

7.9. Appointment of Local Controller

Prepared for: Civil Defence and Emergency Management - Joint Committee

Report No. CDEM2540

Activity: Civil Defence and Emergency Management

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PURPOSE

[1] To appoint Patrick Keenan as a local controller for the Central Otago District Council.

EXECUTIVE SUMMARY

[2] The Civil Defence Emergency Management Act 2002 empowers this committee to appoint local controllers, enabling this person to carry out functions defined in the Act.

Section 27, CDEM Act 2002 - Appointment of Local Controllers

- 1) *A Civil Defence Emergency Management Group may appoint 1 or more persons to be a Local Controller, and direct that person or persons to carry out any of the functions and duties of, or delegated to, the Group Controller of the Group and to exercise the powers of Controllers in the area for which the Group Controller is appointed, including, but not limited to, the powers in sections 86 to 94.*
- 2) *Despite anything in subsection (1), a Local Controller must follow any directions given by the Group Controller during an emergency.*

RECOMMENDATION

That the Joint Committee:

- 1) **Approves** the appointment of Patrick Keenan as a local controller for the Central Otago District.

BACKGROUND

[3] The Central Otago District Council currently has three local controllers appointed by the Joint Committee: Louise Van der Voort, Dylan Rushbrook and Gareth Robinson.

[4] The appointment of additional Local Controllers meets the need for succession planning and avoids risks associated with the absence of more than one Local Controller at any one time, or when there is a prolonged response to an emergency event.

[5] Patrick has extensive skills and experience as listed below:

- 2019 – present: multiple CDEM training courses and simulations. Assisting in minor response events. Resource design, coordination and delivery of major utility projects.

- 2012 – 2019: operational leadership response to major events. Experience of seven cyclone seasons in the South Pacific. Tactical and strategic experience in mitigation, preparation, response, and post-event.
- Tactical and strategic leadership during tsunami, flooding, and cyclone events. Cyclone Winston is the most relevant example. 2015 event that recorded some of the highest ever wind speeds in history and storm surges of over 7m. 44 event-related fatalities, 40% of the Fijian population impacted and a 60-day state of emergency.
- Worked alongside the Fijian government and military via the National Disaster Management Office (NDMO).

[6] Contractors Representative and senior manager responsible for the NZTA Central Otago Highways Contract -now Aspiring Highways (2009- 2012). Approximately 900 km of network. Winter event maintenance and management. Slips and flooding being other key response areas.

[7] Contractors Representative and senior manager responsible for the CODC Roding Maintenance Contract (2004 – 2012). Approximately 1900 km of network. Winter event maintenance and management. Slips, flooding, rural access, and bridges being other key response areas.

DISCUSSION

[8] In approving the appointment of Patrick to the role of local controller, this committee approves the following powers under the CDEM Act 2002.

[9] **Section 86: Evacuation of premises and places:** This section provides the power for mandatory evacuation if necessary for the preservation of human life. In practice, during a state of emergency, the Controller orders evacuation and the emergency services will carry it out.

[10] **Section 87: Entry on premises:** A Controller, member of the police, or authorised person may enter any premises or place if necessary for saving life, preventing injury, rescuing/removing persons, or carrying out any urgent measure for relief of suffering. For example, if the Controller wishes to put evacuees into a place of safety because of a storm, and a hall is locked, the Controller (or someone delegated by the Controller) could break into the premises.

[11] **Section 88: Closing roads and public places:** A Controller may totally or partially close roads and public places to prevent or limit the extent of an emergency (e.g., closing a beach if a tsunami is approaching). This section is an 'enabling tool'. State Highways are generally closed by Transit NZ. Other agencies also have the power to close roads (e.g., NZ Police and NZ Fire Service). Because a Controller can partially close a road as well as close it, they can specify that the road is only open to high-clearance four-wheel drive vehicles, for example.

[12] **Section 89: Removal of aircraft, vessels, vehicles, etc:** A Controller may remove from any place any vessel or vehicle and may break into the vessel or vehicle to do so, to prevent or limit the extent of the emergency. For example, if the Controller wants to use a landing stage or an airstrip, and a ship or aircraft is blocking the way, the Controller

can have the ship (by asking the Harbour Master) or aircraft removed. Section 91 can be used in conjunction with this power by requesting someone to move a vessel or vehicle.

- [13] **Section 90: Requisitioning powers:** A Controller may direct those resources (not human) to be placed under their or another person's control or direction. For example, if building equipment (such as a digger for earthmoving) is required in the response and there is no formal contract with that company, the Controller can requisition the equipment, but not the driver. The Controller must provide the owner with a written statement detailing the property and under whose control it is being taken. It is important to note that requisition is not a free use of resources and that the owners of any equipment can apply for compensation (see section 107 of the CDEM Act).
- [14] **Section 91: Power to give directions:** The Controller can direct a person to stop an activity causing or contributing to an emergency (e.g. a radio station that is scaremongering). However, if the Controller wishes a person to do something (as opposed to stop doing something), they can request them to do so, but cannot force them to (e.g., requesting the driver of a requisitioned digger to assist the response team by driving the digger).
- [15] **Section 92: Power to carry out inspections, etc:** The Controller or another authorised person has various powers relating to property. For example, the Controller could direct the destruction of a house to divert floodwaters. In a public health emergency, where property needs to be destroyed or disinfected, for example, the Public Health Officer also has those powers, under the Health Act 1956.

CONSIDERATIONS

Strategic Framework and Policy Considerations

- [16] No matters arising

Financial Considerations

- [17] No matters arising

Significance and Engagement

- [18] No matters arising

Legislative and Risk Considerations

- [19] No matters arising

Climate Change Considerations

- [20] No matters arising

Communications Considerations

- [21] No matters arising

ATTACHMENTS

Nil