

Wellington Region Civil Defence Emergency Management Group

Terms of Reference

DRAFT

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1. Definitions

1.1 For the purpose of these Terms of Reference:

“Act” means the Civil Defence Emergency Management Act 2002.

“CDEM Group” means the Wellington Region 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 10.7 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 10.1 of these Terms of Reference as a Group Controller.

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

“Representative” means the Mayor or Chairperson of a Member or an alternative person who has been given the delegated authority to act for the Mayor or Chairperson.

“Wellington Region” for the purposes of these Terms of Reference means the Wellington Region as defined by the Local Government (Wellington Region) Reorganisation Order 1989, excluding the parts of the Tararua District falling within the area administered by the Greater Wellington Regional Council.

2. Name

2.1 The Wellington Region Civil Defence Emergency Management Group shall be known as the Wellington Region CDEM Group.

3. Members

3.1 Each of the following local authorities is a member of the Wellington Region CDEM Group:

Carterton District Council

Greater Wellington Regional Council

Kapiti Coast District Council

Hutt City Council

Masterton District Council

Porirua City Council

South Wairarapa District Council

Upper Hutt City Council
Wellington City Council

4. Status

- 4.1 The Wellington Region CDEM Group has the status of a Civil Defence Emergency Management Group under the Civil Defence Emergency Management Act 2002. It is a joint standing committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002.

5. Purpose of Terms of Reference

- 5.1 The purpose of these Terms of Reference is to:
- (1) Define the responsibilities of the CDEM Group as delegated to the CDEM Group by the Members
 - (2) Provide for the administrative arrangements of the Group.

6. Functions, duties and powers

- 6.1 The functions, duties and powers of the CDEM Group are those that are set out for a Civil Defence Emergency Management Group in the Civil Defence Emergency Management Act 2002.

7. Objectives of the CDEM Group

- 7.1 To assist the CDEM Group to meet the requirements of the Act, the Group adopts the following objectives:
- (1) To ensure that hazards (as defined in the Act) and the consequential risks are identified and assessed
 - (2) 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)
 - (3) To facilitate effective and efficient emergency management through partnership and co-ordination amongst the organisations represented on the Co-ordinating Executive Group
 - (4) To promote appropriate mitigation of the risks

8. Representatives

- 8.1 Each Member is to be represented on the CDEM Group by one person only,

being the Mayor or Chairperson of that local authority or an alternate representative who has been given the delegated authority to act for the Mayor or Chairperson.

- 8.2 An alternate representative must be an elected person from that local authority under section 13(4) of the Act.
- 8.3 Under section 114S(4) of the Local Government Act 1974, and clause 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.

9. Requirement to maintain the CDEM Group

- 9.1 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.
- 9.2 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.

10. Delegated authority

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

10.1 Appoint a Group Controller

- 10.1.1 Appoint in accordance with section 26 of the Act, a suitably qualified and experienced person to be the Group Controller for the Wellington Region.
- 10.1.2 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.
- 10.1.3 Delegate to the Group Controller the functions set out in section 28 of the Act.

10.2 Appoint local controllers

- 10.2.1 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.

10.3 Appoint person who may declare state of local emergency

- 10.3.1 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 Wellington Region.

10.4 Prepare, approve, implement and review civil defence emergency management group plan

10.4.1 In accordance with sections 48 to 57 of the Act, prepare, and after consultation approve a CDEM Group Plan.

10.4.2 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.

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

10.5 Exercise powers to perform its functions

10.5.1 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.

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

- (1) Recruit and train volunteers for civil defence emergency management tasks
- (2) Conduct civil defence emergency management training exercises, practices, and rehearsals
- (3) 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
- (4) Ensure the provision, maintenance, control, and operation of warning systems
- (5) Ensure the provision of communications, equipment, accommodation, and facilities for the exercise of the CDEM Group's functions and powers during an emergency
- (6) Exercise any other powers that are necessary to give effect to the CDEM Group's Civil Defence Emergency Management Plan.

