

# Department of the Prime Minister and Cabinet

## Proactive Release of Government Response to Ministerial Review: Better Responses to Natural Disasters and Other Emergencies in New Zealand August 2018

The document below is one of a suite of documents released by the Department of the Prime Minister and Cabinet (DPMC) to the Government's response to the Technical Advisory Group's report **Better Responses to Natural Disasters and Other Emergencies**

Some parts of this document would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

**Date:** 30 August 2018

**Title:** Proposed Government response to the Technical Advisory Group's report **Better Responses to Natural Disaster and Other Emergencies** (to Cabinet Economic Development Committee (DEV)).

**Information withheld with relevant section(s) of the Act:**

s 9(2)(f)(iv) – confidential advice under active consideration  
s 9(2)(g)(i) – free and frank expression of opinions

**Appendix 3: Impact Statement Proposed Government response to the Technical Advisory Group's report Better Responses to Natural Disasters and Other Emergencies**

# Coversheet: Proposed Government response to the Technical Advisory Group's report Better Responses to Natural Disasters and Other Emergencies

Advising agencies	Department of the Prime Minister and Cabinet
Decision sought	Agreement to the Government's response to the Technical Advisory Group's report "Better Responses to Natural Disasters and other emergencies", which includes potential legislative change.
Proposing Ministers	Minister of Civil Defence

## Section A: Summary: Problem and Proposed Approach

<p><b>Problem Definition</b></p> <p><b>What problem or opportunity does this proposal seek to address? Why is Government intervention required?</b></p> <p><i>Summarise in one or two sentences</i></p> <p>Effective emergency response reduces immediate loss of life and damage to property, speeds up recovery, and minimises long-term social, economic, and environmental impacts. The proposals seek to address the following problems that are impacting on the effectiveness of the emergency response system:</p> <ul style="list-style-type: none"> <li>i Inconsistent collaboration of local authorities within Civil Defence Emergency Management (CDEM) Groups, affecting coordination of emergency management.</li> <li>ii Inconsistent emergency response operating practices and systems, affecting interoperability between CDEM Groups.</li> <li>iii Insufficient emergency management workforce capability and capacity.</li> <li>iv Unclear roles and authority of key people in the emergency response system.</li> <li>v A lack of appropriate engagement of iwi/Māori in emergency management.</li> </ul>
<p><b>Proposed Approach</b></p> <p><b>How will Government intervention work to bring about the desired change? How is this the best option?</b></p> <p><i>Summarise in one or two sentences</i></p> <p>The proposed approaches to these problems will clarify functions and responsibilities of authorities, in particular local government who are responsible for responding to most emergencies. It will enable sufficient capability and capacity of the emergency management workforce to care for our communities. It will provide for stronger central government leadership and assurance to the public about the standard of emergency response services provided by local government. It will provide for better engagement of iwi/Māori. This will enable and ensure better collaboration and cooperation, and consistency and interoperability,</p>

across the national and local levels of the emergency response system. It will enable all New Zealanders and visitors to receive a minimum adequate standard of care no matter where they are when an emergency happens.

## Section B: Summary Impacts: Benefits and costs

### Who are the main expected beneficiaries and what is the nature of the expected benefit?

*Monetised and non-monetised benefits*

Local government will have more certainty about what standard of emergency response is expected of them. Shared services will allow local government to rationalise resources and benefit from economies of scale, in particular to have appropriate emergency management workforce capability. Central government will be better able to monitor the performance of local government and support improvement. Citizens and communities will have better and more consistent emergency response. There will be an increase in public safety and reduced damage to property and faster, more effective recovery. Local government and iwi/Māori will better plan how they can work together to look after people in an emergency.

### Where do the costs fall?

*Monetised and non-monetised costs; e.g. to local government, to regulated parties*

A proposal to make emergency management organisations, processes and systems more consistent within and across regions may require some structural changes to local authority arrangements for emergency management which will have transition costs. This will vary from region to region depending on the extent to which their current arrangements align with the proposal. There will likely be additional costs for local government and some central government agencies associated with meeting new workforce capability standards. These costs will be determined as standards are developed.

### What are the likely risks and unintended impacts, how significant are they and how will they be minimised or mitigated?

Capability standards could be a barrier to entry into the emergency management workforce. The national agency will develop career pathways for the emergency management sector and promote it as a valuable and worthwhile profession. Proposals to strengthen a regional approach to emergency management may result in a loss of local authority involvement and accountability for local responses in some local authorities. There is still flexibility in the proposal to tailor activities to take account of the needs of local communities, and to domicile emergency management personnel in local authorities to maintain their involvement.

### Identify any significant incompatibility with the Government's 'Expectations for the design of regulatory systems'.

None identified.

## Section C: Evidence certainty and quality assurance

### Agency rating of evidence certainty?

*How confident are you of the evidence base?*

Medium – High: relative to the stage of the policy process. The proposals relate to a Government's response to recommendations of a Technical Advisory Group which will outline what the government intends to do to improve the emergency response system. The response

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does not constitute final policy decisions to initiate legislative change or the making of regulations. Proposals for legislative change are at a high level and require more work prior to final policy decisions being made.

*To be completed by quality assurers:*

Quality Assurance Reviewing Agency:
The Regulatory Impact Assessment Team, The Treasury.
Quality Assurance Assessment:
The Regulatory Impact Statement meets the quality assurance requirements.
Reviewer Comments and Recommendations:
The underlying causes of identified problems are well explained and solidly evidenced through extensive consultation. The reasons for preferring the proposed options are convincingly set out. It will be important, in taking forward the implementation of these proposals, to continue to work closely with local authorities.



# Impact Statement: Proposed Government response to the Technical Advisory Group's report Better Responses to Natural Disasters and Other Emergencies

## 1. General information

### 1.1 Purpose

The Department of the Prime Minister and Cabinet (DPMC) is solely responsible for the analysis set out in this Impact Statement, except as otherwise explicitly indicated. The purpose of this analysis is to inform a Government response to a Ministerial review of the emergency response system.

### 1.2 Key Limitations or Constraints on Analysis

#### Scope

In April 2017, the then Minister of Civil Defence initiated a Ministerial review into New Zealand's system for responding to natural disasters and other emergencies.

The review was triggered by concerns about how the emergency response system functioned in several events, such as the November 2016 Kaikōura/Hurunui earthquake and February 2017 Port Hills' fires. Concerns included unclear chain of command, conflicting roles and responsibilities for public warnings and public information management, whether critical decisions were made by appropriately qualified people, and difficulty for decision makers in getting real-time, verified information to assure the public that appropriate action was being taken.

A Technical Advisory Group (TAG) was established in June 2017, chaired by Hon Roger Sowry, to advise the Minister and make recommendations for improvements to the emergency response system. The TAG was tasked to provide advice to the Minister of Civil Defence on the most appropriate operational and legislative mechanisms to support effective responses to natural disasters and other emergencies in New Zealand.

The Minister of Civil Defence released the TAG's final report *Better Responses to Natural Disasters and Other Emergencies* in January 2018. The Government is now at the stage where it intends to provide a response to the TAG's recommendations.

The TAG made 42 recommendations. Many of the TAG's recommendations relate to operational or investment matters and do not require changes to legislation or regulations to implement them.

Of those recommendations that would require legislative change or regulation, most relate to how local government is expected to provide for emergency management. This includes strengthening the regional approach to governance and planning, clarifying authority to declare a state of local emergency and coordinate an emergency response, ensuring capability of the emergency management workforce, and engaging with iwi/Māori.

#### Range of options considered

The scope of emergency management encompasses 4Rs – risk reduction, readiness, response and recovery. However, the scope of the TAG's terms of reference and its recommendations is primarily about improving the emergency response (including readiness for response) aspects of the 4Rs (not risk reduction or recovery). The options and proposals discussed in this document are therefore largely about improving response, however some proposals would have impacts across the 4Rs.

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We have discounted options early where it is apparent that the cost and disruption are disproportionate to the nature and scale of the problems, as the TAG saw them and we have considered them.

### Assumptions and constraints underpinning impact analysis

The Government's response will outline what the government intends to do to improve the emergency response system. In terms of legislative change or regulations, Cabinet's agreement to the government's response signals what the Government intends to do and provides mandate for us to continue or start policy work. It is not intended to constitute final Cabinet policy decisions to initiate legislative change or the making of regulations. This will follow.

As such, many proposals for legislative change are pitched at a high level. The government response identifies the 'outcome' of the regulation that it intends for a national emergency management agency (the national agency) to progress. This would be the Ministry of Civil Defence & Emergency Management (MCDEM) or a new National Emergency Management Agency (NEMA) if one is established as recommended by the TAG.

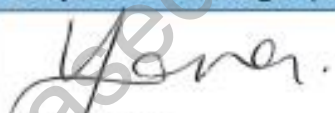
The proposals still require substantial policy work and decisions by Cabinet prior to being implemented. At this stage we have not undertaken a full regulatory impact analysis, with monetised impacts, for each proposal.

### Evidence of the problems and quality of data used for impact analysis, consultation and testing

Our evidence of the problems and data on the likely impacts of options is largely qualitative. The previous Government commissioned the TAG to identify problems and report on findings. The TAG engaged extensively with local government and other stakeholders in the emergency management system. It received 80 submissions, met with many people around the country, and was assisted by experienced officials.

As such, we have relied considerably on the work that the TAG did to identify problems with the emergency response system. However, we have also: accessed the TAG's evidence base; read the submissions to the TAG; considered findings of previous reviews of emergency responses; consulted with stakeholders in central and local government, emergency management practitioners and people with knowledge of te ao Māori; and applied systems thinking and intervention logic principles and frameworks.

