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Committee Secretariat
Governance and Administration Committee
Parliament Buildings
WELLINGTON 6021

VIA EMAIL: ga@parliament.govt.nz

Tēnā koutou

TE MATAU-A-MĀUI - HAWKE'S BAY CDEM GROUP SUBMISSION ON THE EMERGENCY MANAGEMENT BILL 2023

The Te Matau-a-Māui - Hawke's Bay CDEM Group thanks the Governance and Administration Committee for the opportunity to make a submission on the proposed Emergency Management Bill 2023 (the Bill).

Earlier this year Te Matau-a-Māui - Hawke's Bay was seriously impacted by one of the biggest disasters to impact on Aotearoa since the Canterbury Earthquake sequence in 2011. Cyclone Gabrielle was probably one on the largest weather events in New Zealand in recent history. Unfortunately, Te Matau-a-Māui - Hawke's Bay was the most affected region from this event, and as a result our comments on the proposed Bill are born out of hard won and difficult experiences and the ongoing mahi in the recovery space.

In general, we are supportive of the Bill in terms of being one step in modernising and streamlining New Zealand emergency management system. But we are of the view that the Bill has missed an opportunity to learn from the many events since the Canterbury Earthquakes and provide a comprehensive review of the national emergency management system. This would include structures and funding. Quite simply the system resulting from this Bill may be suitable for the events of yesterday and possibly today, but in no way does it address the substantive issues needed to make the system fit for purpose to achieve good emergency management outcomes for our communities and people in the future years.

We would also point out that there are several ongoing reviews, and the Government's own Inquiry which will provide insights into recent events. We would encourage the Committee to carefully consider the outcomes of these reviews when they are available. Our view is that these reviews are likely to identify systemic issues as recognised in the various inquiries and technical advisory group reports completed on major disasters since the Canterbury Earthquakes in 2011. Many of the issues from previous reports are yet to be addressed. We would strongly urge the Committee to take note of the findings from these disasters and implement change system wide.

We cannot let the lessons of recent events be wasted.

Comments with some recommendations on the Bill are as follows.

Responsibilities under Te Tiriti and partnering with Tangata Whenua

We fully support the inclusion of the requirement to fulfil the responsibilities under te Tiriti o Waitangi/Treaty of Waitangi through the emergency management system and recognising the value and role of tangata whenua in emergency management. The CDEM Act was enacted in 2002 and amended in 2016, and it is surprising that acknowledgment of te Tiriti/Treaty responsibilities was not included then.

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Central Hawke's Bay District Council

We would comment however that provision should be made for Emergency Management Committees (EMCs), local authorities and relevant Iwi and Hapū to have much greater discretion to enter dialogue and decide how the governance arrangements and partnership should work for them, rather than prescribing structures and processes to the degree being imposed through the Bill.

Roles and Responsibilities.

We support any changes that meaningfully clarifies and simplifies the roles and responsibilities in emergency management prior to an emergency occurring. Better clarity in the roles of local authorities under cl. 37 are supported. We would however support better clarity and consistency by further strengthening the requirement for local authorities to carry out these functions in a manner that is consistent with what has been agreed to by the EMC in the Area Plan.

We would also request that an additional function be added to this clause requiring local authorities to also engage and plan with tangata whenua in their areas. This acknowledges the existing roles and relationships between territorial authorities and tangata whenua, and the joint responsibilities for this relationship with the EMC.

Controller Appointments and Delegations

We note that the delegations for Area Controllers do not align with the provisions and delegations for Recovery Managers.

Under the Bill, EMCs are responsible for appointing suitably qualified and experienced Area Controllers and Recovery Managers. The powers for both of these roles generally fall out of the declaration of a state of emergency and transition notices. It is important that this is clear and happens in a timely manner. When the role of recovery managers with specific powers was created in the last amendment to the CDEM Act, these powers were automatically vested upon the notice of a transition period.

We note that the same logic applies to the Director of Emergency Management and National Recovery Manager.

The local recovery manager provisions have carried through into the new Bill, however there are no automatic powers vested in appointed controllers on the declaration of a state of emergency. The individual powers need to be specifically delegated by the EMC either in the Area Plan, or by resolution during an event.

This appears to be unintentional but unwieldy and could divert effort at the start of an emergency when quick decisions are needed to keep the community safe.

We would recommend that the delegation of the powers of an Area Controller be aligned with both the Director of Emergency Management and recovery managers in that they occur automatically to an appointed area controller in a state of emergency. This puts the onus on an EMC to properly vet and appoint suitably qualified and experienced area controllers for an emergency.

