

3. Management of emergencies

Summary The *CDEM Act 2002* and other legislation identify the statutory powers, structures, and arrangements that government uses to manage an emergency. The *CDEM Act 2002* places obligations on agencies to prepare for and manage emergencies effectively and efficiently.

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3.1 States of emergency

State of national emergency

Part 4 Management of emergencies States of emergency	
11 State of national emergency	
(1)	<i>Section 66 of the Act authorises the Minister, under certain conditions specified in that section, to declare that a state of national emergency exists over the whole of New Zealand or any areas or districts.</i>
(2)	<i>In the event that a state of national emergency is declared,—</i>
(a)	<i>any state of local emergency then in force in the area to which the state of national emergency applies ceases to have effect; and</i>
(b)	<i>the Director, or the National Controller in accordance with a delegation under section 10 of the Act, will co-ordinate, direct, and control the resources made available for CDEM.</i>

State of local emergency and other emergencies

12 State of local emergency and other emergencies	
	<i>For any emergency, other than a state of national emergency, the arrangements in this plan may be used to support—</i>
(a)	<i>CDEM Groups during—</i>
(i)	<i>an emergency of national significance; or</i>
(ii)	<i>a state of local emergency declared under section 68 or 69 of the Act; or</i>
(iii)	<i>any other emergency;</i>
(b)	<i>a lead agency at the national level during an emergency where the MCDEM is not the lead agency (see Appendix 1).</i>

See *Declarations 2012, Director's Guideline for the CDEM sector [DGL 13/12]* for guidance on declaring states of emergency (www.civildefence.govt.nz – search for 'declarations').

3.2 System of Domestic and External Security Coordination (ODESC system)

ODESC system

Crisis management arrangements	
13 ODESC system	
(1)	<i>The ODESC system is used by central government in the oversight and governance of national security issues, including during significant crises or security events where consequences of national significance warrant the co-ordination of all-of-government planning and prioritisation.</i>
(2)	<i>The ODESC system—</i>
(a)	<i>brings together information for Ministers, co-ordinates analysis and development of options, and assists decision making in Cabinet; and</i>
(b)	<i>is collective without affecting the existing responsibilities of Ministers or agencies; and</i>
(c)	<i>operates at 3 levels as follows:</i>
(i)	<i>the NSC; and</i>
(ii)	<i>the ODESC; and</i>
(iii)	<i>watch groups and working groups of senior officials, as required.</i>
(3)	<i>The NSC—</i>
(a)	<i>is the key decision-making body of executive government for co-ordinating and directing national responses to major crises or circumstances affecting national security (either domestic or international); and</i>
(b)	<i>is chaired by the Prime Minister; and</i>
(c)	<i>has power to act where the need for urgent action or operational or security considerations require it.</i>

The ODESC

- (4) *The ODESC—*
- (a) *is a group of senior officials; and*
 - (b) *is chaired by the chief executive of the DPMC; and*
 - (c) *is the strategic mechanism for co-ordinating an all-of-government response to events; and*
 - (d) *supports Ministers in developing high-level strategic direction, policy, and priorities, and in authorising additional resources to deal with crises; and*
 - (e) *exercises policy oversight and advises the Prime Minister, Cabinet, and, when activated, the NSC.*

The ODESC system and the National Security Committee of Cabinet (NSC) (illustrated in **Figure 3.1**) collectively form the government arrangements to oversee response and recovery management for any emergency requiring national management, coordination, or support. At the strategic level the arrangements do not vary, though arrangements at the operational level may vary depending on the lead agency and the emergency.

The operational arrangements for an emergency when MCDEM is the lead agency are set out in **Figure 3.2** on the next page. Alternatively, when an emergency is managed by another lead agency, MCDEM may support the lead agency by coordinating CDEM response and recovery activities.

