



Proactive release of material relating to establishing a new National Emergency Management Agency (NEMA)

The material in this proactive release includes briefings, aides memoire and Cabinet material directly related to establishing a new National Emergency Management Agency (NEMA), as itemised below. Documents relating to consultation undertaken with local government representatives have not been included in this release.

This material has been proactively released by the Department of the Prime Minister and Cabinet, on behalf of Hon Peeni Henare, Minister of Civil Defence.

Date	Item
02/05/19	Cabinet Paper: Delivering Better Responses to Emergencies: National Structures
15/04/19	Cabinet Minute of Decision: 2019 Budget Package: Vote Prime Minister and Cabinet
09/05/19	Cabinet Government Administration and Expenditure Review Committee Minute of Decision Delivering Better Responses to Emergencies: National Structures
27/03/18	Preliminary Advice on the TAG's recommendations
26/06/18	Current thinking on the National Emergency Management Agency (NEMA) to support your meeting with SSC and DPMC
26/10/18	Delivering Better Responses to Emergencies: National Structures
23/11/18	Advice on the National Emergency Management Agency (NEMA)
21/02/19	Final National Structures Cabinet Paper
28/02/19	Final National Structures Cabinet Paper Redraft
28/03/19	Letter to the Prime Minister and the Minister of Finance following Budget Bilateral
8/05/19	Cabinet Paper on National Structures for the Emergency Management System
12/03/19	Budget 2019 Initiatives and Prioritisation Submissions
12/10/18	Progress on Implementing the Emergency Management System Reforms
16/11/18	Status Update on the Emergency Management System Reforms Programme
30/11/18	Status Update on the Emergency Management System Reforms Programme
14/12/18	Status Update on the Emergency Management System Reforms Programme
30/01/19	Status Update on the Emergency Management System Reforms Programme

13/02/19	Status Update on the Emergency Management System Reforms Programme
27/02/19	Status Update on the Emergency Management System Reforms Programme
13/03/19	Status Update on the Emergency Management System Reforms Programme
10/04/19	Status Update on the Emergency Management System Reforms Programme
9/05/19	Status Update on the Emergency Management System Reforms Programme
22/05/19	Status Update on the Emergency Management System Reforms Programme

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it. Some material has also been withheld as out of scope of in these documents, as it is not directly related to establishing NEMA.

Key to redaction codes:

- 9(2)(a), to protect the privacy of individuals;
- 9(2)(f)(iv): to maintain the confidentiality of advice tendered by or to Ministers and officials;
- 9(2)(g)(i): to maintain the effective conduct of public affairs through the free and frank expression of opinion; and
- 9(2)(h), to maintain legal professional privilege.

The following items are not included in this release:

Item	Withholding grounds
Cabinet paper: Delivering better responses to emergencies: National Structures (2 March 2019)	Withheld in full under 9(2)(f)(iv)
Aide-Memoire: Cabinet paper on National Structures for the Emergency Management System (5 March 2019)	Withheld in full under 9(2)(f)(iv) and 9(2)(g)(i)
Budget bid: Delivering better responses to emergencies: Establishing a new national emergency management agency	Withheld in full under 9(2)(f)(iv)



Joint Briefing

FINAL NATIONAL STRUCTURES CABINET PAPER

To: Hon Chris Hipkins, Minister of State Services
Hon Kris Faafoi, Minister of Civil Defence

Date	21/02/2019	Priority	Urgent
Deadline	27/02/2019	Briefing Number	DPMC: 1819NSP/068 SSC: SSC2019/0042

Purpose

Attached is the final Cabinet paper on the Technical Advisory Group's (TAG) national structures recommendations. The revised Cabinet paper incorporates your feedback and feedback from our consultation with agencies.

This briefing summarises the feedback received from agencies and the changes that we have made as a result. If you are comfortable with the revised documents, we ask that the Minister of Civil Defence's office consult Ministerial and coalition colleagues on the paper.

