

Trifecta Programme

Regulatory Framework Review
("Trifecta") Programme
Stakeholder Survey Results
May 2021



**National Emergency
Management Agency**
Te Rākau Whakamarumarū

New Zealand Government

Regulatory Framework Review (“Trifecta”) Programme Stakeholder Survey

Overview

This document provides a summary of the results from the initial NEMA Regulatory Framework Review (also known as the “Trifecta”) Programme survey of stakeholders.

The multi-year Trifecta Programme brings together three projects that have significant alignment:

- developing and drafting a new Emergency Management Act to replace the current Civil Defence Emergency Management Act 2002 (the Act);
- reviewing the National Civil Defence Emergency Management (CDEM) Plan Order (the Plan Order) 2015 and the accompanying Guide to the National CDEM Plan (the Guide) 2015;
- developing the National Disaster Resilience Strategy (NDRS) Roadmap.

The stakeholder survey ran for two weeks in May 2021 and focused on gathering feedback from our stakeholders around the usability and usefulness of the Act, the Plan Order and the Guide and how these could be improved.

More information about the Programme is available at: <https://www.civildefence.govt.nz/regulatory-framework-review-trifecta-programme/>

Thank you

Thank you to everyone who completed the survey. Your responses will inform the development of a new, more flexible and responsive regulatory framework.

We will be undertaking further targeted stakeholder engagement and consultation in the coming months and there will also be opportunities for public consultation during the Programme.

Please contact trifecta@nema.govt.nz if you have any questions.

Trifecta Programme Stakeholder Survey Results

We heard from 312 stakeholders

We targeted the survey at stakeholders who currently use and are most affected by the regulatory framework and asked them to indicate their primary employer.

We heard from **312** respondents, **83%** of whom signalled that their organisation has roles and responsibilities under the current Act, Plan Order and/or Guide.

Those who identified in 'Other' included universities, emergency services, media, Crown Research Institutes and science organisations.

Figure 2. Respondents' indication of whether their organisation has roles and responsibilities under the current Act, Plan Order and/or Guide

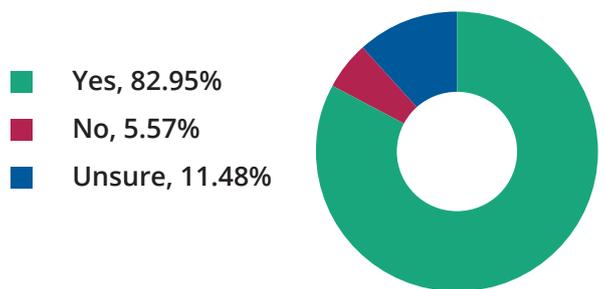


Figure 1. Survey respondents by stated primary employer



Feedback on the CDEM Act

Usefulness

75% of respondents have used the Act (including referring to it for guidance). The majority of these respondents told us that the Act works somewhat well for their needs.

Figure 3. Respondents' indication of whether they have used the Act

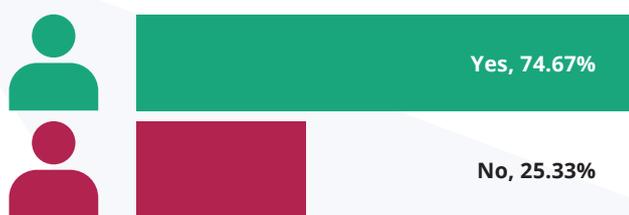
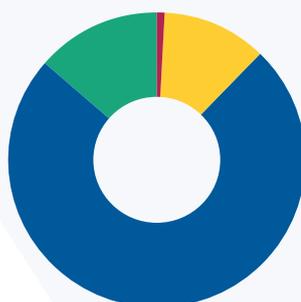


Figure 4. Survey responses about how well the current Act meets stakeholder needs

How useful?

- Not at all
- Not very
- Somewhat
- Very



Current strengths

Four key themes relating to the strengths of the Act emerged:

- The purpose of the Act is clearly defined, and it provides a useful and concise legal framework.
- The Act outlines clear roles, responsibilities and delegations. Powers and declarations are easily understood.
- The Act is useful in its application across all hazards.
- The Act gives helpful authority to decision-makers.