We have used all of this to analyse and test the findings and recommendations of the TAG and inform our own thinking about what is needed to improve the emergency response system. As such, we have come to alternative conclusions in some areas and not all problems, options and proposals in the proposed Government response, and discussed in this document, reflect the TAG's report.

Responsible Manager (signature and date):
 Karen Jones Director, Office of the Chief Executive Department of the Prime Minister Date: 30/7/18

## 2. Introduction

### 2.1 What is the context within which action is proposed?

The changing environment is putting pressure on our emergency management system. In recent years, significant global and local events impact how we think about emergency management. More and changing risks, coupled with increasing community expectations, digital evolution, shifting demographics, and cultural diversity mean a changing landscape in which emergency management operates in New Zealand.

We are also seeing more frequent adverse weather events (storms and floods), which has put our response system under pressure and led to a heightened public awareness of the risks posed by natural hazards. We understand more about our vulnerability to earthquake and tsunami. In the first six months of 2018, New Zealand has already experienced five significant natural hazard events.

Our response system needs to be fit-for-purpose for the future challenges New Zealand will face. Emergencies can affect all New Zealanders - they have an enormous impact on people and communities, the economy, and the environment

In New Zealand, natural disasters and other emergencies have incurred significant tangible costs. For example the Canterbury earthquakes in 2010 and 2011 resulted in 185 deaths and 7171 injured people, and approximately \$40 billion in property and infrastructure damage.

Beyond the loss of life, injuries and known economic costs, it is well recognised that significant emergencies have wide-ranging social, cultural, and environmental impacts that often persist for years after the event. The costs of managing these impacts are often transferred to public health, social service, police, and justice systems, as well as local communities. We can reduce recovery costs and ongoing impacts through good readiness and response.

### 2.2 What regulatory system, or systems, are already in place?

Most of our readiness for and response to emergencies happens at the local level. The Civil Defence Emergency Management Act 2002 (CDEM Act) requires the local authorities (unitary, regional, district and city councils) within each of the 16 regions of New Zealand to form a CDEM Group to provide for and coordinate emergency management in the region. The Mayor (or Chairperson in the case of the regional council) represents each local authority on the CDEM Group. A Coordinating Executive Group (CEG), made of the Chief Executives of each local authority and representatives of emergency services, advises each CDEM Group.

A purpose of the CDEM Act is to “require local authorities to coordinate through regional CDEM Groups, planning, programmes and activities related to civil defence emergency management across the areas of reduction, readiness, response, and recovery, and encourage cooperation and joint action within those regional CDEM Groups”.

Each CDEM Group, and each of the 78 member local authorities, are responsible for providing personnel and other resources for “effective civil defence emergency management in its area” and to “respond to and manage the adverse effects of emergencies in its area”. Each local authority also has a duty under the CDEM Act to “plan and provide for civil defence emergency management within its district”.

Each CDEM Group must prepare a CDEM Group Plan that identifies the hazards and risks in the area, and how they propose to manage those hazards and risks. The CDEM Act, National CDEM Strategy, National CDEM Plan and Director CDEM’s (Director) guidelines provide broad parameters for what emergency management services the CDEM Groups and local authorities should provide and how. Otherwise CDEM Groups and local authorities may choose what activities to undertake, and how, as they see fit.



### 2.3 What criteria have been used to assess the likely impacts of the options under consideration?

The options were assessed primarily in terms of the extent to which the option will result in:

- All New Zealanders and visitors receiving a minimum adequate standard of care no matter where they are located when an emergency happens.
- Effective and efficient emergency responses, in line with the requirements of the CDEM Act.
- Consistent and interoperable approaches to emergency management across regions and agencies so that emergency responses are coordinated and can be scaled up or down.
- Clear roles and responsibilities of the organisations and people involved in the emergency response system.
- Strong governance and direction from those mandated to provide it, and sufficient authority to direct others.
- Emergency management personnel that are capable and supported to confidently and safely undertake their roles.
- Transparent reporting of performance so that communities and the government can hold those responsible for emergency management to account.
- Retaining links to other local and central government functions that support emergency management.
- Greater trust and confidence in government.
- Impacts that are proportionate to the nature and scale of the problem.

### 2.4 Structure of this document

This impact statement is structured under five problem statements:

- i Inconsistent collaboration of local authorities within Civil Defence Emergency Management (CDEM) Groups, affecting coordination of emergency management.
- ii Inconsistent emergency response operating practices and systems, affecting interoperability between CDEM Groups.
- iii Insufficient emergency management workforce capability and capacity.
- iv Unclear roles and authority of key people in the emergency response system.
- v A lack of appropriate engagement of iwi/Māori in emergency management.



### 3. Inconsistent collaboration of local authorities within CDEM Groups, affecting coordination of emergency management

#### 3.1 What is the policy problem or opportunity?

##### Current situation

The TAG found that not all local authorities collaborated or cooperated through the CDEM Group framework as was intended by the CDEM Act. Some local authorities do not “buy-in to” the joint planning and implementation activities although this is the intent of the CDEM Act. The TAG recommended that the Government require CDEM Groups to take a regional approach consistent with the intent of the CDEM Act

The TAG considered that it was the intention of the CDEM Act to provide for only one sub-national CDEM tier (the CDEM Group) to govern and implement CDEM planning and activity. This may well have been the intent of Cabinet policy decisions at the time. The most relevant final Cabinet policy to establish CDEM Groups stated:<sup>1</sup>

*“the concept of local emergency management consortia based on agreed emergency management framework principles, covering the country and comprising CDEM Groups of local authorities in partnership with other local emergency management agencies, with the purpose of:*

- *developing and promoting the comprehensive and integrated risk and emergency management framework at the local level;*
- *achieving cooperation and coordination of local agencies and best use of resources, based on each agency’s particular strengths and skills;*
- *taking effective control of emergency response when events go beyond the routine powers and resources of individual local response agencies.”*

However, it is debateable whether this was clearly reflected in the final CDEM Act 2002.

Section 64(1) has a standalone duty for local authorities to “plan and provide for civil defence emergency management within its district.”<sup>2</sup> The CDEM Group and each local authority also have the same functions under the CDEM Act.<sup>3</sup> Section 17 refers to both “The functions of a CDEM Group, and of each member.”<sup>4</sup> There is no hierarchy between the individual duty of section 64 and the function of the CDEM Group to make collective decisions; for example, no requirement for members to give effect to the CDEM Group’s decisions or at the very least not to be inconsistent with them. This suggests that local authorities were intended to have concurrent and independent governance responsibilities.

<sup>1</sup> CAB(98)M9/5D.

<sup>2</sup> Civil defence emergency management means the application of knowledge, measures, and practices that: are necessary or desirable for the safety of the public or property; and are designed to guard against, prevent, reduce, recover from, or overcome any hazard or harm or loss that may be associated with any emergency; and includes, without limitation, the planning, organisation, co-ordination, and implementation of those measures, knowledge, and practices.

<sup>3</sup> The functions of a CDEM Group, and of each member in its area are to (paraphrased): identify, assess, communicate and reduce hazards and risks; provide for suitable staff, volunteers, structures, and resources for effective CDEM; respond to and manage emergencies; plan and carry out recovery activities; assist other CDEM Groups; public awareness; monitor and report on compliance with the Act; develop, approve, implement, and monitor and review the Group Plan; participate in developing the National CDEM Strategy and Plan; and promote CDEM.

<sup>4</sup> The inclusion of “and of each member” in section 17 was not in the CDEM Bill 2000 as introduced. It was inserted as reported back by the Select Committee. There is no direct commentary in the departmental report to the Select Committee, the Committee’s own report, or in Hansard as to why the Bill was amended in this way.

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One of the stated purposes of the CDEM Act (section 3(d)) is to: “require local authorities to co-ordinate, through regional CDEM Groups, planning, programmes, and activities related to CDEM across the areas of reduction, readiness, response, and recovery, and encourage co-operation and joint action within those regional CDEM Groups”. However, the Act does not explicitly ‘require’ CDEM Groups to co-ordinate local authority activities either as a function in section 17 or as a requirement of the CDEM Group Plan under section 49.

The wording “encourage co-operation and joint action” in the purpose suggests that local authority members may choose whether to undertake CDEM activities co-operatively or jointly with other members. Local authorities are also only required to pay costs of any emergency management activity that they agree to pay, not as decided by the CDEM Group (section 16(f)), again suggesting there is a choice.

The following passage in the Select Committee report sets out its view of the relationship of local authorities to CDEM Groups set up as Joint Committees under the, then, Local Government Act 1974.

*“As drafted, the joint committee structure allows local authorities to come together as equals and ensures that each is responsible and accountable for CDEM. The Local Government Act 1974 allows each local authority to retain or delegate authority to the CDEM Group. As a committee of each member authority, the powers and functions of the committee are available to member authorities.”*

Supporting documentation also suggests that local authorities were intended to have concurrent and independent governance responsibilities.

A Department of Internal Affairs authored “Supporting paper to the briefing for the Government Administration Select Committee on the CDEM Bill (March 2001)” states:

*“Each local authority is individually responsible for ensuring that CDEM provisions are sufficient for its district, whether these are co-ordinated through the CDEM Group or not”.*

Director’s Guideline (DGL 1/02)<sup>5</sup> notes that:

*“As each local authority continues to be individually, as well as collectively responsible for CDEM, the formation and planning processes allow for a wide variety of approaches to meet local needs. Approaches may vary, representing a locally acceptable balance between autonomy and collaboration.*

*For example, all local authorities could fully exercise their right to develop comprehensive plans across the 4Rs, retain emergency operations centres and local CDEM delivery systems incurring all associated burdens. Alternatively, the CDEM Group could serve to integrate and rationalise individual CDEM structures to facilitate planning and response across the entire CDEM Group.”*

*However, the DGL 1/02 also notes that: “While individual local authorities may have differing views on CDEM, a key outcome of the CDEM Bill 2000 will be cohesive and functional CDEM Groups with members aligned internally in terms of structure, planning and delivery, and externally between CDEM Groups across New Zealand.”*

### **Why does the current situation constitute a problem?**

It therefore can be argued that the CDEM Act does not require that CDEM activities are governed, planned and delivered exclusively by the CDEM Group.

