



## NOTICE OF SPECIAL MEETING

# EMERGENCY SERVICES SPECIAL COMMITTEE

I hereby give notice that pursuant to Standing Order 14.1(b)(i) a Special Meeting of the Emergency Services Special Committee will be held on:-

**DATE:**        **Tuesday,        4 March 2003**                                **TIME:**                **10.30 am**

**VENUE:**        **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider:

1.        Establishment of the Auckland Regional Civil Defence Emergency Management Group;
2.        Funding issues associated with Civil Defence Emergency Management Group

and to take any necessary action connected therewith.

27 February 2003

Ngareta Delamere  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8552

### **MEMBERSHIP:**

Councillors	DQ	Battersby, JP (Chairperson)
	VS	Neeson, JP (Deputy Chairperson)
	RP	Dallow, QPM, JP
	AC	Fenton
	GW	Russell

Mayor, Bob Harvey, QSO, JP (ex officio)  
Deputy Mayor, Carolynne Stone (ex officio)

(Quorum 2 members)

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A SPECIAL MEETING OF THE EMERGENCY SERVICES SPECIAL  
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,  
LINCOLN, WAITAKERE CITY, ON TUESDAY, 4 MARCH 2003  
COMMENCING AT 10.30 AM.**

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**TABLE OF CONTENTS**

<b><u>ITEM</u></b>		<b><u>PAGE NO.</u></b>
1	<b>APOLOGIES</b>	<b>1</b>
2	<b>AUCKLAND REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP - ESTABLISHMENT OF GROUP AS JOINT STANDING COMMITTEE AND RELATED ISSUES</b>	<b>1</b>
3	<b>AUCKLAND REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP - FUNDING ARRANGEMENTS FOR 2003/2004</b>	<b>6</b>

**AGENDA FOR A SPECIAL MEETING OF THE EMERGENCY SERVICES SPECIAL  
COMMITTEE TO BE HELD IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE,  
LINCOLN, WAITAKERE CITY, ON TUESDAY, 4 MARCH 2003  
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**1 APOLOGIES**



**2 AUCKLAND REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP -  
ESTABLISHMENT OF GROUP AS JOINT STANDING COMMITTEE AND RELATED  
ISSUES**

**PURPOSE OF THE REPORT**

The purpose of the is report is to enable the Emergency Services Special Committee to consider and comment on:

1. the establishment of the Auckland Region Civil Defence Emergency Management Group as a joint standing committee of the local authorities of the Auckland Region as required by the provisions of the Civil Defence Emergency Management Act 2002; and,
2. the formal appointment of a representative and an alternative representative to the Auckland Region Civil Defence Emergency Management Group;

before the Council considers these issues at its March 2003 meeting.

**BACKGROUND**

The Civil Defence Emergency Management Act 2002 (hereinafter "the Act") came into force on 1 December 2002. The Act puts in place a new legislative framework for Civil Defence Emergency Management, a significant aspect of which is a regional focus for Civil Defence Emergency Management arrangements.

The Act requires each regional Council and all territorial local authorities within that region to unite to establish a Civil Defence Emergency Management Group within the six months of the date of commencement of the Act. The Civil Defence Emergency Management Group will have principal responsibility for civil defence emergency management planning and activity within each region, including the management of hazards and risks in the region, and either undertaking reduction, readiness, response and recovery activities, or ensuring they are undertaken, to an adequate standard. It should be noted that each territorial authority remains responsible for the reduction, readiness, response and recovery arrangements for its own district required of it under the Act, the civil defence emergency management group plan and/or as otherwise agreed by the Group, to the standards agreed by the Group.

Planning to meet the requirements of the Act is well underway in the Auckland region. An Auckland Region Civil Defence Emergency Management Group has been operating as a committee of the Auckland Regional Council for a number of years, and work on a Group Civil Defence Emergency Management Plan (as required by the Act) is well advanced. A Co-ordinating Executive Group is in place and has been working with the existing committee to ensure the Auckland region is able to meet the requirements of the Act ahead of schedule.

The actions recommended by this report are a part of the programme to ensure legislative compliance. The intention of the existing committee is that the establishment process will be completed by the member Councils in order for the Civil Defence Emergency Management Group to be formally constituted under the Act in time for its meeting scheduled for 23 May 2003. All member Councils need to have taken the steps recommended by this report prior to that date in order to meet the timeline that has been established.

## STRATEGIC CONTEXT

Civil Defence Emergency Management is a function which local authorities are statutorily required to undertake. Civil Defence Emergency Management activities contribute to community wellbeing by reducing the risk and likely impact of disasters and emergency events, readying and building community resilience to the impacts of such events, developing Council's and the regions capability to respond to emergency events, and developing the regions recovery capability. Given the interconnected urban nature of the Auckland region, there are strong reasons for a regional approach to civil defence emergency management.

## ISSUES

As outlined above, the Act requires Council to unite with the other local authorities in the Auckland region to establish a Civil Defence Emergency Management Group as a joint standing committee under section 114S of the Local Government 1974. While the Local Government Act 2002 has been assented since the passing of the Act, the section relating to establishment of joint committees does not commence until 1 July 2003, meaning establishment of the Civil Defence Emergency Management Group must take place under the 1974 enactment. This action will continue to have effect under the Local Government Act 2002 – it contains a savings provision that provides for certain actions taken under the 1974 enactment to be treated as though they were taken under the 2002 legislation without further action. In addition, the Local Government Act 2002 amends the Act appropriately when the relevant sections commence on 1 July 2003.

