



**National Council of
Women of New Zealand**

Te Kaunihera
Wahine O Aotearoa

National Office
Level 4 Central House
26 Brandon Street
PO Box 25-498
Wellington 6146
(04)473 76 23
office@ncwnz.org.nz
www.ncwnz.org.nz

21 July 2015

S15.19

**Submission to the Regulations Review Committee for the
Inquiry into Parliament's legislative response to
future national emergencies**

Introduction

The National Council of Women of New Zealand (NCWNZ) is an umbrella group representing 288 organisations affiliated at either the national level or to one of our 21 branches. In addition to our organisational membership, about 260 women are individual members of branches. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Public Issues Standing Committee and the Parliamentary Watch Committee after consultation with the membership of NCWNZ. It is based on responses from NCWNZ branches, affiliated organisations and members of the NCWNZ Public Issues Standing Committee.

There were eleven terms of reference for this inquiry – an extensive list of issues. A decision was made to seek responses from NCWNZ branches and affiliated organisations on the following five aspects of this inquiry:

1. What principles should apply when Parliament passes legislation in response to a national emergency?
4. What principles should apply when determining when legislation relating to a national emergency should expire?
7. What safeguards should be in place to ensure checks and balances on the power of the Executive (the Governor-General, Prime Minister and Cabinet) under legislation relating to recovery after a national emergency?
8. How can Members of Parliament effectively monitor the legislation relating to a national emergency while it is in place?

11. What lessons have been learnt from the implementation of the Canterbury Earthquake Recovery Act 2011? How should these lessons shape legislative responses to future national emergencies?

This submission outlines NCWNZ members' responses to these questions. 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.

General principles – national responsibility combined with local democracy

There was widespread acceptance that when disasters strike particular communities, there may be a need to declare a national emergency and for national resources to be directed at meeting the short term and medium term needs of particular communities and regions. This may mean that national governments for a time assume decision-making power that is usually held by regional and local bodies. In this context, NCWNZ members thought 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/cities/towns/communities. Members considered that those closest to the disaster that prompted the declaration of a national emergency were often most knowledgeable about the best strategies to respond to the disaster and plan for the future. The experience of a disaster should not immediately prompt the assumption that people in that situation could not be self-reliant and self-determining.

NCWNZ members contributing to this submission considered that natural events (floods, earthquakes, droughts, and tsunamis) that lead to the declaration of a national emergency have often undermined people's control over their lives and the environments with which they are familiar. It is therefore very important for people, including local iwi, tangata whenua, women as well as men, younger and older members of communities, to have input into decisions and participate in consultative planning strategies. Legislation in response to future national emergencies should be guided by the principle of collective national responsibility for safety and survival of those most affected and their involvement in decision-making about the future of their communities.

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

a. Safety

The key principle for such legislation is the safety of all those affected by the emergency. This applies to both their immediate and medium/long term safety. This should have immediate priority over other concerns such as economic and environmental well-being. Attention to those who are most vulnerable (those with disabilities, older people, sole parents, teenaged parents, those living in poverty with few good stores) should be a priority.

b. Survival

The legislation should be directed at ensuring everyone affected has access to their basic needs for survival (water, food, shelter, warmth, medical care), recognising that there will be a range of different needs depending on the specific impacts of the emergency and the ages, health status and cultural needs of different members of the population.

c. Care

As well as basic physical needs, the principle of care (emotional, spiritual, and cultural) for different sectors in our community needs to be recognised. One size does not fit all. This includes attention to how affected communities can access high quality mental health care and support following the traumas experienced during a national emergency. It also involves resources for community building activities that are collective in their orientation rather than just meeting the mental health needs of individuals. Activities for teenagers, Kidsfest, family festivals, and street parties require funding.

d. Fairness, equality and human rights

Principles of fairness, equality and basic human rights are vital and this may involve different resources to different sections of the community depending on their different cultural, gender and religious needs.

Gender balance in decision-making relating to response and recovery following a national emergency should be required and women incorporated in all aspects of post-disaster planning. This should be at the level of an agency like the Canterbury Earthquake Recovery Authority and also within organisations set up to represent affected communities.

There is a danger that economic inequalities will be intensified in a disaster. Legislation should incorporate the principles of fairness while being attentive to differences in the community.

