

Establishment of the Government Inquiry Into the Response to the North Island Severe Weather Events

Pursuant to section 6(3) of the Inquiries Act 2013, I, The Honourable Kieran McNulty, Minister for Emergency Management, hereby establish the Government Inquiry into the response to the North Island severe weather events ("Inquiry").

Membership

The following persons are appointed to be members of the Inquiry:

- Sir Jeremiah Mateparae, GNZM, QSO, KSTJ (Chair);
- John Ombler, CNZM, QSO (member);
- Rangimarie Hunia, Ngāti Whātua (member); and
- Julie Greene (member).

Terms of Reference - Government Inquiry into the Response to the North Island Severe Weather Events

Background

The severe weather events that impacted the North Island in January and February 2023 were of a scale and severity unprecedented in Aotearoa New Zealand's recent history. Cyclone Gabrielle led to only the third declaration of a State of National Emergency in New Zealand's history. These events led to 15 deaths and widespread, significant damage including property loss, road closures, collapsed bridges, damaged power and communications infrastructure, and loss of livelihoods. Affected communities, including Māori and rural communities, across a number of regions, have raised concerns about communication and support during the response.

The impacts of these events continue to be felt across communities and will be felt for years to come as iwi, hapū, whānau, communities and individuals recover.

Some of the regions affected by the recent severe weather events have experienced multiple events over the past two years and will likely experience more events in future.

Severe weather events are not new. Climate change is exacerbating the frequency and complexity of severe weather events across New Zealand and the world. There have been over 30 states of local emergency declared over the past 5 years (2018-2022) related to severe weather or flooding - this is more than double the incidence of events in the 5 preceding years (11 states of local emergency, 2013-2017)¹. Floods are New Zealand's mostly frequent and costly natural hazard.

Definitions

Reduction - identifying and analysing risks to life and property from hazards, taking steps to eliminate those risks if practicable, and, if not, reducing the magnitude of their impact and the likelihood of their occurrence to an acceptable level.

Readiness - developing operational systems and capabilities before an emergency happens; including self-help and response programmes for the general public, and specific programmes for emergency services, lifeline utilities and other agencies.

Response - actions taken immediately before, during or directly after an emergency to save lives and protect property, and to help communities recover.

Recovery - the co-ordinated efforts and processes used to bring about the immediate, medium-term, and long-term holistic regeneration and enhancement of a community following an emergency.

Civil Defence Emergency Management (CDEM) Groups - are the Group established under section 12 of the Civil Defence Emergency Management Act 2002 (CDEM Act). The representatives of the CDEM Group are the Mayor or Chairperson of the local authorities that are a member of the Group (as per section 13 of the CDEM Act).

Displaced people - are people who had to leave their homes as a result of an emergency event and were provided shelter and accommodation under section 73(1) in the National Civil Defence Emergency Management Plan Order 2015.

Matter of Public Importance

It is a matter of public importance to ensure that the design of New Zealand's emergency management system is appropriate for responding to future emergency events because lives and livelihoods are at stake.

Purpose and Objectives

The purpose of this Inquiry is to ensure that the design of New Zealand's emergency management system is appropriate to support readiness for, and responses to, future emergency events (such as landslides, tsunami, earthquake, volcanic activity, floods and storms) by identifying lessons from the 2023 North Island severe weather

events.²

In order to achieve its purpose, the Inquiry will inquire into whether:

- the readiness activities and response to the North Island severe weather events operated as needed under current emergency management system design and if not, why not and what would enable future responses to operate as needed;
- the current design of the emergency management system enabled central and local government (including CDEM Groups, Crown Entities and State-owned Enterprises) and other organisations to respond as expected during the response phase; and
- the system improvements already underway will be sufficient to address the identified challenges or whether additional improvements are required;
 - this specifically includes whether the changes proposed in the Emergency Management Bill relating to the role of Māori in the emergency management system will adequately address the concerns raised by Māori in relation to the North Island severe weather event response.

Scope

The Inquiry will examine the response activities undertaken during the North Island Severe weather events, and the readiness activities ahead of these events. The National Crisis Management Centre stood down on 22 March 2023. The Inquiry must only review the response and early recovery planning up to and including 22 March 2023.

The North Island severe weather events that are in the scope of this Inquiry are:

- Cyclone Hale, which crossed the North Island during the period commencing 8 January 2023 and ending 12 January 2023;
- heavy rainfall commencing 26 January 2023 and ending 3 February 2023 in the Northland, Auckland, Waikato, and Bay of Plenty regions; and
- Cyclone Gabrielle, which crossed the North Island during the period commencing 12 February 2023 and ending 16 February 2023.