Regardless of the Act’s intent, the policy question is whether emergency management should only be governed and planned jointly by local authorities in each region through the CDEM Group, and implemented with oversight of the CDEM Group.

The lack of clarity between the roles and responsibilities of the CDEM Group and its members was raised in submissions to the TAG. For example, Environment Bay of Plenty CDEM Group noted that:

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<sup>5</sup> The Ministry of Civil Defence & Emergency Management, Working Together: the formation of CDEM Groups, Director’s Guidelines for CDEM local authorities and emergency services, December 2002, (DGL 1/02).

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*“The CDEM Act imposes a structure on local government that does not fit neatly with the existing structure of local government. Rather than allocating specific responsibilities to territorial and regional authorities it appoints them to CDEM Groups. Much time and effort is spent on identifying responsibilities amongst the different members of the CDEM Group. Amendments to the current legislation could provide greater clarity around responsibilities for each Local Authority.”*

The Hawke’s Bay CDEM Group recommended that:

*“The role and functions of regional CDEM Groups should be strengthened to ensure individual local authorities must actively participate and abide by the decisions of the CDEM Group.”*

The relevant Cabinet decisions<sup>6</sup> for the CDEM Act note the following benefits from the CDEM Group approach (paraphrased):

- effective implementation of national priorities; reduced exposure and enhanced ability to handle emergency events;
- enhanced efficiency through greater clarity of roles and responsibilities and best use of scarce resources and expertise;
- a significantly simplified organisational structure; enhanced professionalisation of both paid and voluntary personnel, resulting from coordinated and integrated working arrangements; and
- flexibility for emergency management consortia to reflect local conditions and for these CDEM Groups to change over time in response to environmental changes.

A lack of collaboration and cooperation of local authorities means that the benefits envisaged from a regional approach to emergency management (and in particular readiness and response) are not fully realised. This includes benefits of economies of scale to support a capable workforce, cooperation and coordination to maximise the impact and reach of readiness activities, and an understanding of hazards and their impacts at a regional scale, may not be fully realised.

### **What is the underlying cause of the problem?**

As explained above, although the purpose of the CDEM Act is to require local authorities to coordinate through regional CDEM Groups, analysis shows that the Act can and is being interpreted to provide for local authority members mandate to act independently of the CDEM Group. However, the fact that the Act provides for local authorities to act independently of the CDEM Group does not explain why some choose to do so.

Some local authorities appear to want to, and be seen to, control emergency management activities for their communities, in particular emergency response. Their role and work in emergency management may not be recognised by communities if work is attributed to the CDEM Group.

Some local authorities may also consider that the CDEM Group framework risks forcing them to contribute to activities that their communities are unwilling or unable to pay for, or that their contribution subsidises other local authorities.

This reflects a fundamental tension in the Joint Committee CDEM Group model between CDEM Group decision making and local authority autonomy (and why the mandatory Joint Committee model is rarely used). Each territorial authority member (Mayor) is accountable to the voting rate-payers in their own district – not the region as a whole. Local authorities are usually autonomous in their decisions about activities and funding, although subject to decision-making principles and processes, including for community consultation, in the Local Government Act 2002 (LGA). Where there is alignment between CDEM Group majority decisions and the preferences of each territorial authority then there is no problem. Where there is not, questions of local authority autonomy arise. We note that this issue is not relevant for unitary authority CDEM Groups.

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<sup>6</sup> CAB(98)M9/5D.



Consultation has also told us that regional councils assuming control over the CDEM Group activities as the statutory administering authority has weakened the CDEM Group approach in some regions.

### 3.2 What options have been considered?

#### **Option 1: Status quo – retain ability for local authorities to act independently of the CDEM Group**

This option is the minority view of the TAG. The minority view also supported bolstering implementation of the status quo through having stronger national standards and accountability to a national agency (a proposal for national standards is addressed in relation to a separate problem below).

#### **Option 2 (proposed): Require local authorities to coordinate emergency management through CDEM Groups**

This option is essentially the TAG's (majority) recommendation and would mean:

- Amending the CDEM Act so that the:
  - CDEM Group and member local authorities have clear and separate responsibilities for emergency management. CDEM Groups (local authorities collectively) continue to be responsible for planning and providing for emergency management and have an explicit function to coordinate emergency management activity across the region through its CDEM Group Plan and work programme, and shared emergency management services. Local authority members would be required to give effect to the decisions of the CDEM Group, including to resource the decisions of the CDEM Group.
  - CDEM Group agree which member local authority will act as the CDEM Group's statutory administering authority. The regional council remains as a default administering authority unless the CDEM Group agrees otherwise.
  - CDEM Group members, in an emergency when an urgent decision is required, may attend a CDEM Group meeting by audio/visual link, rather than having to be physically present, in order to achieve a quorum.
- Making regulations under the CDEM Act to require CDEM Groups to:
  - Establish publicly available shared emergency management services agreements which set out how the CDEM Group will deliver emergency management across the region, in accordance with the CDEM Group Plan and regulations;
  - Maintain the ability to establish and operate:
    - an Emergency Management Office (EMO) to undertake the CDEM Group's planning and programme management, risk reduction, and readiness for response and recovery activities; and
    - the ability to stand up an Emergency Coordination Centre, Emergency Operations Centres, and Recovery Management Offices, where operationally appropriate, and to staff Coordinated Incident Management System (CIMS) functions, to respond to emergencies and undertake recovery.
- Ensure that emergency management personnel, including Controllers and Recovery Managers, have clear functional direction and management from, and ultimately accountability to the CDEM Group. They are not subject to direction from local authority members or chief executives (even though they may be employed by the CDEM Group's administering authority and may be domiciled in local authority member offices).
- Require consistent reporting of expenditure and performance.



### **Option 3: Make regional councils responsible for emergency management**

This option would mean amending the CDEM Act to make emergency management a regional council function. There would be only one local authority, accountable to the regional electorate, responsible for governing, planning and delivering emergency management activities.

### **Option 4: Make separate regional entities responsible for emergency management**

This option would mean amending the CDEM Act to provide for establishment of a regional entity akin to a council controlled organisation with a Board which would operate separately from the local government structure and would provide services to the local authorities.

### **Option 5: Make a single organisation across New Zealand responsible for emergency management, managed at central government level**

This option would mean establishing a Crown entity to undertake emergency management across New Zealand, including employment of emergency management personnel.

## **3.3 Which of these options is the proposed approach?**

### **Proposed approach**

We propose **Option 2 to require local authorities to coordinate emergency management through CDEM Groups.**

This option will require CDEM Groups to take a regional approach with shared services without the ability for local authorities to opt out. It will better define the functions and responsibilities of territorial and regional councils.

This ensures collaboration and coordination as part of the CDEM Group and fully realising the benefits of a regional approach to emergency management. A regional approach enables local government (on behalf of its communities) to:

- Identify, understand and manage hazards, risks and consequences at an appropriate geographic scale (regional).
- Rationalise resources (e.g. governance, project management, training and administration costs).
- Achieve economies of scale and critical mass for full-time and appropriately skilled personnel and other technical resources (such as IT systems). This should result in more consistent, sustainable and higher quality emergency management services at less cost and greater confidence in decision making (in line with any national standards). This will support less wealthy territorial authorities which do not have the economy of scale to achieve this on their own.
- More easily coordinate responses regionally and nationally with consistent operating practices across local authorities, and personnel who are familiar with them.
- More easily engage with central government, non-governmental agencies and iwi (as there are only sixteen regional CDEM Groups, rather than also needing to engage with individual local authorities).

Emergency management could be delivered on a region-wide basis or tailored to the particular characteristics of each district, including its hazards and risks and what is needed to manage them.

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It is also important that there is capacity for swift local responses to emergencies, particularly in areas which might be isolated for a period of time. Local authorities would still have a role in this. The intention is to require CDEM Groups to manage the ability to stand up local Emergency Operations Centres (EOC) and staff CIMS functions to respond to emergencies, working with and on behalf of its member local authorities. Group emergency management personnel, including Local Controllers, may be domiciled in local authorities to engage with the local authority, integrate their readiness work with local authority functions, and have a physical presence in each district to stand up an EOC, drawing on trained local authority staff and other members of the local community (volunteers).

However, all personnel would be working for and accountable to the CDEM Group not the administering authority who administers their employment (currently the regional council) or local authority within which they may be domiciled.

Clear accountability to the CDEM Group reinforces that there is no mandate for the Group Controller to be subject to direction by those that might have a different relationship to them outside a state of emergency (e.g. a Mayor or local authority chief executive). Response costs are usually apportioned to the territorial authority of the district in which they were incurred, and therefore the local authority chief executive expects to have control over what is spent by the Controller. This tension is usually managed by close liaison and good relationships between Controllers and local authority chief executives.

The disadvantages of this option is that there is some loss of local authority autonomy for those local authorities in CDEM Groups formed as Joint Committees (this issue is not relevant for the four unitary authority CDEM Groups<sup>7</sup>).

Larger metropolitan authorities such as Christchurch and Wellington City Councils may want to retain some autonomy over emergency management governance and implementation from the CDEM Group as they have more capacity to adequately undertake emergency management, including response.