When the Ministerial and coalition consultation process is complete, we will make any changes needed. We will then seek your authorisation to lodge the paper with the Cabinet Office by 10am on 28 February 2019 for consideration by the Cabinet Governance and Administration Committee (GOV) on 7 March 2019.



The next meeting of GOV is on 21 March 2019. Papers for this meeting need to be lodged on 14 March 2019.

Recommendations

It is recommended that you:

1. **note** the contents of this briefing; *Noted*
2. **note** the changes made to the Cabinet paper following agency consultation; *Noted*

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|--|--------|
| 3. provide feedback on further changes that are needed; | Yes/No |
| 4. note that Ministerial and coalition consultation needs to be completed by 27 February 2019 in order for the paper to be lodged on 28 February 2019; | Noted |
| 5. agree that we share the Cabinet paper with members of the Hazard Risk Board and the chief executives of other relevant agencies in order to support Ministerial and coalition consultation; | Yes/No |
| 6. note that we will seek your authorisation to lodge the final Cabinet paper on Thursday 28 February 2019 for the Cabinet Governance and Administration Committee (GOV) on 7 March 2019 once Ministerial and coalition consultation is complete; and | Noted |
| 7. note that the next meeting of GOV is on 21 March 2019 and that papers for this meeting need to be lodged on 14 March 2019. | Noted |

 Hannah Cameron Deputy Commissioner, Strategy and Policy, SSC
21/2/2019
 Clare Ward Executive Director, Strategy, Governance, and Engagement, DPMC
21/2/2019

Hon Chris Hipkins Minister of State Services
...../...../2019
Hon Kris Faafoi Minister of Civil Defence
...../...../2019

Contact for telephone discussion if required:

Name	Position	Telephone		1st contact
Clare Ward (DPMC)	Executive Director, Strategy, Governance and Engagement	9(2)(a)	9(2)(a)	
Hannah Cameron/Erik Koed (SSC)	Deputy Commissioner, Strategy and Policy/ Assistant Commissioner		9(2)(a)	

Minister's office comments:

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

FINAL NATIONAL STRUCTURES CABINET PAPER

We have finished agency consultation on the Cabinet paper

1. On 23 November 2018, we sent you a draft Cabinet paper about the proposed response to the Technical Advisory Group's (TAG) report recommendations on emergency management national structures [DPMC 1819NSP/054 and SSC2018/1085 refer].
2. As agreed with the Minister of Civil Defence, the draft Cabinet paper was based on the advice provided in the Department of the Prime Minister and Cabinet's (DPMC) briefing *Delivering Better Responses to Emergencies: National Structures* [DPMC 1819NSP/040 refers]. In putting together the draft that we provided you in November, all agencies were sent the front end of the paper and the sections of the paper that directly related to them (e.g. agencies with proposed lead agency responsibilities). Agencies did not see the machinery of government or financial implications sections. Where agencies responded, their feedback was included in the draft we sent you.
3. Since sending you the draft Cabinet paper, we have followed up with agencies that did not provide feedback on the earlier document and with agencies with known concerns. The State Services Commission (SSC) also gave the Hazard Risk Board a verbal update on the machinery of government proposals. This feedback, along with the feedback received from you/your office is included in the final draft Cabinet paper which is attached to this briefing.

We have made two main changes to the Cabinet paper that you saw in November

Location of the proposed departmental agency

4. This section was blank in the previous version of the Cabinet paper as Ministerial and agency discussions on this point were still ongoing. The Cabinet paper (paragraphs 32-34) now includes a section on this that we understand reflects Ministerial conversations and the Minister of Civil Defence's conversation with the Chief Executive of DPMC. The Chief Executive of DPMC has discussed this position with the State Services Commissioner and the Chief Executive of the Department of Internal Affairs (DIA) who are both comfortable with the position proposed in the paper.
5. This section now proposes that the new national emergency management agency (NEMA) is set up as a departmental agency within DPMC in the first instance and that this will be reviewed with you ^{9(2)(f)(iv)}, once the new agency has been up and running for a year.
6. We have also included a paragraph about why Fire and Emergency New Zealand (FENZ) is not considered as the host for NEMA.