The arrangements apply to managing a state of national emergency or supporting an emergency of national significance.¹

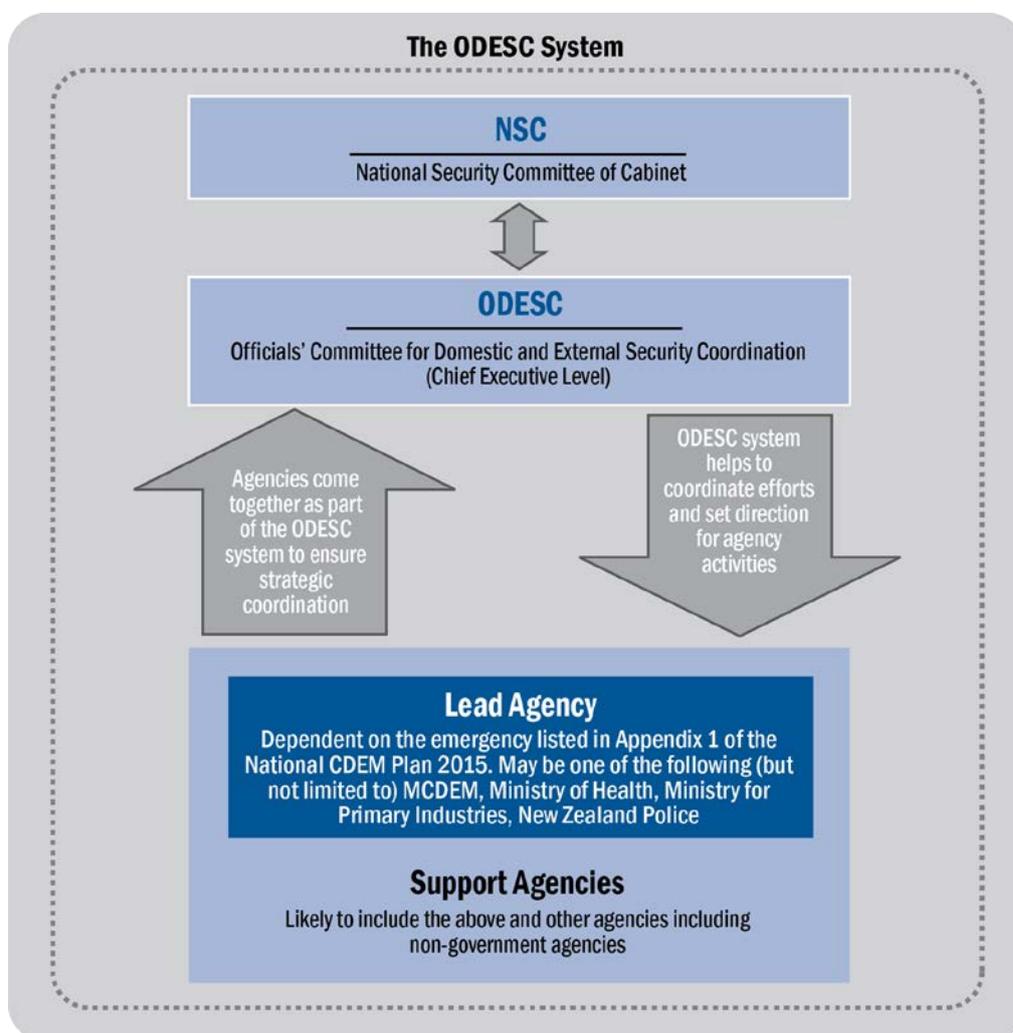


Figure 3.1: New Zealand's government crisis management arrangements.

¹ 'National significance' is defined in the *CDEM Act 2002*.

