

TERMS OF REFERENCE FOR MINISTERIAL ADVISORY COMMITTEE ON EMERGENCY MANAGEMENT

Background

1. Māori continue to play a significant role in emergencies. NEMA – as steward of the emergency management system – seeks to better recognise and enable this role.
2. The CDEM Act is currently silent on the role of Māori in emergency management. This lack of recognition stands in stark contrast to comparable legislation (for example the Resource Management Act 1991 (RMA), and Local Government Act 2002 (LGA)), and does not reflect the ongoing development of the Māori-Crown relationship or the reality of ongoing, significant contributions of Māori to emergency management.
3. Moreover, in its November 2017 report, the Technical Advisory Group (TAG) found that:
 - although iwi are a significant source of social capital in a response, iwi participation in emergency management is not provided for in the legislation; and
 - the role played by iwi/Māori in emergency management is not sufficiently recognised, strategically or operationally.
4. NEMA's vision for emergency management is a system that is geared towards an inclusive, community-led response to natural disasters and emergencies including health events. The role of Māori is central to this vision.

NEMA working with Māori

5. NEMA has an ambitious work programme which includes regulatory reform. The Regulatory Reform work programme, known as the 'Trifecta,' will modernise the legal foundation of New Zealand's emergency management system. Alongside the Trifecta, NEMA is continuously improving its role as the steward of the emergency management system.
6. The Ministerial Advisory Committee will assist NEMA through its provision of advice to the Minister for Emergency Management directly, as well as to NEMA itself. The Ministerial Advisory committee will comprise considerable expertise in Māori emergency management and will reflect this in its advice.
7. As part of supporting an approach that actively demonstrates **partnership** NEMA looks to:
 - strengthen the Māori-Crown relationship
 - recognise, resource and reflect Māori contributions at all levels of the emergency management system
 - better recognise the contribution of mātauranga Māori.
8. Specifically, advice provided will mean that NEMA will be able to provide advice on regulatory, legislative and policy solutions to ensure that the emergency management system is responsive, inclusive and effective and recognises the role of Māori as Treaty partners.
9. As part of supporting an approach that enables **rangatiratanga** NEMA looks to improve its ability to enable Māori specific solutions. Specifically, advice provided will ensure that

there are no structural boundaries to enabling Māori leadership and engagement across the emergency management system.

10. As part of supporting an approach that enables the government to establish **kāwanatanga** NEMA looks to:
 - recognise, resource and reflect Māori contributions at all levels of the emergency management system
 - better recognises the contribution of mātauranga Māori
 - focus on achieving equity of outcomes for the Māori population.
11. Specifically, advice provided will strengthen the entire emergency management system.
12. As part of supporting an approach that delivers **oritetanga** NEMA looks to:
 - increase the responsiveness of the emergency management system by valuing the role Māori communities, marae, hapū, iwi and Māori organisations play
 - deliver improved outcomes for Māori citizens.
13. Specifically, advice provided will increase the responsiveness of the emergency management system to Māori.
14. Within the National Disaster Resilience Strategy, the following objective will be guided by the Ministerial Advisory Committee:

Build the relationship between emergency management organisations and iwi/groups representing Māori, to ensure greater recognition, understanding, and integration of iwi/Māori perspectives and tikanga in emergency management.

Ministerial Advisory Committee

Purpose

15. The purpose of the committee is to advise the Minister for Emergency Management on making the role of Māori central to the vision of an emergency management system that is geared towards an inclusive, community-led response to natural disasters and emergencies including health events. The committee will:
 - provide the Minister with independent expert advice
 - provide strategic advice on stakeholder engagement
 - facilitate engagement with stakeholders
 - review and comment on options, strategies and policies developed by NEMA as to their effectiveness.

Appointment of committee members

Membership

16. The committee consists of five members appointed by the Minister:
 - a chair
 - up to four other members with the skills and experience set out in paragraph 17.