*A1 - A17*

The existing Civil Defence Emergency Management Group Committee has considered and recommended to each of the Council's in the region, an Establishment Agreement, Functions and Powers document to enable establishment of the joint standing committee required by the Act. A copy of the document is set out at page A1 to A17. At its meeting held on 14 February 2003 the Committee resolved:

*"That it be recommended to each of the Councils in the Auckland Region:*

*A1 - A17*

*i. That the Auckland Region Civil Defence Emergency Management Group be established as a joint committee of the Auckland City Council, the Auckland Regional Council, the Franklin District Council, the Manukau City Council, the North Shore City Council, the Papakura District Council, the Rodney District Council and the Waitakere City Council in accordance with section 114S of the Local Government Act 1974 and section 12 of the Civil Defence Emergency Management Act 2002, with the functions and powers proscribed in the Civil Defence Emergency Management Act 2002 and the Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers document set out at pages A1 to A17.*

*A1 - A17*

*ii. That the Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers document set out at pages A1 to A17 be adopted as the Establishment Agreement, Functions and Powers of the Auckland Region Civil Defence Emergency Management Group and that approval be given for the document to be executed under common seal.*

- iii. *That each Council appoint a representative and an alternative representative to the Auckland Region Civil Defence Emergency Management Group in accordance with the Civil Defence Emergency Management Act 2002 with delegated authority to act on the Council's behalf in terms of the Council's functions and powers under the aforementioned Act and the provisions of the Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers document."*

These recommendations are now presented for consideration by each of the Councils in the region. There are a number of issues addressed in the establishment document, which have been considered at some length by the Co-ordinating Executive Group and/or the existing Civil Defence Emergency Management Group Committee, and these are highlighted for the attention of members.

### **Membership**

At the time of writing of the report, the status of Franklin District Council as a member of the Auckland Region Civil Defence Emergency Management Group had not been finally resolved. As the Franklin District Council lies partly in the Auckland region and partly in the Waikato, it is required under the Act to choose which Civil Defence Emergency Management Group it will join. Once made, this decision is irrevocable. A decision is required within two months of establishment of the Group.

The Franklin District Council has been working its way through a process to make this decision in accordance with Civil Defence Emergency Management Group representatives from both the Auckland and Waikato regions. A decision is expected by this meeting. Should Franklin District Council determine to join the Waikato Region Civil Defence Emergency Management Group, the documentation attached to this report will need to be amended accordingly. Provision is made in the recommendations for this to occur.

The other issue relating to membership concerns the status and role of observers on the Civil Defence Emergency Management Group. While the Act provides for emergency services organisations (such as the Fire Service, Police, District Health Boards, etc) to be members of the Co-ordinating Executive Group, it does not provide for their representation on the Civil Defence Emergency Management Group. The existing Civil Defence Emergency Management Group Committee believes that emergency services and related organisations have an important role to play in assisting the Civil Defence Emergency Management Group to fulfil its duties and functions, and is proposing that these agencies be extended observer status. This would mean that they would not have voting powers at meetings, but would be able to attend as of right and participate fully in discussions. It is proposed that observer organisations and agencies be appointed by the Civil Defence Emergency Management Group.

### **Responsibilities of Members**

As noted above, the establishment document provides that each territorial authority remains responsible for the reduction, readiness, response and recovery arrangements for its own district required of it under the Act, the civil defence emergency management group plan and/or as otherwise agreed by the Group.

### **Emergency Management Office**

Proposed in the establishment document is an Emergency Management Office to support the operations of the Civil Defence Emergency Management Group and the Co-ordinating Executive Group. It is proposed that this be domiciled with the Auckland Regional Council initially, however it will be possible to shift its location in the future if necessary or desirable for any reason.

## **Funding**

The establishment agreement provides that the Civil Defence Emergency Management Group will agree a work programme and budget for recommendation to each member local authority in each year. It also provides that the Civil Defence Emergency Management Group will recommend a funding formula to the member authorities based on population to fund this work programme.

For the avoidance of doubt, the establishment agreement explicitly states that the Civil Defence Emergency Management Group shall not have the power to make funding decisions that are binding on member authorities. This is in line with the provisions of the Act (section 16). The level of funding committed by each authority shall be determined through that authority's Annual Plan process.

## **Authority to Enter into Contracts**

It is proposed that authority to enter into contracts on behalf of the Civil Defence Emergency Management Group be delegated to the Auckland Regional Council, being the member of the Group that will establish and manage the Emergency Management Office, or to any member of the Civil Defence Emergency Management Group that subsequently assumes responsibility for managing the Emergency Management Office. The establishment document gives authority to the Auckland Regional Council to enter into contracts up to \$150,000 (net of GST) without further reference to the Civil Defence Emergency Management Group, if the goods or services being purchased are provided for in the Civil Defence Emergency Management Group's work programme and budget. If the amount is greater than \$150,000 (net of GST), or the goods and services to be procured are not in the work programme and budget, the Civil Defence Emergency Management Group must approve the expenditure by resolution prior to the Auckland Regional Council entering into the contract. In a State of Emergency, contracts may be entered into on behalf of the Civil Defence Emergency Management Group by the Controller or a member of the Police, in accordance with the provisions of Section 90 of the Act.

The provisions relating to entering into contracts during non-emergency periods are proposed for two reasons. Firstly, it is administratively and financially much more efficient to use the existing human resource, payroll, contractual and purchasing infrastructure of one of the member Council's than it is to create a stand alone infrastructure for the Civil Defence Emergency Management Group. Secondly, there is some legal doubt as to whether a joint committee has the legal standing to enter into contracts. While the Civil Defence Emergency Management Group has under the Act all power reasonably necessary for it to perform its functions, it has the legal status of a committee of a local authority, or in this case, a number of local authorities. It does not have the status of an incorporated entity. As the Civil Defence Emergency Management Group can delegate its powers to members, it is considered appropriate to delegate the power to enter into contracts to remove any question in this regard.

## **RESOURCES**

Resourcing for the Auckland Region Civil Defence Emergency Management Group is being considered as part of the Council's Annual Plan process. The actions recommended in this report are required by law and in themselves do not require additional resourcing to that currently allocated to Civil Defence Emergency Management activities.