Rules

We generally agree with the new provisions to allow the development of Rules addressing administrative, operational, and technical matters during 'peacetime' by the NEMA Director. To be effective an emergency management system needs to be flexible and able to adapt quickly as the environment changes, even in readiness. The ability for Rules to be developed outside of a more formal legislative process will help enable this.

The only proviso is that as the Rules will generally require EMCs or local authorities to undertake an action, it is critical that they be consulted as part of the development process and a cost benefit analysis is undertaken. This should be a requirement of this process.

Funding and Resourcing

This is perhaps the biggest issue in relation to the Bill and the operation of the overall emergency management system.

Some of the changes in this Bill which will require the Group to invest in additional resourcing and capability include:

- Māori partnerships and governance
- Planning for disproportionately impacted communities

When this is combined with trying to meet increasing expectations of what the Group will deliver and responding in an environment of increased complexity and frequency of events, the additional resourcing required is substantial for a region the size of Hawke's Bay.

In Hawke's Bay we have had to respond to a succession of significant emergencies beginning with the national state of emergency for the first COVID-19 lockdown in early 2020. The cumulative impact of just responding¹ to these events at both a Group and local level is currently many millions of dollars of additional expenditure. This is placing huge pressure on an already stretched ratepayer. The cost sharing model for responding to significant emergencies need to be reviewed so that the costs are more fairly distributed between local and national government.

The emergency management system can be seen as having three layers being national, regional and local. Both the regional and local levels are primarily the responsibility of local government and are funded as such. Our view is this model is not sustainable and needs to be urgently reviewed. We would suggest that a cost sharing approach should be taken particularly at a regional level, but where necessary at a local level as well. This will help to ensure the burden of preparing and responding to emergencies is shared between both ratepayers and the wider taxpayer as the benefits of a well prepared and resourced system accrue at both levels.

For example, in recent years most significant emergencies have required a sector wide response with local government staff being deployed across the country in support of other CDEM Groups. This has now become the norm for most emergencies requiring a state of emergency. This investment by local authorities in the supporting the wider system needs to be recognised and supported.

We also note that due to the different capacities of local authorities, the level of service for emergency management delivered to individuals and communities can differ greatly between regions and local authorities. A cost sharing model could be designed to address these inequities.

As a final point on funding, our experience during the Cyclone Gabrielle response was that there was a lack of investment in specialised response resources which can be deployed to deal with specific technical issues such as contamination in flooded industrial areas. It is important that at a national level these specialised resource requirements are identified, coordinated, and funded.

¹ Not including business as usual council infrastructure response/repairs

Critical Infrastructure

We are supportive of the changes proposed in the Bill. We acknowledge that having set restoration standards, planning and resilience programmes will be a cost on providers and that may be passed on to customers. However, providers need to maintain their social licence to operate, which includes the timely and effective restoration life supporting infrastructure.

As experience and research shows, investment in infrastructure resilience ahead of an event, results in exponential cost savings after a disaster. During Cyclone Gabrielle it became evident that different critical infrastructure operators had varying degrees of preparedness and more consistency in this area is vital in today's modern world where infrastructure, life safety and ongoing welfare/wellbeing are more interconnected than before.

Given the community's increased reliance on technology and infrastructure, better assurance of different organisations responsibilities in this area is critical. We also feel that this will result in individual providers within a sector of critical infrastructure coming together to sharing resources and set common standards.

Other Matters

We would like the Committee to consider changing the reference to "area" with respect to EMCs, controllers and recovery managers. The use of the word "area" is confusing as it also relates to emergency services and has no corresponding alignment with other parts of local government. We would recommend this be changed to "region". This reflects both the form and function of EMCs. For this reason, Area Emergency Management Plans should also be called Region Emergency Management Plans.

We also support the move away from Civil Defence Emergency Management (CDEM) to Emergency Management. Our experience is that there is a wide variation and confusion on what is understood to be CDEM. The public and indeed the media and other agencies, often do not understand that a CDEM response encompasses all the councils, emergency services, central government agencies, NGOs, critical infrastructure providers and the community led response.

More recently with NEMA being established, there is confusion within their staff with reference been made to NEMA carrying out this responsibility and CDEM having that responsibility.

The move to emergency management better reflects the role being undertaken as our part of the system in coordinating the response to a disaster. We would suggest a comprehensive public media and education plan to embed this change will be needed.

In conclusion, thank you for considering our submission proposed Emergency Management Bill.

We wish to be heard in support of this Submission.

Nga mihi



Hinewai Ormsby

Chairperson Joint Committee

On behalf of the Hawke's Bay Civil Defence Emergency Management Group