

Ministerial Review Terms of Reference

Better responses to natural disasters and other emergencies in New Zealand

1. Purpose

This review will 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 purpose is to ensure that New Zealand's emergency response framework is world leading, and well placed to meet future challenges. In light of recent events it is appropriate to see how we can further enhance and strengthen the current system.

2. Context

A series of recent hazard events and emergencies in New Zealand have resulted in wide spread reflection on whether the current operational and legislative settings for responding to natural disasters and other emergencies are fit for purpose.

Responsibility for the management of these events lay with three different agencies¹. The civil defence emergency management sector was however involved in all three responses as either lead or support agency. In all three cases the effectiveness of the civil defence emergency management sector was called into question resulting in a loss of stakeholder, public and Ministerial confidence in the response system.

The National Security System, of which civil defence emergency management is a part, has a range of lead agencies that operate under different legislative mandates, depending on the hazard type. The complexity of the system is well understood by those agencies that operate within its framework, but are not widely publicised or understood by the public².

Many lessons from the Canterbury earthquakes of 2010 and 2011 and other events have been successfully embedded into the operation of the current civil defence emergency management system. However there has been no significant review of the organisational structures, roles and decision-making powers, within which responses are orchestrated. It is timely to take a wide look at how the sum of those parts work together. In particular, to consider whether any changes to settings could optimise the civil defence emergency management system's performance in the response phase.

¹ August 2016 Hawkes Bay gastroenteritis outbreak (lead agency Health); 2 September 2016 East Cape earthquake and tsunami (lead agency Civil Defence Emergency Management); 14 November 2016 Kaikoura earthquake and tsunami (lead agency Civil Defence Emergency Management); and 13 February 2017 Port Hills fire (lead agency Selwyn Rural Fire Authority).

² November 2016, Controller and Auditor General report Governance of the National Security System.

3. Project Definition

The problem The purpose of the review is to ensure that New Zealand's emergency response framework is world leading, fit-for-purpose, and well placed to meet future challenges.

The current organisational structures, roles and decision-making powers in the civil defence emergency management response system need to align with the expectations for system performance.

Recent events tested New Zealand's response framework, and its effectiveness in supporting decision making, information sharing and operational capability. In particular it has been noted that:

- The underlying principle of "act locally, coordinate regionally, support nationally" may not be suitable in all circumstances.
- Decisions are not necessarily made by adequately skilled and experienced people, mandated at the appropriate level of government, and supported by the best information possible in the circumstances.
- Volunteers may not be adequately supported by a professional emergency management force.
- Information is not always readily available to decision makers on the scale, complexity and evolving nature of the emergency, to determine the capacity and capabilities required for the response effort.
- There is a need for timely, consistent and accurate communication to the public.
- Response capabilities are not necessarily deployed as promptly and seamlessly as possible, taking advantage of economies of scale and the experience of senior responders.

In summary, the operational and legislative settings within the system may not be performing optimally to meet current and future needs, and the role that New Zealanders need it to play.

Scope The work will examine:

- The current devolved decision-making model from central to local government, and framework of lead and support agencies to manage response to emergencies arising from specific hazards.
- Decision making and chain of command, including:
 - who has the power to declare a State of Emergency, and
 - whether there is a need for an interim mechanism to manage a localised event with significant consequences or that could evolve into a state of local emergency or a state of national emergency.
- Response capability and capacity.

- Whether legislative changes are required to the Civil Defence Emergency Management Act 2002 (and other legislation related to emergency response).

Outcome 1: The emergency response system is fit for purpose and aligns with stakeholder expectations, taking account of the need to prioritise preventing death, injury, and property damage, and the fast-moving nature and uncertainty of emergencies.

Outcome 2: New Zealand has the appropriate response capability and capacity for civil defence emergency management responses.

- The system capacity supports the availability of appropriately skilled and responsive resourcing, regardless of the location and scale of the emergency.
- Appropriate protocols exist to enable supporting agencies to swing promptly into action.
- Agencies with specialist capabilities (such as logistics, aerial surveillance and interpretation) are knitted into the fabric of a response.
- Business continuity across the whole of government supports an effective response and prompt recovery.

Outcome 3: Clearer definition of who determines the need for and declares a state of emergency and at what point the Director Civil Defence Emergency Management can step in to declare a state of emergency.

- A single lead role across any geographical area affected by natural disaster
- The purpose and consequences of declarations of states of emergency are clear
- Appropriate interventions and escalations are available.

Outcome 4: The chain of command and control, coordination, and decision making during an emergency is effective and appropriate.

- There is a clear operating model and chain of command and control and coordination during response, including the recognition of lead and support agencies.
- The system enables decisions to be made quickly, by appropriately skilled and experienced people, mandated at the right level, within the most appropriate agency and incorporating the best available information.
- All participants in the system understand the operating picture and their respective roles and responsibilities, including how these might change over the course of the response or as the event unfolds.

Outcome 5: Information flows into, across, and out of the emergency response system effectively, allowing timely and accurate communication to Ministers; agencies; officials; stakeholders with particular interests; and to the public during emergencies.

- Recognition of the modern news cycle – immediacy of social media and power of factual decisive information delivered as speedily as possible
- Stakeholder needs are understood (what information is required; where and how to gather the information, providing it at the right time and in the right format).
- Official information maintains pace with media dialogue and social media activity.

The work will not examine the current legislative framework for hazard risk assessment and management set out in other legislation, for example the Resource Management Act 1991, but may make reference to any further work or consideration that may be necessary to better fit other Acts to enable resilience and preparedness.

Consultation and Engagement

The chair of the Technical Advisory Group is expected to agree with the Minister of Civil Defence the overall process, including matters of consultation and engagement. There is significant benefit in direct engagement with key stakeholders, as their contribution will add value to the Technical Advisory Group's advice. This should include providing for engagement with local government, emergency services, relevant government departments, and iwi and Māori. The means of consultation and engagement will need to reflect the time available and it is recognised that engagement will commonly be through the chair and the secretariat.

Key Deliverable

A review document examining the current operational and legislative settings for responding to emergencies and the recommended options for change.

The document will be provided to the Minister of Civil Defence no later than three months from the date of the agreement to these Terms of Reference.

4. Governance

Sponsor Minister of Civil Defence

Technical Advisory Group A Technical Advisory Group made up of:

- Roger Sowry, as Chair;
- Benesia Smith MNZM, independent consultant;
- Malcolm Alexander, Chief Executive, Local Government New Zealand;
- Assistant Commissioner Mike Rusbatch, New Zealand Police;
- Deputy National Commander Kerry Gregory, New Zealand Fire Service;
- Major General Tim Gall, New Zealand Defence Force;
- Sarah Stuart-Black, Director, Ministry of Civil Defence and Emergency Management.

Project Team and Secretariat The project team and secretariat is headed by Jeremy Corban.