People's rights to water, power and shelter should not be abrogated in the context of an emergency nor should solutions to the problems posed by a national emergency lead to disruption of those rights.

e. Collaborative decision making and consultation

The principles of consultation and community involvement in decision-making are significant. While a particular Cabinet Minister and government agency may have temporary powers in an emergency, they should work closely with a consultative committee/community forum that represents a wide cross-section of the community and not just local/national decision makers. Women should be equally represented with men on such committees or community forums. Their local knowledge and involvement in day to day survival of households should be recognised as well as technical and professional expertise.

Collaboration and consultation across government agencies, local and regional bodies, iwi organisations and community representatives is necessary if lasting solutions are to be found to the challenges following a national emergency.

f. Subsidiarity

The principle of subsidiarity is highly relevant to post national emergency planning. Those most affected by any natural hazard like flooding, drought or quakes should have significant input into recovery planning. National funding does not entail that all decisions will be at the level of national government structures rather than at a regional, local or community level. Those making decisions about strategy and resource allocation should arrange meetings where those most affected are located, rather than inviting them to public meetings in unfamiliar and sometimes daunting surroundings.

g. Diversity

Attention to diversity has to inform any legislation. Diverse people have different needs in emergency situations and different capacities to respond and assist others. Differences between tangata whenua and tauwiwi, women and men need to be recognised and different needs arising out of various disabilities, age, cultural difference and health status anticipated.

h. Clarity and transparency

The principle of transparency should be incorporated into legislation.

There should be clarity of roles and responsibilities from the outset and clear lines of accountability.

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

a. Capability and capacity

The capability and capacity of local bodies and community stakeholders to ensure the safety and well-being of everyone affected by the emergency is a key principle.

b. Consultation

Consultation with relevant affected parties and stakeholders (including community representatives) prior to decision making relating to the expiry of any special state powers and responsibilities should be applied when making decisions about expiry of the legislation.

c. Costs and benefits

Assessment of costs and benefits of the expiry of the powers and responsibilities of government that were set up under the legislation is a key principle.

d. Resourcing

There should be adequate resources to equip those reassuming powers and responsibilities before the legislation expires.

e. Review

Legislation should include specified times for periodic review of systems set up in response to a national emergency.

Changes should be instituted if the review indicates unanticipated needs or the possibility of earlier disestablishment of organisations set up to respond to the emergency.

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

a. Ministerial responsibility to Prime Minister and Cabinet and Parliament

Minister with particular powers and responsibilities under this legislation should report to Parliament regularly (1-3 months) as well as Prime Minister and Cabinet.

b. Cross-party decision-making

Critical decisions about the use of national resources should be cross party decisions when a national emergency is declared. Voting on relevant legislation should require a 2/3 majority to ensure it is supported by most political parties and not solely by the party in power at the time.

c. Consultation and collaboration

Any Minister with powers and responsibilities under legislation relating to a national emergency should work closely with a consultative committee, not just report to this committee. The committee should include representatives of local iwi organisations, a cross section of the community and local/central government regular monitoring. Gender balance on such a consultative committee/community forum is essential. Such a committee/forum/monitoring group would assess key performance indicators, budget forecasts, controversies, conflicts of interests, risks etc. There needs to be open feedback loops among all interested parties. The Minister with special powers and responsibilities under this type of legislation has to listen as well as take responsibility. They have to see their work as consultative and collaborative and have the skills to facilitate talk across organisational divisions.

8. Strategies for MPs to monitor the operation of legislation relating to a national emergency

a. Visits to affected areas/populations

MPs have an obligation to visit affected areas, interact with local people who are living through the consequences of an emergency and learn from them.

b. Questions in Parliament

Informed by face to face conversations with those affected by the emergency and interaction with those with relevant expertise MPs should raise questions in Parliament and hold the relevant Minister to account.

c. Active consultation within electorates

Those MPs who represent the areas affected by the emergency have most responsibility to find out from their constituents what are the critical issues, what are the needs, what needs are unmet, what sections of the community are most affected, and what can be done to address these needs.

Consultation with constituents should involve all members of the community, including those with disabilities as future planning for an accessible built environment and transport system is vital.

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

a. Communication

Open communication and feedback loops at all stages are essential. Sometimes people in Christchurch received conflicting information, particularly different information from local and central government organisations. Coordination across government, local body and community organisation service agencies is vital so that clear messages about access to support services are delivered.