## **CONCLUSION**

Council is required by law to join with the other local authorities in the region in establishing an Auckland Region Civil Defence Emergency Management Group, and to appoint a representative to that group. Appropriate documentation to establish the Group has been prepared. Officers are proposing that the following recommendations be made to Council:

1. *That the information be received.*
- AI - A17 2. *That the Auckland Region Civil Defence Emergency Management Group be established as a joint committee of the Auckland City Council, the Auckland Regional Council, the Franklin District Council, the Manukau City Council, the North Shore City Council, the Papakura District Council, the Rodney District Council and the Waitakere City Council in accordance with section 114S of the Local Government Act 1974 and section 12 of the Civil Defence Emergency Management Act 2002, with the functions and powers proscribed in the Civil Defence Emergency Management Act 2002 and the Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers document set out at pages A1 to A17.*
- AI - A17 3. *That the Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers document set out at pages A1 to A17 be adopted as the Establishment Agreement, Functions and Powers of the Auckland Region Civil Defence Emergency Management Group and that approval be given for the document to be executed under common seal.*
4. *That should the Franklin District Council choose to join the Waikato Region Civil Defence Emergency Management Group, the Chief Executive be authorised to amend the Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers document accordingly and have it executed under common seal.*
5. *That Councillor Battersby be appointed to the Auckland Region Civil Defence Emergency Management Group as this Council's representative under section 13(4) of the Civil Defence Emergency Management Act 2002 with delegated authority to act on the Council's behalf in terms of the Council's functions and powers under the aforementioned Act and the provisions of the Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers document.*
6. *That Councillor Dallow be appointed as this Council's alternate representative to the Auckland Region Civil Defence Emergency Management Group in accordance with clause 6.5 of the Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers document, to represent Council on the Group with the delegated authority given under 5 above when Councillor Battersby is unable to fulfill their role.*

### **RECOMMENDATIONS**

1. That the information be received.
2. That the Emergency Services Special Committee provide comment to officers on the *Auckland Region Civil Defence Emergency Management Group Establishment Agreement, Functions and Powers* document and related issues, in order for incorporation of them into the report to Council.

Report prepared by: Ross McLeod, Director: Corporate and Civic Services.



**3 AUCKLAND REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP - FUNDING ARRANGEMENTS FOR 2003/2004**

**PURPOSE OF THE REPORT**

The purpose of this report is to provide the Emergency Services Special Committee with an update on discussions between member councils of the Auckland Region Civil Defence Emergency Management Group (hereinafter "CDEMG") relating to funding arrangements for the 2003/2004 year, and to provide an opportunity for the Committee to give Councillor Battersby (as the Council's representative on the Auckland Region Civil Defence Emergency Management Group) and staff guidance in relation to the issues arising out of these discussions.

**BACKGROUND**

The Civil Defence Emergency Management Act (hereinafter 'The Act') commenced on 1 December 2002. The Act puts in place a new legislative framework for civil defence emergency management, a significant part of which is a regional focus for civil defence emergency management arrangements.

The Act requires each regional council, and all territorial local authorities within that region, to unite to establish a Auckland Region Civil Defence Emergency Management Group, within six months of the date of commencement of the Act. The Auckland Region Civil Defence Emergency Management Group will have principal responsibility for civil defence emergency management planning and activities within each region.

Planning to meet the requirements of the Act is well underway in the Auckland region. An accompanying report on this agenda addresses the formal establishment of the Auckland Region Civil Defence Emergency Management Group. Alongside the establishment, funding of Auckland Region Civil Defence Emergency Management Group activities on a regional basis is a key issue that requires to be resolved among the local authorities of the Auckland region.

**STRATEGIC CONTEXT**

Civil defence emergency management is a function in which local authorities are statutorily required to participate. Civil defence emergency management activities contribute to community wellbeing by reducing the risk and likely impact of disasters and emergency events, readying and building community resilience to impacts of such events, developing Council's and the region's capabilities to respond to emergency events, and developing the region's recovery capability. Given the inter-connected urban nature of the Auckland region, there are good reasons for a regional approach to civil defence emergency management.

**ISSUES**

Discussions regarding funding arrangements for the Auckland Region Auckland Region Civil Defence Emergency Management Group for the 2003/2004 financial year have been occurring for a number of months. There are two key components in discussions around funding arrangements.

The first relates to the quantum of funding required for civil defence emergency management activities. At its December 2002 meeting, the committee considered the proposed work programme and budget put forward by the existing Auckland Region Civil Defence Emergency Management Group (which has been operating as a committee of the Auckland Regional Council for a number of years). The committee was generally supportive of the proposed work programme (while raising specific queries to be addressed by the Auckland Region Civil Defence Emergency Management Group and the Coordinating Executive Group), and recommended for consideration as part of Waitakere City Council's Annual Plan process, the Waitakere City portion of the work programme and budget.

The second issue relating to funding is that of the apportionment of costs across the eight local authorities within the Auckland region. This has been a source of some debate over the last two years. In previous years, the Auckland Regional Council has met the significant majority of costs associated with regional civil defence emergency management activities. While the Act was being developed, there was debate between regional councils and other bodies at both the national and regional level, on whether the structure for Auckland Region Civil Defence Emergency Management Group's under the Act should be a joint committee of all the local authorities, or a committee of the Regional Council. The Auckland Regional Council, for reasons that are still not clear to this Council, linked the issue of structure to the issue of funding, as has been reported to this Committee previously on a number of occasions. In the end, Parliament determined that joint committees of all local authorities involved would be used as the structure for each Auckland Region Civil Defence Emergency Management Group.

Following this decision, a funding model, largely promoted by the Auckland Regional Council, and yet to be formally adopted by either the Coordinating Executive Group or the existing Auckland Region Civil Defence Emergency Management Group, has been promoted and used as a basis for proposed apportionment of costs in the 2003/2004 financial year. The funding allocation and its implications for 2003/2004 (as reported in December 2002) are as follows:

Council	Population	Population %	Share of costs	Comment
ARC	1173021	100	\$68,867	16% Total
RDC	76,182	6.5	\$23,481	84% balance of CDEMG costs apportioned per-capita across councils
NSCC	184,821	15.8	\$56,966	
WCC	168,750	14.4	\$52,013	
ACC	367,734	31.3	\$113,345	
MCC	283,200	24.1	\$87,289	
PDC	40,665	3.5	\$12,534	
FDC	51,669	4.4	\$15,926	
	<b>1,173,021</b>	<b>100.0</b>	<b>\$430,421</b>	

The effect of the funding allocation formula is to significantly reduce the proportion of funding that the Auckland Regional Council is contributing and increase the proportion of funding coming from the territorial local authorities across the Auckland region.

Since the Committee made its recommendation to the Annual Plan process in December 2002, there have been a number of discussions relating to funding apportionment, on which it is timely to update the Committee.

The most significantly hit of the local authorities by the funding formula, is Auckland City Council. They have questioned the funding allocation on a number of fronts, including a perceived inequity between the amount of funding from each local authority and the voting powers of each authority, and the reduction in funding by the Auckland Regional Council, with its consequential increased burden on other local authorities, in particular Auckland City.

The options raised by Auckland City to resolve its concerns, include altering the voting powers of the members of the Auckland Region Civil Defence Emergency Management Group (which appears to be prohibited by legislation), all local authorities paying an eighth of the funding requirement (which would appear to be prohibitive for the smaller local authorities), or an increase in the funding contribution to be made by the Auckland Regional Council. Currently, the Auckland Regional Council appears to be rejecting any increase in its funding contribution.

The situation that now faces the region is one of a potential impasse, if neither Auckland City Council nor the region will shift their positions. This could result in the work programme for civil defence emergency management activities having to be trimmed.

It appears that some middle ground needs to be found in order to resolve this potential impasse. The position of this Council has been, and continues to be, that a significant proportion of the funding requirement should be raised by way of regional rate, and that the remainder of the funding requirement should be allocated in a way so that each individual ratepayer is paying approximately an equal and fair share. The Committee recommended that Council consider paying its contribution under the funding formula as the quantum of funds was considered reasonable, and it was seen as a way of gaining regional agreement, even though Waitakere does not agree with the basis of the formula.

The proposal from Auckland City for an eighth share for every council, does not achieve this fairness criteria, as ratepayers in Auckland City (having a much larger population) would be paying a far lesser amount for civil defence emergency management than ratepayers in other areas.

The way forward in this issue would appear to involve getting both the Auckland City Council and the Auckland Regional Council to reconsider their apparently entrenched and extreme positions. Discussions are proceeding at the Coordinating Executive Group to try to come up with some options around this, but it would seem useful to get the Chairperson, on behalf of the Council, to work both informally, and formally (through Annual Plan submissions), to try to get the Regional Council and Auckland City Council to shift their positions. While Waitakere City Council has been raising the issue of their proposed reduction in funding contribution with the Auckland Regional Council for some time with little success, it would seem useful to make a concerted effort now that other parties have become equally entrenched.

The preferred option would be to try to influence the Auckland Regional Council to increase their level of funding from 16% of the funding requirement to somewhere in the range of 40% to 60%. This would lessen the impact on other territorial local authorities. At the same time, it would seem reasonable to attempt to get the Auckland City to shift their position on the relationship between funding and voting rights, to the extent that the region's ratepayers should pay an approximately equal share of the funding contribution required. The recommendations set out below have been framed in such a way to allow the Chairperson to take this action on behalf of the Council. Guidance is also sought on what action the Council should take in relation to its funding contribution, should other Councils not pay their full contribution as provided for under the funding formula.

## **RESOURCES**

No resources other than the time of the Chairperson and the staff supporting him are required in order to carry out this work. These resources are provided for in the existing Council work programme.

## **CONCLUSION**

Currently there is a potential impasse around funding apportionment for regional civil defence emergency management activities for the 2003/2004 financial year. It is proposed that Waitakere City Council work through the Chairperson of this Committee and its officers, to try and resolve this impasse. Recommendations to enable this are set out below.

### RECOMMENDATIONS

1. That the information be received.
2. That Council formally adopt the position on the apportionment of costs for regional civil defence emergency management activities as outlined in the report.
3. That the Chairperson of the Emergency Services Special Committee, supported by appropriate staff, be authorised to work to help resolve issues relating to apportionment of costs for civil defence emergency management activities in the Auckland region, on the basis of Council's position as set out in this agenda report, and that this work include:
  - Informal discussions with relevant parties.
  - Formal submissions to the Annual Plan processes of the Auckland Regional Council, the Auckland City Council, and any other relevant parties if necessary.

Report prepared by: Ross McLeod, Director: Corporate and Civic Services.



# **Auckland Region Civil Defence Emergency Management Group**

**Establishment Agreement, Functions and Powers**

**AUCKLAND CITY COUNCIL**

**AUCKLAND REGIONAL COUNCIL**

**FRANKLIN DISTRICT COUNCIL**

**MANUKAU CITY COUNCIL**

**NORTH SHORE CITY COUNCIL**

**PAPAKURA DISTRICT COUNCIL**

**RODNEY DISTRICT COUNCIL**

**WAITAKERE CITY COUNCIL**

## TABLE OF CONTENTS

	PAGE
1 PARTIES .....	1
2 DEFINITIONS .....	1
3 TERM OF AGREEMENT .....	2
4 PURPOSE OF AGREEMENT .....	2
5 PURPOSES OF THE ACT .....	2
6 ESTABLISHMENT AND MEMBERSHIP OF THE GROUP .....	3
7 REPRESENTATIVES TO HAVE FULL DELEGATED AUTHORITY .....	4
8 MEMBERSHIP IN EVENT OF LOCAL GOVERNMENT REORGANISATIONS .....	4
9 REQUIREMENT TO MAINTAIN THE GROUP .....	4
10 FUNCTIONS OF THE GROUP .....	5
11 POWERS OF THE GROUP .....	7
12 DUTY TO APPOINT PERSON WHO MAY DECLARE STATE OF LOCAL EMERGENCY .....	7
13 APPOINTMENT OF GROUP CONTROLLER .....	8
14 APPOINTMENT OF LOCAL CONTROLLERS .....	8
15 DUTY TO PREPARE, APPROVE AND REVIEW CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP PLAN .....	8
16 RESPONSIBILITIES OF MEMBERS .....	9
17 POWERS OF MEMBERS .....	9
18 MEETINGS .....	10
19 CHAIRPERSON AND DEPUTY CHAIRPERSON .....	10
20 CASTING VOTE .....	10
21 ADMINISTERING AUTHORITY .....	11
22 EMERGENCY MANAGEMENT OFFICE .....	11
23 CO-ORDINATING EXECUTIVE GROUP .....	11
24 FUNDING .....	12
25 ENTERING CONTRACTS .....	13
26 ARBITRATION .....	14
27 GOOD FAITH .....	14
28 VARIATIONS .....	14

# **AUCKLAND REGION CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP - ESTABLISHMENT AGREEMENT, FUNCTION AND POWERS**

## **1 PARTIES**

Each of the following local authorities is a party to this agreement and member of the Auckland Region Civil Defence Emergency Management Group:

Auckland City Council  
Auckland Regional Council  
Franklin District Council  
Manukau City Council  
North Shore City Council  
Papakura District Council  
Rodney District Council  
Waitakere City Council

## **2 DEFINITIONS**

In this agreement:

- 2.1 "Act" means the Civil Defence Emergency Management Act 2002.
- 2.2 "Auckland Region" means the Auckland Region as defined in the Local Government (Auckland Region) Reorganisation Order 1989.
- 2.3 "Co-ordinating Executive Group" means the Co-ordinating Executive Group to be established under clause 23 of this agreement and Section 20 of the Act.
- 2.4 "Emergency Management Office" means Emergency Management Office to be established under clause 22 of this agreement.
- 2.5 "Group" means the Auckland Region Civil Defence Emergency Management Group.
- 2.6 "Group Controller" means a person appointed under clause 13 of this agreement and Section 26 of the Act as a group controller.
- 2.7 "Member" means a Local Authority that is a member of the Group or any civil defence emergency management group, as the context may require.
- 2.8 "Party" means a party to this agreement.
- 2.9 "Response Zone" means one of three response zones defined in the Auckland Region Civil Defence Emergency Management Group, being the "Central Response Zone" (comprising the Auckland City), the "North-West Response Zone" (comprising North Shore City, Rodney District and Waitakere City) and the Counties - Manukau Response Zone (comprising Manukau City, Papakura District and Franklin District).

### **3 TERM OF AGREEMENT**

- 3.1 This agreement shall commence once all the parties to this agreement have executed this agreement under common seal.
- 3.2 This agreement shall expire on the date on which the Act is repealed or on any other date specified in an enactment.

### **4 PURPOSE OF AGREEMENT**

- 4.1 The purposes of this agreement are to:
- (a) provide for the establishment of the Group in fulfilment of the parties' obligations under section 12 of the Act; and
  - (b) set out the functions, powers, and duties of the Group and members; and
  - (c) provide for the administrative arrangements of the Group.

### **5 PURPOSES OF THE ACT**

- 5.1 The purposes of the Act to which the Group is to have regard are to:
- (a) improve and promote the sustainable management of hazards (as that term is defined in the Act) in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property; and
  - (b) encourage and enable communities to achieve acceptable levels of risk (as that term is defined in the Act), including, without limitation,
    - (i) identifying, assessing, and managing risks; and
    - (ii) consulting and communicating about risks; and
    - (iii) identifying and implementing cost-effective risk reduction; and
    - (iv) monitoring and reviewing the process; and
  - (c) provide for planning and preparation for emergencies and for response and recovery in the event of an emergency; and
  - (d) require local authorities to co-ordinate, through regional groups, planning, programmes, and activities related to civil defence emergency management across the areas of reduction, readiness, response, and recovery, and encourage co-operation and joint action within those regional groups; and

- (e) provide a basis for the integration of national and local civil defence emergency management planning and activity through the alignment of local planning with a national strategy and national plan; and
- (f) encourage the co-ordination of emergency management, planning, and activities related to civil defence emergency management across the wide range of agencies and organisations preventing or managing emergencies under the Act and the other Acts listed in clause 10 of this agreement.

## **6 ESTABLISHMENT AND MEMBERSHIP OF THE GROUP**

- 6.1 Pursuant to section 12 of the Act, and section 114S of the Local Government Act 1974, the parties, each having so resolved in accordance with Section 114S of the Local Government Act 1974, hereby establish the Auckland Region Civil Defence Emergency Management Group as a joint Standing Committee.
- 6.2 Franklin District Council, whose district is in the area of both the Auckland Regional Council and the Waikato Regional Council, has chosen to become a member of the Auckland Region Civil Defence Emergency Management Group. This choice is irrevocable under section 14(3) of the Act.
- 6.3 Under section 13(1) of the Act every party to this agreement must be a member of the Group.
- 6.4 The members of the Group will be the Auckland Regional Council and the following territorial local authorities: Auckland City Council, Franklin District Council, Manukau City Council, North Shore City Council, Papakura District Council, Rodney District Council, Waitakere City Council. Each member is to be represented on the Group by one person only, being an elected representative appointed by that local authority in accordance with Section 15(4) of the Act.
- 6.5 Each member shall also appoint an alternate representative to act in the absence of the representative appointed under 6.4 above. An alternate representative must be an elected person from that territorial authority or regional council under section 13(4) of the Act.
- 6.6 Under section 114S(4) of the Local Government Act 1974 the powers to discharge any representative on the Group and appoint his or her replacement shall be exercisable only by the member that appointed the representative being discharged.
- 6.7 The members of the Group wish to provide for other organisations and agencies involved in or contributing to Civil Defence Emergency Management in the Auckland Region to be able to be represented on the Group in an observer capacity. Observers are to be represented by one representative who shall be appointed by the observer organisation and shall be accorded speaking rights at meetings (but not voting rights). The Group may extend observer status to any organisations and agencies as it sees fit.

**A5**

## **7 REPRESENTATIVES TO HAVE FULL DELEGATED AUTHORITY**

- 7.1 Each member agrees to confer full delegated authority on its representative and alternate representative on the Group to exercise the functions, powers, and duties of members under the Act.
- 7.2 At meetings of the Group each member's representative is to have full authority to vote and make decisions on behalf of that member without further recourse to that member except in relation to the ability to commit the member in terms of funding of Group activities unless specifically authorised to do so by resolution of that member.
- 7.3 For the avoidance of doubt, the Group is unable to bind members in terms of funding group activities. Such decisions remain the responsibility of each local authority through their respective Annual Plan processes.

## **8 MEMBERSHIP IN EVENT OF LOCAL GOVERNMENT REORGANISATIONS**

- 8.1 If a local government reorganisation-
- (a) creates new regional councils or unitary authorities; or
  - (b) redraws boundaries between regional councils or unitary authorities, or between regional councils and unitary authorities; or
  - (c) extends the area of a territorial authority into the area of another regional council or unitary authority,
- in a way that affects any party, then that party shall comply with section 22 of the Act.

## **9 REQUIREMENT TO MAINTAIN THE GROUP**

- 9.1 In accordance with section 12(2) of the Act, section 114P(5) of the Local Government Act 1974 must not be read as permitting any member to discharge or reconstitute the Group.
- 9.2 Upon members' representatives on the Group being discharged under section 114R(3) of the Local Government Act 1974, members shall as soon as practicable re-appoint representatives to the Group with the same delegated functions, duties and powers as their predecessors.

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## 10 FUNCTIONS OF THE GROUP

10.1 As set out in Section 17(1) the functions of the Group, and of a member of the Group, are to-

- (a) in relation to relevant hazards and risks,-
  - (i) identify, assess, and manage those hazards and risks; and
  - (ii) consult and communicate about risks; and
  - (iii) identify and implement cost-effective risk reduction:
- (b) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in the Auckland Region; and
- (c) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in the Auckland Region; and
- (d) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, capability to respond to and manage the adverse effects of emergencies in the Auckland Region; and
- (e) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of capability to carry out recovery activities; and
- (f) when requested, assist other civil defence emergency management groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the Auckland Region and any other requests for assistance from other civil defence emergency management groups); and
- (g) within the Auckland Region, take steps to promote and raise public awareness of, and compliance with, the Act and legislative provisions relevant to the purpose of the Act; and
- (h) monitor and report on compliance within the Auckland Region with the Act and legislative provisions relevant to the purpose of the Act; and
- (i) develop, approve, implement, and monitor the Auckland Civil Defence Emergency Management Group plan and regularly review the plan; and
- (j) participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan; and

A7

- (k) promote civil defence emergency management in the Auckland Region that is consistent with the purpose of the Act.
- 10.2 The Group also has any other functions that are conferred or imposed by or under the Act or any other enactment.
- 10.3 For the purposes of clause 10.1(g) and (h) of this agreement, legislative provisions relevant to the purpose of the Act include, but are not limited to, the provisions in the following Acts that may be relevant to civil defence emergency management:
- (a) Biosecurity Act 1993; and
  - (b) Building Act 1991; and
  - (c) Fire Service Act 1975; and
  - (d) Forest and Rural Fires Act 1977; and
  - (e) Hazardous Substances and New Organisms Act 1996; and
  - (f) Health Act 1956; and
  - (g) Health and Safety in Employment Act 1992; and
  - (h) Local Government Act 1974; and
  - (i) Maritime Transport Act 1994; and
  - (j) Resource Management Act 1991; and
  - (k) any enactment passed in substitution for any of the Acts in paragraphs (a) to (j).

## **11 POWERS OF THE GROUP**

- 11.1 As set out in Section 18(1) of the Act, the Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions (as set out in 10 above) to members, the Group Controller, or any other person.
- 11.2 Without limiting the generality of clause 15.1 of this agreement, the Group may-
- (a) recruit and train volunteers for civil defence emergency management tasks; and
  - (b) conduct civil defence emergency management training exercises, practices, and rehearsals; and
  - (c) issue and control the use of signs, badges, insignia, and identification passes authorised under the Act, regulations made under the Act, or its civil defence emergency management plan; and
  - (d) provide, maintain, control, and operate warning systems; and
  - (e) provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency; and
  - (f) exercise any other powers that are necessary to give effect to its civil defence emergency management plan.

## **12 DUTY TO APPOINT PERSON WHO MAY DECLARE STATE OF LOCAL EMERGENCY**

- 12.1 In accordance with section 25 of the Act, the Group must appoint at least one elected representative of a member of the Group as a person authorised to declare a state of local emergency for the Auckland Region.
- 12.2 It is the intention of the Group to nominate additional members authorised to declare a state of local emergency for the Auckland Region to act, in sequence, in the absence of other named person.
- 12.3 In accordance with section 25(5) of the Act, the Mayor of a territorial authority or an elected member of the territorial authority designated to act on behalf of the Mayor or if the Mayor is absent, may declare a state of local emergency that covers the district of that territorial authority.

### **13 APPOINTMENT OF GROUP CONTROLLER**

- 13.1 In accordance with section 26 of the Act, the Group shall appoint either by name or by reference to the holder of an office:
- (a) a suitably qualified and experienced person to be the Group Controller for the Auckland Region; and
  - (b) a number of suitably qualified and experienced persons to exercise the functions, powers and duties of the Group Controller in the event of a vacancy in the office of Group Controller, or an absence from duty of the Group Controller.
- 13.2 A person appointed under clause 13.1 of this agreement shall have the functions set out in section 28 of the Act.

### **14 APPOINTMENT OF LOCAL CONTROLLERS**

- 14.1 In accordance with section 27 of the Act, the Group may appoint one or more persons to be a Local Controller.
- 14.2 It is the intention of the Group that, unless a territorial authority or response zone indicates otherwise, Local Controllers be appointed for each territorial authority in the Group.
- 14.3 Where all the territorial authorities in a response zone agree, a local controller or controllers may be appointed to a response zone.
- 14.4 Further, it is agreed by members that the number of Local Controllers to be appointed for each territorial authority or response zone (as the case may be), and the actual persons to be appointed, shall be appointed by the group on the recommendation of the particular territorial authority or response zone, provided that such a recommendation is forthcoming within three months of the adoption of this agreement, and subsequently within three months of any position of Local Controller becoming vacant. If a recommendation is not forthcoming within the three month period outlined above, the Group may appoint a suitably qualified and experienced person or persons as it sees fit.

### **15 DUTY TO PREPARE, APPROVE AND REVIEW CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP PLAN**

- 15.1 The Group must prepare, approve and review a civil defence emergency management group plan in accordance with the Act.

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## **16 RESPONSIBILITIES OF MEMBERS**

16.1 Each member of the Group will:

- (a) appoint one elected representative each to the Group in accordance with clause 6.4 of this agreement; and
- (b) appoint one elected representative each as an alternate to the elected representative appointed under 16.1(a) above; and
- (c) appoint its chief executive officer or a senior manager to the Coordinating Executive Group (CEG); and
- (d) appoint a senior manager as an alternate representative to the representatives appointed under 16.1(c); and
- (e) participate in the preparation of and agree to the civil defence emergency management group plan for the Auckland Region; and
- (f) contribute technical expertise and resources to maintain an effective group and local level response capability; and
- (g) provide to the Group the information or reports that may be required by the Group for emergency management purposes.

16.2 Each territorial authority member of the Group will be responsible for the reduction, readiness, response and recovery arrangements required of it under the Act, the civil defence emergency management group plan and or otherwise agreed by the Group, to the standards agreed by the Group.

## **17 POWERS OF MEMBERS**

17.1 Each member of the Group may:

- (a) acquire, hold, and dispose of real or personal property for the use of the Group; and
- (b) remunerate its representative or alternate representative on the Group for the cost of that person's participation in the Group; and
- (c) exercise any powers or functions conferred on a member under the Act.
- (d) employ staff on behalf of the Group, if so agreed by the Group.

## **18 MEETINGS**

- 18.1 The New Zealand Standard for model standing orders (NZS 9202: 2001), or any New Zealand Standard substituted for that standard, will be used to conduct Group meetings as if the Group were a local authority and the principal administrative officer of the administering authority were its principal administrative officer. Representatives of members of the Group may agree to amend these Standing Orders or use other standing orders only in accordance with section 19(1) of the Act.
- 18.2 The Group shall hold all meetings at such times and place(s) as agreed for the performance of the functions, duties and powers delegated under this agreement.
- 18.3 The quorum shall consist of five (5) members.
- 18.4 Each member has one vote.

## **19 CHAIRPERSON AND DEPUTY CHAIRPERSON**

- 19.1 On the constitution or reconstitution of the Group members shall elect a Group Chairperson and Deputy Chairperson;
- 19.2 The Group's Chairperson and Deputy Chairperson will hold office for a term from the date of establishment of the Group under this document until the first meeting of the Group following the 2004 Local Government Triennial Election. The normal term for the office of Chairperson and Deputy Chairperson shall be three years, being from the first meeting of the Group following the Local Government Triennial Election until the first meeting of the Group following the subsequent Local Government Election. The term of office of an appointed chairperson or deputy chairperson ends if that person ceases to be a representative of a member of the Group.

## **20 CASTING VOTE**

- 20.1 The Chairperson shall have a deliberative vote and a casting vote in the event of an equality of deliberative votes on any issue.
- 20.2 As general statements of principle, the following shall apply:
- (a) the casting vote is to be used in the best interests of the Auckland Region represented by members considered together; and
  - (b) the casting vote is to be used in the best interests of all members considered together.
- 20.3 Members shall use their best endeavours to avoid use of a casting vote by obtaining consensus.
- 20.4 The casting vote shall not be used unreasonably in favour of one member.

**A12**

## **21 ADMINISTERING AUTHORITY**

- 21.1 Under the section 23 of the Act the administering authority for the Group is the Auckland Regional Council.
- 21.2 Under section 24(2) of the Act the administrative and related services referred to in clause 21.1 of this agreement include services required for the purposes of the Local Government Act 1974, the Act, or any other Act, regulation, or bylaw that applies to the conduct of the joint standing committee under section 114S of the Local Government Act 1974.
- 21.3 The costs for the provision of administrative and related services that may be required of the administering authority under section 24 of the Act are to be met by members of the Group in accordance with the funding formula to be agreed under clause 24.3 below.

## **22 EMERGENCY MANAGEMENT OFFICE**

- 22.1 The Group agrees that the Auckland Regional Council will establish and manage on behalf of the Group, an Emergency Management Office. This may be reviewed and changed by the Group from time to time.
- 22.2 The Emergency Management Office may carry out such functions as are assigned to it by the Group.
- 22.3 The Auckland Regional Council will employ staff for the Emergency Management Office as authorised by the Group and to manage the office's expenditure in accordance with the principles of the Local Government Act 1974 and amendments. The Office shall be established in such a manner so as to make costs of the office transparent to members and limited to those costs which relate to activities authorised by the Group.

## **23 CO-ORDINATING EXECUTIVE GROUP**

- 23.1 In accordance with section 20 of the Act the Group will establish and maintain a Co-ordinating Executive Group consisting of:
- (a) the chief executive officer of each member or a senior person acting on that person's behalf; and
  - (b) a senior representative of the police assigned for the purpose by the Commissioner of Police; and
  - (c) a senior representative of the fire service assigned for the purpose by the National Commander; and
  - (d) the chief executive of each of the district health boards operating in Auckland, or a person acting on their behalf;
  - (e) any other persons that may be co-opted by the Group.

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23.2 The functions of the Co-ordinating Executive Group shall include:

- (a) providing advice to the Group and any committees or subcommittees of the Group; and
- (b) co-ordinating and overseeing as appropriate the implementation of decisions of the Group by the Emergency Management Office or by individual members; and
- (c) overseeing the implementation, development, maintenance, monitoring, and evaluation of the civil defence emergency management group plan.

## 24 FUNDING

- 24.1 Each territorial authority member of the Group will be responsible for funding the reduction, readiness, response and recovery arrangements required in its district.
- 24.2 The Group shall agree a budget and work programme every year. The budget shall be prepared by the Co-ordinating Executive Group and approved by the Group at a meeting conducted in accordance with clause 18 of this agreement. The Group will then consult with member authorities on the work programme and budgets, before finalising the budget and work programme.
- 24.3 The agreed Group budget will be met by the members of the Group via a funding formula to be agreed by the Group. The formula can be reviewed by a majority decision by the Group, notwithstanding the right of each Council to determine its funding contribution through its own annual plan process.
- 24.4 The budget and work programme shall be subject to approval by each member. For the avoidance of doubt, the Group is not able to compel members to fund aspects of the work programme.

## 25 ENTERING CONTRACTS

- 25.1 The parties agree that the Auckland Regional Council, or any other member operating the Emergency Management Office subsequent to the Auckland Regional Council, may exercise the functions, powers and duties of the Group in relation to contracts for the provision of any goods or services up to a value of \$150,000 (net of Goods and Services Tax) without further reference to the Group, provided that such goods and services are provided for in the adopted Group budget and work programme for that year. Any contract which is for greater than this amount or which is not provided for within the work programme and budget shall require approval by the Group by resolution prior to the Auckland Regional Council entering into that contract on behalf of the Group.
- 25.2 Contracts entered into by the Auckland Regional Council (or any other member entering into contracts on the Groups behalf) that are of more than \$50,000 in value (net of GST) shall be reported to the next meeting of the Group for information.
- 25.3 The Auckland Regional Council will enter into contracts under clause 25.1 in its own name rather than the name of all members of the Group, notwithstanding that the contract is for the purposes of performing the functions, powers and duties of the Group.
- 25.4 Any financial liability which the Auckland Regional Council assumes under a contract entered into under clause 25.1 is to be met from the Group budget.
- 25.5 The Auckland Regional Council will use its own procurement processes to enter into contracts under Clause 25.1, providing such processes comply with any statutory requirements relating to contracting by local government agencies.
- 25.6 Ownership of copyright in any reports or other work commissioned by the Auckland Regional Council under clause 25.1 shall vest in the members jointly.
- 25.7 During a state of emergency contracts may be entered into on behalf of the Group by the persons set out in section 90 (1) of the Act and in accordance with the provisions of section 90 of the Act.

A15

## **26 ARBITRATION**

- 26.1 Any dispute arising out of the interpretation of this agreement, including any question regarding its existence, validity or termination, shall be referred to arbitration.
- 26.2 If the parties are unable to agree upon the appointment of a single arbitrator within five (5) working days of the receipt by the principal administrative officer of written notification of the desire of a party to have a dispute arbitrated, or if any arbitrator agreed upon refuses or fails to act within fourteen days of his or her appointment then any party may request the President for the time of the Auckland District Law Society to appoint an arbitrator and the arbitration shall be carried out in accordance with the Arbitration Act 1996.
- 26.3 In this clause time shall be of the essence and the parties agree to be bound by any decision, determination or award given pursuant to the provisions hereof.

## **27 GOOD FAITH**

- 27.1 In the event of any circumstances arising that were unforeseen by the parties at the time of entering into of this agreement the parties hereby record their intention that they will negotiate in good faith to add to or vary this agreement so to resolve the impact of those circumstances in the best interests of:
- (a) the members of the Group collectively ; and
  - (b) the Auckland Regional community represented by the members of the Group collectively.

## **28 VARIATIONS**

- 28.1 Any member may propose a variation, deletion or addition to this agreement by putting the wording of the proposed variation, deletion or addition to a meeting of the Group
- 28.2 Once a proposed variation, deletion or addition to this agreement has been put to the Group, this agreement is not amended until each member executes under common seal a written amendment to the agreement giving affect to the proposed variation, deletion or addition.

**A16**

**EXECUTED** by the parties on the

day of

2003.

THE COMMON SEAL of the )  
AUCKLAND CITY COUNCIL )  
Was affixed in the presence of )

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THE COMMON SEAL of the )  
AUCKLAND REGIONAL COUNCIL )  
Was affixed in the presence of )

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THE COMMON SEAL of the )  
FRANKLIN DISTRICT COUNCIL )  
Was affixed in the presence of )

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THE COMMON SEAL of the )  
MANUKAU CITY COUNCIL )  
Was affixed in the presence of )

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THE COMMON SEAL of the )  
NORTH SHORE CITY COUNCIL )  
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THE COMMON SEAL of the )  
PAPAKURA DISTRICT COUNCIL )  
Was affixed in the presence of )

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THE COMMON SEAL of the )  
RODNEY DISTRICT COUNCIL )  
Was affixed in the presence of )

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THE COMMON SEAL of the )  
WAITAKERE CITY COUNCIL )  
Was affixed in the presence of )

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