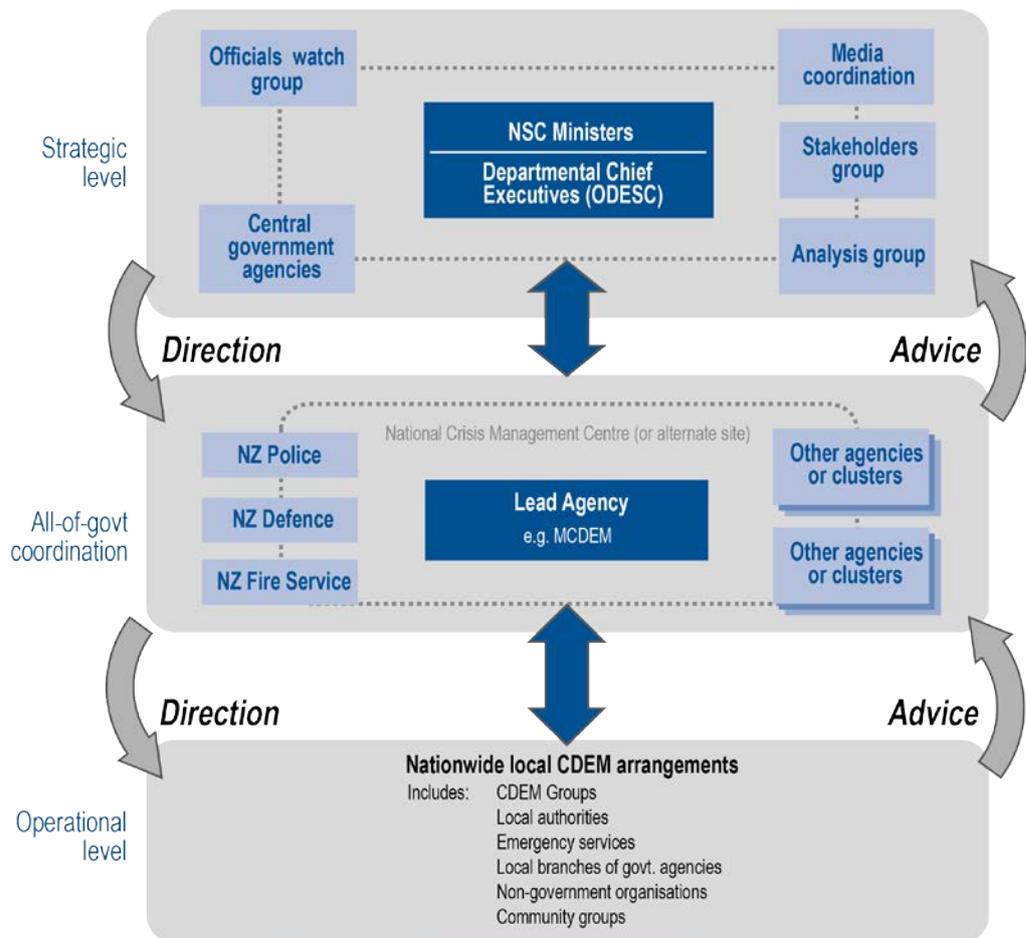


Figure 3.2: National crisis management model in an emergency for which MCDEM is the national lead agency.

3.3 Lead agency role in emergencies at the national level

A lead agency

14 Lead agency role in emergencies at the national level

- (1) A lead agency is the agency with the primary mandate for managing the response to an emergency, and at the national level the lead agency's role is to—
 - (a) monitor and assess the situation; and
 - (b) plan for and co-ordinate the national response; and
 - (c) report to the ODESC and provide policy advice; and
 - (d) co-ordinate the dissemination of public information.
- (2) A lead agency—
 - (a) should develop and maintain capability and capacity to ensure that it is able to perform its role; and
 - (b) may draw on the advice and expertise of expert emergency managers in doing so.
- (3) The specific hazard, and its primary consequences to be managed in an emergency, determines which agency is the lead agency at the national level (lead agencies at the national and regional levels are listed in Appendix 1).

List of lead agencies

Appendix 1 of the *National CDEM Plan 2015* (included on the next page) lists the agencies that are mandated through legislation or expertise to manage an emergency arising from specific hazards.

**Appendix 1
Lead agencies**

cls 12(b), 14(3), 21(1)

The following agencies are mandated through legislation or expertise to manage an emergency arising from the following listed hazards. Note: The role of the lead agency at the national level does not limit, is not in substitution for, and does not affect the functions, duties, or powers that other agencies and CDEM Groups may have in support of national-, CDEM Group-, and local-level management of an emergency.

