

5. APPOINTMENT OF LOCAL CDEM CONTROLLERS AND RECOVERY MANAGERS

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Manager, Civil Defence & Emergency Management
Author:	Murray Sinclair

PURPOSE OF REPORT

1. The purpose of this report is to seek delegated authority for the Chief Executive to appoint suitably trained and competent persons to key Civil Defence roles.

EXECUTIVE SUMMARY

2. The Canterbury Civil Defence Emergency Management Group, a joint standing committee of the Council, resolved that each member territorial authority be delegated authority to appoint suitably qualified and trained persons as Local Controllers. This paper seeks to delegate this responsibility to the Chief Executive and in addition, confirm that the Chief Executive should appoint the Recovery Manager.

FINANCIAL IMPLICATIONS

4. Nil.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

5. As in next paragraph.

LEGAL CONSIDERATIONS

6. The Civil Defence Emergency Management Act 2002 provides for the appointment by Civil Defence Emergency Management Groups to appoint Local Controllers.
7. The Local Government Act 2007 provides for the Council to delegate powers to the Chief Executive, and/or staff, as if the person(s) to whom authority was delegated were the Council.

Have you considered the legal implications of the issue under consideration?

8. Yes, this matter was referred to Legal Services Unit for comment.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. 2006-2016 LTCCP, Volume 1, p102.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

10. Yes.

ALIGNMENT WITH STRATEGIES

11. Yes.

Do the recommendations align with the Council's strategies?

12. Yes.

CONSULTATION FULFILMENT

13. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council delegate authority to the Chief Executive to appoint:

- (a) A suitably qualified and trained person as Local Controller and at least two such persons as Alternate Local Controllers.
- (b) A Recovery Manager and an alternate.

BACKGROUND (THE ISSUES)

14. The CDEM Act 2002 states that a CDEM Group may appoint one 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, that Group's Group Controller and to exercise the powers of Controllers in the area for which the Group Controller is appointed.
15. Prior to May 2008, the Canterbury CDEM Group Joint Committee delegated authority to each local authority to appoint Local CDEM Controller, subject to such appointments being ratified by the Joint Committee.
16. In May 2008, the Joint Committee resolved that each territorial authority member of the Canterbury CDEM Group be delegated authority to appoint suitably qualified and trained persons as Local Controllers, and to also be authorised to confirm all present appointments. This resolution removed the need for the Joint Committee to ratify the appointments made by the member Local Authorities.
17. The appointment of Local Controllers and Recovery Managers has been discussed by the Executive Team. The Executive Team recommended that Controllers and the Recovery Manager and be selected from within the Executive Team. Alternate Recovery Managers to be appointed from suitably qualified staff members. To expedite the process of appointing Controllers and Recovery Managers delegated authority is sought for Chief Executive to make such appointments. The Local Government Act allows for the Council to delegate such authority.
18. The powers of the Controller are set out in Sections 86 to 94 of the CDEM Act. These powers include:
 1. Evacuation of premises and places;
 2. Entry on premises;
 3. Closing roads and public places;
 4. Removal of aircraft, vessels, vehicles, etc;
 5. Requisitioning powers;
 6. Power to give directions;
 7. Power to carry out inspections etc.
19. The role of the Controller is to direct and coordinate the use of personnel, materials, information, services, and other available resources. The CDEM Act has provision for a Controller to authorise any suitably qualified and experienced person to exercise any power or function of the Controller, including the delegating powers mentioned above.
20. The powers of the CDEM Act only apply when a 'state of emergency' has been declared. Recovery Managers are not afforded any powers under the CDEM Act as the recovery phase generally occurs after the 'state of emergency' has been terminated.