

# 4. General roles and responsibilities

**Summary**                    The *CDEM Act 2002* and *National CDEM Plan 2015* establish specific roles and responsibilities. The acceptance of these roles and responsibilities by both public and private sector organisations is a key element in CDEM planning. Agencies also make commitments beyond their responsibilities under the *CDEM Act 2002* and *National CDEM Plan 2015* in order to reduce the impact of an emergency and manage the consequences.

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## 4.1 General responsibilities

Maintenance of government	<p style="text-align: center;"><b>Part 5</b> <b>Roles and responsibilities</b> General</p> <p><b>19 General responsibilities</b></p> <p>(1) <i>The machinery of government must continue to function (even though this may be at a reduced level) during and after an emergency.</i></p>
Requirements of the CDEM Act 2002	<p>(2) <i>The Act puts certain responsibilities on government agencies, emergency services, lifeline utilities, and local authorities, including the responsibilities of—</i></p> <p>(a) <i>functioning during an emergency to the fullest possible extent (even though this may be at a reduced level); and</i></p> <p>(b) <i>responding to emergencies as required.</i></p> <p>(3) <i>Section 59 of the Act requires every government department, CDEM Group, local authority, emergency service, lifeline utility, and any other agency required by the Act, any regulations made under the Act, or any CDEM plans to take all necessary steps to—</i></p> <p>(a) <i>undertake CDEM; or</i></p> <p>(b) <i>perform its functions and duties under the Act.</i></p> <p>(4) <i>Agencies may have obligations under their own legislation to deal with hazards and consequences, and the Act and this plan do not affect those obligations.</i></p> <p>(5) <i>Non-governmental organisations do not have specific responsibilities under the Act, but this plan acknowledges their importance in an emergency.</i></p> <p>(6) <i>The principal mechanism for the national co-ordination of non-governmental organisations with other agencies in response and recovery is via the relevant clusters.</i></p> <p>(7) <i>Volunteers do not have defined roles and responsibilities in this plan, but they are acknowledged as an important resource and are often an integral part of response and recovery activities at the CDEM Group and local levels.</i></p> <p>(8) <i>Volunteers are managed and co-ordinated at a CDEM Group or local authority level.</i></p>
Local authorities	<p>Local government is an essential component of CDEM in New Zealand. Local authorities include city and district councils, and regional councils. Local authorities operate in terms of the <i>Local Government Act 2002</i>. Local authorities have specific requirements under the <i>CDEM Act 2002</i> and other legislation, including forming and maintaining CDEM Groups.</p> <p>See Section 6, Civil Defence Emergency Management Groups (CDEM Groups).</p>
Emergency services	<p>Emergency services with responsibilities under section 63 of the <i>CDEM Act 2002</i> and other legislation are covered in clauses 35-56 of the <i>National CDEM Plan 2015</i>.</p> <p>See Section 8, Emergency services; Section 9, New Zealand Police; Section 10, Fire services; and Section 11, Health and disability services.</p>
Government departments	<p>All government departments have obligations under section 58 of the <i>CDEM Act 2002</i>. Departments are defined by the <i>State Sector Act 1988</i>.</p>
Lifeline utilities	<p>Lifeline utilities with responsibilities under section 60 of the <i>CDEM Act 2002</i> are covered in clauses 57 – 61 of the <i>National CDEM Plan 2015</i> and schedule 1 of the <i>CDEM Act 2002</i>.</p> <p>See Section 13, Lifeline utilities.</p>
Non-government organisations	<p>Non-government organisations are a vital component in the national and local response to, and recovery from, emergencies. While their role is acknowledged and valued, they cannot be identified as lead agencies for specific functions at the national level due to variations in mandate, funding, scope, and geographic spread. All functions specified within the Guide are led by a government agency at the national level and supported, where appropriate, by non-government organisations.</p>

## 4.2 Volunteers

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Volunteers are an important resource and are often an integral part of response and recovery activities. Volunteers are not managed at a national level, but are managed and coordinated at a CDEM Group or local authority level.

### 4.2.1 Categories of CDEM volunteers

#### Volunteer categories

There are three categories of volunteers in a CDEM context:

- ◆ CDEM-trained volunteers: have undergone official training provided or facilitated by CDEM organisations during readiness
- ◆ spontaneous volunteers: community members and groups who respond spontaneously to emergencies, and
- ◆ trained volunteers who are aligned to established organisations other than CDEM.

#### CDEM-trained volunteers

CDEM-trained volunteers are community members who have undergone official training through a CDEM organisation during readiness, and have reached a level of competency pre-determined by the CDEM organisation. Working effectively with CDEM-trained volunteers involves:

- ◆ training them in the appropriate skills
- ◆ providing opportunities for refreshing or up-skilling
- ◆ knowing their skills and interests so they can be assigned appropriately
- ◆ providing them with as many resources as practicable and appropriate, and
- ◆ including them in planning.

#### Spontaneous volunteers

Spontaneous volunteers are community members, who offer their services on the spur of the moment, as individuals or as groups, in response to an emergency.

Spontaneous volunteers bring community knowledge, enthusiasm, and energy. Although many will not have been trained in particular CDEM response skills, some may have CDEM-relevant experience or qualifications, such as:

- ◆ medical expertise (such as doctors, nurses, and veterinarians/veterinary technicians or paraprofessionals)
- ◆ organisational or people skills (such as events managers, teachers, caterers, and administrators)
- ◆ technical expertise (such as engineers, electricians, builders, plumbers, and IT or telecommunications experts), and
- ◆ practical skills (such as access to and expertise in the operation of CDEM-related equipment).