We consider that a precedent has already been set by making it mandatory for local authorities to be members of the Joint Committee CDEM Group for the purpose of coordinating its activities, and by requiring them to pay their share of administration costs. The joint decision-making framework is undermined if the local authority is able simply not to pay to implement joint decisions. The LGA also provides local authorities with some discretion as to how they apply the requirements of that Act if other legislation (such as the CDEM Act) places obligations on them.

As noted above, there is still flexibility in this option to tailor activities to take account of the needs of local communities, with CDEM Group oversight.

Undertaking activities jointly may not always be the most efficient or effective way all the time. There is no guarantee that the benefits described above would be realised in every situation. However, we consider that overall the long term benefits of economies of scale (particularly for capability development) collaboration and consistency outweigh this risk.

Local authorities may also consider that their role and work in emergency management is not recognised by communities as work is attributed to the CDEM Group and the EMO. There is a potential for loss of visibility of emergency management within the local authority. We consider that this is outweighed by CDEM Groups having a critical mass of professional, full time personnel who can work on better visibility for emergency management in the community. Emergency management is often a part-time add-on to other roles in smaller territorial authorities.

CDEM Groups vary in the extent to which they already take a regional approach to emergency management and therefore cost impacts to transition to a more consistent regional approach will impact Groups and local authorities differently. Some CDEM Groups are already reasonably well-aligned with what is envisaged, but others will require changes to the way they are structured, how they operate and who emergency management staff report to. Some already operate full shared emergency management services across the region, while others have shared services between a few of the local authorities in the Group. Some Groups undertake preparedness activities jointly but each territorial authority runs their own response.

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<sup>7</sup> Auckland, Tairāwhiti (Gisborne), Marlborough and Chatham Islands CDEM Groups.

### Analysis of other options

We do not support **option 1** status quo. The advantage of this option is that it has little impact on current arrangements. It provides for local authority autonomy about the nature and extent of emergency management services provided at the district/city scale. However, if no action is taken local authorities may continue to choose the extent to which they collaborate and coordinate as part of the CDEM Group. A lack of collaboration and cooperation of local authorities means that the benefits of a regional approach are not fully realised.

We do not propose **Option 3** that regional councils are made responsible for emergency management. This is provided that, as proposed, local authorities are required to pay their share of costs to implement CDEM Group decisions.

Making emergency management a regional council function would have the advantage of ensuring there is a direct line of accountability between decision makers, the electorate and funding (akin to that of the unitary authority CDEM Groups). It would minimise the transaction costs and distractions of managing multiple parties that are inherent in the Joint Committee CDEM Group. It would also facilitate a consistent level of service for New Zealanders and visitors no matter where they are in the region.

**Options 4 and 5** are substantially different from the status quo. The advantage of **option 4** is that it puts emergency management decision making at arm's length from local authorities making it less vulnerable to changes from local election cycles. This can also be considered a disadvantage as it distances communities from decision makers who they have elected to make decisions on their behalf (within the boundaries of any national standards). This option would have costs for local authorities to manage and service a Board, although these would be offset to some extent by not having to service a CDEM Group Joint Committee (although a Board will still require oversight from local authorities)

The advantage of **option 5** is that one organisation is responsible to ensure a consistent approach and standard of service across New Zealand. This may further rationalise resources, and increase economies of scale and professionalisation (akin to that of the Police and Fire services). It would reduce local input into governance meaning emergency management would not be subject to changes from local election cycles, although it would still be subject to changes of government. This option would remove costs of emergency management from local authorities and ratepayers and shift costs to central government and tax payers (this may be seen as an advantage or disadvantage).

The direct political involvement of local authorities in proposed option 2 better maintains connections with local communities including local knowledge about communities' needs and preferences. It better maintains linkages with council services and activities which have synergistic relationships with emergency management activities, including community and infrastructure resilience, landuse and building regulation, welfare, and recovery investment. The TAG noted that the option of a single organisation does not utilise, and build on the principle that local communities are best served by people who know them and their local issues.

More pragmatically, we agree with the TAG that making emergency management a function of a regional council, council controlled organisation, or a Crown entity would come at substantial cost and disruption. The TAG did not suggest that the Joint Committee CDEM Group model is broken. The TAG noted that the level of commitment they saw from many councils and individuals to more collaborative approaches did not warrant such a substantial change to the local level arrangements. It is apparent that the cost and disruption of options 3, 4, and 5 would be disproportionate in comparison to the nature and scale of the problem. Such a significant change may appear to stakeholders to be "cracking a nut with a sledgehammer".



**BUDGET SENSITIVE**

**3.4 Impact Analysis (Proposed approach)**

Affected parties	Nature of cost or benefit	Impact
<b>Expected Costs (refer to notes below)</b>		
CDEM Groups (local authorities)	Auckland, Marlborough, Gisborne (Tairāwhiti), and Chatham Islands (unitary authority CDEM Groups): We anticipate little change to structure.	Low
	Northland, Hawke's Bay, and Southland: We anticipate minimal impact. These CDEM Groups are more or less structured to deliver emergency management on behalf of member local authorities, as per option one.	Low
	Taranaki, Wellington, Nelson-Tasman, West Coast, and Otago: We anticipate a low to medium impact. These CDEM Groups already deliver planning and preparedness activities on behalf of all member local authorities. However, each territorial authority provides for local emergency response in their districts (including EOC facilities and emergency management personnel (including a Local Controller)). These personnel may also liaise between the EMO and the local authority in planning and preparedness activities. Under this option, the CDEM Group would become responsible for emergency management personnel, although they may remain located in the territorial authority. This may be a straightforward transition of accountability with little difference to work on the ground. However, some emergency management roles may operate part-time alongside other local authority work which may need to be backfilled. Wellington City Council also undertakes its own readiness activities.	Low - Medium
	Bay of Plenty, Waikato, Manawatu-Wanganui, and Canterbury: We anticipate a medium – high impact. These CDEM Groups have mixed CDEM Group and local authority delivery of emergency management preparedness, planning and response under various arrangements for shared services between the local authorities. These CDEM Group may require some structural change to bring this under the oversight of the CDEM Group and umbrella of one EMO, and may result in similar issues with emergency management personnel as outlined above.	Medium - High
<b>Expected benefits (refer to notes below)</b>		
CDEM Groups (local authorities)	<p>Rationalise resources and provide economies of scale for governance, project management, training and administration costs.</p> <p>Provide for a critical mass of full-time and appropriately skilled personnel and other technical resources (such as IT systems).</p> <p>Increase access to expertise in remote locations that have skill shortages and ability to attract and retain skilled personnel.</p> <p>This should result in greater confidence in decision making, a consistent, sustainable and higher quality level of service over the region, in line with any national standards.</p>	Medium
National agency (the regulator)	Better able to monitor performance and support 16 consistently structures and organised CDEM Groups with skilled dedicated emergency management personnel than trying to understand and work with inconsistent approaches in each region which may also involve individual local authorities with part time and	Medium



## BUDGET SENSITIVE

	poorly trained personnel.	
Wider government	Better able to support 16 consistently structures and organised CDEM Groups with skilled dedicated emergency management personnel than trying to understand and work with authorities with part time and poorly trained personnel.	Medium
Citizens & communities	Better and more consistent support in an emergency, and confidence and trust in the emergency response system. An increase in public safety and reduced damage to property and faster and more effective recovery.	Medium

### Notes:

- i Costs and benefits to local authorities have not been monetised, as noted in the assumptions and constraints in section 1.
- ii We are not starting from a low base in terms of local authorities coordinating emergency management using the CDEM Group approach. All local authorities already do more or less engage in the CDEM Group approach. This proposal is about making the engagement more consistent and robust. For example, all CDEM Groups currently have an EMO which have CDEM Group personnel to, at the least, manage governance, administration, and development of the CDEM Group Plan and work programme. All EMO also maintain the ability to set up and staff an ECC, to coordinate regional response and support local response, when needed. Most CDEM Groups already have some form of shared service agreement. Therefore the benefits and costs will to a greater or lesser extent be incremental from this existing operating baseline. This minimises the relative costs and benefits of the proposal.

## 4. Inconsistent emergency management operating practices and systems are affecting interoperability between CDEM Groups

### 4.1 What is the policy problem or opportunity?

#### **Current situation**

The CDEM Act specifies a standard model for CDEM Group governance, but deliberately allows for local authorities to determine operating practices and systems. This provides flexibility for local arrangements but has also resulted in different approaches evolving in each region.

#### **Why does the current situation constitute a problem?**

The TAG found “there is little consistency in operating practice, systems, terminology, and roles and responsibilities across CDEM Groups”. Variable approaches from region to region affects interoperability and makes it harder for the Government to ensure that people are getting a consistent standard of care across the country, and for the national agency and CDEM Groups from other regions to support a CDEM Group’s response in their region. It also makes it hard to for essential information to flow to decision makers in the system.

The TAG recommended that the Government strengthen national standards over minimum requirements of operating practice.

#### **What is the underlying cause of the problem?**

There is a lack of clear information and expectations as to what operating practices and systems need to apply consistently across CDEM Groups to enable interoperability and cooperation in a response. There are currently no national regulations to require CDEM Groups to have consistent operating practices and systems. There is a lack of support, funding and incentives to successfully encourage CDEM Groups to voluntarily develop this themselves.

#### 4.2 What options have been considered?

##### Option 1: Status quo – no national standards

This option would mean that the national agency continues to periodically issue Director's guidelines and continue non-regulatory support to inform local authorities about expectations and encourage consistency.

##### Option 2 (proposed): Make regulations to establish national standards

This option would mean making regulations under the CDEM Act to establish national standards for performance, operating practices and systems, including the use of the Coordinated Incident Management System (CIMS). The national agency would monitor the regulations.

