



## **Proactive release of material relating to establishing a new National Emergency Management Agency (NEMA)**

The material in this proactive release includes briefings, aides memoire and Cabinet material directly related to establishing a new National Emergency Management Agency (NEMA), as itemised below. Documents relating to consultation undertaken with local government representatives have not been included in this release.

This material has been proactively released by the Department of the Prime Minister and Cabinet, on behalf of Hon Peeni Henare, Minister of Civil Defence.

<b>Date</b>	<b>Item</b>
02/05/19	Cabinet Paper: Delivering Better Responses to Emergencies: National Structures
15/04/19	Cabinet Minute of Decision: 2019 Budget Package: Vote Prime Minister and Cabinet
09/05/19	Cabinet Government Administration and Expenditure Review Committee Minute of Decision Delivering Better Responses to Emergencies: National Structures
27/03/18	Preliminary Advice on the TAG's recommendations
26/06/18	Current thinking on the National Emergency Management Agency (NEMA) to support your meeting with SSC and DPMC
26/10/18	Delivering Better Responses to Emergencies: National Structures
23/11/18	Advice on the National Emergency Management Agency (NEMA)
21/02/19	Final National Structures Cabinet Paper
28/02/19	Final National Structures Cabinet Paper Redraft
28/03/19	Letter to the Prime Minister and the Minister of Finance following Budget Bilateral
8/05/19	Cabinet Paper on National Structures for the Emergency Management System
12/03/19	Budget 2019 Initiatives and Prioritisation Submissions
12/10/18	Progress on Implementing the Emergency Management System Reforms
16/11/18	Status Update on the Emergency Management System Reforms Programme
30/11/18	Status Update on the Emergency Management System Reforms Programme
14/12/18	Status Update on the Emergency Management System Reforms Programme
30/01/19	Status Update on the Emergency Management System Reforms Programme

13/02/19	Status Update on the Emergency Management System Reforms Programme
27/02/19	Status Update on the Emergency Management System Reforms Programme
13/03/19	Status Update on the Emergency Management System Reforms Programme
10/04/19	Status Update on the Emergency Management System Reforms Programme
9/05/19	Status Update on the Emergency Management System Reforms Programme
22/05/19	Status Update on the Emergency Management System Reforms Programme

Some parts of this information release 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 section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it. Some material has also been withheld as out of scope of in these documents, as it is not directly related to establishing NEMA.

**Key to redaction codes:**

- 9(2)(a), to protect the privacy of individuals;
- 9(2)(f)(iv): to maintain the confidentiality of advice tendered by or to Ministers and officials;
- 9(2)(g)(i): to maintain the effective conduct of public affairs through the free and frank expression of opinion; and
- 9(2)(h), to maintain legal professional privilege.

The following items are not included in this release:

Item	Withholding grounds
Cabinet paper: Delivering better responses to emergencies: National Structures (2 March 2019)	Withheld in full under 9(2)(f)(iv)
Aide-Memoire: Cabinet paper on National Structures for the Emergency Management System (5 March 2019)	Withheld in full under 9(2)(f)(iv) and 9(2)(g)(i)
Budget bid: Delivering better responses to emergencies: Establishing a new national emergency management agency	Withheld in full under 9(2)(f)(iv)



**Joint Report:** Advice on the National Emergency Management Agency (NEMA)

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<b>Date:</b>	23 November	<b>Report No:</b>	SSC2018/1085 1819NSP/054 (DPMC)
<b>Contact:</b>	Hannah Cameron/Erik Koed (SSC) Clare Ward (DPMC)	<b>Telephone:</b>	Ph: 9(2)(a) [Redacted] Ph: 9(2)(a) [Redacted]

	Action Sought	Deadline
Minister of State Services Minister for Civil Defence	<b>Views</b> on the Departmental Agency option and its host agency in order to inform the drafting of the Cabinet Paper	29 Nov (Cabinet Paper lodged)

**Enclosure:** Yes (attached)

**Executive Summary**

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The attached draft Cabinet Paper seeks agreement to establish a new national emergency management agency (NEMA) in the form of a Departmental Agency to replace the Ministry of Civil Defence & Emergency Management (MCDEM).

The Cabinet Paper is being drafted by DPMC with SSC providing machinery of government advice. This briefing conveys SSC's advice on the departmental agency form and discusses two options for which government agency should host the departmental agency. It seeks your feedback with a view to including the options in the Cabinet Paper.

