



**National Council of
Women of New Zealand**

Te Kaunihera
Wahine O Aotearoa

**Oral submission to the Regulations Review Committee
on the NCWNZ submission on the
Inquiry into Parliament's legislative response to future national emergencies, S15.19**

by Dr Judy Whitcombe and Judith Sutherland on 22 October 2015

Regulations Review Committee

Chair: **David Cunliffe**, Labour New Lynn; Deputy Chair: **Andrew Bayley**, National Hunua; **Chris Bishop**, National List; **Chester Borrows**, National Whanganui ; **David Parker**, Labour List.

Good morning. My name is Judy Whitcombe and my colleague is Judith Sutherland . We are both members of Committees of the National Council of Women of New Zealand. The submission was prepared from a background of policy decisions and consultation with the members of our organisation. We welcome the opportunity to convey our members' views to the Committee.

Terms of Reference for this Inquiry

The Terms of Reference for this Inquiry gave eleven items. A decision was made to seek responses from NCWNZ branches and affiliated organisations on five aspects of this inquiry. It should be noted that branches and members from all around the country had views on national emergencies. (All members were supplied with some background information relating to the Canterbury Earthquake Recovery Act (CERA) passed on 18 April 2011 following the 22 February 2011 quakes.)

Some General Principles relating to national responsibility combined with local democracy

Our members felt that any legislation to address future national emergencies should be guided by the principle of collective national responsibility for the safety and survival of those most affected. The need for the declaration of a national emergency was accepted, and that for a time decision-making power is taken over by central government. However, it was felt strongly that regions and particular communities should be able to access national resources while maintaining as much regional and local control as possible over decisions about those resources and the future of their regions and communities. The point was made that a wide representation of people – local iwi, women as well as men, younger and older members of communities – have input into the planning processes.

1. Principles that should apply when Parliament passes legislation in response to a national emergency

The safety and survival of all those affected by the emergency must be the key priority. However, there is a need to improve the time taken between establishing the safety of survivors and the basic needs for their survival. The principles of fairness, equality and human rights are important when allocating resources. The basic rights to water, power (when available) and shelter are a priority. Any legislation should incorporate the principles of fairness with respect to access to these key resources.

What did come through strongly from the responses were the principles of consultation and community involvement in decision-making. Although a Cabinet Minister may have temporary powers in an emergency, it was essential that they work closely with a consultative committee from the community whose local knowledge of day to day survival should be recognised in addition to the technical and professional expertise which is required.

This requires accessing information and advice from local authorities, key non-governmental organisations (Iwi, Red Cross, Salvation Army, Ethnic Councils, Residents' Associations etc.) and commercial stakeholders such as Chambers of Commerce, as well as local organisations that develop spontaneously in disaster situations, such as Canterbury Communities Earthquake Recovery Network (CanCERN).

4. Principles that should apply when determining when such legislation should expire

Here the capability and capacity of the local bodies and community stakeholders to ensure that the safety and resourcing of the affected community was in place, was a key factor. Adequate resourcing should be in place before the emergency legislation expires.

Care should be taken to ensure that attention is directed to the transition to control by city councils and territorial authorities, when developing legislation in response to a natural disaster that increases the powers of central government. Action by central government that anticipates a return to control by local authorities is consistent with the general principle of combining national responsibility with attention to local democracy identified at the start of this submission. The uncertainty and diminished control that occurs when people experience a natural disaster is intensified if arrangements directed at recovery are pursued at the expense of local democracy.

7. Safeguards to ensure that checks and balances are in place on the powers of the Executive under legislation relating to a national emergency

It was thought that the Minister with responsibilities under the legislation should report regularly to Parliament, ideally every month to three months. Information relating to

response and recovery is important and needs to go wider than the Prime Minister and Cabinet

Critical decisions about the use of national resources should be cross party – One branch made the point “All political decisions for National Emergencies need to be bi-partisan and agreed on by at least two thirds of members. This should never be a decision for one Political Party.”

Again the responses received indicated that any Minister with powers and responsibilities under national emergency legislation should work closely with a consultative committee. Consultation is a 2-way process. The on-going monitoring of progress by the consultative committee, comprising representatives of local and central government and the community, would be involved in assessing performance, budget forecasts, conflicts of interest and related matters. It was considered important that the Minister with the special powers and responsibilities under the legislation had to listen, as well as take responsibility.

(It is noted that the Canterbury Earthquake Recovery Act developed a Recovery Strategy which established 2 Forums to advise the Minister – the Community Forum and the Cross-Party Forum.)

8. Strategies for Members of Parliament to monitor the legislation relating to a national emergency.

It was thought that MPs have an obligation to visit the affected areas and to listen and learn from the people involved. Those MPs with local offices would be receiving information from their electorates and could raise questions in Parliament to hold the Minister to account. It was important for MPs to keep in touch with a wide range of local groups, as different groups such as the elderly or those with disabilities, had particular needs.

11. Lessons learned from the implementation of the Canterbury Earthquake Recovery Act 2011

Our submission highlighted key points from the experiences of Christchurch members and the organisations they represented. These were discussed, in the submission, under 7 headings: Communication, Clarity of roles and responsibilities, Community consultation and engagement, Emergency Social Centres/hubs/recovery centres, Community responses to national disasters, Housing, and Ongoing impacts.