Hazard	Lead agency at national level	Lead agency at local/regional level	Legislative powers used to manage response
<i>Geological (earthquakes, volcanic hazards, landslides, tsunamis)</i>	<i>MCDEM</i>	<i>CDEM Group</i>	<i>Civil Defence Emergency Management Act 2002</i>
<i>Meteorological (coastal hazards, coastal erosion, storm surges, large swells, floods, severe winds, snow)</i>	<i>MCDEM</i>	<i>CDEM Group</i>	<i>Civil Defence Emergency Management Act 2002</i>
<i>Infrastructure failure</i>	<i>MCDEM</i>	<i>CDEM Group</i>	<i>Civil Defence Emergency Management Act 2002</i>
<i>Drought (affecting rural sector)</i>	<i>Ministry for Primary Industries</i>	<i>Ministry for Primary Industries</i>	<i>Government policy</i>
<i>Animal and plant pests and diseases (biosecurity)</i>	<i>Ministry for Primary Industries</i>	<i>Ministry for Primary Industries</i>	<i>Biosecurity Act 1993 Hazardous Substances and New Organisms Act 1996</i>
<i>Food safety</i>	<i>Ministry for Primary Industries</i>	<i>Ministry for Primary Industries</i>	<i>Food Act 1981 Food Act 2014</i>
<i>Infectious human disease (pandemic)</i>	<i>Ministry of Health</i>	<i>District health board</i>	<i>Epidemic Preparedness Act 2006 Health Act 1956</i>
<i>Wild fire</i>	<i>National Rural Fire Authority</i>	<i>Rural Fire Authority Department of Conservation (conservation estate) New Zealand Defence Force</i>	<i>Forest and Rural Fires Act 1977 Conservation Act 1987 Defence Act 1990</i>
<i>Urban fire</i>	<i>New Zealand Fire Service</i>	<i>New Zealand Fire Service</i>	<i>Fire Service Act 1975</i>
<i>Hazardous substance incidents</i>	<i>New Zealand Fire Service</i>	<i>New Zealand Fire Service</i>	<i>Fire Service Act 1975 Hazardous Substances and New Organisms Act 1996</i>
<i>Terrorism</i>	<i>New Zealand Police</i>	<i>New Zealand Police</i>	<i>Crimes Act 1961 International Terrorism (Emergency Powers) Act 1987 Terrorism Suppression Act 2002</i>
<i>Major transport accident</i>	<i>New Zealand Police</i>	<i>New Zealand Police</i>	<i>Various</i>
<i>Marine oil spill</i>	<i>Maritime New Zealand</i>	<i>Regional council</i>	<i>Maritime Transport Act 1994</i>
<i>Radiation incident</i>	<i>Ministry of Health</i>	<i>New Zealand Fire Service</i>	<i>Radiation Protection Act 1965 Fire Service Act 1975</i>

Note – Plan clause Appendix 1, Major transport accident

At the national level, the lead agency may depend on the type and nature of the transport accident.

MCDEM as lead agency

- (4) *The MCDEM, when it is the lead agency, is to use the arrangements in this plan in a manner that is consistent with the functions carried out and powers exercised by the Director and the National Controller under the Act.*

Lead agencies other than MCDEM

- (5) *A lead agency, other than the MCDEM,—*
- (a) *is expected to co-ordinate the management of the emergency in accordance with its own emergency management plan and its statutory functions and powers; and*
 - (b) *may use the provisions of this plan in support of its management of the consequences of the emergency if required.*

3.4 Support agency role in emergencies at national level

15 Support agency role in emergencies at the national level

- (1) *Each support agency should develop and maintain capability and capacity to ensure that it is able to perform its role.*
- (2) *During the response to an emergency, when the MCDEM is the lead agency at the national level, each support agency is expected to—*
 - (a) *co-ordinate, directly or through established clusters, with the MCDEM to provide an integrated response; and*
 - (b) *provide a liaison officer to the NCMC to represent the relevant agency or cluster; and*
 - (c) *report to, and operate in accordance with the direction of, the National Controller; and*
 - (d) *manage its own response in support of the MCDEM.*
- (3) *Particular agencies may be asked to be represented at the ODESC system level, to report to the ODESC on their respective areas of responsibility, and to respond to strategic direction from the ODESC.*
- (4) *In an emergency managed at the national level by a lead agency other than the MCDEM, the MCDEM may act as a support agency to the lead agency and will—*
 - (a) *provide a liaison officer to the lead agency to facilitate advice and information transfers and to manage requests for operational activities related to CDEM; and*
 - (b) *undertake any other functions and activities as agreed with the lead agency; and*
 - (c) *provide NCMC facilities support to the lead agency.*