Skills and experience

17. The Chair and members of the committee will be appointed on the basis of:
 - experience in providing expert advice to local and/or central government on tikanga Māori and mātauranga Māori

- commitment to strengthening the Māori-Crown relationship
- understanding of Treaty of Waitangi-related legislative provisions and implications
- experience in governance
- familiarity with the impacts of emergencies on Māori
- knowledge of emergency management policy and practice and / or its connection to related fields, either in New Zealand or internationally.

Appointment process

18. Appointments will be made by the Minister for Emergency Management in accordance with the process set out in the CabGuide. The Minister will appoint a chair of the committee.
19. Appointments will be made for one year. However, this may be extended by the Minister in consultation with the Committee.
20. The Minister:
 - will consult Cabinet colleagues to identify suitable candidates
 - may consult with parliamentary colleagues who may have an interest in a particular appointment.
21. NEMA officials will create a list of candidates identified or nominated. With NEMA's support, the Minister will consider all candidates and short-list possible preferred candidates that appear to match the skills and experience set out in paragraph 17 above.
22. Short-listed candidates will undertake a due diligence process. This process allows the Minister to form a view about each short-listed candidate's suitability and to identify preferred candidates.
23. Due diligence allows candidates to determine whether or not they can add value to the committee, the degree of risk entailed in the appointment, and whether or not there are any known or potential conflicts of interest, and whether they will accept the role if offered.
24. The Minister will review any potential conflicts of interest. Conflicts of interest may occur when a candidate has, or could be perceived to have, personal, political or business interests that could potentially influence the advice tendered as a member or the Committee.
25. Where a conflict is identified, the Minister will decide whether that conflict renders the appointment unmanageable, or whether the appointment can proceed with appropriate conflict of interest management regimes in place.
26. After the Minister has selected the preferred candidates and the candidates have confirmed their availability to serve on the Committee, the Minister will advise the Cabinet Appointment and Honours Committee and Cabinet accordingly. Following confirmation by Cabinet the appointment will be confirmed by a letter of appointment from the Minister and accepted by the successful candidate.
27. The appointees must accept in writing the terms of the appointment, including confirmation of any identified conflicts of interest, and mechanisms put in place to manage the conflicts. Appointments will be published in the New Zealand Gazette.

Functions and expectations

28. The Committee will:

- Meet regularly. It is anticipated that there will be approximately 6 full day meetings over the one year.
- Provide advice on ensuring the role of Māori is central to the vision of an emergency management system that is geared towards an inclusive, community-led response to natural disasters and emergencies including health events.
- Commission and consider information and reports from NEMA, other agencies and subject matter experts.
- Provide support to agencies with stakeholder engagement. This may include attending hui and other engagement sessions where this is appropriate and agreed on with the Minister. A plan for this engagement will be provided to the Minister for approval before engagement occurs.
- Work together to seek agreement on their advice where possible. If agreement cannot be reached on any matter(s), the Committee will indicate the respective positions of members on the issue and the reason for these positions.

29. Committee members are expected to:

- Attend all Committee meetings and relevant stakeholder meetings (as appropriate), unless extenuating circumstances provide otherwise.
- Prepare adequately prior to each meeting by reading all papers provided to them.
- Provide detailed solutions-focused advice based on members' experiences and expertise on each topic. Members should not regard themselves as advocates for particular sectors or interests.
- Declare any conflict of interest, or potential conflicts of interest, that may arise.

Reporting

30. Committee members would report directly, and are accountable, to the Minister, supported by a secretariat hosted by NEMA.

Secretariat

31. The secretariat will:

- provide organisational support, including circulation of relevant information, the agenda and papers, preparation and circulation of meeting minutes and arrangements for travel.
- coordinate policy, science and technical support between central government agencies and the Committee.

Remuneration

32. Under the Cabinet Fees Framework, the Ministerial Advisory Committee falls into "Group 4: all Other Committees and other Bodies".

33. The process for calculating the appropriate fees is set out in a Cabinet circular: CO (19) 1: Fees Framework for members appointed to bodies in which the Crown has an interest.

34. The daily fee for members of the committee has been set at a daily rate of \$635 for members and \$845 for a Chair.