Establishment of the agency – timing and budget

7. The Cabinet paper that you saw in November proposed that a departmental agency of the same size of the Ministry of Civil Defence & Emergency Management (MCDEM) be

set up within the Department of the Prime Minister and Cabinet (DPMC) from 9(2)(f)(iv). It was noted that this could be done at minimal cost and that this could be funded through internal reprioritisation.

8. It is now clear that while it may be possible to absorb the costs required to set up the departmental agency within existing baselines, there are likely to be ongoing running costs that could not be absorbed (given DPMC's reducing baseline in coming years). Therefore setting up a new agency with no new money would not be sustainable.
9. The Treasury advise that if any new money is required for this initiative then it must be considered through the Budget process and Cabinet will not be able to agree to set up the agency before Budget decisions are made. Therefore, the Cabinet paper seeks agreement in principle to setting up a departmental agency within DPMC subject to investment being available through Budget 2019. We have also changed the establishment date to 9(2)(f)(iv) to reflect the dependence on the Budget process.

We have also made changes that relate to agency feedback – these are not substantive

10. The table in Appendix 1 sets out the agencies that we consulted. A high-level summary of their feedback is provided along with the action we have taken in the Cabinet paper. The main changes are:
 - Inclusion of definitions in a footnote on page one of the paper as there is confusion as to what is meant by emergency management and emergency.
 - Changes to the description of national emergency management agency's (NEMA) role (paragraph 19) to emphasise its role working across central government as well as with local government and communities.
 - Addition of wording to reference NEMA's role in risk reduction (paragraph 21).
 - Inclusion on a section (paragraphs 39-41) on how agencies will be engaged in the process after Cabinet has made decisions on NEMA.

Next steps

11. Once you are comfortable with the revised document, we ask that the Minister of Civil Defence's office consult Ministerial and coalition colleagues on the paper. To support the Ministerial consultation we will provide a copy of the Cabinet paper to members of the Hazard Risk Board and the chief executives of other relevant agencies.
12. When the Ministerial and coalition consultation process is complete, we will make any changes that are needed. We will then seek your authorisation to lodge them with the Cabinet Office by 10am on 28 February 2019 for consideration by the Cabinet Governance and Administration Committee (GOV) on 7 March 2019.
13. The next meeting of GOV is on 21 March 2019. Papers for this meeting need to be lodged on 14 March 2019.

Appendix 1: Summary of Agency Feedback on the National Structures Cabinet Paper

Agency	Their Feedback	Changes to the Draft Cabinet Paper Provided to you on 23 November 2018
<p>Department of Internal Affairs</p> <p>Fire and Emergency New Zealand (FENZ)</p>	<p>The Chief Executive is aware of the proposal around DIA</p> <p>Provided substantial feedback on the paper, the process through which it was developed, and the process from here. Specifically:</p> <ul style="list-style-type: none"> They were not comfortable that they only received the front end of the paper for comment and many of their comments related to material in the machinery of government section (e.g. organisational form and location). They felt that FENZ should be involved in designing NEMA alongside DPMC given FENZ's role in the emergency management system. 	<p>None</p> <p>We met with FENZ about their concerns have agreed that it will be important for both agencies to involve each other as they develop their strategic directions and operating models. We do not agree, however, that FENZ should have a role in the design and implementation of NEMA that is different to that of other lead agencies and emergency services.</p> <p>We have:</p> <ul style="list-style-type: none"> Included definitions in a footnote on page one of the paper as there is confusion as to what is meant by emergency management and emergency. Included a section (paragraphs 39-41) on how agencies will be engaged in the process after Cabinet has made decisions on NEMA. This includes reference to FENZ. FENZ is comfortable with this wording.
<p>Ministry of Transport (who consulted the transport sector agencies)</p>	<p>We have had a lot of engagement with MOT on the proposed lead agency role related to infrastructure failure and their views were included in the initial draft Cabinet paper provided to you. They are supportive of the proposals about MOT and the lead agency role but have signalled there may be some, as yet unquantified, resource needs that result. This is signalled in the Cabinet paper. They wanted to see the next steps more clearly set out.</p>	<p>Included a section (paragraphs 39-41) on how agencies will be engaged in the process after Cabinet has made decisions on NEMA.</p>

