



**GOVERNANCE AND ADMINISTRATION COMMITTEE  
KOMITI WHIRIWHIRI TAKE WHAKAHAERENGA**

8 July 2021

Hon Nanaia Mahuta  
Minister of Local Government  
Parliament Buildings  
Wellington

Dear Minister Mahuta

**Request for evidence on Whakaari / White Island petition**

The Governance and Administration Committee is currently considering the petition of Alan Thompson, which requests:

That the House of Representatives urge the Government to commission a formal and independent inquiry into the response by emergency management services to the Whakaari / White Island eruption that claimed 21 lives.

We understand that, as Minister of Local Government, you are the territorial authority for Whakaari / White Island, as well as several other offshore islands.

As part of our consideration of Mr Thompson's petition, we are interested in other reviews that may have been done or are underway about the Whakaari / White Island eruption. We understand the Department of Internal Affairs is currently reviewing the Whakaari Memorandum of Understanding with the Bay of Plenty Civil Defence Emergency Management Group to better define expectations and responsibilities of the Group and the Minister of Local Government,

On that basis, the committee requests written evidence about any terms of reference that have been agreed to for the review, progress that has been made so far, and any anything else about the review that you think would be of interest to us as we consider this petition.

Please note that your written submission will become public and will be published on the Parliament website when it is released by the committee. Please send your written submission by **midday, Friday 6 August 2021**.

If you have any questions about this letter, please contact the clerk of the committee, Elizabeth Murray, at [ga@parliament.govt.nz](mailto:ga@parliament.govt.nz) or 04 817 6678.

Yours sincerely

Barbara Kuriger  
Chairperson  
Governance and Administration Committee

# Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



5 August 2021

Barbara Kuriger  
Chairperson, Governance and  
Administration Committee  
Parliament Buildings

Tēnā koe Barbara

Thank you for your letter of 8 July 2021, inviting me to provide written evidence to the Committee regarding the petition of Alan Thompson to commission a formal and independent inquiry into the response by emergency management services to the Whakaari/White Island eruption.

As Minister of Local Government, I am also the territorial authority for any part of New Zealand that does not form part of the district of a territorial authority. This includes Whakaari/White Island (the Island), and a number of other islands off the east coast of the North Island.

As the territorial authority, I am required to have an emergency management response plan in place for Whakaari/White Island. In 2017, the then Minister of Local Government, the Hon Jacqui Dean signed a Memorandum of Understanding (MoU) with Bay of Plenty Regional Emergency Management (BoPREM) for civil defence and emergency management responsibilities to be undertaken on the Minister's behalf by BoPREM on the Island.

At the time of the eruption on the Island the MoU remained in place. Late last year a review of the MoU was initiated to ensure the MoU remains fit for purpose. While there is no terms of reference for the review, my expectation is that the review will look to better define:

- the high-level expectations that myself and BoPREM can reasonably expect of one another;
- definitions of response and readiness activities and what each party is responsible for within these areas; and
- the transparency and detail (where appropriate and available) about financial contributions.

My officials continue to work closely with BoPREM on reviewing the MoU and I anticipate a finalised MoU to be agreed in the coming months.

Thank you for the opportunity to contribute to the Select Committee's considerations.

Nāku noa

A handwritten signature in black ink, appearing to read 'N. C. Mahuta'.

Hon Nanaia Mahuta  
**Minister of Local Government**



# Local Government briefing

**Hon Nanaia Mahuta**  
**Minister of Local Government**

**Title: Fulfilling your Civil Defence Emergency Management responsibilities: proposed new arrangements with Emergency Management Bay of Plenty**

**Date:** 7 November 2021

## Key issues

Following the December 2019 eruption of Whakaari/White Island, the Department of Internal Affairs (the Department) undertook to review the Memorandum of Understanding (MoU) with Emergency Management Bay of Plenty on your behalf.

The Department recommends that you terminate the Memorandum of Understanding with Bay of Plenty Civil Defence Emergency Management Group and instead agree to have a senior official from the Department co-opted to the Bay of Plenty Civil Defence Emergency Management Coordinating Executive Group.

## Action sought

Agree to terminate the existing Memorandum of Understanding with Bay of Plenty Civil Defence Emergency Management Group.