The Inquiry will identify lessons from the response to, and readiness activities ahead of, the North Island severe weather events, and make recommendations that should be applied in the preparation for future emergency events in only the following areas:

- the legislative, regulatory and operational settings, and the implementation and execution of those settings, required to support New Zealand's emergency readiness and response, relating to the **roles and responsibilities** of central and local government (including Crown entities and State-owned Enterprises) and other organisations,³ including:
 - the decision-making structures and arrangements that might be used or put in place during an emergency event;
 - the coordination and collaboration involved in the response, including the interplay between national, regional and local levels as well as the role of Māori, iwi and community organisations;
- the legislative, regulatory and operational settings, and the implementation and execution of those settings, required to support the readiness for and response to future emergencies, relating to **funding settings**. This includes whether current policy funding settings and the delivery mechanisms for funding support, including to marae, iwi, rural, Pacific and other community organisations that have had a significant role in response, are fit for purpose and roles and responsibilities for these are clear across all government portfolios, including response funding settings to:
 - care for directly affected people;
 - take the necessary precautions or preventive actions to reduce the immediate danger to human life;
 - enable precautions or preventive actions aimed at reducing the potential consequences of an emergency;
 - enable immediate emergency financial support to individuals, businesses, and sectors, including how such support might be quickly implemented, appropriately and accurately distributed, monitored, and ended;
- the legislative, regulatory and operational settings, and the implementation and execution of those settings, required to support the **immediate management of the response** to future emergencies, relating to:

- the issuing of, and response to, public warnings and notifications;
- the timing and effectiveness of communication and information available for decision makers and to impacted communities;
- public safety and the safety of all emergency services personnel and community first responders, including local Māori responders and national Māori response networks;
- impacts of the severe weather events including potential public health, sediment, debris and waste issues;
- the legislative, regulatory, and operational settings, and the implementation and execution of those settings, needed to ensure the continued **supply of goods and services** (excluding cash supports) during an emergency event, relating to the provision of:
 - lifeline utilities and other necessary services, including electricity supply, water supply, telecommunications, transport access, and waste collection and removal;
 - shelter and accommodation for displaced people, welfare support services, and other necessary central and local government support services;
 - welfare support services and other necessary support services provided by community groups, including iwi, marae and other Māori actors, Pacific, and other organisations in the immediate aftermath that would not otherwise have been provided, particularly for 'hard to reach' communities;
- communication with, engagement of, and enabling of people and communities to prepare for an emergency event, relating to:
 - provision of information to the public to enable readiness for emergency events in their area;
 - what to do to prepare for an emergency event;
 - the preparation and planning by government, other entities and the community, including provision of quality and timely meteorological and hydrological information and forecasts, emergency management plans, and practices;
- the coordination and provision of response services to, and the impact on, any persons and communities disproportionately impacted by the events, including Māori, Pacific and ethnic communities, disabled persons, and rural communities; and
- acknowledging and acting in support of the interests of Māori in the context of an emergency event, consistent with the Treaty of Waitangi/Te Tiriti o Waitangi relationship.

Matters Upon Which Recommendations Are Sought

The Inquiry should make recommendations on changes to legislative, regulatory and operational settings and strategies and other measures that New Zealand should apply in preparation for any future emergency event, in relation to the principal matters within the Inquiry's scope, by applying relevant lessons identified from New Zealand's response to the North Island severe weather events.

Limits to the Inquiry's Scope

The following matters are outside the scope of the Inquiry:

- any response activities relating to the North Island severe weather events which occurred after 22 March 2023;
- policies and actions relating to the recovery from the North Island severe weather events, including decisions about the future of severely affected locations, and funding and coordination of recovery activity (as the recovery is anticipated to continue in the medium to long term);
- policies and actions relating to risk reduction and resilience building (as separate work programmes are already underway, including resource management reforms, climate adaptation reforms, Future for Local Government; Cyclone Recovery Taskforce, and the Department of Prime Minister and Cabinet's work on strengthening the resilience of New Zealand's critical infrastructure system);
- investigation of land use causing woody debris, including forestry slash, and sediment-related damage (as this was covered by the Ministerial Inquiry into Land Use);
- investigation of the causes of deaths due to the severe weather events (as this is covered by any Coroner's Inquiry);
- investigation into the treatment of individual cases of people or businesses affected by the severe weather events (such as insurance claims made by property owners);

- how and when the strategies and other measures devised in response to the North Island severe weather events were implemented or applied in particular situations or in individual cases; e.g., the amount of funding to support welfare support grants, or business grants;
- anything that is not required to produce the recommendations;
- any questions of civil, criminal, or disciplinary liability; and
- the judgments and decisions of any courts and tribunals and independent agencies, such as the Ombudsman, relating to the North Island severe weather events.

