

ANNEX 9: TERMS OF REFERENCE FOR THE HAWKES BAY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP

1. PARTIES

- 1.1 Each of the following local authorities is a Member of the Hawke's Bay Civil Defence Emergency Management Group:

Central Hawke's Bay District Council

Hastings District Council

Hawke's Bay Regional Council

Napier City Council

Wairoa District Council

2. JOINT COMMITTEE

- 2.1 In accordance with the Civil Defence Emergency Management Act 2002, the Civil Defence Emergency Management Group is a Joint Committee of the Members established under the Local Government Act 1974 and maintained after 1 July 2003 under the Local Government Act 2002.

3. DEFINITIONS

For the purpose of these Terms of Reference:

"Act" means the Civil Defence Emergency Management Act 2002, which repealed and replaced the Civil Defence Act 1983.

"CDEM Group" means the Hawke's Bay Civil Defence Emergency Management Group (CDEM Group).

"Co-ordinating Executive Group" (the CEG) means the Co-ordinating Executive Group to be established under section 20 of the Civil Defence and Emergency Management Act 2002 and clause 8.6 of this Terms of Reference.

"Group Controller" means a person appointed under section 26 of the Civil Defence and Emergency Management Act 2002 and clause 8.1 of this Terms of Reference as a Group Controller.

"Hawke's Bay Region" for the purposes of this document means the Hawke's Bay region as defined in the Local Government (Hawke's Bay Region) Reorganisation Order 1989, excluding the parts of Rangitikei and Taupo District Councils falling within the area administered by the Hawke's Bay Regional Council.

"Member" means a Local Authority that is a member of the Civil Defence Emergency Management Group that is the subject of this document.

4. PURPOSE OF TERMS OF REFERENCE

- 4.1 The purposes of this Terms of Reference are to:
- a. Provide for the establishment of the CDEM Group in fulfilment of the Member's obligations under section 12 of the Act;
 - b. Define the responsibilities of the CDEM Group as delegated to the CDEM Group by the Members; and
 - c. Provide for the administrative arrangements of the CDEM Group.

5. OBJECTIVES OF THE CDEM GROUP

- 5.1 The functions, powers and duties of the CDEM Group are specified in the Act. To assist the CDEM Group meet the requirements of the Act, the Group adopts the following objectives:
- (a) To ensure that hazards (as defined in the Act) and the consequential risks are identified and assessed;
 - (b) To ensure an effective and efficient region-wide civil defence emergency management capability to respond to and recover from emergencies (as defined in the Act);
 - (c) To facilitate effective and efficient emergency management through partnership and co-ordination amongst the organisations represented on the Co-ordinating Executive Group and the utility organisations that operate within the region; and
 - (d) To promote appropriate mitigation of the risks.

6. FORMATION AND MEMBERSHIP OF THE CDEM GROUP

- 6.1 Pursuant to section 12 of the Act the Parties must unite to establish a CDEM Group as a Joint Committee under section 114S of the Local Government Act 1974.
- 6.2 The Joint Committee will be known as the Hawke's Bay Civil Defence Emergency Management Group (CDEM Group).
- 6.3 Rangitikei District Council, whose district is in the area of both the Hawke's Bay Regional Council and Manawatu-Wanganui Regional Council, has chosen to become a member of the Manawatu-Wanganui Civil Defence Emergency Management Group. This choice is irrevocable under section 14(3) of the Act.
- 6.4 Taupo District Council, whose district is in the area of Hawke's Bay Regional Council, Bay of Plenty Regional Council and Waikato Regional Council has chosen to become a member of the Waikato Civil Defence Emergency Management Group. This choice is irrevocable under section 14(3) of the Act.
- 6.5 The Members of the CDEM Group will be the Hawke's Bay Regional Council and all those territorial authorities that lie wholly within the boundaries of the Hawke's Bay region. Each member is to be represented on the CDEM Group by one person only, being the Mayor or Chairman of that local authority or an alternate representative who has been given the delegated authority to act for the Mayor or Chairman.