Avoid over-promising. People in Christchurch were told that they would not suffer as a result of the quakes and that their city would be restored. Now many citizens experience long waits for home repairs, unaffordable rental housing, significantly diminished services, higher rates to pay for their damaged homes that have sometimes still not been repaired, and also a much longer period of recovery than initially expected.

EQC and communication. Among NCWNZ members in Christchurch there was deep dissatisfaction with the quality of communication between EQC and home owners. This agency was not well prepared to cope with the volume of claims and did not establish effective structures to communicate with its clients. Documents would be lost and then found then again mislaid. Phone numbers and email addresses would be provided, but there would be no response to recorded messages or emails. Assessments would be made and then radically changed by another set of assessors. Home owners would be shifted from one Fletcher's hub to the next and start again at the bottom of the list. Time delays led to increasing damage to homes.

EQC and private insurers. 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. There would also have been one set of claim documents and an integrated set of assessments of

damage to houses and land. This would have avoided some of significant challenges that people with over cap claims have faced in the last 4-5 years. At the very least there should have been much more collaboration between EQC and private insurers.

Landzoning and communication. Many people in Christchurch found land zoning difficult to understand. In particular, the implications of TC1, TC2 and TC3 land zoning were often misunderstood. Communication about landzoning after a natural hazard event like an earthquake has to be delivered in multiple forms across a range of media outlets.

b. Clarity of roles and responsibilities

There should not be duplication of responsibilities, gaps or conflicting authority across government agencies and local bodies. This needs to be addressed in legislation, but also in practice over time as agencies move from response to recovery mode.

After the Canterbury earthquake sequence there was a lot of confusion about whether EQC was responsible for handling claims or insurance companies. Many people required access to private legal advice and engineers' reports in order to progress insurance claims. This advice should have been publicly available. Third party mediation between holders of insurance policies and insurers needs to be available as soon as possible after a large scale natural hazard event that generates significant damage to residential property. Access to free dispute resolution services are important for home and business owners engaged in pursuing insurance claims for damaged property. Clear procedures to resolve differences are needed.

More care needs to be taken to efficiently ascertain the stability of land for residential purposes after a disaster like the Canterbury quakes. People had to wait too long to access geotechnical information about their land. Often the information received was inconsistent and there were long delays in progressing repairs while many different assessments of the same land were completed.

“Shoddy workmanship” and “fraudulent builders/restorers” were a major problem after the Canterbury quakes. Those whose repairs were funded by EQC and managed by Fletchers often had little control over the quality of their repairs as they were not contracting the builders who saw themselves as only responsible to managers at the Fletchers Hubs. Builders often took on more contracts than they could manage and the results were delays in completion of repairs and low quality repairs. Penalty clauses could have been used more effectively to ensure that builders began and completed repairs on time.

c. Community consultation and engagement

A commitment to community involvement should be shared by all those with responsibility for responding to the emergency and planning for the future, particularly Civil Defence, the New Zealand Army and the New Zealand Police Force.

Future national emergency legislation should be more specific about exactly how communities are to be consulted and the extent to which their views should affect key decisions about the use of damaged land and planning for a reconstructed city centre.

The tension between the 'Share an Idea' campaign run by the Christchurch City Council and CERA planning for the Central Business District undermined many Christchurch citizens sense that their voices were important in the planning for their devastated city. Participation in the 'Share an Idea' initiative raised hopes about input into the planning of the city that were later dashed. Overall Christchurch residents contributing to this submission considered that central government had too much power in the design of the central city relative to the Christchurch City Council and Christchurch residents. They were critical of plans that would involve demolishing buildings that had survived the quake because they were not designed for the purpose of particular precincts.

The demolition of heritage buildings with insufficient community consultation has highlighted the need for better community consultation by those engaged in demolition, even if there are safety considerations. More care should have been taken to make damaged heritage buildings safe so that communities could be consulted about options for repair and demolition.

d. Emergency social centres/hubs/recovery centres

Emergency centres organised in community centres in different parts of Christchurch were an important life line for many people. NCWNZ members thought that in a national emergency these centres should provide for immediate sleeping and eating arrangements, but also immediate and on-going psychological/emotional care. These emergency social centres should continue as long as necessary (perhaps for as long as six months) so that people can go there if they wish to seek support even if they have been rehoused.