#### 4.3 Which of these options is the proposed approach?

##### Proposed approach

We propose **Option 2 to make regulations under the CDEM Act to establish national standards.**

Option 2 would result in nationally consistent minimum standards that are important for interoperability and public confidence in the system. It would mean that there are consistent CIMS-based structures for emergency management response across local authorities, and personnel who are familiar with this structure, making it easier to coordinate responses regionally and nationally when needed.

A key role of the national agency will be to support agencies build their emergency management capability and capacity, particularly around using systems, tools, and processes, and how to contribute to an-all-of-government response.

##### Analysis of other options

We do not support **option 1** status quo. MCDEM has provided guidance to CDEM Groups but we do not think this is enough. A key finding of the TAG was that MCDEM's stance of guidance and suasion has led to the wide variation of practice, performance and capability across Groups and a significant shift in emphasis is required to being far more directive using the powers in the Act.

Such a change in emphasis reflects a normal maturing and evolution of the system. It has now been 16 years since the CDEM Act came into force. It is normal for regulatory frameworks to emphasis guidance and support in the early stages of implementation and then move to more prescriptive requirements as the system matures and players in the system want more certainty about requirements and a level playing field.

#### 4.4 Impact Analysis (Proposed approach)

Affected parties	Nature of cost or benefit	Impact
<b>Expected Costs (refer to notes below)</b>		
CDEM Groups (local authorities)	Costs for local authorities to change operating processes and structures to meet CIMS.	Unknown at this stage
<b>Expected benefits (refer to notes below)</b>		
CDEM Groups (local authorities)	Will clarify government expectations of performance, operating practice and systems.  Greater interoperability will provide for central government agencies, emergency services and other CDEM Groups, including a national fly-in team to provide better support to CDEM Groups in an emergency response.	High

Wider government	Greater interoperability will provide for central government agencies, emergency services and other CDEM Groups, including a national fly-in team to provide better support to CDEM Groups in an emergency response.	High
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## Notes:

- i Costs and benefits to local authorities have not been monetised, as noted in the assumptions and constraints underpinning impact analysis in section 1.

## 5. Insufficient emergency management workforce capability and capacity

### 5.1 What is the policy problem or opportunity?

#### Current situation

The CDEM Act allows local authorities to determine their workforce capability. This provides flexibility for local arrangements but has also resulted in inconsistent and insufficient capability to respond to emergencies.

Under the CDEM Act, CDEM Groups are required to ensure that 'suitably qualified and experienced' personnel, including volunteers are available for effective emergency management in their area.

MCDEM's existing Competency Framework provides the guidance as to what is expected of the emergency management workforce, including CDEM Controllers, but it does not specify what good looks like, or the level of competency that must be attained to undertake these roles.

MCDEM assesses CDEM Groups' capability at a high level approximately every three years, however there is no separate monitoring of Controller capability. Controller development is contracted out to private providers and MCDEM encourages, rather than requires, CDEM participation.

#### Why does the current situation constitute a problem?

The TAG found that:

*"Controllers have significant statutory powers under the Civil Defence Emergency Management (CDEM) Act yet there is no accreditation or certification required for Controllers"*

*"The appointment process for Controllers is ad-hoc and there are some people in the role who do not have the skills and knowledge needed"*

*"There is no clear definition around what 'trained' means when referring to the capability of Controllers or other roles in the CDEM framework"*

*"Existing approaches to 'encouraging' CDEM Group capability are not succeeding, and CDEM Group capability is not up to the mark in the majority of CDEM Groups – only half of the 16 CDEM Groups achieved the MCDEM target for performance across the 4Rs in 2015"*

The TAG recommended that:

- Controllers (National, Group and Local) are required to meet one mandatory national standard of technical and personal competency, prior to their being accredited as a Controller.
- The Director CDEM personally confirms that a Group Controller meets the expected standard prior to formal accreditation.



- There is a process to review the status, and potentially remove that status, of someone as an accredited Controller.

### **What is the underlying cause of the problem?**

There is a lack of clear information and expectations as to what emergency management workforce capability is needed and what this means. There are currently no national regulations to require CDEM Groups to have a consistent standard of workforce capability, and in particular what 'suitably qualified and experienced' looks like when it comes to Controllers. There is a lack of support, funding and incentives to successfully encourage CDEM Groups to voluntarily develop standards themselves.

The nature of the workforce is also affecting capability. The response workforce is currently a mix of trained and/or qualified emergency management professionals, part-time local and central government staff who do this work on top of their day jobs, and volunteers. These people all play crucial roles in the emergency management system and will continue to do so. However, many of these people are untrained or trained only a little, which has led to problems in the response system. We need to make sure volunteers and the 'sometimes' emergency management staff are either adequately trained themselves or are led or supported by people who are; only experienced or trained people should be undertaking key roles.

## **5.2 What options have been considered?**

### **Option 1: Status quo – no national standards for workforce capability**

This option would mean that the existing legal requirement to appoint 'suitably qualified and experienced' people is retained, supported by the existing competency framework, which provides guidance as to the standards required of Controllers. Under this option, the national agency would continue to promote its Competency Framework and provide guidance to the emergency management workforce as to what they need to do to fulfil their roles. There would be no separate monitoring of Controller capability.

### **Option 2: National standards for workforce capability**

This option would mean that existing CDEM Act requirements to appoint 'suitably qualified and experienced' staff would be retained. These would be supported by mandatory national standards of technical and personal competency for National, Group and Local Controllers. This standard would become a pre-requisite for appointment to a Controller role.

This option would also specify required unit standards for undertaking CIMS functional manager roles.

This option would specify the frequency and process of the national agency undertaking more regular and active monitoring of the performance of people in these roles.

### **Option 3: (proposed): National standards for workforce capability and certification of Controllers**

This option would build on option 2 (include existing CDEM Act requirements to appoint 'suitably qualified and experienced' staff, mandatory national standards for Controllers, unit standards, and active monitoring).

However, this option also includes a process to certify Controllers and de-certify them (should this be necessary). Certificated Controllers will be those who have completed appropriate training, have been assessed as meeting all of the standards required to undertake the role, and have received official confirmation from the Director CDEM attesting to their statutory status.

The national agency would also establish recertification standards whereby Controllers would have to satisfy professional development requirements in order to qualify for ongoing certification against the national capability standard. Any Controller that does not meet this standard would no longer be able to hold a Controller role. The Director CDEM would have the ability to veto Controller appointments that they do not consider appropriate.



#### Option 4: Invest in and rely on fly-in teams only

This option would mean that investment is focussed on training and supporting a number of people to constitute a 'fly-in team' of professional Controllers and CIMS function managers that would provide an immediate solution to localised issues of staff capability and capacity.

### 5.3 Which of these options is the proposed approach?

#### Proposed approach

We propose **Option 3 to establish national standards for workforce capability.**

An effective emergency management system is one in which the emergency management workforce has the right number of skilled people who are prepared to respond to an emergency 24/7. In order to achieve this outcome, our workforce must be capable, current, consistent, and have sufficient capacity.

The TAG recommended taking steps to strengthen capability and capacity of the emergency management workforce. Specifically, the TAG identified two areas of focus:

- Professionalising the Controller position
- Building capability across the CIMS functions

Controllers are statutory positions appointed under the CDEM Act. They have statutory functions in an emergency and powers in a state of emergency that affect public safety and it is important that they have the skills, knowledge, and experience to do the job well.

This option would ensure that those in the role have the knowledge, skills, and experience needed. It would also give the Director CDEM the right to veto Controller appointments. These requirements will enable the national agency to provide a guarantee to government on the quality of the workforce.

This option also strengthens the position of emergency management alongside other emergency service professions such as Police and Fire services. This will also help attract people into Controller roles, as they are seen as 'real jobs' in their own right, rather than an 'add on' to people's existing roles.

CIMS helps to achieve effective co-ordinated management across responding agencies by establishing common structures, functions and terminology. The workforce that contributes to the emergency effort will always include staff for whom this is not their day job as well as volunteers. Those in CIMS roles should be appropriately skilled and trained to fulfil their roles. Requiring that emergency management personnel are 'suitably trained and competent', defining what this means and monitoring implementation will help achieve this.

The disadvantage of this option is that the requirement for competent people could be a barrier to entry and affect workforce supply. It could be high cost for individuals and/or their employers if current levels of training and development are well below what they need to be. And it could become too bureaucratic if not well-designed and well-implemented. The national agency will need to actively manage these risks.

#### Analysis of other options

We do not support **option 1** status quo. This option continues the current ad-hoc arrangements and means that people without the relevant skills and experience could occupy Controller roles.

**Option 2** does not include a certification process and so would not allow the Director CDEM to veto Controller appointments. We think that this is important to be able to provide a guarantee to the government (and ultimately citizens of New Zealand) on the quality of the workforce.

In terms of **option 4**, we agree with the TAG, and reviews before it, that the development and implementation of fly-in teams is essential. The key benefit of fly-in teams is that they can rapidly respond to emergencies, and have the right skills to effectively and consistently support CDEM Groups to manage emergencies, irrespective of where they occur in New Zealand.

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The fly-in team concept has significant stakeholder buy-in, including from local government who have explicitly requested this capability.

However, relying solely on fly-in team capability is not a sustainable approach. The long-term goal is to build the capability and capacity of the emergency management system. The TAG envisioned a workforce in which there are career pathways, consistent and high quality training and development, and clear professional standards and accreditation processes.

