

STAFF REPORT

TO: Mayor and Councillors

FROM: Chief Executive

DATE: 19 August 2010

SUBJECT: **Civil Defence Emergency Management – RCN 10-09-04**

1. PURPOSE

The purpose of this report is to ensure the continuity of the Nelson Tasman Civil Defence Emergency Management (CDEM) group following the October Triennial Elections.

2. BACKGROUND

The CDEM Act 2002 requires local authorities to establish a CDEM group as a joint standing committee under the Local Government Act 2002, and states that every local authority must be a member of a CDEM group.

CDEM Groups are treated by the CDEM Act as if they are permanent bodies, and always able to respond to emergencies. However, clause 30(7) of Schedule 7 of the Local Government Act deems committees (including CDEM Groups) and subordinate bodies to be discharged on the coming into office of members elected after a triennial election, unless each local authority resolves otherwise.

CDEM Groups must exist in order for their local authority members to exercise their functions and powers under the CDEM Act. If a CDEM Group is discharged, no activity will be able to be taken by it (and its members) until it is reconstituted. If there should be an emergency event during the time the Group is not in existence, this could create difficulties.

3. DISCUSSION

By passing a formal resolution, the Council can ensure the Nelson Tasman CDEM Group is not discharged following the triennial election. The Nelson City Council passed an identical resolution at its meeting of 1 July 2010.

Due to the fact that, following a triennial election, newly elected representatives cannot act until they are sworn in; it is recommended that the Chief Executive be delegated statutory responsibilities for the Group. The Chief Executive will then be able to act, as needed, during that period. The Chief Executive may not be delegated the power to declare a state of local emergency, under the CDEM Act, however the Minister of Civil Defence can declare a state of local emergency under section 69 of the CDEM Act, if necessary, during the period that local authority members do not have the ability to do so.

4. RECOMMENDATIONS

THAT the Nelson Tasman Civil Defence Emergency Management Group and any subcommittee constituted by that Group shall not be deemed to be discharged on the coming into office of the members of the Council elected or appointed at the next triennial general election of members, as provided for by clause 30(7) of Schedule 7 of the Local Government Act 2002.

THAT the statutory responsibilities of each member of the Group be delegated to the Chief Executive during the election period.

Paul Wylie
Chief Executive