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Committee Civil Defence Emergency Management Group  
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## Appointment of Recovery Managers and persons authorised to give Notice of a Local Transition Period

### 1. Purpose

To request the Wellington CDEM Group to appoint CDEM Group Recovery Managers and persons authorised to give notice of a local transition period.

### 2. Background

Section 29 of the recently amended Civil Defence Emergency Management Act 2002 (CDEM Act), requires a CDEM Group to appoint, either by name or reference to the holder of an office, a suitably qualified and experienced person to be the Group Recovery Manager for its area and to appoint at least one suitably qualified and experienced person to perform the functions and duties, and exercise the powers of the Group Recovery Manager if they are absent from duty for any reason.

Section 30 states that a CDEM Group may appoint one or more persons to be a Local Recovery Manager and to exercise the powers of the Group Recovery Manager in the area for which the Group Recovery Manager is appointed, including, but not limited to, the powers in sections 94H, 94I, and 94K to 94N.

#### ***94H General transition period powers***

*A Recovery Manager may—*

*(a) carry out or require to be carried out all or any of the following:*

*(i) works:*

*(ii) clearing roads and other public places:*

*(iii) examining and marking any property, animal, or any other thing:*

*(iv) removing or disposing of, or securing or otherwise making safe, dangerous structures and materials wherever they may be:*

*(b) provide for the conservation and supply of food, fuel, and other essential supplies:*

*(c) disseminate information and advice to the public.*

**94I Power to require information**

(1) A Recovery Manager may require any person to give the Recovery Manager information in accordance with section 76, as if a reference in that section to a Civil Defence Emergency Management Group were a reference to the Recovery Manager.

(2) The provisions of sections 76, 77, 82, and 83 apply to a requirement under subsection (1) as if it were a requirement by a Civil Defence Emergency Management Group under section 76(1).

**94J Minister's power of direction**

(1) This section applies if the Minister considers that, having regard to all the circumstances, it is expedient to exercise the power in subsection (2).

(2) If this section applies, the Minister may direct the Director or any Civil Defence Emergency Management Group or person—

(a) to perform any of the functions or duties or exercise any of the powers conferred on the Director, Group, or person under this Part; or

(b) to cease to perform any of the functions or duties or to exercise any of the powers conferred on the Director, Group, or person under this Part.

(3) If the Minister directs a person or a Civil Defence Emergency Management Group under this section, the Minister may direct that the functions or duties be performed or the powers be exercised under the control and to the satisfaction of the Director.

**94K Evacuation of premises and places**

Despite anything in section 94G, a Recovery Manager or a constable may, if necessary, in his or her opinion, for the preservation of human life, direct—

(a) the evacuation of any premises or place, including any public place:

(b) the exclusion of any persons or vehicles from any premises or place, including any public place.

**94L Entry on premises and places**

A Recovery Manager or a constable may enter, and if necessary break into, any premises or place if he or she believes on reasonable grounds that the action is necessary for—

(a) saving life, preventing injury, or rescuing and removing injured or endangered persons; or

(b) permitting or facilitating the carrying out of any urgent measure for the relief of suffering or distress.

**94M Closing roads and public places**

A Recovery Manager or constable may, in order to prevent, limit, or reduce the consequences of an emergency, totally or partially prohibit or restrict public access, with or without vehicles, to any road or public place.

**94N Power to give directions**

(1) A Recovery Manager or a constable may—

(a) direct any person to stop any activity that—

- (i) may cause, or substantially contribute to the consequences of, an emergency; or*
- (ii) may prevent or substantially hinder recovery from an emergency:*
- (b) request any person, either verbally or in writing, to take any action to prevent or limit or reduce the consequences of the emergency.*
- (2) A Recovery Manager or a constable may direct—*
- (a) the owner of a structure (or the owner’s agent) to obtain an assessment of the effect of the emergency (and any related subsequent events) on the structure;*
- (b) the owners of structures of a particular type (or the owners’ agents) to obtain assessments of the effect of the emergency (and any related subsequent events) on the structures of that type that they own.*
- (3) A person may not give a direction under subsection (2) unless the person has had regard to whether the structure or type of structure may, in the circumstances, pose a risk of injury or a risk to the safety of life or the safety of other property.*
- (4) A direction given under subsection (2) must—*
- (a) state the purpose of the assessment and specify the assessment that is required; and*
- (b) specify a reasonable time within which the assessment must be concluded; and*
- (c) require the owner (or the owner’s agent) to give a copy of the assessment to the person who gave the direction.*
- (5) An owner (or owner’s agent) who is given a direction under subsection (2) must—*
- (a) obtain the assessment, which must be conducted in accordance with the direction and at the owner’s expense; and*
- (b) give a copy of the assessment to the person who gave the direction.*
- (6) The owner (or the owner’s agent) may appeal to the District Court on the grounds that the direction is unreasonable.*
- (7) Section 77(2) and (3) applies in relation to an appeal under subsection (6) with any necessary modifications, and section 77(4) does not apply.*
- (8) Any relief that may be granted under subsection (6) is limited to the reasonable costs associated with obtaining the assessment.*

Section 25 of the CDEM Act has been amended to read as follows:

***Persons appointed and otherwise authorised to declare state of local emergency or give notice of local transition period***

- (1) A Civil Defence Emergency Management Group must appoint—*
- (a) at least 1 person as a person authorised to declare a state of local emergency for its area; and*
- (b) at least 1 person as a person authorised to give notice of a local transition period for its area.*
- (2) A person appointed under subsection (1) must be chosen from representatives of the members of the Group.*

**94B Notice of local transition period**

(1) A person who is authorised to give notice of a local transition period by being appointed for the purpose under section 25(1)(b) or otherwise authorised by section 25(4) or (5) may, after a state of emergency has been declared for the area of the Civil Defence Emergency Management Group concerned, give notice of a local transition period for the area of the Civil Defence Management Group concerned, or for 1 or more districts or wards within the area, if it appears to the person that a local transition period is required.

(2) After an emergency arises, for which a state of emergency has not been declared, a person who is appointed or otherwise authorised under section 25 to give notice of a local transition period may do so in accordance with subsection (1) with the approval of the Minister.

(3) After a state of emergency has been declared for the area of a Civil Defence Emergency Management Group, or after an emergency arises for which a state of emergency has not been declared, the Minister may give notice of a local transition period for the area or for 1 or more districts or wards within the area if—

(a) it appears to the Minister that a local transition period is required for the whole or any part of the area; and

(b) notice of a local transition period has not been given under subsection (1).

(4) Without limiting subsections (1) to (3), the Minister or the appointed or otherwise authorised person must not give notice of a local transition period unless satisfied that invoking the powers to manage, co-ordinate, or direct recovery activities is—

(a) in the public interest; and

(b) necessary or desirable to ensure a timely and effective recovery.

(5) In deciding whether a local transition period is required, the Minister or the appointed or otherwise authorised person must have regard to—

(a) the areas, districts, or wards affected by the emergency; and

(b) whether the focus of activities in any area, district, or ward is moving from response to recovery, including whether a state of emergency is about to expire or be terminated.

(6) The Minister must also have regard to the capacity of any Civil Defence Emergency Management Group and any local authority in any area, district, or ward affected by the emergency to carry out recovery activities.

(7) Before giving notice under subsection (3), the Minister must, in a manner the Minister considers appropriate, seek and consider comment from any affected Civil Defence Emergency Management Group and the Mayor of any affected local authority, unless—

(a) it is impracticable in the circumstances; or

(b) in the opinion of the Minister, the urgency of the situation requires the notice of transition to be given immediately.

(8) If notice of a local transition period is given under this section over—

(a) the whole area of a Civil Defence Emergency Management Group, any other local transition period already in force for 1 or more districts or wards within the area ceases to have effect:

*(b) a district within the area of a Civil Defence Emergency Management Group, any other local transition period already in force for 1 or more wards within the district ceases to have effect.*

*(9) After notice of a local transition period has been given for an area (the first area) in accordance with subsections (1) to (3), a further notice of a local transition period may be given, in accordance with those subsections, for another district or ward in the area of the relevant Civil Defence Emergency Management Group that is not affected by an emergency if it appears to the person giving notice that the resources of that other district or ward are needed to assist the first area.*

*(10) The fact that a person purporting to be authorised under section 25 gives notice of a local transition period is, in the absence of proof to the contrary, conclusive evidence that the person is authorised to do so.*

*(11) However, nothing in this section authorises notice of a local transition period to be given for any part of New Zealand while a national transition period is in force for that part.*

In the Wellington region CDEM Group Plan (2013 – 2018) the Wellington region CDEM Group Joint Committee delegated its authority to declare a state of local emergency under S.25 of the CDEM Act (2002) to the Chair of the CDEM Group Joint Committee and if unable, in the following order to the Chair of the Greater Wellington Regional Council or Mayors of Wellington City, Hutt City, Porirua City, Upper Hutt City, Kapiti Coast District, Masterton District, South Wairarapa District and Carterton District.

It is proposed that the authority for persons to give notice of a local transition period (S.25 and S.94B) be delegated in the same manner as for persons delegated the authority to declare a state of local emergency..

### **3. CDEM Group appointments**

The updated list of endorsements and appointments for the Group Recovery Manager (and alternates), Local Recovery Managers, and persons authorised to give notice of transition periods is proposed as follows:

<b>Recovery Managers S. 29 &amp; S.30</b>	
<b>CDEM Group</b>	Nigel Corry (Group Recovery Manager) Luke Troy Deborah Hume Dan Neely
<b>Wellington City</b>	Mike Mendonca (Local Recovery Manager) Paul Andrews Warren Ulusele Danny McComb
<b>Porirua City</b>	Tamsin Evans

<b>Kapiti Coast District</b>	Sarah Stevenson
<b>Lower Hutt City</b>	Kim Kelly
<b>Upper Hutt City</b>	Lachlan Wallach
<b>Wairarapa</b>	David Hopman (Masterton) Jennie Mitchell (South Wairarapa) Dave Gittings (Carterton)

<b>Persons authorised to give Notice of Transition Period S.25 &amp; S.94B</b>
1. CDEM Group Joint Committee Chair
2. Chair, Greater Wellington Regional Council
3. Mayor of Wellington City
4. Mayor of Lower Hutt City
5. Mayor of Porirua City
6. Mayor of Upper Hutt City
7. Mayor of Kapiti Coast District
8. Mayor of Masterton District
9. Mayor of South Wairarapa District
10. Mayor of Carterton District

#### **4. Comment**

Appointments are being made in accordance with the CDEM Act 2002 (amended in 2016) and the Wellington region Civil Defence Emergency Management Group Plan (2013 – 2018).

#### **5. Communication**

No further external communication is required.

#### **6. The decision-making process and significance**

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

##### **6.1 Significance of the decision**

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Owing to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

##### **6.2 Engagement**

Due to its procedural nature, no engagement on this matter has been undertaken.

## **7. Recommendations**

*That the CDEM Group:*

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Approves the following appointments of Recovery Managers:***
  - a. *Nigel Corry, Luke Troy, Deborah Hume and Dan Neely, CDEM Group*
  - b. *Mike Mendonca, Paul Andrews, Warren Ulusele and Danny McComb, Wellington City*
  - c. *Tamsin Evans, Porirua City*
  - d. *Sarah Stevenson, Kapiti Coast District*
  - e. *Kim Kelly, Lower Hutt City*
  - f. *Lachlan Wallach, Upper Hutt City*
  - g. *David Hopman, Masterton District*
  - h. *Jennie Mitchell, South Wairarapa District*
  - i. *Dave Gittings, Carterton District.*
4. ***Delegates the authority to give notice of a local transition period in the following order:***
  - a. *CDEM Group Joint Committee Chair*
  - b. *Chair, Greater Wellington Regional Council*
  - c. *Mayor of Wellington City*
  - d. *Mayor of Lower Hutt City*
  - e. *Mayor of Porirua City*
  - f. *Mayor of Upper Hutt City*
  - g. *Mayor of Kapiti Coast District*
  - h. *Mayor of Masterton District*
  - i. *Mayor of South Wairarapa District*
  - j. *Mayor of Carterton District.*

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