

## Severe Weather Events Recovery Review Panel

18 August 2023

Hon Barbara Edmonds  
Associate Minister for Cyclone Recovery  
Executive Wing  
Parliament Buildings  
**WELLINGTON 6011**

Hon Kieran McAnulty  
Minister of Local Government  
Executive Wing  
Parliament Buildings  
**WELLINGTON 6011**

via email

Dear Ministers

### **SEVERE WEATHER EMERGENCY RECOVERY (LOCAL GOVERNMENT ACT 2002— LONG-TERM PLAN) ORDER 2023**

On 16 August 2023 the Severe Weather Events Recovery Review Panel (the Review Panel) considered the above draft Order.

As required under section 16 of the Severe Weather Emergency Recovery Legislation Act 2023, please find attached the Review Panel's report on this draft Order, including our recommendations and brief comments.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Denis Clifford", with a horizontal line underneath.

The Honourable Denis Clifford

**Convenor, Severe Weather Events Recovery Review Panel**

## Severe Weather Events Recovery Review Panel

### THE REVIEW PANEL

The Honourable Denis Clifford (Convenor)

Natalie Coates

Rachel Devine

Rachael-Schmidt McCleave

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| <b>REPORT AND RECOMMENDATION OF THE REVIEW PANEL</b> |
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### **SEVERE WEATHER EMERGENCY RECOVERY (LOCAL GOVERNMENT ACT 2002—LONG-TERM PLAN) ORDER 2023**

1. We have been provided with a draft of the Severe Weather Emergency (Local Government Act 2002—Long-Term Plan) Order 2023 (the draft Order) for review under section 16 of the Severe Weather Emergency Recovery Legislation Act 2023 (the Act). We provide our recommendations on the draft Order as required by section 16(2) of the Act, based on the following understanding of our remit.
2. The task of the Severe Weather Events Recovery Review Panel (the Panel) is reviewing and making recommendations on the draft Order to assist the relevant Minister to meet the section 8(1) criteria of being satisfied an Order is:
  - a. necessary and desirable for one or more purposes of the Act;
  - b. no broader than reasonably necessary;
  - c. consistent with section 11 (no effect on custody/detention; no exemption/modification on constitutional legislative entitlements, including the New Zealand Bill Of Rights Act); and
  - d. not an unjustified limit on NZBORA rights and freedoms;

by supplementing the range of information and advice available to the Minister.

3. Paragraphs seven and 14 of the Terms of Reference for the Panel expand on this to provide that:
  - a. the Panel has been appointed to provide expert, technical advice and scrutiny of the draft Orders in Council; and
  - b. the Panel's recommendations may also address:
    - i. whether the draft Order in Council is sufficiently certain and clear, and if they are not, options to improve;
    - ii. the identification of any unintended or unforeseen but likely outcomes of the draft Order in Council, and ways to address these; and
    - iii. any other matters the Panel considers relevant to the scope of its review of the draft Order in Council.

4. The criteria for the appointment of Panel members found in section 13(3) of the Act reflect the matters on which we consider we are to focus.
5. Within that context the Panel's focus is the necessity and desirability of an Order as required in section 8(1)(a)(i) of the Act.
6. We have based our review on our collective assessment of the materials provided to us and on our individual experience and expertise. Other than as stated in this report, we have not undertaken any further enquiries.

#### **Reasons Recommendations and Brief Comments**

7. The draft Order proposes to:
  - a. suspend the Local Government Act requirement to produce a 10-year long-term plan for eight stated councils; and instead
  - b. require the same councils to produce an unaudited, three-year plan for the period 2024-2027, with those plans focusing on cyclone recovery.
8. Our understanding of the effect of this draft Order is that it applies to the Kaipara, Far North, Gisborne, Central Hawke's Bay, Hastings and Wairoa District Councils, to Napier City Council, and to Hawke's Bay Regional Council. Other affected councils are considered able to or have expressed intent to prepare a long-term plan as usual. They have not been included in the proposed Order.
9. We note that this Order is based on the model used successfully after both the Christchurch and Kaikōura earthquakes.
10. To assist in reviewing the draft Order, officials provided the following materials:
  - c. the draft Severe Weather Emergency (Local Government Act 2002—Long-Term Plan) Order 2023;
  - d. the draft Statement of Reasons;
  - e. a Cabinet paper titled Preparation of an OiC to replace the 2024 long-term plan with a three-year plan for eight local authorities.
  - f. the consultation document; and
  - g. a table summarising the feedback received during consultation activities.
11. Based on the information before us, we consider that the Minister might reasonably consider the Order to be necessary or desirable.



The Honourable Denis Clifford

Date: 18 August 2023

**Convenor, Severe Weather Events Recovery Review Panel**