Agree to have an official from the Department co-opted to the Bay of Plenty Civil Defence Emergency Management Coordinating Executive Group.

Sign the letter to the Chair of the Bay of Plenty Civil Defence Emergency Management Group.

## Timeframe

21 December 2021

Contact for telephone discussions (if required)

Name	Position	Contact Number	Suggested 1 <sup>st</sup> contact
James Stratford	Acting Manager Operational Policy	9(2)(a)	✓
Fergus Campbell	Policy Analyst		

Return electronic document to:	Fergus Campbell, Fergus.Campbell@dia.govt.nz
Cohesion document reference	{9839CD08-4A2F-4A92-BE80-8FC68E3ABC36}
Ministerial database reference	LG202101563

## Purpose

1. This briefing seeks your agreement to terminate the current Memorandum of Understanding (MoU) for Whakaari/White Island. In place of the MoU we recommend you enter into a new arrangement with the Bay of Plenty CDEM (Civil Defence Emergency Management) Group for the joint provision of civil defence and emergency management services to all the offshore islands for which you are the territorial authority in the Bay of Plenty region (including Whakaari/White Island).

## Background

### *Your role as territorial authority for the offshore islands and the MoU*

2. As Minister of Local Government, you are the territorial authority for 11 islands that do not form part of the district of a territorial boundary. You also have duties and powers under the Civil Defence and Emergency Management Act 2002 (the CDEM Act) to:
  - a) take all necessary steps to undertake civil defence emergency management or to perform those functions and duties; and
  - b) plan and provide for civil defence emergency management
3. At present you have a MoU with the Bay of Plenty Civil Defence Emergency Management Group (Bay of Plenty CDEM Group) which sets out the response and readiness roles and activities of each party in the event of an emergency on Whakaari/White island. The MoU was agreed by the former Associate Minister of Local Government in 2017 and is not a legally binding document.
4. Following the December 2019 eruption of Whakaari/White Island, the Department of Internal Affairs (the Department) undertook to review the MoU with the Bay of Plenty CDEM Group on your behalf.

## Comment

### *Is the MoU the most appropriate mechanism to carry out your civil defence responsibilities?*

5. In reviewing the MoU, the Department engaged extensively with the Bay of Plenty CDEM Group and Bay of Plenty Regional Council to ensure that your emergency management arrangements are fit for purpose and robust. During the review it became clear that a more appropriate mechanism to fulfil your duties under the CDEM Act, would be for a senior member of the Department to be co-opted onto the Coordinating Executive Group (CEG).
6. The main responsibilities of the CEG are to:
  - a) provide advice to the Bay of Plenty CDEM Group (the Group) and any subgroups or subcommittees of the group;
  - b) implement, as appropriate, the decisions of the Group; and
  - c) oversee the implementation, development, maintenance, monitoring, and evaluation of the civil defence emergency management group plan.
7. Your duties under the CDEM Act are better fulfilled, by having a senior representative co-opted onto the CEG as the responsibilities of the CEG align with your duties under the CDEM Act.

8. This co-opting mechanism will enable the senior departmental representative to make operational decisions in line with the purpose of the group. For any issues of any significance, you will be updated through the status report and briefings as appropriate.
9. Through the senior representative, you, as the territorial authority, would be directly involved in CDEM activities as part of the CEG. This is different to the current situation where CDEM planning activities are contracted out to Emergency Management Bay of Plenty (the Group office of regional staff emergency management staff), which effectively separate you as the territorial authority from any of the planning functions that are being undertaken.
10. The CEG is and will continue to be responsible for undertaking CDEM activities for the offshore islands in the Bay of Plenty region that you are responsible for. By joining the CEG this allows for more effective CDEM planning for those islands, in particular Motiti and Tuhua islands (which are both inhabited), whereas currently the MoU only covers Whakaari/White Island.
11. Accordingly, the Department recommends that you terminate the current MoU and agree to have a senior representative from the Department co-opted to the CEG.
12. In addition, on 13 July 2021, David Love, Chair of the Bay of Plenty Civil Defence Emergency Management Group (the Group) extended an invitation to you to become a member of the Group. As the Minister of Local Government there is provision in the CDEM Act for you to exercise your discretion not to become a member of the Group.
13. We recommend that you exercise your discretion and decline to become a member of the Group. In exercising that discretion, you can continue to meet all your obligations as Territorial Authority under the CDEM Act through a senior representative from the Department being co-opted onto the CEG. This provides you with a clear legal delineation between your responsibilities as the Minister of Local Government and the responsibilities you have as the Territorial Authority.