Suggested improvements

Several broad themes emerged in the suggestions for improving the Act:

- The Act should be clearer, more prescriptive, up-to-date and succinct.
- Although many respondents indicated that the Act already clearly outlines roles and responsibilities, some said there needs to be even greater clarity and detail around roles and responsibilities for agencies, and the relationships between national, regional and local levels
- The Act should have more focus on iwi/Māori including commitment to Te Tiriti o Waitangi.
- The Act should include the ability for enforcement and compliance across all levels, including giving NEMA more authority to provide system assurance.
- The Act should be future-focused and updated to align with other primary legislation and strategic and operational guidance.

Respondents also provided ideas specific to their sector, including improving clarity about the:

- role of Controllers
- structure, funding, resourcing and role of CDEM Groups/Group Offices and staff
- roles and responsibilities of lifeline utilities.

Feedback on the National CDEM Plan Order

Usefulness

40% of respondents have used the Plan Order (including referring to it for guidance). The majority of these respondents told us that the Plan Order works somewhat well for their needs

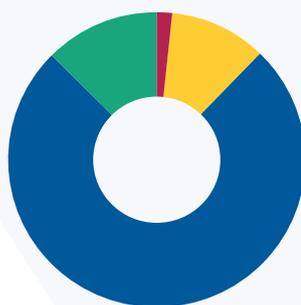
Figure 5. Respondents' indication of whether they have used the Plan Order



Figure 6. Survey responses about how well the current Plan Order meets stakeholder needs

How useful?

- Not at all
- Not very
- Somewhat
- Very



Current strengths

Two key themes relating to the strengths of the current Plan Order emerged:

- The Plan Order translates the Act into a workable document that sets expectations and supports consistency across the 4 Rs (reduction, readiness, response and recovery).
- The Plan Order clearly details and defines fundamental arrangements, roles and responsibilities.

Suggested improvements

Broad themes that emerged in the suggestions for improving the Plan Order included:

- The Plan Order needs to be more modern, responsive and user friendly, and it needs to be better socialised and embedded once updated.
- The Plan Order should be updated to reflect and apply lessons from events in the past six years.
- Despite the existing strength of the Plan Order in this regard, there is room for greater clarity of roles and responsibilities in specific areas, including updating arrangements that are out-of-date.
- Similar to the Act, the Plan Order should ensure greater accountability.
- The Plan Order should provide for a greater role for iwi and Māori.

Respondents also recommended greater clarity about specific arrangements, particularly for:

- recovery
- lifeline utilities
- lead agency
- welfare and community resilience
- CDEM Groups and local authorities.

Feedback on the Guide to the National CDEM Plan

Usefulness

46% of respondents have used the Guide (including referring to it for guidance). The majority of these respondents told us that the Plan Order works somewhat well for their needs and 18% said it works very well.

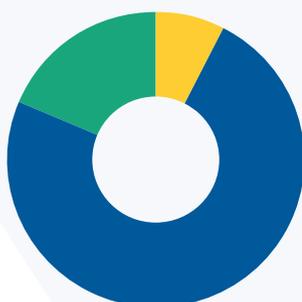
Figure 7. Respondents' indication of whether they have used the Guide



Figure 8. Survey responses about how well the current Guide meets stakeholder needs

How useful?

- Not at all
- Not very
- Somewhat
- Very



Current strengths

Four key themes relating to the strengths of the Guide emerged:

- The Guide is more user friendly than the Act and Plan Order – it has an easier layout, structure, and usability (for example, via inclusion of diagrams and examples).
- The Guide links well to other documents and guidance in the framework, including supporting the Act and Plan Order arrangements.
- The Guide provides useful additional operational information, including detailed roles and responsibilities for each agency.
- The Guide is the most comprehensive CDEM guidance document.

Suggested improvements

Broad themes that emerged in the recommendations for improving the Guide included:

- The Guide is too repetitious with the inclusion of the Plan Order arrangements – they should be combined into a single, more user-friendly document.
- The provisions under section 33 (Government financial reimbursement to local authorities) need to be reviewed and clarified, particularly to incorporate COVID-19 lessons.
- The Guide should encourage better relationships and collaboration across agencies, organisations and entities with roles and responsibilities.