### 5.4 Impact Analysis (Proposed approach)

Affected parties	Nature of cost or benefit	Impact
<b>Expected Costs (refer to note below)</b>		
Groups (local authorities)	There may be additional costs associated with meeting new capability standards. However, CDEM Groups and local authorities are already expected to provide 'suitably qualified and experienced' personnel, whom they are also expected to pay to train. We do not propose to change this (it is in line with the expectation that employers pay for staff training in general). At this stage, we do not know if there will be additional costs to local government as a result of new capability standards. As we progress this work with local government we will assess this and look at options if additional costs appear to be significant.	Low
Groups (local authorities) and National agency (the regulator)	Could be a barrier to entry into the emergency management workforce and reduce the supply of Controllers and CIMS functional managers. The national agency has a role in developing career pathways for the emergency management sector and promoting it as a valuable and worthwhile profession.	Medium
National agency (the regulator)	Costs of administering the new standards could be higher than necessary if the supporting system is too bureaucratic and poorly designed. Appropriate care must be taken in the design stage to ensure this does not happen.	Medium
<b>Expected benefits</b>		
Groups (local authorities) and National agency (the regulator)	Ensures that those in the role are have the knowledge, skills, and experience needed. This will lead to an increase in public safety and reduced damage to property. This also means faster and more effective recovery, which will reduce the long-term costs to communities and the Crown and increase trust and confidence in the system overall.	High
Groups (local authorities)	Will clarify government expectations of performance and workforce capability, which will assist local government make planning and prioritisation decisions for emergency management workforce.	Low
Groups (local authorities) and National agency (the regulator)	Strengthens the position of emergency management alongside other emergency service professions. Gives legitimacy alongside the other emergency service professions e.g. Police, Defence, Fire, which will improve how the key emergency management agencies work together (all on a level playing field in terms of status, skills, and experience). This will lead to an increase public trust and confidence in the system overall.	High
Groups (local authorities) and National agency (the regulator)	Attracts people into the role as it is seen as a 'real job' - held in the same regard as others, attracting the best talent. Promotes the profession. This helps to ensure the sustainability of the profession and ensures appropriate succession for key positions.	Medium
Wider government	Makes it easy for agencies to work interoperably and creates a	Medium

	highly competent national surge capacity, as Controllers and key CIMS functional roles can be swapped into and out of different types of responses (e.g. national hazards, biosecurity incursions, pandemics, oil spills etc).	
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Notes

- i Costs and benefits to local authorities have not been monetised, as noted in the assumptions and constraints in section 1.
- ii The development work to professionalise CDEM Controllers and build CIMS capacity is funded through the remainder of 2018 and all 2019 from National Security Workforce Directorate and MCDEM baselines. However, there will be ongoing costs associated with maintaining the systems that support Controller development and building/maintaining CIMS capability nationwide. s9(2)(f)(iv)
- iii Local government currently pay to train their emergency response staff (in line with the expectation that employers pay for staff training in general). At this stage, we do not know if there will be significant additional costs to local government as a result of these proposals. As we progress this work with local government we will assess this and look at options if there are significant additional costs.

## 6. Unclear roles and authority of key people in the emergency response system

### 6.1 What is the policy problem or opportunity?

The role and authority of key people in the emergency response system is not as clear as it could be resulting in duplication, gaps, confusion and frustration, and ultimately a poorer response.

Clear authority to coordinate the efforts and resources of agencies is critical for an effective and efficient response. The TAG found that in many instances protocols, relationships and local knowledge assisted a good response. They also found examples of confusion and frustration when formal authority was lacking within the system, and expectations of who would do what were not met. They found that clearer authority at the national and local level is needed.

The need for clearer authority assessed in this document specifically relates to:

- The role of the Director CDEM
- The role of the Mayor in declaring a state of local emergency
- The role of Controllers, in particular their functions and powers of to coordinate personnel and resources to respond to an emergency.
- Lack of a clear decision point at which an 'incident' becomes an 'emergency'.



## 6.2 Role of the Director CDEM in matters of national interest

### 6.2.1. What is the policy problem or opportunity?

#### Current situation

The Director CDEM currently has no ability to direct the actions of a Group Controller unless a state of national emergency is declared. This means that the Director CDEM/National Controller has no authority to manage matters of national interest within a local response.

#### Why does the current situation constitute a problem?

The TAG considered that there may be scenarios where it may be beneficial for the Director CDEM to have the ability to intervene to ensure that national interests are considered in local decision making, or to ensure that weight is given to national-level knowledge and intelligence.

### 6.2.2. What options have been considered?

The TAG recommended that the Government enable the Director CDEM to direct Group Controller(s) when there are matters of national interest.

The proposed Government response notes that DPMC will do further work on enabling the Director CDEM to intervene in a local response where there are matters of national interest. This work will consider whether such a power is necessary, how such a power fits with existing national intervention provisions in the CDEM Act, the proposed national fly-in team, and appropriate criteria for national interest, including checks on the intervention power. Given the extent of the work that is needed and that there are no firm proposals, it is not possible to do a regulatory impact assessment. This will be undertaken as part of work to support Cabinet policy decisions.

## 6.3 Role of Mayors in declaring a state of local emergency

### 6.3.1. What is the policy problem or opportunity?

#### Current situation

CDEM Group appointees and Mayors are both able to declare a state of local emergency over a district. Section 25 of the Civil Defence Emergency Management Act 2002 (CDEM Act) requires each CDEM Group to appoint at least one member of the CDEM Group to declare for its 'area'. Area means *all* of the districts of the local authorities that are members of the CDEM Group. A Mayor (or their designate if the Mayor is absent) may declare a state of local emergency that covers the 'district' of the territorial authority (but not a ward).

Section 25 implies that the CDEM Group declares when a state of local emergency is required for the entire CDEM Group area (i.e. region); otherwise Mayors declare when a state of local emergency is required only in a district. However, a later section in the CDEM Act states that a member appointed by the CDEM Group may declare over the whole CDEM Group area or one or more districts or wards within the CDEM Group area. This overlaps with a Mayor's mandate to declare over one district.

#### Why does the current situation constitute a problem?

There is some ambiguity as to who has primary responsibility and authority in the first instance to declare for a district or ward. While this is not considered to be a significant problem it would benefit from clarification.

#### What is the underlying cause of the problem?

The provisions in the CDEM Act are unclear and contradictory.



### 6.3.2. What options have been considered?

#### Option 1: status quo - Mayors and CDEM Groups have concurrent ability to declare

This option means that both Mayors and CDEM Groups have concurrent ability to declare a state of local emergency over a district – it remains unclear who is primarily responsible.

#### Option 2: Make CDEM Groups responsible for all local declarations

This option would mean amending the CDEM Act so that only CDEM Groups make declarations for a state of local emergency. As is currently the case, the CDEM Group appoints certain members of the CDEM Group (Mayors or the regional council Chair) to declare on its behalf.

#### Option 3: Make Controllers responsible for local declarations

This option would mean amending the CDEM Act so that only Controllers who are statutory appointments under the CDEM Act This would remove responsibility for making declarations from elected local authority representatives. This option assumes that proposals requiring Controllers to be suitably qualified and trained have been implemented.

#### Option 4 (proposed): Make Mayors primarily responsible for local declarations

This option is the TAG's recommendation. This option would mean amending the CDEM Act to make Mayors in the first instance primarily responsible for declaring a state of local emergency for one district or one or more wards so that there is no overlap in responsibility. The CDEM Group appointee would still declare for the CDEM Group area (region) and may declare for more than one district. As a backup, we would provide for a representative of any member of the CDEM Group to declare if the Mayor (or Mayor's designate) is unable to declare.

In this option we also propose amending to CDEM Act to:

- Require the CDEM Group, when considering whether to declare, to seek and consider comment from any affected Mayor unless the circumstances are impracticable or the situation is urgent.
- Require that Mayors and CDEM Group appointees receive and consider advice of a Controller before making a decision to declare, unless the circumstances are impracticable or the situation is urgent.
- Clarify that the word 'area' in the CDEM Act refers to the whole CDEM Group area rather than a district or ward.

The CDEM Act also provides for Mayors and CDEM Groups to give 'notice of a local transition period' to make emergency powers available to assist recovery, which currently mirrors the declaration process. The changes above should therefore also apply to giving notice of a local transition period, where this is appropriate.

Although not recommended by the TAG in this option we also propose amending the CDEM Act so that it is explicit that the criterion for declaring a state of local emergency is that the emergency power(s) under the CDEM Act are necessary, or likely to be necessary, to manage a response to the emergency (assuming also that the tests for an 'emergency' as defined in the CDEM Act are met). This is a common assumption but is ambiguous in the Act.

### 6.3.3. Which of these options is the proposed approach?

#### Proposed approach

We propose **Option 4 to make Mayors primarily responsible for local declarations.**

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We agree with the TAG that the declaration provisions are confusing and do not reflect current practice. We see no reason why both the Mayor and the Group should be able to declare over a district or ward(s) in the first instance. We consider that only the Mayor should do this as they are best placed in terms of their knowledge and understanding of their communities. This is provided they receive advice from a Controller (where practicable) and there is a backup if the Mayor is unable to do so.

### Analysis of other options

**Option 1** status quo would retain the current ambiguity and does not reflect current practice.

We do not support **Option 2** which would make CDEM Groups responsible for all local declarations as this does not reflect current practice and that Mayors are best placed to declare as noted above. Also it is highly likely that CDEM Groups would just appoint Mayors to declare in their districts which makes this option somewhat redundant.

**Option 3** which would make Controllers responsible for local declarations, would mean a shift in policy from seeing declarations as a value judgement that only elected representatives can legitimately make to being a technical decision requiring a professional judgement. There are merits to both of these arguments. This would be a significant policy change that we do not consider is proportionate to the natural and scale of the problem. We consider that requiring Mayors to have advice from Controllers is an appropriate way of ensuring that technical and professional judgement is factored into the decision to declare. Making the Director CDEM able to declare a state of emergency, was considered and removed from the CDEM Bill 2000 during the Select Committee stage.