Agency	Their Feedback	Changes to the Draft Cabinet Paper Provided to you on 23 November 2018
<p>Ministry of Business, Innovation, and Employment (MBIE)</p>	<p>We have had a lot of engagement with MBIE on the proposed lead agency role related infrastructure failure and their views were included in the initial draft Cabinet paper provided to you. They are supportive of the proposals about MBIE but have questions about the true nature of the role and are keen to see this fleshed out in more detail. They have signalled that they will need resource to pick this role. This is signalled in the Cabinet paper. They wanted to see the next steps more clearly set out.</p> <p>We have also consulted MBIE on the proposals related to GNS Science, since MBIE is the monitoring agency for this Crown Research Institute. They did not have any substantive comments on the proposal.</p>	<p>Included a section (paragraphs 39-41) on how agencies will be engaged in the process after Cabinet has made decisions on NEMA.</p>
<p>Ministry of Health</p>	<p>Concerned that the proposed focus of NEMA on building the capability and capacity of the system to 'plan for, withstand, respond to, and recover from' emergencies loses the integrated focus across the 4Rs since it does not refer to risk reduction.</p> <p>Raised the issue of lack of knowledge of roles and responsibilities of lead agencies and others within a multi-agency event.</p> <p>Suggested that we clarify that regional arrangements with CDEM Groups are not changing.</p>	<p>Added the following text (paragraph 20) 'Responsibility for reducing the likelihood of emergencies happening and reducing their impact when they do occurs sits across a wide range of agencies within the NSS. NEMA would be a key participant in this system across a wide range of hazards and risks. It will have particular focus on promoting and advocating risk reduction across the system and ensuring that this understanding is built into emergency management plans.'</p> <p>Added a paragraph on the role of the CDEM Group (paragraph 25).</p> <p>Added reference to NEMA building understanding of roles and responsibilities (paragraph 43)</p>

Agency	Their Feedback	Changes to the Draft Cabinet Paper Provided to you on 23 November 2018
Ministry of Primary Industries (MPI)	Suggested including reference to NEMA working across all hazards and all communities, reflecting the need for NEMA and the CDEM Groups to operate in ways that factor in community demographics including rural communities. They feel there is a need for 'all communities' to be considered in planning and delivery and to remove the notion that MPI is responsible and the lead for all matters relating to non-urban communities. Suggested we refer to the National Disaster Resilience Strategy (NDRS) in the paper. 9(2)(f)(iv), 9(2)(g)(i), 9(2)(h)	Added reference to 'all communities' in paragraph 18. Added a footnote about the NDRS.
GNS Science		
New Zealand Police	Comfortable with the paper – no comments.	None.
DPMC National Security System	No additional comments.	None.
Ministry of Civil Defence and Emergency Management (MCDEM)	No additional comments.	None.
Ministry of Foreign Affairs and Trade	No comments received.	None.

Agency	Their Feedback	Changes to the Draft Cabinet Paper Provided to you on 23 November 2018
Ministry of Social Development	No additional comments received.	Earlier feedback accommodated in the version of the paper provided on 23 November 2018.
New Zealand Defence Force	Comfortable with the paper – no comments.	None.
Te Puni Kōkiri	No comments received.	None.
The Treasury	Ensure that the financial recommendations do not predetermine or conflict with potential Budget 2019 decisions. Remove the Treasury comment section as there are no financial decisions sought in the paper.	Clarified the financial implications section (paragraphs 64-67) and associated recommendations to make it clear that the NEMA establishment and 24/7 tsunami warning capability decisions are independent of one another. We will need to discuss priorities with you as we progress through the Budget process. Removed the Treasury comment section.