Respondents also suggested greater clarity about specific arrangements, particularly for:

- CDEM Groups, Group Offices and CDEM Group Managers
- lifeline utilities
- recovery
- health and disability services.

Feedback by primary employment sector

Respondents covered a wide variety of employment sectors and provided a range of perspectives from a national, regional, local, government, and non-government backgrounds.

Local government (not including CDEM Group staff) made up the largest number of respondents, providing 30% of responses.

Common feedback from local government included the need for more detail around legislated roles and responsibilities, and the ability for some flexibility to ensure the regulatory framework is usable across local government.

Central government made up the next largest number of responses at 27%.

Common responses from central government respondents included the need for accountability for those with responsibilities, the need to better reflect all 4 Rs, and greater clarity around the relationship between local responses with national impacts and the role of central government in these events.

14% of responses were from CDEM Groups.

Common responses from CDEM Groups included the need for clarity of roles and responsibilities across local, regional, and national levels. Respondents also mentioned the need for greater monitoring, evaluation, or other way to ensure accountability for those with roles outlined in the regulatory framework.

The remaining 23% of responses comprised private sector, NGOs, and other respondents.

Many of the responses from these sectors included the need for more detail and clarity around roles and responsibilities, as many of these respondents have a key role to play across the 4 Rs.

Iwi/Māori entities feedback

6.73% of respondents identified that they are primarily employed by Iwi/Māori entities.

Common responses from these respondents centred around understanding and articulating the role of iwi/Māori across the 4 Rs, and how the relationship between iwi/Māori works at local, regional and national level. More specific comments included the need for greater detail around the welfare services arrangements, and improving the usability of the Act, Plan Order and Guide.

Some iwi/Māori entity respondents shared their interest in having greater involvement in planning and arrangements across the 4 Rs, mentioning the desire to work closely with local government and CDEM Groups to fulfil their responsibilities.

Greater recognition of Iwi/Māori

These themes were also reflected in suggested framework improvements from other survey respondents. In particular:

- introduction of Te Tiriti o Waitangi commitments
- greater recognition of iwi/Māori (including at governance level)
- more emphasis on the role of tangata whenua
- the need for a stronger partnership.

Trifecta Programme Stakeholder Survey Results

We should create a more flexible and modern emergency management regulatory framework

As part of the Trifecta Programme, NEMA is seeking to modernise our framework of legislation and guidance into an easy to use and fit for purpose structure.

95% of respondents support the proposal of accessing all documents in the framework via a single online resource, giving us strong evidence for proceeding with this approach for the updated regulatory framework.

66% of respondents said they support, in principle, replacing the current Plan Order and Guide with more flexible alternative forms of secondary legislation and guidance. Of the **32%** who were undecided, the primary reasons were a desire for more information and better understanding of the proposal and concerns about the framework becoming too flexible and thus increasing uncertainty.

Further work on legal framework options are being explored, but proposals may include the introduction of Emergency Management Rules or more appropriate use of Regulations.

The survey also asked how stakeholders would like this alternative secondary legislation and guidance to be structured. **84%** agreed that structure by functional roles and/or the 4 Rs (risk reduction, readiness, response and recovery) would be the best approach. Other suggestions included categorisation by agency or by recovery environments.

Stakeholders said they want the updated framework to help them by:



96%

Providing clear roles and responsibilities



70%

Allowing for timely updates



66%

Enabling them to ensure compliance



15%

Focusing on system integration and alignment

95%

of respondents support the proposal of accessing all documents in the framework via a single online resource.

66%

of respondents said they support, in principle, replacing the current Plan Order and Guide with more flexible alternative forms of secondary legislation and guidance.

Use of other framework documents

We also asked about whether respondents regularly use other key documents in the framework – namely the CDEM Regulations 2003, Director's Guidelines and Supporting Plans (such as the National Fuel Plan or Wellington Earthquake National Initial Response Plan).

Only **14%** of respondents regularly use the CDEM Regulations, indicating they're not well used and may not be fit for purpose. Almost **50%** of respondents regularly use the Director's Guidelines and **36%** regularly use Supporting Plans, signalling that these guidance documents provide supplementary assistance to stakeholders as part of the wider framework.