While these are all important aspects we would like to place particular emphasis on the importance of maintaining communication and the clarity of roles and responsibilities for it was in these areas where people saw room for improvement and scope for better preparation for future national emergencies.

The importance of good open communication and feedback loops was made repeatedly. People in Christchurch would receive conflicting information or different information from local and central government organisations. Clear messages about access to support services are essential.

Christchurch contributors to this submission were particularly critical of communication with the Earthquake Commission. The EQC's communication with home owners and indeed, their management of everything from paperwork to liaison with private insurers was considered most unsatisfactory.

The importance of the clarity of roles and responsibilities following a national state of emergency, was emphasised. Duplication of responsibilities and conflicting authority responsibility were identified by members. There was confusion after the Canterbury earthquake, as to whether EQC or the insurance companies had responsibility for handling claims, and clear procedures for resolving differences were needed.

Some key points were made relating to community responses to natural disasters which should be picked up when preparation for national emergencies is considered. The importance of preparation by existing organisations, such as Civil Defence, cannot be overemphasised. The point was made that links between Civil Defence, NZ Police, Red Cross and other community networks need to be better developed. There also a need for clarity about the role of schools, especially primary schools, in the period of response to a natural disaster.

And finally, the submission drew attention to the ongoing impact of a national emergency. Members argued that there was a need for ongoing resourcing of particular services many years after the lifting of a state of emergency. This was particularly relevant with respect to the psycho-social effects of an earthquake sequence that generated an intense sense of risk and uncertainty over eighteen months.

My colleague lived through the Christchurch earthquakes and was a member of the team who produced a Report for the Christchurch City Council "From Stories to Action" in June 2015.

There is a copy of this report available. The report covers housing and insurance, rebuilding and renewal, communities and vulnerabilities. It developed out of the analysis of the three year National Council of Women's oral history project - Women's Voices/Ngā Reo o Ngā Wahine. This Christchurch Branch project recorded the earthquake stories of one hundred and fifty Christchurch women which are stored on UC CEISMIC digital archive quakestudies.canterbury.ac.nz/store/collection/228.

Eight people from a range of organisations, including central government agencies and local authorities were also interviewed. One elected member of a local council stated that the

role of elected members in a disaster needs to be clearly defined and there should be a mechanism for them to feed into the Emergency Operations Centre. Training should be in place.

The report notes that EQC was set up after the last urban major New Zealand earthquake in Napier 1931. During the recovery period from the Christchurch earthquakes, there is strong evidence of an EQC culture of “doing the least”, with daily comments about inadequate scoping and “shoddy” repairs. Many people were forced to pay for legal advice and engineers’ reports in order to progress their EQC claims. The relationship between insurance companies and EQC requires examination.

EQC funded repairs organised through insurers, would have ensured that those with damage over \$100,000 would be able to negotiate with just one organisation. Attention should be given to the houses with most damage in the first instance. Those living in the worst conditions often waited longest for repairs and some are still waiting.

It is clear that EQC has struggled to shift from being a custodian of a fund to the facilitator of earthquake repairs. The increasing calls for some form of inquiry into the structure, effectiveness and culture of EQC require serious consideration.

“From Stories to Action” discusses the issues of traditional vulnerability and the emergence of the “newly vulnerable”. The assumption is that middle-class and mainly Pakeha households, which include adults in employment, will have the resources to deal with their post-earthquake problems. However, the needs of this group may be over-looked as they too seek rental accommodation and experience the consequences of disruption to small businesses or loss of jobs. The implication here is that vulnerability cannot solely be assessed by assigning people to pre-existing categories. For example, this group may be in need of social housing on a range of grounds, even though previously they would not have qualified.

Some vulnerabilities, and especially those linked to health or mental health issues, may intensify with the effects of a disaster. At the same time the disasters may precipitate mental illness and create new vulnerabilities.

Thank you for the opportunity of bringing some of the “From Stories to Action” – the Christchurch experience to your attention today.

Conclusion

The extensive responses from members all around the country indicated that any legislation for future national emergencies needs to consider a range of issues. Supported the recovery. responses. And the key message was that the community most affected by the emergency needed to be involved in the consultation during the disaster and in the post

disaster planning. Recovery depends on effective structures for local and regional input into decision-making, particularly the development of specific recovery plans.

Thank you for the opportunity to present this oral submission

Judy Whitcombe and Judith Sutherland

22 October 2015

Questions

Note: The preceding oral submission was from the NZ Law Society represented by Sir Geoffrey Palmer and James Wilding, member of the Law Society's Rule of Law Committee. They were asked many questions by the Committee and exceeded their time by some 20 minutes. (Submitters were allowed a half hour.)

The chair commented favourably that the NCWNZ submission had followed the structure of the Inquiry's terms of reference. With the limited time available there was only one question allowed.

Andrew Bayley asked: Did our submission imply that there was insufficient resourcing?

Judith replied that bit was a view expressed by some members. However, when there is a national emergency it is essential that there is funding at a national level. From the Christchurch experience it was important that the Crown/Central Government supported the recovery. Christchurch could not have survived without resourcing from central government.

The Chair requested copies of the Report for the Christchurch City Council "From Stories to Action" and 5 copies were left with the Committee Secretary.