3.5 Director of Civil Defence Emergency Management

16 Director

- (1) *The functions and powers of the Director are set out in sections 8 and 9 of the Act and, in relation to this plan, include responsibility for—*
 - (a) *co-ordinating, for the purposes of CDEM, the use of resources made available under this plan; and*
 - (b) *directing and controlling the resources available for CDEM during a state of national emergency; and*
 - (c) *controlling the exercise of powers and the performance of functions and duties of CDEM Groups and Group Controllers during a state of national emergency; and*
 - (d) *ensuring that the Minister and the ODESC are adequately briefed on the situation during an emergency; and*
 - (e) *informing the Minister and the ODESC of assistance likely to be required for response and recovery operations; and*
 - (f) *establishing processes under this plan that will allow the response to, and recovery from, an emergency to be given effect; and*
 - (g) *advising the Minister on any special policies for implementing CDEM support; and*
 - (h) *performing any functions under section 8 of the Act and exercising any powers under section 9 of the Act that are necessary to achieve the purpose of this plan.*
- (2) *The Director is a member of the ODESC.*

3.6 National Controller

17 National Controller

- (1) *The National Controller may—*
 - (a) *be appointed by the Director under section 10(1) of the Act;*
 - (b) *be delegated the Director's functions and powers specified in sections 8(2)(h) and 9(2)(a) of the Act for the purposes of dealing with a state of national emergency;*
 - (c) *if no delegation has been made under section 10(1) of the Act, be the Director, who has all of the power conferred on the National Controller under the Act.*
- (2) *If appointed, and delegated the powers and functions of the Director, a National Controller,—*
 - (a) *during a state of national emergency, directs, controls, and co-ordinates, for the purposes of CDEM, the use of resources made available under this plan; and*
 - (b) *during an emergency of national significance, co-ordinates national resources to support the local response; and*
 - (c) *during an emergency managed by a lead agency other than the MCDEM, co-ordinates the CDEM activities in support of the response to that emergency.*
- (3) *The National Controller ordinarily undertakes and exercises his or her functions and powers in an emergency from the NCMC.*
- (4) *During a state of national emergency, the National Controller is able to—*
 - (a) *deploy forward to the affected area to better control and direct the national response; or*
 - (b) *deploy representatives forward to the affected areas.*
- (5) *If the National Controller or representatives are deployed forward, there must be clear delineation of functions and responsibilities between the forward elements and those retained in the NCMC.*

3.7 Group Controllers and Local Controllers

18 Group Controllers and Local Controllers

Each CDEM Group—

- (a) must, under section 26 of the Act, appoint by name or reference—*
 - (i) a suitably qualified and experienced person as Group Controller for its group area to carry out the functions under section 28 of the Act; and*
 - (ii) at least 1 suitably qualified and experienced person to perform the functions and duties and exercise the powers of the Group Controller on the occurrence of a vacancy in the office of Group Controller or in the absence from duty of the Group Controller; and*
- (b) may, under section 27 of the Act, appoint by name or reference 1 or more suitably qualified and experienced persons as Local Controllers.*

3.8 References and links

Other sections of the Guide

- ◆ Section 5, Ministry of Civil Defence & Emergency Management (MCDEM)
- ◆ Section 6, Civil Defence Emergency Management Groups (CDEM Groups)
- ◆ Section 9, New Zealand Police
- ◆ Section 10, Fire services
- ◆ Section 11, Health and disability services
- ◆ Section 12, New Zealand Defence Force

Other documents

- ◆ Ministry of Civil Defence & Emergency Management (2012) *Declarations 2012, Director's Guideline for the CDEM sector [DGL 13/12]*; ISBN 978-0-478-35560-4 (www.civildefence.govt.nz – search for 'declarations')