10.6 Establish and Maintain the Co-ordinating Executive Group

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

- (1) The chief executive officer of each Member or a senior person acting on that person's behalf;
- (2) A senior member of the Police assigned for the purpose by the Commissioner of Police

- (3) A senior member of the Fire Service assigned for the purpose by the National Commander
- (4) The chief executive officers of Capital and Coast Health District Health Board, Hutt Valley Health Board and Wairarapa Health District Health Board, or a person or persons acting on their behalf

11. Powers not delegated

- 11.1 Any power that cannot be delegated in accordance with Section 114Q of the Local Government Act 1974 and Clause 32 Schedule 7 of the Local Government Act 2002.
- 11.2 The determination of internal staff structures of individual Members necessary for the delivery of services required under the Act or the CDEM Group Plan.
- 11.3 The determination of funding for implementing the CDEM Group Plan.

12. Remuneration

- 12.1 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.

13. Meetings

- 13.1 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 Greater Wellington Regional Council or his or her nominated representative were its principal administrative officer.
- 13.2 Other standing orders may be used, subject to the agreement of the CDEM Group, and in accordance with section 19(1) of the Act.
 - 13.2.1 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.
 - 13.2.2 The quorum shall consist of five (5) members.

14. Voting

- 14.1 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.

- 14.2 Members shall use their best endeavours to avoid use of a casting vote by obtaining majority consensus.
- 14.3 Each Member has one vote.
- 14.4 A casting vote shall not be used unreasonably in favour of one Member.
- 14.5 As general statements of principle, a casting vote is to be used in the best interests of the Wellington region.

15. Election of Chairperson and Deputy Chairperson

- 15.1 On the constitution or reconstitution of the CDEM Group Members shall elect a CDEM Group Chairperson and may elect a Deputy Chairperson.
- 15.2 The Group's Chairperson and Deputy Chairperson will hold office for an initial term up to the local body elections in October 2004.
- 15.3 Following the October 2004 elections the Chairperson and Deputy Chairperson will hold office for a term of three years or such a lesser period as may be determined by the CDEM Group. However, if three-quarters of the representatives of the Members present agree the Group may appoint a new Chairperson or Deputy Chairperson at any time.
- 15.4 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.

16. Reporting

- 16.1 Any organisation represented on the Co-ordinating Executive Group shall be able to prepare reports for consideration by the CDEM Group.
- 16.2 The Chairperson of the Co-ordinating Executive Group shall be responsible for approving reports to the CDEM Group.
- 16.3 Following each meeting of the CDEM Group, the Chairperson shall prepare a summary report of the business of the meeting. Each representative shall report back to his or her authority following each meeting.

17. Administering authority

- 17.1 In accordance with the section 23 of the Act, the administering authority for the CDEM Group is Greater Wellington Regional Council.
- 17.2 In accordance with section 24(2) of the Act, the administrative and related

services referred to in clause 17.1 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.

- 17.3 Until otherwise agreed, Greater Wellington Regional Council will cover the full administrative costs of servicing the CDEM Group.

18. Good faith

- 18.1 In the event of any circumstances arising that were unforeseen by the Members or their representatives at the time of adopting this Terms of Reference, the Members and their representatives 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:

- (1) The Members of the CDEM Group collectively
- (2) The Wellington Regional community represented by the Members of the CDEM Group collectively.

19. Variations

- 19.1 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.
- 19.2 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.
- 19.3 Notwithstanding clause 19.2, the CDEM Group may amend the Terms of Reference, where the changes will not materially affect the commitment of any individual Member.

20. Review of the Terms of Reference

- 20.1 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.
- 20.2 The adoption of an amended Terms of Reference revised under clause 20.1 will be undertaken in accordance with section 19.

21. Adopted by

THE COMMON SEAL of)
CARTERTON DISTRICT COUNCIL)
Was affixed in the presence of)

THE COMMON SEAL of)
GREATER WELLINGTON)
REGIONAL COUNCIL)
Was affixed in the presence of)

THE COMMON SEAL of)
KAPITI COAST DISTRICT COUNCIL)
Was affixed in the presence of)

THE COMMON SEAL of)
HUTT CITY COUNCIL)
Was affixed in the presence of)

THE COMMON SEAL of)
MASTERTON DISTRICT COUNCIL)
Was affixed in the presence of)

THE COMMON SEAL of the)
PORIRUA CITY COUNCIL)
Was affixed in the presence of)

THE COMMON SEAL of the)
SOUTH WAIRARAPA DISTRICT COUNCIL)
Was affixed in the presence of)

THE COMMON SEAL of the)
UPPER HUTT CITY COUNCIL)
Was affixed in the presence of)

THE COMMON SEAL of the)
WELLINGTON CITY COUNCIL)
Was affixed in the presence of)