Inquiry Procedure

In accordance with section 14⁴ of the Inquiries Act 2013, the Inquiry must comply with the principles of natural justice and avoid unnecessary delay or costs.

The Inquiry must operate in a way that:

- does not take a legalistic and adversarial approach;
- uses the most efficient and least formal procedures to gather any additional necessary information; and
- ensures that any request for necessary information is specified with due particularity.

The Inquiry can consult investigations, reports, and reviews (both domestic and international) and any other publicly available material relevant to these terms of reference; but should not duplicate or repeat work already undertaken in any other reports or review. In particular, the Inquiry will take into account the recommendations of the 2017 Ministerial Review, Better Responses to Natural Disasters and Other Emergencies, and the subsequent implementation of these recommendations.

The Inquiry should take account of:

- the outcome of other investigations and reports into related matters (e.g., Civil Defence Emergency Management Group or agency reviews into their individual performance during the response) and other material that is already in the public domain;
- previous reviews into the emergency management system (including design and settings) and the Government response to these; (e.g., Better Responses to Natural Disasters and Other Emergencies in New Zealand 2017);
- previous reviews of responses to emergency events (in particular, natural hazard events); and
- where another concurrent Inquiry may have similar issues in scope, this Inquiry should consult the other Inquiry to ensure there is no duplication of work.

The Inquiry is not bound by the conclusions or recommendations of any other investigation, report, or review.

The Inquiry can consider international investigations, reports, and reviews and other material, but will not travel internationally or invite persons to travel to New Zealand.

The Inquiry may:

- engage with any organisations and/or groups of individuals:
 - affected by the North Island severe weather events;
 - involved in preparing for and responding to North Island severe weather events;
 - responsible for developing emergency management legislative, regulatory and operational settings, strategies and other matters; and
- provide opportunity for the public to participate in the Inquiry.

Access to Inquiry Information

The Inquiry must restrict access to Inquiry information where it considers such steps are required in order to:

- avoid prejudice to the maintenance of the law, including the prevention, investigation, and detection of offences;
- ensure that current or future criminal, civil, disciplinary, or other proceedings are not prejudiced;
- protect the international relations of the Government of New Zealand;
- protect the confidentiality of information provided to New Zealand on a basis of confidence by any other country or international organisation;
- protect commercially sensitive information, including commercial information subject to an obligation of confidence; and

- protect information for any other reason that the Inquiry considers appropriate.

Reporting

The Inquiry is to provide its report, including final recommendations, to the Minister for Emergency Management in writing no later than 26 March 2024.

The Inquiry is to provide interim recommendations to the Minister for Emergency Management in writing no later than 7 December 2023. If the recommendations provided in December 2023 are not the same as the recommendations presented to the Minister in the Inquiry's report in March 2024, the Inquiry must ensure that the report includes an explanation of the changes made to the recommendations and the reasons for the changes.

The Inquiry must support the Department of Internal Affairs (as the department responsible for administrative matters relating to the Inquiry) to meet its administrative and reporting requirements relevant to the Inquiry by providing the department with regular information and reports on the progress, administration, budget and expenditure of the Inquiry.

Authority

The Inquiry is established as a Government Inquiry under the Inquiries Act 2013, with the Minister for Emergency Management as the appointing Minister.

Consideration of Evidence

The Inquiry may begin considering evidence on and from **31 July 2023**.

Dated at Wellington this 6th day of July 2023.

HON KIERAN McANULTY, Minister for Emergency Management.

Endnotes

1. Declared States of Emergency » National Emergency Management Agency (<http://www.civildefence.govt.nz/resources/previous-emergencies/declared-states-of-emergency/>).

2. Many of the emergency management system's settings are hazard agnostic, so lessons from this response may be applicable to emergencies caused by hazards other than severe weather.

3. This includes organisations outlined in the Guide to the National Civil Defence Emergency Management Plan 2015 and any other entities that had a role during the response to the North Island severe weather events.

4. New Zealand Legislation (http://www.legislation.govt.nz/act/public/2013/0060/latest/DLM1566149.html?search=ts_regulation%40deemedreg_covid-19+lessons_resele_25_a&p=1#DLM1566149).