#### 6.3.4. Impact Analysis (Proposed approach)

Affected parties	Nature of cost or benefit	Impact
<b>Expected Costs (refer to notes below)</b>		
CDEM Groups (local authorities)	No significant costs identified	Low
<b>Expected benefits (refer to notes below)</b>		
CDEM Groups (local authorities)	Will clarify existing practice and make this more consistent across Groups.	Low

Notes:

- i Costs and benefits to local authorities have not been monetised, as noted in the assumptions and constraints in section 1.
- ii We are not starting from a low base in terms of clarifying that Mayors declare a state of local emergency in the first instance, as this does usually happen in practice although the CDEM Act is ambiguous. Although it is important to clarify the ambiguity, this minimises the relative costs and benefits of the proposal compared to the status quo.

## 6.4 Role of Controllers to coordinate personnel and resources in an emergency

### 6.4.1. What is the policy problem or opportunity?

#### Current situation

A defining feature of an 'emergency' under the CDEM Act (aside from it resulting from a hazard and being harmful) is that it "cannot be dealt with by emergency services, or otherwise requires a significant and coordinated response under this Act." Coordination is therefore the key function of emergency management authorities in a response. Coordination is achieved by having a person in charge with the ability to task other agencies in the emergency response system so that actions across the agencies fit together to achieve the most effective and efficient response.



Three key actors have a response coordination role under the CDEM Act - the National Controller, the Group Controller, and any Local Controllers. The CDEM Act should provide clear authority for each actor to respond to an emergency at the appropriate level (national or local). Authority requires a mandate (function) to do something and the power to make it happen.

However, the current functions and powers in the CDEM Act do not follow a logical and cascading framework from the National Controller, to the Group Controller, and to the Local Controller. Also the words 'coordinate', 'direct', 'control' are not used consistently across the provisions that provide for the functions and powers.

Often emergencies occur which require coordination but do not require a state of local emergency to be declared to access special emergency powers under Part 5 of the CDEM Act (an undeclared emergency). The CDEM Group has a function to respond to an emergency (including undeclared emergencies). The Group/Local Controller is expected to respond to an undeclared emergency (on behalf of the CDEM Group) but they have no explicit power to coordinate personnel and other resources made available by agencies.

### **Why does the current situation constitute a problem?**

While each inconsistency referred to above in the current situation is only minor in itself, this adds up to a sense of confusion and risks authority and decisions being challenged.

The TAG noted that in many instances a lack of authority was not a problem, but that in other instances "essential tasks were identified and it was not clear if anyone [the TAG's emphasis] had either responsibility to do the task or the ability to task an agency".

### **What is the underlying cause of the problem?**

The CDEM Act does not provide for a clear consistently worded set of functions and powers for Controllers to coordinate a response to an emergency.

## **6.4.2. What options have been considered?**

### **Option 1: status quo – Controllers retain current statutory functions and powers**

This option would mean that Group Controllers and Local Controllers do not have an explicit statutory power to coordinate a response to an undeclared emergency.

### **Option 2 (proposed): Clarify functions and powers of the National, Group and Local Controllers to coordinate a response**

This option would amend the CDEM Act so that the National Controller, Group Controller and Local Controller each have a clear function to coordinate a response in the appropriate circumstances (a state of national emergency, a state of local emergency, and an undeclared emergency) and a corresponding power(s) to achieve this function. The powers are generally to 'direct' personnel and/or their performance, and/or 'control' other resources that are made available by agencies.

This would include a power for the Group Controller and any Local Controllers in an undeclared emergency and when there is a state of local emergency (but not a state of national emergency) to direct personnel and control resources made available by agencies. Group/Local Controllers would have appropriate corresponding protection from liability.



### 6.4.3. Which of these options is the proposed approach?

#### Proposed approach

We propose **option 2 to clarify functions and powers of the National, Group and Local Controllers to coordinate a response**. This will enable CDEM Groups to better implement their current function to respond in an emergency. It will make it clear that the CDEM Group/Local Controller is responsible for coordinating the response. It reflects what is happening in practice through non-statutory means but provides a backstop to do so effectively. The authority to coordinate would still be bounded by agencies making personnel and resources available to be coordinated

#### Analysis of other options

We do not support retaining the status quo as this would mean that ambiguity of authority and the risk of decisions being challenged remain.

### 6.5 Impact Analysis (Proposed approach)

Affected parties	Nature of cost or benefit	Impact
<b>Expected Costs</b>		
CDEM Groups (local authorities)	No significant impacts identified	Low
<b>Expected benefits (refer to notes below)</b>		
National Controller	Will clarify and confirm the National Controller's authority to coordinate a CDEM response to an emergency.	Medium
CDEM Groups (local authorities)	Will clarify and confirm the Group and Local Controller's authority to coordinate a CDEM response to an emergency.	Medium
Wider government	Will clarify who is in charge of coordinating a CDEM emergency.	Medium

#### Notes:

- i Costs and benefits to local authorities have not been monetised, as noted in the assumptions and constraints in section 1.
- ii We are not starting from a low base in terms of authority for Controllers to coordinate a response to CDEM emergencies. In most cases Controllers assume authority. This proposal is about clarifying ambiguity in the CDEM Act. Although it is important to clarify the ambiguity, this minimises the relative costs and benefits of the proposal compared to the status quo.

### 6.6 Lack of a clear decision point at which an 'incident' becomes an 'emergency'

#### 6.6.1. What is the policy problem or opportunity?

##### Current situation

A hazard may cause harm that is able to be dealt with by emergency services and does not require a significant coordinated response. These 'incidents' occur frequently, for example most fires, flooding, and power outages. The CDEM Act does not deal with incidents. They are managed under other legislation by local authorities, government agencies or private organisations who, with emergency services (Police, Fire, and Ambulance), contain the hazard, minimise its effects, and deal with the harm. Even a relatively significant incident may not meet the definition of an emergency under the CDEM Act (for example, a foot and mouth disease outbreak).

## BUDGET SENSITIVE

If the incident becomes an emergency (as defined in the CDEM Act) then the CDEM Group is responsible for responding (regardless of whether a state of local emergency is declared). It is therefore important that the Group/Local Controller and relevant agencies know when an incident is deemed to be an emergency and that, from that point on, the Group/Local Controller is in charge of coordinating a response.

For incidents managed by the local authority, a Group/Local Controller is often also the individual who is the Incident Controller managing the incident for the local authority. It is also important for them to know when they 'swap hats' from being an Incident Controller acting for the local authority to a Group/Local Controller acting for the CDEM Group.

There is currently no formal decision point which deems an incident as an emergency for the purposes of the CDEM Act or official notification to all relevant agencies that this has occurred. In practice, emergencies are informally recognised if the Incident Controller and the Group/Local Controller jointly determine whether the incident is not able to be dealt with by emergency services alone, or requires a significant and coordinated response under the CDEM Act.

### **Why does the current situation constitute a problem?**

The lack of a clear decision point means it can be unclear when an individual appointed as a Group/Local Controller is acting in this role or acting as an incident manager or advisor for the local authority. This creates uncertainty for the CDEM Group/Local Controller as to their responsibilities and accountability. It can also cause confusion for agencies as to whether the CDEM function is activated and their resources may be required, as well as whether assistance from other CDEM Groups may be required.

### **What is the underlying cause of the problem?**

There is no clear decision point in the CDEM to determine when an incident meets the definition of an emergency in the Act that it requires a coordinated response (but does not necessarily require that there is a state of local emergency) and therefore when Group/Local Controllers are required to exercise their authority to coordinate.

## **6.6.2. What options have been considered?**

**Option 1: status quo – undefined decision point and process for identifying an emergency**

**Option 2 (proposed): Require CDEM Groups to have a process to identify and communicate an emergency**

This option would mean amending the CDEM Act so that CDEM Groups are required to set out in their Group Plan how they will recognise an emergency for the purposes of the CDEM Act and communicate this to relevant agencies.

**Option 3: A new statutory process for identifying an emergency**

This option would mean amending the CDEM Act to establish a new statutory process for identifying an emergency that requires coordination but not statutory powers of Part 5 of the CDEM Act.

## **6.6.3. Which of these options is the proposed approach?**

### **Proposed approach**

We propose **Option 2 to require CDEM Groups to set out a process for identifying an emergency and communicating this to relevant agencies in their CDEM Group Plan**. The national agency would be expected to facilitate CDEM Groups to collectively develop a model approach.

## BUDGET SENSITIVE

We consider that a more formally recognised and communicated decision point is required for when an incident is deemed an emergency for the purposes of the CDEM Act. This will help to clarify and confirm that the CDEM Group/Local Controller becomes in charge of coordinating the response.

### Analysis of other options

We do not support **Option 3** to create a new statutory process for identifying and declaring an emergency that requires coordination but not statutory powers of Part 5 of the CDEM Act.

We do not support creating a new statutory 'declaration' process for an emergency. A statutory process is justified where such decisions result in emergency powers that may affect people's rights and protections. This provides a check on power as it makes the decision subject to public scrutiny and challenge by judicial review. This level of administration does not seem warranted to clarify authority between agencies within the system.

The joint decision of the Incident Controller and the Group/Local Controller is a judgement call, based on experience, expertise and information available at the time. This judgement will depend on the location, the nature of the hazard, the harm, any hazard specific legislative powers, and the capacity of the local authority (or other lead agency) and emergency services in the area to respond. Given the judgement and discretion required, we do not think it is feasible or necessary to codify further decision-making criteria as to what makes an emergency (than what is already in the CDEM Act).