- 6.6 An alternate representative must be an elected person from that local authority under section 13(4) of the Act.
- 6.7 Under section 114S(4) of the Local Government Act 1974, and section 30(9) Schedule 7 of the Local Government Act 2002, the powers to discharge any representative on the CDEM Group and appoint his or her replacement shall be exercisable only by the Member that appointed the representative being discharged.

7. REQUIREMENT TO MAINTAIN THE CDEM GROUP

- 7.1 Section 12(2) of the Act, section 114P(5) of the Local Government Act 1974, and clause 30(5) Schedule 7 of the Local Government Act 2002, must not be read as permitting any Member to discharge or reconstitute the CDEM Group.
- 7.2 It is the responsibility of each Member of the CDEM Group to ensure that they have a representative available to participate in the CDEM Group, as soon as practicable after their representative is no longer able to represent that Member for whatever reason, with the same delegated functions, duties and powers as their predecessor.

8. DELEGATED AUTHORITY

The CDEM Group has the responsibility delegated by the Members to:

8.1 APPOINT A GROUP CONTROLLER

- 8.1.1 Appoint in accordance with section 26 of the Act, a suitably qualified and experienced person to be the Group Controller for the Hawke's Bay region.
- 8.1.2 Appoint a suitably qualified and experienced person(s) to exercise the functions, powers and duties of the Group Controller in the event of a vacancy in or absence in the office of Group Controller.
- 8.1.3 Delegate to the Group Controller the functions set out in section 28 of the Act.

8.2 APPOINTMENT OF LOCAL CONTROLLERS

- 8.2.1 Appoint in accordance with section 27 of the Act and following consultation with the relevant Members, one or more persons to be a Local Controller.

8.3 APPOINT PERSON WHO MAY DECLARE STATE OF LOCAL EMERGENCY

- 8.3.1 Appoint in accordance with section 25 of the Act, and following consultation with the relevant Members, at least one representative of a Member of the CDEM Group as a person authorised to declare a state of local emergency within the Hawke's Bay Region.

8.4 PREPARE, APPROVE, IMPLEMENT AND REVIEW CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP PLAN

- 8.4.1 In accordance with sections 48 to 57 of the Act, prepare, and after consultation approve a CDEM Group Plan.
- 8.4.2 In accordance with section 17 of the Act, implement and monitor the CDEM Group Plan within the costs that each Member has agreed to pay.

8.4.3 In accordance with section 56 of the Act, review the CDEM Group Plan.

8.5 EXERCISE POWERS TO PERFORM ITS FUNCTIONS

8.5.1 In accordance with section 18(1) of the Act, all the powers that are reasonably necessary or expedient to enable the CDEM Group to perform its functions, including the power to delegate any of its functions to Members, the Group Controller, or any other person.

8.5.2 In accordance with section 18(2) of the Act:

- a. Recruit and train volunteers for civil defence emergency management tasks; and
- b. Conduct civil defence emergency management training exercises, practices, and rehearsals; and
- c. Issue and control the use of signs, badges, insignia, and identification passes authorised under the Act, regulations made under the Act, or the civil defence emergency management plan; and
- d. Ensure the provision, maintenance, control, and operation of warning systems; and
- e. Ensure the provision of communications, equipment, accommodation, and facilities for the exercise of the CDEM Group's functions and powers during an emergency; and
- f. Exercise any other powers that are necessary to give effect to the CDEM Group's Civil Defence Emergency Management Plan.

8.6 MAINTAIN THE CO-ORDINATING EXECUTIVE GROUP

8.6.1 In accordance with section 20 of the Act, establish and maintain a Co-ordinating Executive Group consisting of:

- a. The chief executive officer of each Member or a senior person acting on that person's behalf; and
- b. A senior representative of the Police assigned for the purpose by the Commissioner of Police; and
- c. A senior representative of the Fire Service assigned for the purpose by the National Commander; and
- d. The chief executive of a District Health Board in Hawke's Bay representing the District Health Board in Hawke's Bay, or a person acting on their behalf; and
- e. Any other persons that may be co-opted by the CDEM Group to assist the CEG to undertake its responsibilities.