## Financial implications

### ***This proposal has no anticipated financial implications***

14. As the territorial authority for the offshore islands you are treated in the same manner as any other territorial authority would be in an emergency event. This includes the expectation that you will contribute to the costs incurred by the Coordinating Executive Group in their response to an emergency in accordance with the CDEM Act. There is no proposed change to this arrangement.
15. However, given the lack of rateable population on the offshore islands, the Bay of Plenty CDEM Group has agreed that there is no need to financially contribute to the ongoing planning and readiness functions. Under normal circumstances, these costs are incurred proportionate to the number of ratepayers, and as residents of the offshore islands are not rated, there is no cost proposed on an ongoing basis.

## Next steps

### ***Appointing an official and terminating the MoU***

16. Attached at **Appendix A** is a letter to David Love Chair of Bay of Plenty CDEM Group, advising that you are terminating the MoU and agree to have a senior representative from the Department be co-opted onto the CEG.

### **Recommendations**

17. We recommend that you:

- a) **agree** to terminate the existing Whakaari/White Island Memorandum of Understanding with Bay of Plenty Civil Defence Emergency Management;  Yes / No
- b) **agree** to have an official from the Department co-opted to the Bay of Plenty CDEM Group Coordinating Executive Group to support you in fulfilling your responsibilities under the Civil Defence and Emergency Management Act;  Yes / No
- c) **agree** to exercise your discretion under the Civil Defence and Emergency Management Act to decline to become a member of the Bay of Plenty Civil Defence Emergency Management Group; and  Yes / No
- d) **sign** the letter at **Appendix A** to the Chair of the Bay of Plenty CDEM Group  Yes / No



James Stratford  
Acting Manager Operational Policy



**Hon Nanaia Mahuta**  
**Minister of Local Government**

17 / 12 / 2021

**Appendix A: Letter to the Chair of the BOP CDEM Group**

Released under the Official Information Act 1982



# Office of Hon Nanaia Mahuta

MP for Hauraki-Waikato

Minister of Foreign Affairs

Minister of Local Government

Associate Minister for Māori Development



21 December 2021

David Love

Chair, Bay of Plenty Civil Defence Emergency Management Group

David.love@boprc.govt.nz

Tēnā koe David,

Further to my letter on 13 September, I am writing to confirm that I have now received further advice from my officials in relation to my civil defence and emergency management responsibilities under the Civil Defence Emergency Management Act 2002 (the Act).

Following their ongoing engagement with Clinton Naude, Director of Emergency Management Bay of Plenty, my officials have confirmed that a more appropriate mechanism for meeting my obligations under the Act is to have a senior member of the Department of Internal Affairs join the Co-ordinating Executive Group (the CEG). This will ensure that I am able to meet my emergency management planning and response obligations under the Act for all the islands within the Bay of Plenty region where I am the territorial authority.

Accordingly, I accept your invitation of 13 July under section 20(1)(e) of the Act, to co-opt a senior representative onto the CEG. To support this new arrangement, I am terminating the existing Whakaari/White Island Memorandum of Understanding (MoU) in accordance with the termination provisions contained in the MoU.

In order to meet my obligations under the Act I am advised there is no requirement to become a member of the Bay of Plenty Civil Defence Emergency Management Group (the Group). Accordingly, I respectfully decline your invitation to become a member of the Group.

Once again, I would like to thank you for extending the opportunity to work more closely with Bay of Plenty Civil Defence Emergency Management.

My officials will be in contact with Emergency Management Bay of Plenty to confirm the details of the co-opted representative early in the New Year and the transition to the new arrangement.

Nāku noa

A handwritten signature in black ink, appearing to read 'N. C. Mahuta'.

Hon Nanaia Mahuta

**Minister of Local Government**