The role of Civil Defence in an emergency was often not clear. Some people expected them to be more active in the delivery of emergency services. Their coordination role was not well understood. The Canterbury quakes illustrated the need for better communication by Civil Defence about its disaster responsibilities relative to territorial authorities, army, police, government agencies like Ministry for Social Development and Work & Income, and NGOs such as the Red Cross and Salvation Army.

Social centres/emergency hubs and Recovery Advisory Centres in different parts of Christchurch worked well to provide housing benefits and legal advice on a face to face basis.

Following a national emergency there is a need for hubs in the community that provide a variety of programmes – e.g. counselling and emotional support, other people to mix with who have experienced the same emergency event, a variety of games and entertainment for children, a nurse for consultation on health issues, first aid supplies, tents and body bags, translators for new immigrants who have difficulties with English.

e. Community responses to national disasters

The Canterbury quakes illustrated the importance of organisations that developed spontaneously in meeting the immediate needs of people e.g. digging silt, providing water and food, offering school holiday programmes for children etc. Existing organisations like Civil Defence have to be better prepared to facilitate these community responses in situations of national emergency. Pre-existing links between Civil Defence, NZ Police, Red Cross and diverse community networks need to be developed if communities are to respond innovatively and creatively to national emergencies.

Local bodies need to continue to support initiatives like neighbourhood networks, skill banks and time banks that are the building blocks of rapid response community-based support structures at a local level when disasters occur.

Schools, especially primary schools are key community resources when disaster strikes. Planning for natural hazard events should include the use of primary schools as key local response centres. Decisions about school closures on the basis of pupil enrolment should take into account the contributions schools make to community well-being as communities recover from a disaster.

f. Housing

The impacts of a housing shortage following damage to residential housing should be anticipated. In Christchurch, the shortage of private rental accommodation, combined with the need to house families while repairs were done to their homes, led to an escalation of rental costs that led to people living in garages, tents and caravans during severe winters and a range of associated health problems. Those often worst affected were families on low incomes with small children.

Low quality rental housing post the Canterbury quakes (particularly the renting out of houses purchased as 'as is where is' homes), has highlighted the need for regulation of the quality of private rental accommodation. Some NCWNZ members contributing to this submission considered that money paid to home owners for repairs should exclusively be used for repairing housing or the building of new homes. This would sustain the quality of housing stock in an area after a natural disaster.

Some NCWNZ members contributing to this submission considered that controls (for a limited period) of private rents in national emergencies would be appropriate.

Housing and infrastructure that is most damaged needs to be repaired first. Christchurch contributors to this submission were critical of EQC funded under cap repairs first being completed in the parts of the city with least overall damage. House values in these areas then increased rapidly, while those living in the worst conditions waited longest for repairs.

Christchurch contributors to this submission were critical of the demolition of some liveable homes in the residential red zone at a time when there was a housing shortage in Christchurch. The rush to meet deadlines for the clearing of red zoned land intensified demands for rental housing and the escalation of its cost. Time frames for recovery need to take into account the

impact of large scale clearing of homes in the context of pressures for accommodation. Planning for sustainable recovery may take longer and involve the transitional use of certain housing and sometimes its relocation rather than demolition.

Repairs to damaged homes after a natural hazard event should be of high quality. The shortage of qualified builders and skilled tradesmen in Christchurch contributed to repairs being supervised by qualified builders, carpenters and painters, but completed by those without adequate skills and training. The pressures on home owners to sign off on the repairs before contractors received any payment, meant that they often had to accept inadequate repairs.

g. Ongoing impacts

It is important the medium and long term consequences of a national emergency are recognised and that national resources available to support those experiencing the long term effects of a disaster. Many people felt 'shell shocked' for years after the major quakes. Some people still experience anxiety and insecurity, and many are still grieving for people who died and for familiar places that were demolished.

In Christchurch and Canterbury, rising mental health needs were under estimated and under resourced. Long term anxiety and mental issues are not being properly recognised. The legacy of mental illness arising out of the Canterbury quakes is problematic and will be ongoing. Members contributing to this submission were particularly concerned about children's mental health in Christchurch and the need for increased resources to meet these needs.

National emergency legislation needs to recognise that there may be the need for ongoing resourcing for particular services after the expiry of particular national initiatives set up after an emergency.

Oral Submission

We request the opportunity to make an oral presentation to the Select Committee.



Rae Duff
National President



Judith Sutherland
Co-Convener
Public Issues Standing Committee