6.7 Impact Analysis (Proposed approach)		
Affected parties	Nature of cost or benefit	Impact
<b>Expected Costs (refer to note below)</b>		
CDEM Groups (local authorities)	Cost of developing policy and incorporating into the Group Plan. One CDEM Group has developed a policy which could be used as a model. The national agency would be expected to facilitate CDEM Groups to collectively develop a model approach.	Low
<b>Expected benefits (refer to note below)</b>		
CDEM Groups (local authorities)	Will clarify and confirm when the Group/Local Controller becomes in charge of coordinating the CDEM response and who they are accountable to.	High
Wider government	As above.	High

Notes:

- i Costs and benefits to local authorities have not been monetised, as noted in the assumptions and constraints underpinning impact analysis in section 1.

## 7. Lack of appropriate engagement of iwi/Māori in emergency management

### 7.1 What is the policy problem or opportunity?

#### Current situation

The CDEM Act does not explicitly require engagement and consultation with iwi/Māori. However, there are quite specific expectations on local authorities in the Local Government Act 2002 to make themselves aware of, and have regard to, the views of all of communities and to provide opportunities for Māori to contribute to decision-making processes. There is no reason why these obligations do not apply to CDEM Groups and emergency management related decisions.



## BUDGET SENSITIVE

Many iwi are recognised as mana whenua in their rohe, and are developing relationships with regional and local councils. We understand that most CDEM Groups already work with iwi/Māori to enable them to input their views and knowledge into emergency management planning and implementation across the 4Rs. However, the nature and extent of this work varies and many CDEM Group Plans do not evidence engagement with iwi/Māori.

### **Why does the current situation constitute a problem?**

A lack of recognition, understanding and integration of iwi/Māori perspectives and tikanga in emergency management is not in line with best practice in government and does not reflect Treaty principles. If relationships, understanding and planning of how local authorities and iwi/Māori organisations can work together in an emergency is not done, then this makes it difficult when an emergency happens to look after people, in the right way.

### **What is the underlying cause of the problem?**

The role of iwi/Māori in emergency planning and responses is not explicitly recognised in the legislation and expectations of CDEM Groups are not clear. It can be difficult and costly for CDEM Groups to meaningfully engage with iwi at the governance level particularly where multiple iwi are present in the region.

## **7.2 What options have been considered?**

### **Option 1: Status quo - no explicit requirement to engage with iwi/Māori**

This option would rely on Local Government Act provisions to ensure that CDEM groups engage with iwi/Māori on emergency management. This could be monitored and supported by the national agency without legislative change.

### **Option 2 (proposed in principle): Iwi representation on the CEG of each CDEM Group**

This option would amend the CDEM Act to require iwi representation on the CEG of each CDEM Group, to ensure iwi input into advice to the CDEM Group on governance and planning. How iwi are represented in areas where multiple iwi are present will need to be worked through.

### **Option 3 (proposed in principle): An explicit requirement for CDEM Groups to consult with iwi/Māori**

This option would amend the CDEM Act so that CDEM Groups are explicitly required to consult with iwi/Māori on emergency management planning, particularly when developing their CDEM Group plans.

### **Option 4: Iwi representation on the CDEM Group**

This option would amend the CDEM Act to require iwi representation on the CDEM Group to ensure iwi input into advice to the CDEM Group on governance and planning.

## **7.3 Which of these options is the proposed approach?**

### **Proposed approach**

The proposed Government response notes that the Government seeks to achieve greater recognition, understanding and integration of iwi/Māori perspectives and tikanga in emergency management.

Officials from DPMC, assisted by Te Puni Kōkiri, intend to engage with iwi and Groups to explore:

- **Option 2:** Iwi representation on the CEG of each CDEM Group; and
- **Option 3:** Require CDEM Groups to consult with iwi/Māori on emergency management planning, particularly when developing their Group plans.

Given the extent of the work and consultation that is needed and that there are no firm proposals, it is too early to do a regulatory impact assessment. This will be undertaken as part of work to support Cabinet policy decisions.

### Analysis of other options

We do not propose **option 4** iwi membership of CDEM Groups because CDEM Group members are elected (Mayors and regional council Chairs). Iwi can be invited to attend Group meetings and to provide specialist knowledge and advice, but do not have voting rights. The national agency will strongly encourage Groups to seek advice from iwi on strategic governance decisions.

## 8. Stakeholders views

### 8.1 What do stakeholders think?

#### Who is affected by regulatory changes

Regulatory changes discussed in this document would primarily affect CDEM groups (local authorities), iwi/Māori and government agencies who are directly involved in emergency management, particularly in response.

The changes would significantly impact on the role of the national agency. A key recommendation of the TAG was that the national agency should have a more directive role through regulations to monitor and enforce minimum requirements.

#### Consultation with local government

We have consulted with various local government stakeholders, with the assistance of Local Government New Zealand, including local authority elected representatives and chief executives, CDEM Group Managers, and other emergency management personnel. The local government stakeholders that we have talked to generally support the TAG's recommendations for strengthening a regional approach and more consistent services and structures. They also support stronger national leadership through a new national agency, and more central government clarity on the intent of the CDEM Act and guidance on what is required of local government.

Some local government stakeholders have expressed concern about a loss of local council involvement and accountability for local responses and that CDEM Group personnel are too "removed" and not connected enough to local representatives and the community for them to run effective responses.

Conversely there has been some support in local government for a regional council approach from some emergency management practitioners, a few small territorial authorities and a few unitary authority CDEM Groups.

There is also concern about increased expectations of central government as a result of national standards with limited funding, particularly in regions and districts with a small ratepayer base. Although the Government's response is only seeking to ensure that existing expectations are met, this is likely to mean that there will be costs to local authorities of meeting national standards for service levels and performance. The ability of local government to meet any national standards is a wider issue that cannot be addressed by this Ministerial review. The Government has asked the Productivity Commission to undertake an inquiry into local government funding and we do not propose making changes to the funding settings related to emergency management outside of any consideration of the Productivity Commission's findings.

The costs on various parties (for example, local government) will be considered as national standards are developed. At that time it may be necessary to consider whether to support local authorities who will struggle to meet their share of costs to achieve national standards. We expect that some of this cost would be offset by effectiveness and efficiency benefits of a more regional approach.



We have not formally discussed with local government stakeholders our proposal to work with iwi and CDEM Groups on better engagement with iwi/Māori.

### Consultation with central government agencies

DPMC has consulted with senior officials of those government agencies who are directly involved in the emergency management system, particularly in response. These include the Ministries of Business, Innovation and Employment, Civil Defence & Emergency Management, Health, Social Development, Transport; the Ministry for Primary Industries; Te Puni Kōkiri; New Zealand Police; New Zealand Defence Force; Fire and Emergency New Zealand; and DPMC (National Security Systems and National Security Policy). These agencies generally support our proposals.

We have consulted with the Department of Internal Affairs (Local Government) who note that some CDEM Groups (local authorities) will be affected more than others by requirements to take a stronger regional approach, and to meet national standards for consistent operating practices and structures. They may need to be supported by the national emergency management agency.

DPMC has consulted with Te Puni Kōkiri and people with knowledge of te ao Māori on the proposals related to better engagement with iwi/Māori.

The Treasury; State Services Commission; Foreign Affairs & Trade; GNS Science, and DPMC (Policy Advisory Group) have also been consulted. They have expressed no significant concerns with the proposals.

There is a concern among stakeholders we have talked with that professionalising the workforce might push volunteers out of the system. We have heard that many people associate *professionalise* with full-time, paid employment. We acknowledge that volunteers play a crucial role in the emergency management system and will continue to do so. It is essential that volunteers are retained in the system. However, we propose a system in which volunteers, where appropriate, can demonstrate relevant and up-to-date training (e.g. current first aid certificates, CIMS or other support functions). In cases where that is not appropriate, it is essential that only appropriately trained people lead or task volunteers.

## 9. Implementation and operation

### 9.1 How will the new arrangements be given effect?

The proposals in this document would be implemented through legislative amendments to the CDEM Act and regulations made under that Act. This would likely include transitional provisions to allow for local authorities to meet any requirements for changes to organisational structures and the CDEM Group Plan/work programme, develop shared emergency management services agreements, and meet workforce capability requirements.

The national agency would be responsible for ongoing operation and enforcement of the new arrangements in the CDEM Act and for making, monitoring and enforcing regulations. This is subject to decisions about resourcing capacity and capability to undertake this work which is not currently provided for in baselines.

A key role of the national agency will be to support agencies build their emergency management capability and capacity (particularly around using systems, tools, and processes, and how to contribute to an-all-of-government response). This work has already been started by the National Security Workforce Directorate, working with MCDEM.

Upskilling any workforce requires time and practice and will require commitment from all those involved - councils, emergency services, lifeline utilities, public agencies, and other organisations. There would need to be a managed transition to a professional emergency management workforce and that during transition it will be important to retain and support current capacity – both paid and volunteer.



## 10. Monitoring, evaluation and review

### 10.1 How will the impact of the new arrangements be monitored?

The Director CDEM has a statutory function to monitor the performance of CDEM Groups. MCDEM operates a CDEM Monitoring and Evaluation Programme. The programme uses a CDEM Capability Assessment Tool, which are a set of nationally-consistent performance indicators and measures ('capability criteria'). The assessment tool can be used as an any-time self-assessment tool that any CDEM Group can use to evaluate their own capability. It is also used for periodic national assessments undertaken by MCDEM, to monitor and report on the capability and performance of CDEM Groups and to understand where MCDEM can best support them. Assessment of compliance with any new requirements of the CDEM Act and any regulations can be built in to this monitoring framework.

### 10.2 When and how will the new arrangements be reviewed?

Any plans to formally review legislative changes or regulations would be considered in the next stage of policy decisions and when the regulations are developed. Stakeholders will be able to raise concerns with the national agency.

After each significant event, CDEM Groups, MCDEM (and the wider National Security System if necessary) debrief lessons learnt and implement corrective action plans.