**Minister's Office Comments**

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<b>Comments:</b>	
<b>Date returned to SSC:</b>	

## Recommended Action

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We recommend that you:

- a **agree** that the Cabinet Paper indicates that the departmental agency form is the preferred option.  
*Agree/disagree.*
- b **Note** that officials consider that there are two options for the location of the departmental agency: DPMC and DIA.
- c **agree** to include in the Cabinet Paper the arguments on which government agency should host the departmental agency, as set out in this briefing.  
*Agree/disagree.*
- d **advise** whether you wish the Cabinet Paper to indicate DPMC or DIA as a preferred option for location of the departmental agency.  
*Agree/disagree.*
- e **agree** to meet officials to discuss your feedback.  
*Agree/disagree.*
- f **agree** that this briefing not be published due to the policy being under active consideration.  
*Agree/disagree.*

**Joint Report:** Advice on the National Emergency Management Agency (NEMA)

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**Purpose of Report**

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- 1 The core function of NEMA is to enable the Director Civil Defence and Emergency Management to meet their functions and duties and exercise their powers.
- 2 The proposed functions of the new National Emergency Management Agency (NEMA) are to:
  - Provide direction to the operations of the emergency management sector
  - Build the capability and capacity of the emergency management system to plan for, withstand, respond to, and recover from emergencies
  - Lead or support responses to, and recovery from, emergencies (irrespective of cause)
  - Provide assurance to Government and the public about the performance and capability of the emergency management system to respond effectively
- 3 The criteria for deciding on the form of NEMA is that it provides:
  - Greater role clarity at all levels within the system at the national level
  - Operationally-focused leadership, able to influence across the system
  - A shift in culture, objectives, business strategy, and operating model at the national level
  - Stronger system stewardship.

**Analysis**

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- 4 The Ministry of Civil Defence and Emergency Management (MCDEM) has been performing well given its limited resources. Further investment would support its ability to deliver on the required shift identified by the Ministerial Review.
- 5 Regardless of additional investment, based on the proposed functions and set of criteria, SSC considers that the proposed new entity should take the form of a Departmental Agency (DA). Even with additional funding, delivering through a business unit of a government agency would be sub-optimal. The DA form provides an opportunity to consolidate operational and regulatory functions across all-hazards and risks, providing system coherence in all emergency management scenarios. The DA form will also provide the required mana or status of leadership and the greater autonomy required to deliver on its set of functions.
- 6 The DA form requires a host agency and this requires particular consideration in the context of how the National Security System (NSS) should operate going forward. Within the NSS there should be three clear roles. These are:
  - The role of lead agency to oversee risks and manage incidents before they are escalated to emergency status;
  - Managing an emergency, led by NEMA; and

- The oversight of the Officials Committee for Domestic and External Security (ODESC), supported by the NSS, in taking an All of Government perspective.
- 7 Arguments for retaining DPMC as the host agency of NEMA are that:
- Retaining NEMA's proximity to ODESC and the NSS provides more prominence and relationship capital to support NEMA's all-hazards mandate and its management of an emergency;
  - DPMC's position as a central agency reinforces NEMA's influence over government agencies;
  - It is comparatively easier and cheaper than relocation.
- 8 A clearer separation of roles would be less effective with MCDEM located within DPMC. Although the system could seek to achieve better separation without further structural change, there are three reasons for DPMC not to host the functions that would be performed by NEMA:
- As a policy agency at its core, DPMC is not best placed to support the enhanced operational functions of NEMA.
  - A disproportionately larger function, particularly in the form of business unit, could distract DPMC's leadership from its core role in advising the Prime Minister.
  - The DPMC CE holds an important role as chair of ODESC in taking an all-of-government perspective, including assessing the performance of NEMA. Maintaining this separation is particularly important during an emergency response.
- 9 Reasons for the Department of Internal Affairs (DIA) to act as host of the DA are:
- Strategic alignment: DIA can support NEMA through its policy and funding connections with local government and communities, which are a critical part of how the emergency management system works; it also has policy and monitoring responsibilities for Fire and Emergency NZ and is close to climate change adaption and the resilience of the Three Waters (drinking water, storm water, waste water).
  - DIA can add value to NEMA: DIA can support the DA as it is a large operationally focussed agency that can provide the same expertise and a network of relationships that it already has established for other regulatory regimes.
- 10 There are some early indicative costings in the draft Cabinet Paper that will need to be completed.

## Risks

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- 11 Given that these functions moved from DIA less than five years ago, there are some presentational issues with DIA hosting NEMA. However, the Departmental Agency form is very different to that of a Business Unit. ODESC and the NSS has grown to be a much more mature network. Even if NEMA was not hosted by DPMC, the key relationship between the Prime Minister and ODESC would remain unchanged. The NEMA chief executive would be accountable to the Minister of

Civil Defence and the normal conventions between the Prime Minister and the Minister would then apply.

Proactively released by the Minister of Civil Defence