

1. CONTINUANCE OF THE CANTERBURY CIVIL DEFENCE EMERGENCY MANAGEMENT JOINT COMMITTEE AFTER THE ELECTIONS

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The purpose of this report is to recommend a process to ensure that the Canterbury Civil Defence Emergency Management Joint Committee is not deemed to be discharged on the coming into office of the members of the Council elected or appointed at the forthcoming triennial general election.

The Civil Defence Emergency Management Act 2002 requires every regional council and every territorial authority within that region to establish a 'Civil Defence Emergency Management Group' for the purposes of the Civil Defence Emergency Management Act as a joint standing committee under the Local Government Act. Section 12(2) of the Civil Defence Emergency Management Act states:

"Section 114P(5) of the Local Government Act 1974 must not be read as permitting, during the term of local government or as a consequence of a local government election, the discharge or reconstitution of a Civil Defence Emergency Management Group established for the purposes of this Act."

The purpose of Section 12(2) of the Civil Defence Emergency Management Act is to ensure is that Civil Defence Emergency Management Group joint committees remain in existence following local elections. The intention is to ensure that political oversight can be provided should an emergency occur between the time councils go out of office and the subsequent appointment of local authority members to their respective Civil Defence Emergency Management Group.

However, section 30(7) of schedule 7 of the Local Government Act 2002 produces a potential conflict with section 12(2) of the Civil Defence Emergency Management Act 2002. Section 30(7) requires that all committees of local authorities be discharged after local elections unless the local authority resolves otherwise.

To provide continuity until the new appointments have been made, the existing members of the Canterbury Civil Defence Emergency Management Joint Committee should be deemed not to have vacated office. In the event of the Council's current representative not being re-elected, the Mayor shall by default be the Council's representative on the Canterbury Civil Defence Emergency Management Joint Committee until the incoming Council has appointed its new representative.

Environment Canterbury obtained an opinion on this matter from Buddle Findlay. The Council's Legal Services Manager has reviewed this opinion and concurs with the recommendation. The simple solution recommended by Buddle Findlay is for each member authority to pass, before the triennial election, a resolution to not discharge the Civil Defence Emergency Management Joint Committee after each triennial election. Buddle Findlay have suggested that each member authority of the Canterbury Civil Defence Emergency Management Group pass the following resolution:

"The Council resolves, as provided for by clause 30(7) of schedule 7 to the Local Government Act 2002, that the Canterbury Civil Defence Emergency Management Group and any subcommittee constituted by that Group shall not be deemed to be discharged on the coming into office of the members of the council elected or appointed at the next triennial general election of members".

Committee

Recommendation: That the Council pass the above resolution.