9. POWERS NOT DELEGATED

9.1 Section 114Q of the Local Government Act 1974 and Clause 32 Schedule 7 of the Local Government Act 2002 specifically exclude powers of delegation to make a rate, bylaw, borrow money, purchase or dispose of assets (and other powers).

- 9.2 The determination of internal staff structures of individual Members necessary for the delivery of services required under the Act or the CDEM Group Plan.
- 9.3 The determination of funding for implementing the CDEM Group Plan.
- 9.4 Any decisions that are counter to each Members policy on significance.

10. REMUNERATION

- 10.1 Each Member of the CDEM Group shall be responsible for remunerating its representative on the CDEM Group for the cost of that person's participation in the CDEM Group.

11. MEETINGS

- 11.1 The New Zealand Standard for model standing orders (NZS 9202: 2001), or any New Zealand Standard substituted for that standard, will be used to conduct CDEM Group meetings as if the CDEM Group were a local authority and the principal administrative officer of the Hawkes Bay Regional Council or his nominated representative were its principal administrative officer.
- 11.2 Other standing orders may be used, subject to the agreement of the CDEM Group, and in accordance with section 19(1) of the Act.
- 11.3 The CDEM Group shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference. However there will be at least two meetings per year.
- 11.4 In accordance with clause 23 of Schedule 7 of the Local Government Act 2002 the quorum of the CDEM Group is all Members.
- 11.5 In the event that a quorum cannot be achieved, the business at any meeting convened for the Joint Committee may be considered without further notice by any subcommittee of the Joint Committee.

12. VOTING

- 12.1 In accordance with section 114Q of the Local Government Act 1974 and clause 32(4) Schedule 7 of the Local Government Act 2002, at meetings of the CDEM Group each Member's representative has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of that Member without further recourse to that Member.
- 12.2 Each Member has one vote.
- 12.3 As general statements of principle, a casting vote is to be used in the best interests of the Hawke's Bay region.

13. ELECTION OF CHAIRMAN AND DEPUTY CHAIRMAN

- 13.1 On the constitution or reconstitution of the CDEM Group Members shall elect a CDEM Group Chairman and may elect a Deputy Chairman;
- 13.2 The Group's Chairman and Deputy Chairman will hold office for an initial term up to the local body elections in October 2004, and thereafter a term of three years or such a lesser period as may be determined by the CDEM

Group. The term of office of an appointed Chairman or Deputy Chairman ends if that person ceases to be a representative of a Member of the CDEM Group.

14. ADMINISTERING AUTHORITY

- 14.1 In accordance with the section 23 of the Act, the administering authority for the CDEM Group is Hawke's Bay Regional Council.
- 14.2 In accordance with section 24(2) of the Act, the administrative and related services referred to in clause 14.1 of these Terms of Reference, include services required for the purposes of the Act, or any other Act, regulation, or bylaw that applies to the conduct of the joint standing committee under section 114S of the Local Government Act 1974, and clause 30 Schedule 7 of the Local Government Act 2002.

15. GOOD FAITH

- 15.1 In the event of any circumstances arising that were unforeseen by the parties at the time of adopting this Terms of Reference, the parties hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of:
 - 15.2 The Members of the CDEM Group collectively; and
 - 15.3 The Hawke's Bay community represented by the Members of the CDEM Group collectively.

16. VARIATIONS

- 16.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the CDEM Group.
- 16.2 Once a proposed variation, deletion or addition to this Terms of Reference has been put to the CDEM Group, this Terms of Reference is not amended until each Member adopts the revised terms of Reference giving effect to the proposed variation, deletion or addition.
- 16.3 Notwithstanding clause 16.2, the CDEM Group may amend the Terms of Reference, where the changes will not materially affect the commitment of any individual Member.

17. REVIEW OF THE TERMS OF REFERENCE

- 17.1 The Terms of Reference will be reviewed and if appropriate amended by the CDEM Group at its meeting following the adoption of its Group Plan and any subsequent amendments to or revisions of that Plan.
- 17.2 The adoption of an amended Terms of Reference revised under clause 17.1 will be undertaken in accordance with section 16.