Spontaneous volunteer groups often emerge from pre-existing community groups, such as:

- ◆ faith-based groups
- ◆ marae, iwi, or culturally and linguistically diverse (CALD) community networks
- ◆ student organisations
- ◆ social groups or clubs
- ◆ sporting groups or clubs
- ◆ health or disability support/service organisations
- ◆ service organisations
- ◆ professional associations, and
- ◆ local businesses.

**Trained volunteers aligned to other organisations** Many organisations engage and train volunteers in skills relevant to CDEM. Working with these organisations is an integral part of preparing for emergencies.

#### 4.2.2 Responsibility of CDEM organisations in relation to volunteers

**Legislation relating to volunteers** There are several pieces of legislation that CDEM organisations need to comply with when they are working with volunteers, including:

- ◆ *CDEM Act 2002*
- ◆ *Health and Safety at Work Act 2015*
- ◆ *Privacy Act 1993*
- ◆ *Employment Relations Act 2000*
- ◆ *Human Rights Act 1993*, and
- ◆ *Accident Compensation Act 2001*.

**Protection under the CDEM Act 2002** The *CDEM Act 2002* does not specify duties or obligations of local authorities toward volunteers. Nor does it prescribe codes of conduct towards, or training standards for, volunteers. The intent of the legislation is for CDEM Groups to determine the CDEM needs of their region and how best to meet those needs. This will include identifying roles/functions that are best fulfilled by employees or contractors and those that are appropriate for volunteers.

The *CDEM Act 2002* addresses compensation and protection from liability (s107-110). These provisions apply to volunteers (and any other persons) who carry out CDEM under the direction of the Director, a Controller or Recovery Manager<sup>1</sup>.

**Protection for spontaneous volunteers**

CDEM organisations are not responsible for the actions of spontaneous volunteers who self-activate during an emergency response and operate under their own direction.

However, if CDEM organisations choose to task spontaneous volunteers during a response, the provisions of compensation and protection from liability (s107-110) under the *CDEM Act 2002*, apply to those volunteers.

Each CDEM organisation needs to decide whether tasking spontaneous volunteers is right for them, and develop plans and processes accordingly.

**Protection under the Health and Safety at Work Act 2015**

The *Health and Safety at Work Act 2015* provides volunteer workers, defined in Section 19 of the Act, with the same coverage as workers. The CDEM organisation must ensure the health and safety of its workers, so far as is reasonably practicable.

Volunteers who operate under the direction of CDEM are subject to this coverage, provided that:

- ◆ they are working with the knowledge and consent of the CDEM organisation
- ◆ the work they are doing is of a regular or ongoing nature, and
- ◆ the work is of an integral part of the business of the CDEM organisation.

Where volunteers are spontaneous volunteers rather than volunteer workers, the CDEM organisation must ensure, so far as is reasonably practicable and within their ability to influence and control, that the health and safety of its volunteers is not put at risk from the work of the CDEM organisation.

Both volunteer workers and spontaneous volunteers also have duties under the Act to take reasonable care for their own health and safety and that their actions do not adversely affect the health and safety of others, and must comply so far as they are reasonably able with the reasonable instructions of the CDEM organisation.

The *Health and Safety at Work Act 2015* will come into effect on 4 April 2016. Until that date the *Health and Safety in Employment Act 1992* remains in force and applies.

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<sup>1</sup> Other legislation may provide protection for volunteers operating under it. For example, the *Fire Service Act 1975* provides protection for volunteer firefighters.

## Obligations to volunteers

CDEM organisations are responsible for ensuring:

- ♦ CDEM-trained volunteers are aware of and understand their legal rights prior to an emergency
- ♦ tasked spontaneous volunteers have their legal rights explained to them when they register, or during their initial briefing, and
- ♦ information is available to non-tasked spontaneous volunteers, should they request it.

CDEM organisations need to have robust systems in place to support their volunteers both during and after declared and non-declared emergencies. This is an essential part of recognising the valuable contribution that volunteers make.

See the MCDEM publication *Volunteer Coordination in CDEM: Director's Guideline for Civil Defence Emergency Management Groups [DGL 15/13]* for more information on the coordination and management of volunteers ([www.civildefence.govt.nz](http://www.civildefence.govt.nz) – search for 'volunteer coordination').

## 4.3 References and links

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### Other sections of the Guide

- ♦ Section 5, Ministry of Civil Defence & Emergency Management (MCDEM)
- ♦ Section 6, Civil Defence Emergency Management Groups (CDEM Groups)
- ♦ Section 8, Emergency services
- ♦ Section 9, New Zealand Police
- ♦ Section 10, Fire services
- ♦ Section 11, Health and disability services
- ♦ Section 13, Lifeline utilities
- ♦ Section 14, Welfare services

### Other documents

- ♦ Ministry of Civil Defence & Emergency Management (2013) *Volunteer Coordination in CDEM: Director's Guideline for Civil Defence Emergency Management Groups [DGL 15/13]*; ISBN 978-0-478-36806-2 ([www.civildefence.govt.nz](http://www.civildefence.govt.nz) – search for 'volunteer coordination')

