen proactive risk control, e.g. residential zoning.
- JC can present a submission, as can each council.
- Regulations will support the Bill and will be available for scrutiny before coming into force
- A submission on the *Lifelines/Critical Infrastructure, Mana Whenua, Risks and Controls* and *Local Community* provisions will be made by the JC. Comment on the roles and responsibilities of Emergency Management Committees and Councils will be included. CEG will draft the submission with mana whenua and circulate to JC for comment.
- Communities need to be reminded that emergency management is everybody’s responsibility, people need to be prepared to look after themselves for the first few days of an emergency event.

Bill Bayfield and Leon Symes left the meeting at 3.07pm

CDE16/23 Resolution

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

**Simpson/Hazlehurst
CARRIED**

9. Operational capability and preparedness update

Ian Macdonald introduced this item with comments and discussions covering:

- Group staff are the key to maintaining response capability – staff are starting to get back into business as usual activities.
- Communities are looking for support to develop response plans and the Group is coordinating community engagement with other agencies and councils.
- It is important that community support is provided urgently, and that it is clearly spelt out who is responsible for what during an emergency.
- Information about and feedback from community response plan meetings will be provided to the JC.

CDE17/23 Resolution

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

**Little/Hazlehurst
CARRIED**

Closure:

There being no further business the Chair declared the meeting closed at 3.18pm on Monday 26 June 2023.

Signed as a true and correct record.

Date:

Chair: