

FROM COLD WAR TO CANTERBURY: THE NEW
ZEALAND EXPERIENCE IN EMERGENCY
MANAGEMENT

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Abstract

In this dissertation it is argued that the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake Recovery Authority were both necessary and inevitable given the trends and traditions of civil defence emergency management (CDEM) in New Zealand. The trends and traditions of civil defence are such that principles come before practice, form before function, and change is primarily brought about through crisis and criticism. The guiding question of the research was why were a new governance system and law made after the Canterbury earthquakes in 2010 and 2011? Why did this outcome occur despite the establishment of a modern emergency management system in 2002 which included a recovery framework that had been praised by international scholars as leading edge and a model for other countries? The official reason was the unprecedented scale and demands of the recovery – but a disaster of such scale is the principle reason for having a national emergency management system. Another explanation is the lack of cooperation among local authorities – but that raises the question of whether the CDEM recovery framework would have been successful in another locality. Consequentially, the focus of this dissertation is on the CDEM recovery framework and how New Zealand came to find itself making disaster law during a disaster. Recommendations include a review of emergency powers for recovery, a review of the capabilities needed to fulfil the mandate of Recovery Managers, and the establishment of a National Recovery Office with a cadre of Recovery Managers that attend every recovery to observe, advise, or assume control as needed. CDEM Group Recovery Managers would be seconded to the National Recovery Office which would allow for experience in recovery management to be developed and institutionalised through regular practice.

Abbreviations

CDEM – Civil Defence Emergency Management

CERC – Canterbury Earthquake Recovery Authority

CERA – Canterbury Earthquake Recovery Authority

CERR – Canterbury Earthquake Response and Recovery Act 2010

DRC – Disaster Research Center (University of Delaware)

DGL – Director’s Guidelines

DRR – Disaster Risk Reduction

DRU – Disaster Research Unit (Bradford University)

EPS – Emergency Precaution Scheme 1939

HFA – Hyogo Framework for Action

LAEP Act – Local Authorities Emergency Powers Act 1953

LGA – Local Government Act 1974

MCDEM – Ministry of Civil Defence and Emergency Management

PSCA – Public Safety Conservation Act 1932

UNISDR – United Nations Strategy for Disaster Reduction

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Chapter 1 From Cold War to Canterbury: The New Zealand Experience in Civil Defence Emergency Management

1.1 Introduction

This dissertation analyses the development of civil defence emergency management law and policies in New Zealand in order to argue that the legislative and organisational response to the Canterbury earthquakes was not only necessary but inevitable. The Canterbury earthquakes were a series of major seismic events along with thousands of smaller aftershocks between September 2010 and December 2011 in the Canterbury region of the South Island in New Zealand.¹ The earthquakes caused significant damage to the Central Business District in the city of Christchurch and to the suburbs to the east and south of the CBD² causing billions of dollars in damage.³ After the February 2011 quakes the government created the Canterbury Earthquake Recovery Act 2011 (CER Act) and Canterbury Earthquake Recovery Authority (CERA) to govern the recovery. The research for this dissertation began with a very simple question – Why CERA? The aim was to understand why new legislation, a new authority, and a new recovery framework were created which placed the government at the centre of the recovery when New Zealand already had an extensive recovery framework and emergency powers under the Civil Defence Emergency Management Act 2002 and the Local Government Act 2002 which placed the community and local government at the centre of recovery. Most of the scholarship on the recovery from the Canterbury earthquakes has looked at the event in

¹ Canterbury Earthquakes Royal Commission “Final Report: Volume 1 Summary and Recommendations in Volumes 1-3, Seismicity, Soils and the Seismic Design of Buildings” 2011 at 28.

² S.H. Potter, J.S. Becker, D.M. Johnston, and K.P. Rossiter. “An overview of the impacts of the 2010-2011 Canterbury earthquakes” (2015) International Journal of Disaster Risk Reduction (article in press).

³ M. Parker and D. Steenkamp “The economic impact of the Canterbury earthquakes” (2012) 75 Bulletin: Reserve Bank of New Zealand.

isolation by starting with the situation at the time of the disasters and complications that arose going forward. But this frames the recovery as a discreet event, as a slice of time. This study takes a long-view and considers critical junctures, focusing events and the long-term processes which the recovery legislation and institutions are a part of. The purpose of this research is twofold – to fill a gap in the civil defence literature in New Zealand and in so doing develop a basis for understanding the legislative response to the Canterbury earthquakes and options for future emergency management governance.

The approach taken is called historical perspective which is a method of studying a topic from its earliest stages throughout its evolution in order to understand the present.⁴ It is reasonable to ask why look at the history of civil defence to explain the current and future governance issues of emergency management in New Zealand. The answer is twofold. First, it has to do with the interval between major events such as the Canterbury earthquakes which only happen once every 2-3 generations, sometimes even longer. This means that civil defence capabilities at all levels of government and society are not regularly tested and often forgotten, as are the lessons from the past. Additionally, new civil defence laws have been made approximately every twenty years, but with few amendments and relatively unchanged principles and philosophies over the past half century. On account of these characteristics of civil defence, decisions made and the outcome of those decisions in crisis can be separated by decades. Therefore, it is necessary to go back decades to understand how New Zealand government and society have prepared for and responded to hazards and disasters. By doing so, it becomes clear which limitations have persisted over decades and manifested after the Canterbury quakes. As Butler writes, disasters are managed in a “social,

⁴ Barbara S. Lawrence “Historical Perspective: Using the Past to Study the Present” (1984) 9 *Academy of Management Review* 307.

political, and geographic context but also in a historical context”.⁵ Secondly, there is a tendency in New Zealand and disaster scholarship overall, to be critical of past practices and assume that the evolution of the field naturally leads to better outcomes. But evolution occurs in response to the current environment and is not even across a system, nor is it intrinsically forward looking. As a result, certain parts which are not subject to adaptation are left unchanged – particularly in the case of the recovery component of civil defence which is the focus of the latter part of the dissertation. By understanding the traditions and trends of civil defence it becomes clear that the inevitable outcome of a major disaster would be the central government assuming a leading role in the recovery. With this understanding it becomes clear that the scale of the emergency in itself was not the cause of the post-disaster problems; it was the catalyst which exposed issues that had existed for decades.

The Canterbury Earthquakes

The largest earthquakes occurred on 4 September 2010, 22 February 2011, and 13 June 2011 with Moment magnitude (Mw) of 7.1, 6.2, and 6.0 respectively.⁶ The most damaging and deadly of these were the 22 February quakes which resulted in 185 fatalities and widespread damage in the Central Business District of Christchurch and throughout many suburbs – in particular in the eastern and southern parts of the city.⁷ A state of local emergency was declared in Christchurch City, Selwyn District to the south and Waimakariri District to the north immediately following the 4 September 2010 quakes, and MP Gerry

⁵ David Butler “Focusing events in the early twentieth century: a hurricane, two earthquakes, and a pandemic” in Claire B Rubin (ed) *Emergency Management: The American Experience 1900-2005*. (Public Entity Risk Institute, Fairfax, Virginia, 2007) 11.

⁶ Terry Webb “The Canterbury Earthquake Sequence” (Presentation to the Canterbury Earthquakes Royal Commission October 2011).

⁷ Canterbury Earthquakes Royal Commission “Final Report: Volume 1 Summary and Recommendations in Volumes 1-3, Seismicity, Soils and the Seismic Design of Buildings” 2011.

Brownlee was appointed Minister responsible for Canterbury Earthquake Recovery two days later.⁸ Within two weeks the Canterbury Earthquake Response and Recovery Act 2010 (CERR Act) was drafted and passed followed by the establishment of the Canterbury Earthquake Recovery Commission (CERC). The Commission consisted of the mayors from Christchurch, Selwyn, and Waimakariri as well as four unelected appointees - one of whom had to be from the Regional Council, Environment Canterbury. The Commission had only an advisory function and the Recovery Minister had no obligation to consult them or follow their advice. Strong criticism from a clutch of legal scholars on the vast law-making power given to the Executive with minimal constraints by the CERC Act were brushed aside by the Recovery Minister and some media outlets as “nit-picking” and “theoretical criticisms of latte drinkers”.⁹ The Commission itself was roundly criticised for being dysfunctional and causing confusion about who was in charge of the recovery –the Christchurch City Council (CCC) in particular was singled out for their lack of engagement with the recovery process.¹⁰ The CCC did not appoint a Recovery Manager or draft a recovery plan as recommended under the CDEM Act 2002 and tended to rely on the Earthquake Commission (EQC) and CERC to manage recovery as the CCC focused on business as usual.¹¹ The Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake Recovery Authority (CERA) replaced the CERR Act 2010 and CERC after the 11 February 2011 quakes. CERA is headed by an appointed Chief Executive and is currently a departmental agency within the Department of Prime Minister and Cabinet. Justification for the new governance structure was based on

⁸ Parliamentary Service “Canterbury earthquake timeline: Government’s and Parliament’s response” (Parliamentary Library Research Paper 2010/05, 9 November 2010).

⁹ Austin Forbes QC “The rule of law and New Zealand lawyers” [2011] NZLJ 42 at 2.

¹⁰ Rachel Brookie “Governing the Recovery from the Canterbury Earthquakes 2010-2011: The Debate Over Institutional Design” (Institute for Governance and Policy Studies Working Paper 12/01, 2012); McCrone “Over the top?” (The Press Online edition, 26 April 2011).

¹¹ Rachel Brookie “Governing the Recovery from the Canterbury Earthquakes 2010-2011: The Debate Over Institutional Design” (Institute for Governance and Policy Studies Working Paper 12/01, 2012).

the scale and scope of the rebuild, the need for a stronger coordinating body to manage the multiple stakeholders and the significantly greater investment from central government, and recognition that existing institutions and powers were insufficient given the scale of the recovery.¹² The Ministry for Civil Defence Emergency Management (MCDEM) and the regional CDEM Group were almost entirely left out of the recovery process. The reasons why and the implications for future law, policy, and disasters are the subject of subsequent chapters.

1.2 What is civil defence?

To many people the term “civil defence” invokes images of WWII era plans against aerial bombing or Cold War era schemes in case of nuclear war. In New Zealand the term describes a modern emergency management system with roots in both the Second World War and the Cold War. The Ministry of Civil Defence and Emergency Management (MCDEM) is responsible for promoting the 4Rs – risk reduction, response, recovery, and readiness. In practice much of these responsibilities are fulfilled by other organisations with MCDEM providing national guidance. The evolution of civil defence is a major theme of this dissertation, but the place of civil defence within the security framework in New Zealand has remained relatively unchanged. As explored in chapters 3 and 4, the civil defence organisation was not designed to be a primary response agency. Rather, it was created to fill a gap between the demands of an emergency and the capabilities of local emergency services¹³ – and this mandate still exists.¹⁴ To this end, civil defence is activated when a

¹² Office of the Minister for Canterbury Earthquake Recovery, Office of the Minister of State Services “Paper 1: Canterbury Earthquake Recovery: Proposed Governance Arrangements”.

¹³ R.H.F Holloway “Civil defence” (1978) 33 Journal of the New Zealand Institution of Engineers 266 at 268.

¹⁴ Civil Defence Emergency Management Act 2002 Part 1 s4 “emergency”.

significant and coordinated response is needed.¹⁵ The definition of a civil defence emergency has remained virtually unchanged since 1962 and includes a list of hazard types from volcanoes and earthquakes to pandemics and explosions. This makes civil defence a generalist organisation although it has exhibited a strong bias towards natural hazards and the greatest perceived threat – earthquakes. As a result of its generalist and supportive mandate civil defence exists alongside other emergency management systems which were developed for particular hazard types. The Ministry of Civil Defence and Emergency Management would be the lead agency only in cases of emergencies resulting directly from geological and meteorological hazards and infrastructure failure.¹⁶ For other emergencies such as a biosecurity incident, a pandemic, or a terror attack the Ministry of Agriculture and Forestry, the Ministry of Health, or the New Zealand Police would take their respective lead.¹⁷ In these situations MCDEM and the regional CDEM Group offices would offer a supporting role. For example, it may help to think in terms of deliverables – a network of organisations delivers health services during normal times, MCDEM and the sub-national CDEM offices are not among them. Instead they play a role in planning for major events with other stakeholder groups (such as those in the health sector) and offer support during a crisis. Therefore, in a health emergency an Emergency Coordination Centre or Emergency Operations Centre may be established by the local CDEM office or regional CDEM Group to assist the health sector via a health liaison¹⁸ but civil defence is not going to take the lead. This national system for health emergencies predates civil defence by several decades.¹⁹ The influenza pandemic of 1918 resulted in a national response – the outcome was new

¹⁵ Ibid.

¹⁶ National Civil Defence Emergency Management Plan Order 2015 Appendix 1 Lead Agencies.

¹⁷ Ibid

¹⁸ Ibid at s51(4).

¹⁹ See chapters 3 and 4 for the origins of civil defence.

legislation in 1920. That response and the new health statute serve as the basis for the standard planning model used for epidemics and pandemics in New Zealand to this day.²⁰ While the health sector had a crisis which stimulated a national system relatively early in the history of New Zealand civil defence did not have such a crisis until much later. As explored in chapter 3 the fear of another earthquake like that which struck Hawke's Bay in 1931 and concerns regarding the threat of war in 1939 stimulated the first national civil defence system – but it was dissolved in 1945. The threat of nuclear war would reinvigorate interest in civil defence, but it suffered from persistent lack of political will. In chapters 4 and 5 it is shown that it would take crises, criticism, and changing socio-political circumstances for civil defence to overcome that lack of political will in order to evolve and adapt in the slow evolution of a national emergency management system. These are the primary analytic themes of subsequent chapters.

1.3 Background to the study

In the more than half-century of its formal existence the laws and policies of civil defence have changed to reflect a greater understanding of the hazards the country faces as well as international trends in disaster management. Contemporary civil defence emergency management (CDEM) finds its origins in wartime preparedness schemes and Cold War-era concerns about nuclear attack. Fundamentally, civil defence is built on a philosophy on local responsibility and principles of self-help, mutual support between communities, and guidance from the central government. Although rare, discourse on New Zealand's civil defence organisation when it does occur tends to be centred on the question of whether the country was prepared for a national-level disaster and at just about every point in the

²⁰ Ministry of Health. 2010. New Zealand Influenza Pandemic Plan: A framework for action. Wellington: Ministry of Health at 6.

history of civil defence the answer has been “No”. Subsequent chapters will help explain why.

Taking a historical perspective, the focus of this dissertation is civil defence law in New Zealand which means it is a combination of three often underserved and even ignored topics. Legal historian Richard Boast laments the low value accorded to legal history by Kiwi historians and argues that law and the legal system have been mostly excluded from New Zealand’s written history both in the academic sphere and in publications intended for a general audience.²¹ Boast cites the 2009 version of *The New Oxford History of New Zealand*, but even the 1981 version gives little space to law, even less to the Cold War (only two mentions in the index), and nothing to civil defence. Likewise, the second edition in 1992 made no mention of domestic Cold War activities and nothing about civil defence or any of the natural disasters which have occurred in New Zealand’s short history.²² Even the history of the Department of Internal Affairs where the Ministry of Civil Defence was based until 2014 affords this topic barely a mention.²³ New Zealand’s historiography of the Cold War tends to focus on domestic and international political issues;²⁴ publications specifically on civil defence before and during the Cold War have almost entirely been done by honours and graduate students. Not only has civil defence been left out of New Zealand’s cultural history as well as military and Cold War scholarship it has also managed to avoid more than a mention in political and even legal work.²⁵ The Ministry of Civil Defence published a “short

²¹ Richard Boast “New Zealand Legal History and New Zealand Historians: A Non-meeting of the minds” [ND].

²² W.H. Oliver and B.R. Williams *The Oxford History of New Zealand* (Oxford University Press, Wellington, 1981); Geoffrey W. Rice *The Oxford History of New Zealand* (2nd ed, Oxford University Press, Melbourne, 1992).

²³ Michael Bassett *The mother of all departments: The history of the Department of Internal Affairs*. (Auckland University Press, Auckland, 1997)

²⁴ See for example, Ian McGibbon and John Crawford *Seeing Red: New Zealand, the Commonwealth, and the Cold War 1945-1991* (NZ Military History Committee, Wellington, 2012).

²⁵ See for example Mai Chen and Geoffrey Palmer *Public Law in New Zealand* (Oxford University Press, Auckland, 1993).

history” of civil defence in 1991 but much of this publication was culled from a Master’s thesis written in 1971²⁶ or uncited personal recollections of civil defence personnel – and it is riddled with typos.²⁷ These gaps in the literature became apparent at the start of the research for this dissertation when the aim was to understand how New Zealand came to find itself making disaster laws during a disaster. The purpose, as stated in the introduction, is to help fill those gaps and give insights into the limitations of civil defence.

1.4 Why disasters? Why civil defence?

Many papers on disasters begin with statistics on disaster losses and suffering. And it is true that disaster losses are increasing.²⁸ But in the past century the risk from numerous hazards have been greatly reduced or even eliminated – many as a result of improved living conditions, access to healthcare, and better building standards. And this, Hewitt writes, is what gives disaster scholarship a “positive orientation” – the knowledge that as the risk of certain hazards has been reduced or eliminated other hazards may also be reduced or prevented.²⁹ This hopeful hypothesis is supported by Hewitt’s directive to understand the relationship between the hazards society is exposed to and the practices of society which can alter and even eliminate the associated risks. Although the risk of certain hazards has indeed been greatly reduced – in particular certain diseases – geophysical hazards are having an increasing impact on the built environment with resultant tremendous costs.

²⁶ Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971).

²⁷ Ministry of Civil Defence “Civil Defence in New Zealand: A short history”.

²⁸ UNISDR *Global Assessment Report on Disaster Risk Reduction 2009* (United Nations, Geneva, Switzerland, 2009); UNISDR *Global Assessment Report on Disaster Risk Reduction 2011* (United Nations International Strategy for Disaster Reduction, Geneva, Switzerland, 2011).

²⁹ Kenneth Hewitt *Regions of risk: A geographical introduction to disasters*. (Addison Wesley Longman Limited, Essex, England, 1997).

In the post war period until the 1970s the number of large-scale disasters worldwide increased along with a corresponding increase in loss of human life.³⁰ Over the next 30 years this trend would continue with an increasing number of disasters and greater economic costs however mortality would see a relative decrease.³¹ In 1999 Platt described a rise in disaster losses which he attributes to increasing vulnerability due to encroachment upon areas often exposed to natural hazards and increasing risk from weather related hazards and rising sea levels due to climate change.³² Twelve years later the United Nations International Strategy for Disaster Reduction (UNISDR) published a report which confirmed Platt's observation on disaster losses – the main finding was that while the economic cost of disasters was increasing mortality from disasters has been decreasing for the past 30 years.³³ This is attributed to improved living conditions (housing, health, education, livelihoods) which resulted from successful poverty reduction programmes and better warning systems. However, along with this progress have come urbanisation and development in areas exposed to natural hazards – the result is increasing economic costs from the loss of buildings and infrastructure.³⁴ In addition, the past decade saw a number of high-impact disaster in developed economies such as Hurricane Katrina in the United States in 2005 and earthquakes in Japan and New Zealand in 2011; in absolute terms richer countries incur higher economic losses but as a percentage of GDP the losses are

³⁰ Phil O'Keefe, Keith Westgate and Ben Wisner "Taking the naturalness out of natural disasters" (1976) 260 Nature 566.

³¹ UNISDR *Global Assessment Report on Disaster Risk Reduction 2009* (United Nations, Geneva, Switzerland, 2009)

³² Rutherford H Platt *Democracy and Disasters: The politics of extreme natural events* (Island Press, Washington, D.C., 1999).

³³ UNISDR *Global Assessment Report on Disaster Risk Reduction 2011* (United Nations International Strategy for Disaster Reduction, Geneva, Switzerland, 2011).

³⁴ Ibid.

significantly lower relative to losses in less developed countries.³⁵ The EM-DAT database has collected data on disaster impacts from 1900 to present³⁶ and their numbers indicate that worldwide these high-impact low-frequency events accounted for 0.26% of recorded disasters but incurred almost 80% of disaster losses between 1975 and 2008.³⁷ The lesson is that with economic growth and development comes improvements in quality of life but also often greater exposure of assets to natural hazards and greater potential for losses if governance and legislation either cannot keep up with regulating mitigation or technology simply is or was not available when the built environment was created.

This historical analysis accords with assessments made thirty years ago in New Zealand. In 1984 the New Zealand National Commission for UNESCO published a report on natural hazards in New Zealand.³⁸ Topic experts contributed analysis on the state of each of the identified hazards facing the country; the report author's major conclusion was that none of the risks New Zealand is exposed to are expected to decrease in the future. Interestingly they identified many of the same reasons for this as the 2011 UNISDR report – "increasing population in some areas and the increasing value of fixed capital assets, including the cost of damage to structures specifically designed to mitigate the hazard".³⁹ The main shortcomings identified were also similar to the findings of the later UNISDR report, with the Kiwis noting the "lack, inadequacy, and confusion of legislation and regulations covering

³⁵ UNISDR *Global Assessment Report on Disaster Risk Reduction 2009* (United Nations, Geneva, Switzerland, 2009).

³⁶ EM-DAT - The International Disaster Database. (2013) <http://www.emdat.be/frequently-asked-questions>.

³⁷ UNISDR *Global Assessment Report on Disaster Risk Reduction 2009* (United Nations, Geneva, Switzerland, 2009).

³⁸ Task Force on Natural Hazards *Scientific, Economic and Social Reviews of Natural Hazards in New Zealand* (New Zealand National Commission for UNESCO, Wellington, 1984).

³⁹ UNISDR *Global Assessment Report on Disaster Risk Reduction 2011* (United Nations International Strategy for Disaster Reduction, Geneva, Switzerland, 2011).

natural hazards”.⁴⁰ Twenty-five years later researchers came to similar conclusions about prospect for rebuilding following a major disaster given the then existing legislation in New Zealand.⁴¹ To this can be added the findings of this dissertation which show that little has changed – there is still considerable confusing and inadequacy in the legislation covering natural hazards. Hence, the necessity of studying disasters and civil defence.

1.5 Research questions

Research for this dissertation began with the Canterbury earthquakes and the institutions created to manage the recovery. The main question at the time was simply “Why CERA?” Further inquiry revealed many gaps in the literature on civil defence in New Zealand. There were only a few publications on how it originated and evolved over time but they lacked insights on the important characteristics such as the underlying philosophy and principles and the focusing events which shaped civil defence into what it was at the time of the Canterbury earthquakes. At best they are snapshots of civil defence at a given time and fail to illustrate the processes and principles that make civil defence an institution. This dissertation shows that with analysis on these critical factors in the history of civil defence it becomes easier to understand the limitations the country faced when confronted with a national emergency. Without this knowledge it is difficult to understand the frantic response to create new legislation which gave the government significant authority as each disaster unfolded in 2010 and 2011 despite the existence of relatively new legislation (CDEM Act 2002), a comprehensive policy framework for recovery, and acknowledgement

⁴⁰ Task Force on Natural Hazards *Scientific, Economic and Social Reviews of Natural Hazards in New Zealand* (New Zealand National Commission for UNESCO, Wellington, 1984) at 4.

⁴¹ James O. Rotimi, Suzanne Wilkinson and Kevin Zuo 2009 “Legislation for effective post-disaster reconstruction” 13 *International Journal of Strategic Property Management* 143.

by the government multiple times throughout New Zealand's history and within disaster scholarship that an emergency is a terrible time to interpret legislation let alone make it.

With this background the guiding questions for the research are:

How, and why, have the philosophy, practice, and governance of civil defence and emergency management evolved in New Zealand and what did they mean in the aftermath of the Canterbury earthquakes?

Sub-questions

Why were disasters nationalised? How did the government come to take a leading role in civil defence despite the philosophy of local responsibility and principle of self-help?

Was the creation of the Canterbury recovery framework under the CER Act 2011 and CERA an anomaly necessitated by the extreme nature of the event or was it an outcome of vulnerabilities within the CDEM recovery framework?

1.6 Outline of the dissertation

Part I – Introduction to the research

Chapter 1 explains the aims, rationale and purpose of the research and introduces the research questions.

Chapter 2 places the dissertation within the broader context of disaster scholarship and explains key terms, concepts, and gaps in the literature on disaster in general and disaster

recovery in New Zealand in particular. This chapter also examines the theoretical basis for New Zealand's civil defence emergency management laws and policies and sets the stage for subsequent chapters.

Part II – The Origins of Civil Defence

Chapter 3, *Political and Legal Origins of Civil Defence*, examines the underlying principles, the philosophy of local responsibility and the focusing events which stimulated growth in the civil defence organisation during its early years. This transformation saw the civil defence organisation change from essentially a government service focused on Cold War risks to one primarily concerned with natural hazards. However, this chapter demonstrates that the government has long been a reluctant participant in civil defence which created a gap between principles and practice and severely limited the implementability of civil defence law. This would become a perverse tradition within civil defence right through to the Canterbury earthquakes. The emergent theme of this chapter is the unfunded and unsupported mandate which would become a civil defence tradition throughout its history.

Part III – The Formative Years

Chapter 4, *Responsibility, capacity, and power: The formative years of civil defence*, continues the themes of capacity, purpose, and function as New Zealand experienced significant governance changes in the 1970s and 1980s. In the 1970s civil defence aimed to align itself with the new regional governance structure introduced by the Local Government Act 1974. Struggles ensued mainly due to confusing and poorly written amendments to civil defence legislation and a lack of enabling elements which would allow the new local responsibilities to be carried out. With the Civil Defence Act 1983 the government finally

took a leading role in emergency response, but also introduced a disaster recovery component to the Act which was to suffer the same limitations and neglect as response had. The outcome was realized after the Canterbury quakes when a new law and governance structure were created to bridge the gap between principles and practice. The emergent theme of this chapter is the value of civil defence.

Part IV – Civil Defence Comes of Age

Chapter 5, *Civil Defence Comes of Age: A new emergency management and the recovery from the Canterbury earthquakes*, argues that the government response to the Canterbury earthquakes and the necessity of CERA were a result of familiar historic patterns and places the recovery within the context of decades of practice both within the civil defence organisation and the broader governance system of New Zealand. This chapter argues that the state of readiness for recovery was extremely poor in the same way response was decades earlier. The limitations of the CDEM recovery framework derived from a failure to provide the enabling conditions to bridge the gap between principles and practice – an unfortunate tradition in civil defence. The country simply was not prepared for a recovery from any sizeable emergency let alone one the scale of the Canterbury earthquakes. Despite new laws and frameworks, civil defence remained essentially a response and readiness scheme for small-medium scale emergencies.

Part V – Conclusion

Chapter 6, *Conclusion*, answers the research questions by drawing together the main themes, offers policy implications and improvements, and suggests future areas for research.

Chapter 2 Theoretical foundations of disaster scholarship

“...unless we clarify and obtain a minimum consensus on the defining features...we will continue to talk past one another on the characteristics, conditions and consequences of disasters”

Quarantelli, 1995¹

2.1 Introduction

This chapter examines the evolution of disaster scholarship from its roots in sociological research to its contemporary interpretation as a multidisciplinary and “holistic” field. The purpose is two-fold. First, to understand the theoretical basis on which New Zealand’s current disaster legislation and policy framework are grounded which provides a foundation for understanding New Zealand’s own relationship between society, disasters, and the law. Second, as a prelude to the Canterbury case, this chapter will demonstrate how recovery, as a component or “phase” of the disaster cycle, has been marginalised from the earliest disaster studies compared to response, readiness, and risk reduction. This is evident in scholarship and practice in New Zealand and abroad.² This offers a unique opportunity to contribute to the perpetually nascent state of research on disaster recovery with a study of how New Zealand’s civil defence emergency management system developed only to be side-lined during the recovery from the largest emergency in the post-war years. To this end,

¹ E.L. Quarantelli “What is a disaster?” (1995) 13 International Journal of Mass Emergencies and Disasters 221 at 225.

² G. P. Smith, & D. Wenger *Sustainable Disaster Recovery: Operationalizing an Existing Agenda* in H. Rodriguez, E. L. Quarantelli, & R. R. Dynes, *Handbook of Disaster Research* (New York: Springer Science and Business Media, LLC., 2007) 234; C. B. Rubin (2009) “Long Term Recovery from Disasters: The Neglected Component of Emergency Management” 6 Journal of Homeland Security and Emergency Management 1.

this chapter, and the dissertation overall, takes a historical perspective to help explain the trends and focusing events within disaster governance and scholarship. The evolution of disaster scholarship parallels civil defence emergency management in New Zealand from its Cold War origins and focus on response to the neglect shown to the practical elements of recovery and emphasis on adaptation and general frameworks. For these reasons, what happens in New Zealand, especially regarding the Canterbury earthquakes, is important to the broader context of disaster scholarship and to being better prepared for the next big disaster by understanding the limits of civil defence.

Additional scholarship, especially as it relates to the particulars of New Zealand, is integrated within the analysis of primary data in subsequent chapters. The aim of this chapter is to give an overview and seat the research within the broader field of disaster scholarship.

Chapter Overview

This chapter begins with a brief account of scholarship on disasters from its roots in civil defence and sociological research to its current manifestation which has adopted sustainable development principles and emphasises risk reduction (Section 2.2). In Section 2.3, the basic concepts of disaster management are explained, including the relationship between hazards and disasters, and the fundamental elements of risk, resilience, and vulnerability. In section 2.4, conceptual models of disasters – often called the disaster cycle, or phases - are presented as heuristic devices for understanding what typically happens before and after a disaster. This section also demonstrates how recovery became a neglected element within the disaster cycle. Section 2.5 explores how disaster recovery has been conceptualized in scholarship and addressed in law in New Zealand – and the findings

from scholarship on reconstruction as a component of recovery. In subsequent chapters it is demonstrated that New Zealand followed a similar path in developing its CDEM system as the developments explored in this chapter. The CDEM framework under the Civil Defence Emergency Management Act 2002 is well-grounded in the disaster scholarship and theory outlined in this chapter and was recognized internationally for its progressive approach and recommended as a model for other countries.³ For these reasons, what happens in New Zealand is important to our understanding of the principles and practices of disaster management. Likewise, understanding disaster scholarship is critical to understanding the evolution of emergency management in New Zealand and the limitations of civil defence after the Canterbury earthquakes.

2.2 Understanding disaster: A brief history of modern disaster scholarship

Modern disaster scholarship has primarily been an American endeavour and has its roots in sociological studies from the mid-20th century in the United States.⁴ The earliest studies primarily focused on natural and technological disasters and like most of their successors tended to focus on the immediate response to a disaster. Over time, scholarship slowly moved further from the point of impact toward the broader social systems within which disasters occur but they tended toward pre-disaster response, readiness, and later risk reduction. The trend has never been towards recovery. The earliest studies were unsystematic but they are important for identifying fundamental concepts and setting the stage for future work. Disaster scholarship was interrupted by WWII and the Cold War, but

³ Chris Webb and David A. McEntire (n.d). "Emergency Management in New Zealand: Potential Disasters and Opportunities for Resilience" in D. A. McEntire, *Comparative Emergency Management: Understanding Disaster Policies, Organizations, and Initiatives From Around the World*.

⁴ Rodriguez, H., Quarantelli, E. L., & Dynes, R. R. (Eds.). *Handbook of Disaster Research*. (New York: Springer Media, 2007).

this interruption had the benefit of introducing national systems for response and readiness. The origins of modern, government-led emergency management took shape in the form of civil defence and continued to grow as scholarship on the two topics were combined in the 1950s.

The first generation of scholars to conduct systematic research on disasters emerged in the early 1950s and 1960s. These were mainly sociologists studying social change and individual, community, and organisational responses to disasters. Their work included natural and technological disasters as well as civil defence and was partly driven by Cold War themes such as nuclear attack. This generation was followed by a second wave of disaster-related scholarship, mainly from the development field starting from the early 1970s. This group, spearheaded by work from the Disaster Research Unit at the University of Bradford in the United Kingdom, was focused on the political organisations and institutional arrangements involved in disaster management and proposed mitigation and preparedness as the focal point of disaster management rather than relief and restoration.^{5,6} This type of work contributed greatly to the first major policy change in disaster management since the civil defence-focused post-war era by shifting emphasis from effective post-disaster response to pre-disaster risk reduction and planning, and the emergence of the vulnerability paradigm. In practical application, this period saw the professionalization of emergency management and greater public involvement in preparedness campaigns. The third generation, or “wave”, emerged in the 1980s and 1990s and focused on the theme of building resilience to natural hazards through vulnerability and risk reduction. This period also saw the

⁵ Baird, A., O'Keefe, P., Westgate, K., & Wisner, B. (1975). *Towards an explanation and reduction of disaster proneness*. University of Bradford Disaster Research Unit.

⁶ Lewis, J., O'Keefe, P., & Westgate, K. N. (1977). *A philosophy of precautionary planning*. *Mass Emergencies*, 2, 95-104.

internationalisation of disaster policy via the United Nations' "international decade for disaster reduction" which further integrated sustainable development and its derivatives with disaster management. This internationalization contributed to the inclusion of disaster management into national planning in fulfilment of international agreements. Despite this new paradigm emphasizing a holistic approach to disaster management, disaster risk reduction (DRR) predominated during this period. Throughout these periods, long-term recovery has received occasional peaks in interest but has typically received much less emphasis than other aspects. Most of the references in this section come from the late 20th and early 21st centuries, but they build on work done in the 1920s and 1930s by the likes of Prince, Carr, and Kutak.⁷

Early disaster scholarship

The earliest academic studies of disasters tended to view disasters as catalysts of social change by analysing the immediate response to crisis by individuals and communities and how these actions may persist or revert to pre-disaster patterns. Among the earliest studies of disaster is Prince's 1920 dissertation based on the explosion of a French munitions ship after a collision in Halifax harbour in 1917⁸ – a study on which much of modern disaster scholarship has its origins.⁹ Whereas earlier publications, such as Stewart's 1877 work on the fires in St. John, New Brunswick (which Prince cites), contained insightful observations

⁷ Prince, S. H. (1920). *Catastrophe and Social Change - Based upon a sociological study of the Halifax disaster*. New York: Columbia University Department of Political Science; Carr, L. J. "Disaster and the Sequence-Pattern Concept of Social Change" (1932) 38 American Journal of Sociology 207; Kutak, R. I. "The Sociology of Crises: The Louisville Flood of 1937" (1938) 17 Social Forces 66.

⁸ Prince, S. H. (1920). *Catastrophe and Social Change - Based upon a sociological study of the Halifax disaster*. New York: Columbia University Department of Political Science.

⁹ Dynes, R. R., & Quarantelli, E. (1993). *The place of the 1917 explosion in Halifax harbor in the history of disaster research: The work of Samuel H Prince*. University of Delaware Disaster Research Center and Britton, N. R. (2005). What's a word? Opening up the debate. In R. W. Perry, & E. Quarantelli, What is a disaster? New answers to old questions (pp. 60-78). International Research Committee on Disasters.

they were essentially a dramatized layman's account. Prince's work theorized from the data to develop concepts which were to be fundamental not only during the nascent years of systematic disaster scholarship but mainstays of contemporary disaster studies and policy.¹⁰ In particular, it was the first work to delineate the societal response to an emergency into linear phases, something which has persisted to today.¹¹ It was also the first academic study of community recovery.¹² However, some of Prince's conclusions, particularly those based on secondary data, have been abandoned by subsequent research findings such as his comments on hysterical behaviour and a reversion to "savagery" due to the immediate stress and confusion of a sudden onset crisis.¹³ His lasting contributions were based on his own primary data collection and analysis of collective behaviour, emergent organisation, the linear sequence of a disaster, and recommendations for principles of emergency management related to what is now called preparedness planning. Prince praised a local citizen's spontaneous relief committees with members from different social classes – the system was supplanted by a central committee of American and Canadian relief experts which Prince notes brought improved coordination but lacked effective communication and local knowledge.¹⁴ This observation contains two key points. First, the informal self-organising of affected communities in contrast to the "helpless victims" they are often perceived as (this perception was held by the Ministry of Civil Defence in New Zealand until 1968, see Chapter 3). Second, the trade-off between informal local institutions and formal

¹⁰ Scanlon, T. J. "Disaster's little known prince: Canada's Samuel Henry Prince" (1988) 6 International Journal of Mass Emergencies and Disasters 213.

¹¹ Coetzee, C., & van Niekerk, D. "Tracking the evolution of the disaster management cycle: A general system theory approach" (2012) 4 Jàmbá: Journal of Risk Disaster.

¹² Scanlon, T. J. "Disaster's little known prince: Canada's Samuel Henry Prince" (1988) 6 International Journal of Mass Emergencies and Disasters 213.

¹³ Scanlon, T. J. "Disaster's little known prince: Canada's Samuel Henry Prince" (1988) 6 International Journal of Mass Emergencies and Disasters 213.

¹⁴ Prince, S. H. (1920). *Catastrophe and Social Change - Based upon a sociological study of the Halifax disaster*. New York: Columbia University Department of Political Science at 84.

government-led ones. The latter may have been more efficient at overall coordination but may also lack local knowledge and have questionable legitimacy and accountability – issues which may limit their effectiveness in implementation. This dynamic between local and central responsibility and control is a major theme of civil defence in New Zealand and is at the centre of the failures of the civil defence recovery framework following the Canterbury earthquakes.

Both Prince and twelve years later Carr¹⁵ included a description of the sequence of events immediately before, during, and after a disaster – two of the earliest conceptualizations of disaster phases.¹⁶ Carr used these phases to organise and explain his analysis of the types of adjustments made by individuals, groups, and culturally and the “new equilibrium” found after a major disaster. In so doing he described a disaster as not simply a physical event but a social one due to the changes in society either before to prepare for the event or after, because of the event, and analysed disasters as a process rather than focusing on the time and place of impact. This functional use of the descriptive “phases” would persist to the present day but it would be more than 50 years until disasters would be looked at as a process rather than singular events in emergency management law and policy.

Similar to Prince, Kutak offered relatively few criticisms of the response process and focused on the positive outcomes of a disaster.¹⁷ Both Prince and Kutak wrote of the “democracy of common disaster” and the spontaneous help from local and nearby communities, and both noted that this effect was temporary - as comfort and security returned the “democracy of

¹⁵ Carr, L. J. (1932). Disaster and the Sequence-Pattern Concept of Social Change. *American Journal of Sociology*, 38(2), 207-218.

¹⁶ Neal, D. M. (1997, August). Reconsidering the phases of disaster. *International Journal of Mass Emergencies and Disasters*, 15(2), 239-264.

¹⁷ Kutak, R. I. (1938). The Sociology of Crises: The Louisville Flood of 1937. *Social Forces*, 17(1), 66-72.

distress” disappeared.¹⁸ Kutak theorized that a crisis could break down social barriers and effect positive social change through innovation and concerted efforts towards shared community interests and result in a stronger social order which could not develop from mundane life – in contemporary parlance this would be called resilience. Kutak proposed risk mitigation and preparedness schemes as two solutions to flood hazards, noting that mitigation measures need to be sustained even as the ‘acute distress’ felt at the time of the initial disaster faded away. He also suggested mechanisms for integrating preparedness planning at the community level with agencies and organisations in other communities to assist one another – similar to the principles of mutual assistance in New Zealand. Finally, he outlined a civil defence scheme similar to that developed in New Zealand in the late 1950s and 1960s and recommended establishing a dedicated emergency organisation that comes into effect during an emergency.¹⁹ Despite these innovative ideas, it would be decades before they were taken up by other researchers and put into practice as attention turned from natural and technological hazards to war with the advent of WWII and the Cold War. In the pre and post-war years disaster scholarship was still a novelty and far from systematic, but from the 1950s onward it would be the threat of war that would be the genesis of modern scholarship on disasters.

The origins of systematic disaster scholarship

Systematic research on disasters began in the 1950s in the United States, predominantly at the National Academy of Sciences and the National Opinion Research Center (NORC), headed by Charles Fritz, which conducted research on individual, group, and organisational

¹⁸ Comments by Professor Margaret Mary Wood, in a footnote to Kutak 1938.

¹⁹ Kutak, R. I. (1938). The Sociology of Crises: The Louisville Flood of 1937. *Social Forces*, 17(1) at 71.

responses to disasters.²⁰ From the latter institute E.L. Quarantelli joined Russell Dynes and Eugene Haas at the Ohio State University Department of Sociology to form the Disaster Research Center (DRC) in 1963 (located at the University of Delaware since 1985). The DRC was the only research centre to undertake continuous and systematic research on disasters during the 1960s and early 1970s and produced the majority of disaster scholarship outputs in that period – much of which is still referenced today.²¹ The DRC contributed a continuity of scholarship and a substantial knowledge-base on the social aspects of disasters. By 2009, the DRC had produced 463 articles and dozens of books and reports²² on topics ranging from civil defence²³ to earthquake hazards and local governance²⁴ and explored the fundamental question of what is a disaster.²⁵ While this first generation of scholarship focused on individual, group, and community responses to crisis, the second generation would bring practical and policy consideration into disaster scholarship.

The second generation of scholarship was led by the Disaster Research Unit (DRU) at the University of Bradford. Similar to scholars from the DRC, and as Tierney referred to in her comment about the field being led by core groups of researchers,²⁶ graduates of this research centre would go on to be highly influential in disaster scholarship for the next few decades. In contrast to the DRC which tended to focus on the sociological aspects of

²⁰ K. Tierney. (2006). Social inequality, hazards, and disasters. In R. J. Daniels, D. F. Kettl, & H. Kunreuther, *On Risk and Disaster: Lessons from Hurricane Katrina* (pp. 109-128). University of Pennsylvania Press.

²¹ Rodriguez, H., Quarantelli, E. L., & Dynes, R. R. (Eds.). (2007). *Handbook of Disaster Research*. New York: Springer Media.

²² DRC Publications. (2013). Retrieved from University of Delaware Disaster Research Center: <http://www.udel.edu/DRC/E.L.%20Quarantelli%20Resource%20Collection/Publications.html>

²³ Dynes, R. R., & Quarantelli, E. (1975). The role of local civil defence in disaster planning.

²⁴ Nigg, J. M. (1992). Earthquake Hazard Reduction Policy in the United States: A Problem for Local Governments. Proceedings of the International Symposium on Building Technology and Earthquake Hazard Mitigation. National Institute of Standards.

²⁵ Perry, R. W., & Quarantelli, E. (Eds.). (2005). *What is a disaster? New answers to old questions*. Philadelphia: Xlibris Corporation.

²⁶ Tierney, K. J. (2007). From margins to the mainstream? Disaster research at the crossroads. *Annual Review of Sociology*, 33, 503-525.

disasters the Disaster Research Unit was considerably more practically oriented. Based primarily on development studies the DRU made use of practical case studies to make recommendations and introduce new concepts to policy and practice. From their early work, they introduced pre-cautionary planning, mitigation, and capacity assessment and development,²⁷ as well as preparedness schemes and a disaster model.²⁸ Drawing on their work in developing countries the DRU introduced vulnerability assessment as a tool for risk reduction. The seminal work of this group was a paper by Lewis which was critical of the majority of practical work on disasters because they excessively focused on relief.²⁹ Lewis criticised the alleged inefficiencies of relief work and coordination as they served to further concentrate attention on relief services rather than working to reduce the need for relief by reducing risk. Lewis envisioned a comprehensive strategy which included contingency planning, needs and capacity assessments, land use and building regulations, and warning systems.³⁰ The United States was one of the first movers in this new approach to disasters – the National Governors Association report in 1979 introduced the now familiar conceptual framework for disasters based on mitigation, preparedness (planning and warning), response, and recovery (short-term and long-term).³¹ This report laid the foundation for the third wave of disaster scholarship and practice by introducing the concept of “comprehensive emergency management”, a predecessor to the “holistic framework”

²⁷ Lewis, J. (1974). *Proposals for a working method of indigenous resource coordination as part of a pre-disaster plan*. University of Bradford Disaster Research Unit and Lewis, J., O'Keefe, P., & Westgate, K. N. (1977). *A philosophy of precautionary planning*. *Mass Emergencies*, 2, 95-104.

²⁸ Baird, A., O'Keefe, P., Westgate, K., & Wisner, B. (1975). *Towards an explanation and reduction of disaster proneness*. University of Bradford Disaster Research Unit.

²⁹ Lewis, J. (1974). *Proposals for a working method of indigenous resource coordination as part of a pre-disaster plan*. University of Bradford Disaster Research Unit.

³⁰ Baird, A., O'Keefe, P., Westgate, K., & Wisner, B. (1975). *Towards an explanation and reduction of disaster proneness*. University of Bradford Disaster Research Unit.

³¹ National Governors' Association Center for Policy Research. (1979). *Comprehensive Emergency Management - A governor's guide*. Washington: National Governors' Association.

adopted by New Zealand in 2002. In practical terms this time period saw a shift from disaster response to readiness and the professionalisation of emergency management.

The third generation of scholarship was essentially an extension and expansion of the concepts introduced by earlier generations, in particular the vulnerability paradigm and risk reduction. Sustainable development was also co-opted into the emergent disaster paradigm during the first international “decade” dedicated to disasters through the UN.³² The seminal publication of this generation was a book entitled *At Risk*, a publication that provided the basis for much of contemporary understanding of disaster vulnerability and its adoption into international policy. Principally, the authors made the point that risk from natural hazards was generated in the social environment rather than the natural environment.³³ Westgate’s 1995 review of the book describes the “preoccupation” the authors had with risk mitigation and improving the conditions under which people live rather than focusing on reducing the intensity, frequency, or impact of the hazard itself.³⁴ This reaction seems almost quaint in retrospect but it signalled a paradigm shift in disaster management, a perspective that was supported internationally through the United Nations’ international decade for disaster reduction (1990-1999) and the Yokohama Strategy and Plan of Action for a Safer World which adopted a risk-focused and holistic (social, environmental, economic) approach to disaster management.³⁵

³² United Nations. (1994). Yokohama Strategy and Plan of Action for a Safer World - Guidelines for Natural Disaster Prevention, Preparedness and Mitigation. World Conference on Natural Disaster Reduction. Yokohama: United Nations.

³³ Blaikie, P., Cannon, T., Davis, I., & Wisner, B. (1994). *At Risk: Natural Hazards, People's Vulnerability, and Disasters*. Oxon: Rutledge.

³⁴ Westgate, K. (1995). Book review of *At Risk: Natural Hazards, People's Vulnerability and Disasters*. *Development in Practice*, 5(2), 170-171.

³⁵ United Nations. (1994). Yokohama Strategy and Plan of Action for a Safer World - Guidelines for Natural Disaster Prevention, Preparedness and Mitigation. World Conference on Natural Disaster Reduction. Yokohama: United Nations.

At present we are in the fourth generation of disaster scholarship, and the bywords of this generation are reduction and resilience. This generation emerged during the United Nations' second decade for disaster reduction, guided by the Hyogo Framework for Action.³⁶ This decade was an incredibly costly period of disasters and is distinctive for multiple disciplinary research and the growth of newer fields in disaster scholarship such as law and governance. No longer the domain of sociologists, development scholars, or geographers, disaster scholarship has reached a point where it transcends any one discipline – but the fundamentals remain much the same. What Westgate at the time considered a “preoccupation” with mitigation, or more broadly risk reduction, has become an accepted foundational principle for international disaster management as well as national plans and legislation, albeit with mixed results as the implementation gap between principle and practice remains wide.³⁷ There is still regular criticism of the continued predominance in practice of disaster response and relief and the slow pace of mainstreaming risk reduction by stakeholders in government, civil society, and businesses³⁸ – a trend which also appeared in New Zealand.³⁹ However disasters have become a regular part of international agreements and processes such as the Hyogo Framework for Action and its successor, the Sendai Framework for Disaster Risk Reduction⁴⁰ as well as the United Nations Conference on Sustainable Development outcome document, *The Future We Want*.⁴¹ Law and governance are relative newcomers but are increasingly important after major disasters in

³⁶ The Hyogo Framework for Action was adopted at the World Conference for Disaster Reduction in 2005 and endorsed by the UN General Assembly in Resolution A/RES/60/195. It associates sustainable development with disaster reduction, good governance, and national planning.

³⁷ UNISDR (2011) *Global Assessment Report on Disaster Risk Reduction*. Geneva, Switzerland: United Nations International Strategy for Disaster Reduction at 76.

³⁸ Salvano Briceno “Forward” in Ben Wisner, J.C. Gaillard, and Ilan Kelman (eds) *The Routledge Handbook of Hazards and Disaster Risk Reduction* (Routledge Handbooks, Oxon, 2012).

³⁹ Neil Britton “A new emergency management for the new millennium?” (Keynote paper presented to Cities on Volcanoes conference, Auckland, February 2001).

⁴⁰ United Nations. Sendai Framework for Disaster Risk Reduction 2015-2030.

⁴¹ United Nations General Assembly “The Future We Want” (A/RES/66/288).

developed countries such as Japan, the United States and New Zealand which created significant challenges to existing governance and legal arrangements and raised questions about the proper role of the central government, local authorities and other stakeholder groups.⁴² In this sense, disaster scholarship has come full-circle to the pre-war findings of Prince, Kutak, and Carr who began disaster scholarship by observing and analysing the roles of these stakeholder groups in crisis.

Section summary

This section has briefly explored the evolution of disaster scholarship from its pre-WWII and Cold War origins to its current form as a multi-disciplinary field. During the course of this evolution, disasters became an international concern as focus shifted from the effects disasters have on communities to reducing the effects of disasters on communities through risk reduction. This is undoubtedly a positive trend but the primacy of risk reduction has had a side effect – very little attention has been paid to disaster recovery. As the pendulum swung from post-disaster relief to readiness and reduction, recovery has never had a similar period of intense study. From these four generations of disaster scholarship have emerged fundamental concepts which form a common vocabulary for describing natural hazards and their relationship with society.

2.3 Conceptual basis of disasters

As a multidisciplinary field, disaster scholarship has adopted and adapted numerous concepts and terms from a wide variety of fields which in turn have been defined in ways which often differ from common usage. The aim of this section is to explain generally the

⁴² Kathleen Tierney. 2012. *Disaster Governance: Social, Political, and Economic Dimensions* (Annual Review of Environment and Resources, 37, 341-363)

key terms of hazard, disaster, vulnerability, as well as risk and resilience. By understanding these terms the message that disasters are a social phenomenon and part of a long-term process becomes easier to understand, which in turn supports the historical perspective used in this dissertation.

Hazards

Alexander's intensive examination of disasters explains hazards as naturally occurring events which have the potential to cause a disaster when a vulnerable population is exposed to the event, particularly when the event deviates from the mean.⁴³ For example, excess rain may cause flooding while unusually low amounts of rain may lead to a drought. Alexander identifies four critical elements of hazards: location, timing, magnitude, and frequency. Certain hazards are known to occur in particular areas, some of which are named for the hazard – monsoon Asia for example, or “Tornado Alley” in the American mid-west. These may be seasonal as in the previous example, or occur irregularly but consistently over time as with earthquakes. Some hazards, such as volcanoes and even droughts, may occur with no measurable regularity at all. Alexander explains magnitude and frequency using work by Wolman and Miller⁴⁴ who contrasted infrequent geophysical events of unusually powerful magnitude with recurring events of low to moderate intensity. Wolman and Miller concluded that it is the latter type which is the most significant in shaping the environment and therefore impacting on human developments. This generalisation appears to be reflected in New Zealand's CDEM framework which was structured to respond primarily to low-magnitude high-frequency events, but as Alexander cautions the extent of a disaster

⁴³ Alexander, D. (2000). *Confronting Catastrophe*. Hertfordshire, England: Terra Publishing.

⁴⁴ Wolman, M. G., & Miller, J. P. (1960). Magnitude and frequency of forces in geomorphic processes. *The Journal of Geology*, 68(1), 54-74.

may not necessarily relate to the magnitude of a hazard per se.⁴⁵ Rather, the main message of Alexander and other disaster scholars⁴⁶ is that the characteristics of the community exposed to the hazard determine the magnitude at which a geophysical event may cause a disaster. In the words of Dynes there is a “very low correlation between the agent characteristics and consequent social damage”,⁴⁷ and misunderstanding this relationship can lead to misdirected resources on physical characteristics of a hazard and disaster rather than understanding the social characteristics of a community, country, or system which may play a much greater role in the susceptibility of the community to a hazard. The characteristics which contribute to a community’s susceptibility to be harmed by a natural hazard are explained by the vulnerability paradigm which describes why disasters are a social phenomenon.

Vulnerability and resilience

The concept of vulnerability has been used in fields across the social and natural sciences but with no real consensus on its meaning as each field may define it according to their needs.⁴⁸ As disaster scholarship grew out of development studies the concept was adopted and established as a fundamental component of disaster management. In this field it describes characteristics of a community which make it susceptible to the impact of natural

⁴⁵ Alexander, D. (2000). *Confronting Catastrophe*. Hertfordshire, England: Terra Publishing at 8.

⁴⁶ Wisner, B., Blaikie, P., Cannon, T., & Davis, I. (2004). *At Risk: Natural Hazards, people’s vulnerability and disasters*. Oxon, England: Routledge; Hewitt, K. (1997). *Regions of Risk: A geographical introduction to disasters*. Edinburgh Gate, Harlow, England: Addison Wesley Longman Limited; and McEntire, D. E. (2001). Triggering agents, vulnerabilities and disaster reduction: towards a holistic paradigm. *Disaster Prevention and Management*, 10(3), 189-196.

⁴⁷ Dynes, R. R. (1994). *Disasterous assumptions about community disasters*. University of Delaware Disaster Research Center at 4.

⁴⁸ Gallopin, G. C. (2006). Linkages between vulnerability, resilience, and adaptive capacity. *Global Environmental Change*, 16(3), 293-303.

events.⁴⁹ A natural hazard may simply be the trigger or tipping point which results in a community experiencing a disaster. This understanding of vulnerability came from development studies in the 1970s, spearheaded by scholars from the University of Bradford's Disaster Research Unit. They concluded that "no geological or climatological change over the last 50 years adequately explains the rise (in disasters)" therefore it is increasing human vulnerability that is the root cause of disasters.⁵⁰ At the time they assumed that the probability of an extreme natural event occurring is constant therefore an explanation for the increasing number of disasters must be found in the social world and the "growing vulnerability of the population to extreme physical events".⁵¹ In 2011 the United Nations International Strategy for Disaster Reduction (UNISDR) defined vulnerability simply as "the susceptibility to suffer damage or loss".⁵² This is definition lacks the descriptive elements from a previous UNISDR publication which offered the following definition – "Vulnerability refers to a propensity or susceptibility to suffer loss and is associated with a range of physical, social, political, economic, cultural and institutional characteristics".⁵³ This definition captures the main categories which can contribute to a given population, community or an individual being harmed by a natural hazard but it still lacks concreteness.

⁴⁹ Blaikie, Cannon, Davis, Wisner (1994) *At Risk*, Routledge, London.

⁵⁰ O'Keefe, P., Westgate, K., & Wisner, B. (1976, April 15). Taking the naturalness out of natural disasters. *Nature*, 260, 566 at 566.

⁵¹ O'Keefe, P., Westgate, K., & Wisner, B. (1976, April 15). Taking the naturalness out of natural disasters. *Nature*, 260, 566-567.

⁵² UNISDR. (2011). *Global Assessment Report 2011*. United Nations International Strategy for Disaster Reduction at pp x.

⁵³ UNISDR. (2009). *Global Assessment Report 2009*. United Nations International Strategy for Disaster Reduction at 6.

In New Zealand the Ministry of Civil Defence and Emergency Management (MCDEM) adopted a simple definition of the term – “vulnerability is defined as being prone to or susceptible to damage or injury”.⁵⁴ This is further elaborated in the same document as:

Vulnerability is the result of a number of factors that increase the chance that a community will be unable to deal with a disaster. Vulnerability relates to the characteristics of a person or group in terms of their capacity to anticipate, cope with, resist and recover from the impact of a hazard. Some groups in society are more prone than others to damage, loss and suffering in the context of hazards. Such groups may be characterised by class, ethnicity, gender, disability, or age.

MCDEM cite this definition as based on the work of Blaikie et al in their book *At Risk*,⁵⁵ in fact it is a word-for-word direct quote. *At Risk* explains disasters not as extreme and unusual events but as an extension of everyday life. The aim of the book is to “redress” the predominant understanding of disasters as being caused primarily by natural processes and uses numerous cases from the main hazard types – famine, biological hazards, flooding, coastal storms, and earthquakes and volcanoes. At the core of the book are two models – the Pressure and Release model (PAR) and the Access Model which were updated in the second edition in 2004 and again by Wisner et al.⁵⁶ The PAR model explains a natural disaster as occurring at the intersection of two “forces” – those generating vulnerability on one side of the model and a natural hazard or process on the other (see Figure 2-1).

⁵⁴ Focus on Recovery: A holistic framework for recovery in New Zealand. Information for the CDEM Sector [IS5/05] at 7.

⁵⁵ Blaikie, Cannon, Davis, Wisner (1994) *At Risk*, Routledge, London. NOTE: This was incorrectly cited in MCDEM (2005) as 1997.

⁵⁶ Wisner, B., Gaillard, J., & Kelman, I. (2012). Introduction to Part 1. In B. Wisner, J. Gaillard, & I. Kelman, *The Routledge Handbook of Hazards and Disaster Risk Reduction* (pp. 11-18). Oxon, England: Routledge.

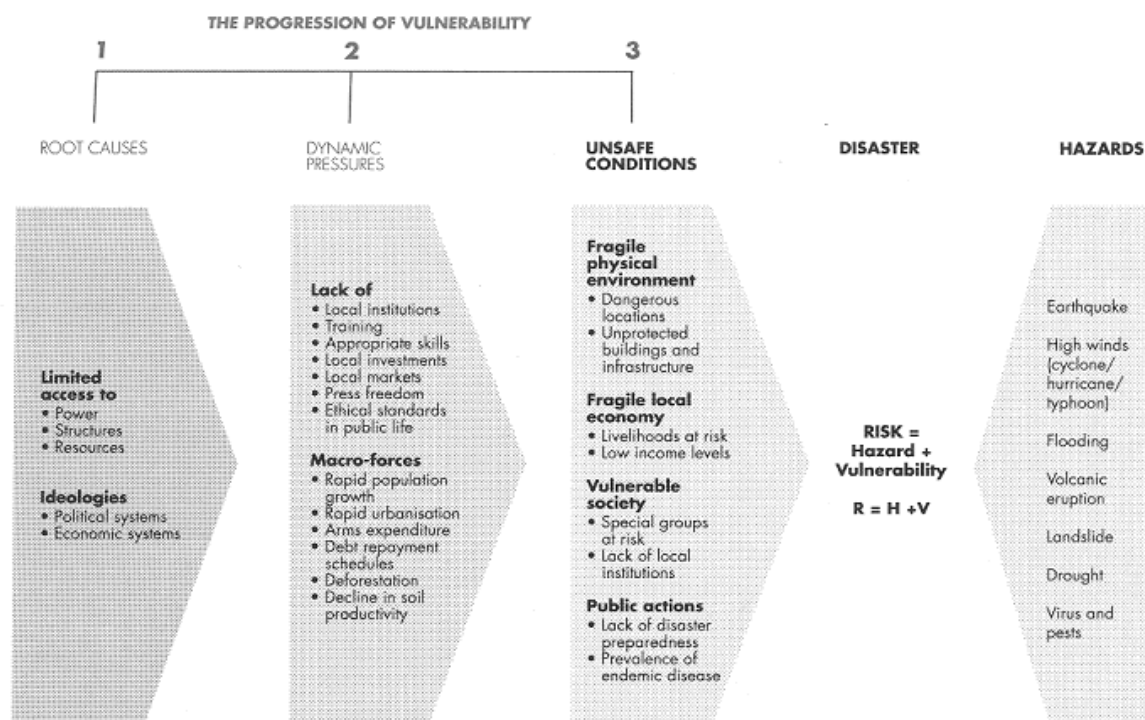


Figure 2-1 Progression of vulnerability

Source: Blaikie, P., Cannon, T., Davis, I., & Wisner, B. (1994). *At Risk: Natural Hazards, People's Vulnerability, and Disasters*. Oxon: Rutledge

In this model, disasters are explained in terms of risk, hazard, and vulnerability (Risk = Vulnerability x Hazard) – there is a risk of disaster occurring when a vulnerable population meets a hazard. Vulnerability emerges as an outcome of a progression from the least proximate (root causes) to intermediate (dynamic pressures) and proximate (unsafe conditions)⁵⁷ and is explained according to the various hazard types listed above. Wisner et al describe root causes as conditions which “reflect the exercise and distribution of power”.⁵⁸ Dynamic pressures are “processes and activities which translate the effects of root causes both temporally and spatially into unsafe conditions”.

⁵⁷ Liebow, E. B. (1996). Review of *At Risk: Natural Hazards, People's Vulnerability, and Disasters* (1994 edition). *Human Ecology*, 24(1), 141-145.

⁵⁸ Wisner, B., Gaillard, J., & Kelman, I. (2012). Introduction to Part 1. In B. Wisner, J. Gaillard, & I. Kelman, *The Routledge Handbook of Hazards and Disaster Risk Reduction* (pp. 11-18). Oxon, England: Routledge at 53.

For example, in a famine in the Sudan two of the root causes were identified as contemporary Sudanese cultural-political environment and the civil war. These contributed to massive social disorder which created Dynamic Pressures such as slavery and subjugation of women, plundering and rustling, and counter-insurgency and a large number of internally displaced persons. These in turn created Unsafe Conditions – a lack of subsistence agriculture and loss of livelihood (mainly due to cattle rustling), loss of labour to slavery and war, and a disruption of local markets for livestock and food.⁵⁹ These social phenomena reduced food availability and food access and occurred in the context of unusual rainfall and drought which also contributed to reduced food availability. The outcome was a famine which resulted in 70-100,000 deaths. Root Causes and Dynamic Pressures were identified in Thailand based on the social impact of economic and political factors which resulted in flooding. In this example, global demand for timber would combine with power differentials between the local population and political and business elites (Root Causes) and lead to deforestation (Dynamic Pressure) of a rural area. Without a local market for the expensive timber it is exported, leaving unsafe conditions for locals in the form of eroded land, inadequate infrastructure to protect against flooding (from warning systems to poorly designed roads which may block drainage), a disrupted and fragile local economy (dependent on unsustainable resource extraction and local food production reduced due to flooding), and possible health consequences from waterborne disease vectors (mosquitos carrying malaria, for example). The natural hazard, flooding, may be triggered by rainfall, but the local population's vulnerability to flooding stems almost entirely from the social and not the natural environment.

⁵⁹ Wisner, B., Gaillard, J., & Kelman, I. (2012). Introduction to Part 1. In B. Wisner, J. Gaillard, & I. Kelman, *The Routledge Handbook of Hazards and Disaster Risk Reduction* (pp. 11-18). Oxon, England: Routledge 150-151.

In New Zealand an example could be made of historic buildings and seismic risk. Root Causes may be colonization and socio-religious traditions which prefer or even dictate the construction of stone and brick buildings. Dynamic Pressure may be a lack of awareness or concern about earthquake risk when the buildings were constructed (relative to other risks such as fire – see Chapter 3) and a lack of political will to enforce retrofitting or replacing buildings due to cost and public pressure to preserve cultural heritage. These contributed to creating Unsafe Conditions in the built environment. On the other side of the PAR model is the hazard – earthquakes. As seismic activity is unalterable it is evident that decisions made in the social environment created vulnerability and increased risk.

The case of New Zealand is instructive. Decisions made by early European settlers to create a built environment in New Zealand similar to the countries they came from has created communities vulnerable to seismic activity that was not present in the United Kingdom and most of Europe. An important contributing factor to vulnerabilities over time is the risk perception of government at a certain period. In the 1800s brick and stone buildings were not only seen as having greater stature or prestige than wooden structures but they were also preferred for their resilience to the greatest perceived threat at the time – fire.⁶⁰ Even after major earthquakes in the 1840s when it was noticed that wooden structures performed far better than stone and brick structures, very often cultural values won out and much of the built environment, in particular for government and religious structures, was

⁶⁰ Eiby, G. (1975). A history of anti-seismic measures in New Zealand. Bulletin of the New Zealand National Society for Earthquake Engineers, 8(19), 255-259.

constructed of materials less than ideal for a geography with considerable seismic risk.⁶¹ The risk, along with the cultural heritage, thereafter was inherited by future generations.

Resilience is best understood in contrast to vulnerability – the characteristics of a community that help them resist the impact of a natural hazard and quickly return to a functioning state after a disaster. There is no universally accepted definition,⁶² but the common feature of its usage is resistance and return – a community can be vulnerable to a hazard but may still be able to function or return quickly to functionality.⁶³

Risk

Using the previous terms disaster risk is a function of the elements at risk, a vulnerable individual, group, or community's exposure to a particular hazard, and the characteristics of the hazard itself. Alexander explains risk as being “dynamic and complex” and the “product of the elements at risk, their specific vulnerability and the probability that a hazard will strike, within the prevailing climate of risk management, and given the level of exposure of the various elements”.⁶⁴ The elements at risk in this conceptualization are individuals and communities, the built and natural environments, and economic activities and services. In New Zealand the Civil Defence Emergency Management Act 2002 defines risk as “the likelihood and consequences of a hazard”.⁶⁵ In other words, it is the probability of a particular hazard event occurring and the cost of the outcome of that event (in terms of the impact on the elements at risk – human death or injury and damage or loss in the natural,

⁶¹ Eiby, G. (1975). A history of anti-seismic measures in New Zealand. Bulletin of the New Zealand National Society for Earthquake Engineers, 8(19), 255-259.

⁶² Patrick Helm. Risk and resilience: Strategies for security (Civil Engineering and Environmental Systems, 2015, 32, 100-118) at 102.

⁶³ Tom Mitchell and Katie Harris. Resilience: A risk management approach (Overseas Development Institute, January 2012).

⁶⁴ Alexander, D. (2000). Confronting Catastrophe. Hertfordshire, England: Terra Publishing at 16.

⁶⁵ Civil Defence Emergency Management Act 2002. Part 1 s5

economic, and physical environment insofar as it impacts human society). Efforts to reduce risk should be aimed at reducing vulnerability as society's ability to reduce the probability of a natural event occurring is extremely limited.

Section summary

The main message from this section is that disasters are a social phenomenon, the only thing “natural” is the trigger – for example an earthquake or flood or drought. What makes such natural occurrences to be defined as hazards are the characteristics not of the hazard itself per se but the characteristics of a community. When a community is exposed to the natural event those characteristics which make them susceptible to damage and losses from the impact of the hazard are called vulnerabilities and can be general to many hazards or particular to a certain hazard type. A hazard becomes a disaster when a community loses its capacity to function as usual and to respond to the hazard impact and is relative to each community. The sources of vulnerability, that is – the things which cause risk – can come from a variety of sources and include government policies and intangibles such as inaction or values as well as the more obvious vulnerabilities in the built environment. Earthquakes, storms, floods, eruptions and any other sort of natural hazard will inevitably occur – these are beyond the control of humankind. Where we live, the sort of buildings we live in, and the robustness and reliability of our governance systems – including our emergency management systems – are all outcomes of decision made in the social environment. This understanding is important for subsequent chapters where vulnerabilities in the civil defence framework are identified which impacted communities' ability to respond to and recover from emergencies. Throughout the history of civil defence decisions were made, mainly by the government, about when to grant emergency powers, whether to train and

equip emergency responders, and which aspects of civil defence would be compulsory or voluntary. As with many sources of vulnerability, decision making which resulted in uncertainty and vulnerability was separated not only by distance but also by time from the actual disaster. These themes are taken up in the following chapters. The next section analyses the conceptual framework on which emergency management in New Zealand is based and the manner in which recovery has consistently been overlooked thereby creating a vulnerability in civil defence emergency management.

2.4 Conceptual framework of a disaster: Long-term recovery and the primacy of risk reduction

The purpose of this section is to explain how disasters are conceptualized and how recovery as a component of these models has received significantly less attention than the other components – reduction, readiness, and response. Researchers use these models to organise findings and make recommendations while practitioners use them to organise functions and actions.⁶⁶ Moreover, governments, such as in New Zealand, have used these models to develop their laws and policies. Disaster models are usually depicted as a cycle or in phases, or as relational components and are heuristic tools for presenting disaster in a way which shows how and when humans respond to hazards and disasters, as well as what should be done to reduce their impact. The models are typically depicted as descriptive, linear, cyclical, functional, and normative – or some combination of these. The term disaster cycle is often used but is a misnomer, or at least can be misleading as it may imply recurrence of a particular event in a specific place which may not necessarily be the case as not all hazards are cyclical.

⁶⁶ Neal, D. M. (1997, August). Reconsidering the phases of disaster. *International Journal of Mass Emergencies and Disasters*, 15(2), 239-264.

Early conceptualizations of disasters, such as by Prince⁶⁷ and Carr,⁶⁸ were short-duration linear models focused mainly on the period immediately prior to, during, and after a disaster and were descriptive – the authors sought to explain behaviour and events as a disaster unfolds. Prince’s research described an emergency period filled with panic and confusion followed by a transition period as rescue and relief operations get organised, followed by a rehabilitation period. Carr’s work, which cited Prince, aimed to explain societal change following a disaster: a preliminary or “prodromal” period during which the “forces” that trigger the disaster begin; a dislocation and disorganisation phase at the onset of the disaster; readjustment and reorganisation which is dependent on the characteristics of the affected community and the severity of the disaster itself. While it is notable for addressing social aspects of a disaster and not simply the physical processes or progression (i.e. of a flood or earthquake sequences) the limitation of this model and others like it is the narrow scope which includes only the timeframe immediately preceding and following the moment the disaster occurs. Works by Powell⁶⁹ and Chapman⁷⁰ (who used Powell’s model as a basis) as well as Stoddard⁷¹ (who extensively cited Prince, Carr, Powell, and Chapman) contributed variations of the models – what these models have in common is a linear focus with an aim of explaining human behaviour pre, during, and post disaster. These early models stand in contrast to later models which would describe and prescribe actions which can and should occur.

⁶⁷ Prince, S. H. (1920). *Catastrophe and Social Change* - Based upon a sociological study of the Halifax disaster. New York: Columbia University Department of Political Science.

⁶⁸ Carr, L. J. (1932). Disaster and the Sequence-Pattern Concept of Social Change. *American Journal of Sociology*, 38(2), 207-218.

⁶⁹ Powell, J. (1954). *An introduction to the natural history of disaster*. College Park: University of Maryland Disaster Research Project.

⁷⁰ Chapman, D. (1962). A brief introduction to contemporary disaster research. In D. Baker, & G. Chapman (Eds.), *Man and Society in Disaster* (pp. 3-22). New York: Basic Books.

⁷¹ Stoddard, E. R. (1968). *Conceptual Models of Human Behavior in Disaster*. El Paso: Texas Western Press

In the early 1970s, scholars from the Disaster Research Unit (DRU) in the University of Bradford developed a framework of progressive functional elements in a linear model. This marked a turning point from descriptive to normative models of disasters. The seminal work from this group⁷² introduced an extensive framework of pre-disaster planning for risk reduction and capacity development, and was the conceptual origin for the first illustrative model of disaster which implies a temporal disaster cycle.⁷³ Disasters, according to Baird et al. should be seen as “occurring within a system of activity” which they divided into Predisaster activity (prevention, mitigation, and warning) followed by the actual disaster and Post Disaster Activity (relief, rehabilitation, and reconstruction) as depicted in the following two diagrams – the second of which served as the basis for all future disaster models.

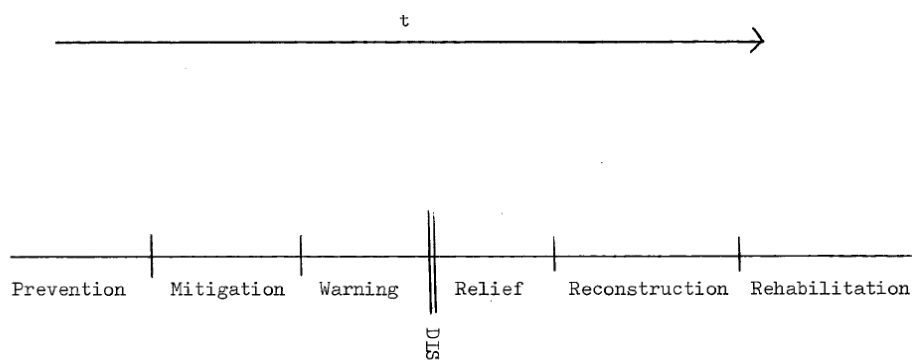


Figure 2-2 Disaster Occurrence Within An Activity System Over Time (a)

Source: Baird, A., O'Keefe, P., Westgate, K., & Wisner, B. (1975). Towards an explanation and reduction of disaster proneness. University of Bradford Disaster Research Unit.

⁷² Lewis, J. (1974). Proposals for a working method of indigenous resource coordination as part of a pre-disaster plan. University of Bradford Disaster Research Unit.

⁷³ Baird, A., O'Keefe, P., Westgate, K., & Wisner, B. (1975). Towards an explanation and reduction of disaster proneness. University of Bradford Disaster Research Unit.

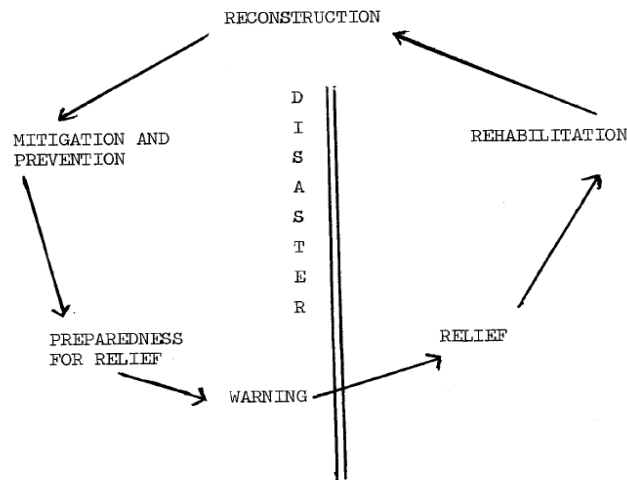


Figure 2-3 Disaster Occurrence Within An Activity System Over Time (b)

Source: Baird, A., O'Keefe, P., Westgate, K., & Wisner, B. (1975). *Towards an explanation and reduction of disaster proneness*. University of Bradford Disaster Research Unit.

The diagrams are both descriptive and normative – they outlined what the authors identified as the main functional phases before and after a disaster in order to make recommendations on what should be undertaken. The above two diagrams are important for their historical contributions, not only for what they added to their own time, but for how the concepts continue to be read, recommended, and applied today.⁷⁴ In their analysis of linear, cyclical, and functional disaster models Coetzee and van Niekerk found that models by each generation of scholars from Prince and Carr to Chapman and Stoddard, and finally Baird, O'Keefe, Westgate, and Wisner were not only foundational but had a persistent presence in future models of disasters – in particular the division between mitigation, preparedness, relief, and recovery.⁷⁵

⁷⁴ Coetzee, C., & van Niekerk, D. (2012). Tracking the evolution of the disaster management cycle: A general system theory approach. *Jàmbá: Journal of Risk Disaster*, 4(1).

⁷⁵ Coetzee, C., & van Niekerk, D. (2012). Tracking the evolution of the disaster management cycle: A general system theory approach. *Jàmbá: Journal of Risk Disaster*, 4(1).

This model was further refined in a report by the National Governors' Association in 1979 which lead to the widespread use and institutionalisation of a four-component model of disaster management consisting of mitigation, preparedness, response, and recovery.^{76,77}

The four components are defined as:⁷⁸

Mitigation: Mitigation includes any activities that actually eliminate or reduce the probability of occurrence of a disaster...It includes long-term activities designed to reduce the effects of unavoidable disaster (for example, land-use management, establishing comprehensive emergency management programs, or legislating building safety codes).

Preparedness: Preparedness activities are necessary to the extent that mitigation measures have not, or cannot, prevent disasters. In the preparedness phase, governments, organizations, and individuals develop plans to save lives and minimize disaster damage (for example, compiling state resource inventories, mounting training exercises, or installing warning systems). Preparedness measures also seek to enhance disaster response operations (for example, by stockpiling vital food and medical supplies, through training exercises, and by mobilizing emergency personnel on a standby basis).

Response: Response activities follow an emergency or disaster. Generally, they are designed to provide emergency assistance for casualties (for example, search and rescue, emergency shelter, medical care, mass feeding). They also seek to reduce the probability of secondary damage (for example, shutting off contaminated water supply sources, cordoning off and patrolling looting-prone areas) and to speed recovery operations (for example, damage assessment).

Recovery: Recovery activities continue until all systems return to normal or better. They include two sets of activities: Short-term recovery activities return vital life-support systems to minimum operating standards (for example, clean-up, temporary housing). Long-term recovery activities may

⁷⁶ Coetzee, C. (2009). The development, implementation and transformation of the Disaster Management Cycle. Master's thesis, North-West University, Potchefstroom Campus.

⁷⁷ Baird, M. E. (2010). The "Phases" of Emergency Management. Memphis: Intermodal Freight Transportation Institute - University of Memphis

⁷⁸ National Governors' Association Center for Policy Research. (1979). Comprehensive Emergency Management - A governor's guide. Washington: National Governors' Association at 12-13.

continue for a number of years after a disaster. Their purpose is to return life to normal, or improved levels (for example, redevelopment loans, legal assistance, and community planning).

This model conveys more than the linear models it resembles by drawing linkages between the functions performed for mitigation and recovery, as well as between preparedness and relief.⁷⁹ The Report found that the relationship between these components were not well understood or appreciated in practice due to the governance structure and emergency management system in the United States which focused primarily on preparedness and response; Recovery was found to be essentially a matter of administering federal grants. The preparedness description is almost identical that given by Lewis,⁸⁰ however there are no universal definitions for any of these - there are more than thirty definitions for mitigation in the United States alone⁸¹ but the differences are minimal and usually reflect a degree of emphasis depending on an organisation's mandate. Various organisations may use different terminology for essentially the same components. The New Zealand government for example use the mnemonic "4Rs" for reduction, readiness, response, and recovery.⁸² In New Zealand these concepts are not presented as a cycle or phases but as four interrelated components of a comprehensive and integrated approach to hazard and

⁷⁹ National Governors' Association Center for Policy Research. (1979). Comprehensive Emergency Management - A governor's guide. Washington: National Governors' Association.

⁸⁰ Lewis, J. (1974). Proposals for a working method of indigenous resource coordination as part of a pre-disaster plan. University of Bradford Disaster Research Unit.

⁸¹ Blanchard, B. W. (2007). Guide to emergency management and related terms, definitions, concepts, acronyms, organizations, programs, guidance, executive orders, and legislation: A Tutorial on Emergency Management, Broadly Defined, Past and Present. Federal Emergency Management Agency.

⁸² MCDEM. (2006). The Guide to the National Civil Defence and Emergency Management Plan. Ministry of Civil Defence and Emergency Management.

risk management.⁸³ The Guide to the National Civil Defence Emergency Management Plan defines the 4Rs as:⁸⁴

Reduction: identifying and analysing long-term risks to human life and property from natural or non-natural hazards; taking steps to eliminate these risks if practicable, and, if not, reducing the magnitude of their impact and the likelihood of their occurring.

Readiness: developing operational systems and capabilities before a civil defence emergency happens, including self-help and response programmes for the general public, and specific programmes for emergency services, lifeline utilities, and other agencies.

Response: actions taken immediately before, during, or directly after a civil defence emergency to save lives and property, and to help communities recover.

Recovery: the co-ordinated efforts and processes used to bring about the immediate, medium-term, and long-term holistic regeneration of a community following a civil defence emergency.

Since the Disaster Research Unit and the National Governors' Association published their findings a major shift occurred which pulled attention predominately from post-disaster response to risk reduction in scholarship and international policy if not in practice. It is a logical move as a disaster averted is one which needs no response or recovery. However, the move away from post-disaster seemed to have left recovery behind. For almost two decades scholars have argued that recovery, as a component of disaster management, has been neglected and needs more research,⁸⁵ or as Berke et al. stated in 1993, it is the "least

⁸³ MCDEM. (2007). National Civil Defence Emergency Management Strategy. Department of Internal Affairs (New Zealand).

⁸⁴ MCDEM. (2006). The Guide to the National Civil Defence and Emergency Management Plan. Ministry of Civil Defence and Emergency Management at 2.

⁸⁵ Drabek, T. E. (1986). Human System Responses to Disaster: An Inventory of Sociological Findings. New York: Springer-Verlag; Rubin, C. B. (2009). Long Term Recovery from Disasters: The Neglected Component of Emergency Management. *Journal of Homeland Security and Emergency Management*, 6(1), 1-17; Baird, M. E. (2010). The Recovery Phase of Emergency Management. Intermodal Freight Transportation Institute - University of Memphis.

investigated and most poorly understood of the four phases of disaster”⁸⁶ – a statement reiterated by scholars in 2007⁸⁷ and even practitioners in New Zealand in 2012.⁸⁸

While recovery has received relatively less attention in scholarship it has also progressively diminished in the international policy agenda. In 1994 member states of the United Nations adopted the *Yokohama Strategy and Plan of Action for a Safer World: Guidelines for natural disaster prevention, preparedness and mitigation* (Yokohama Plan) as a part of the International Decade for Disaster Reduction.⁸⁹ At that time the four key elements (or phases) of natural disasters were described as prevention, mitigation, preparedness, and relief – recovery however is conspicuous by its absence not only as a “key element” but in the entire document. In preparation for the next ten year plan in 2005 the United Nations General Assembly requested the Secretariat of the International Strategy for Disaster Reduction conduct a review of the Yokohama Plan.⁹⁰ In this review, recovery is limited to two subsections – the first, “Preparedness for effective response and recovery” mainly discusses funding and governance issues for preparedness and response, recovery is excluded except for one mention (*italics added*):⁹¹

The demand is growing within the emergency management community for the investment of significantly increased resources in *preparedness, prevention and mitigation actions*. The concern has been expressed that disproportionate amounts are routinely committed by Governments and

⁸⁶ Berke, P. R., Kartez, J., & Wenger, D. (1993). Recovery after disaster: Sustainable development, mitigation, and equity. *Disasters*, 17(2), 93-109 at 93.

⁸⁷ Smith, G. P., & Wenger, D. (2007). Sustainable Disaster Recovery: Operationalizing an Existing Agenda. In H. Rodriguez, E. L. Quarantelli, & R. R. Dynes, *Handbook of Disaster Research* (pp. 234-257). New York: Springer Science and Business Media, LLC.

⁸⁸ Ministry of Civil Defence and Emergency Management. “CDEM Capability Assessment Report: Part 2” 2012 at 58.

⁸⁹ World Conference on Natural Disaster Reduction. (1994). *Yokohama Strategy and Plan of Action for a Safer World: Guidelines for natural disaster prevention, preparedness and mitigation*.

⁹⁰ Secretariat of the United Nations World Conference on Disaster Reduction. (2005). *Review of the Yokohama Strategy and Plan of Action*.

⁹¹ Secretariat of the United Nations World Conference on Disaster Reduction. (2005). *Review of the Yokohama Strategy and Plan of Action* at 17-18.

international organizations to emergency response and rehabilitation, often in haste, resulting in duplicated efforts and without the same oversight generally required for development expenditures... Many emergency response and *recovery* funds can be used only once important social and economic assets have been lost...

Recovery again appears in the heading to sub-section 106, however the emphasis again is on risk reduction:

106. Preparedness for effective response and recovery

1. Expanding public dialogue, official practice and professional involvement related to the entire range of shared and complementary disaster and risk management needs and responsibilities.
2. Identifying and allocating existing resources from the establishment, development and emergency budgets for disaster and risk management to greater effect in the realization of sustained risk reduction.
3. Evaluating the current suitability of all disaster and risk management policies, operational abilities and needs against present and emerging risks.

When the successor to the Yokohama Plan, the Hyogo Framework for Action (HFA), was agreed in January 2005 the focus was on “reducing vulnerabilities and risks to hazards”.⁹² Unlike its predecessor document this time recovery is included in a “disaster reduction cycle” along with prevention, preparedness, and emergency response. However the HFA is short on specifics - with few exceptions recovery is referred to in the HFA as a time for risk

⁹² United Nations. (2005). Report of the World Conference on Disaster Reduction. United Nations at 6.

reduction or is lumped in with response, while none of the “priority action” items refer to recovery (although they could conceivably be incorporated into a recovery plan):⁹³

Priority Action 1: Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation.

Countries that develop policy, legislative and institutional frameworks for disaster risk reduction and that are able to develop and track progress through specific and measurable indicators have greater capacity to manage risks and to achieve widespread consensus for, engagement in and compliance with disaster risk reduction measures across all sectors of society

Priority Action 2: Identify, assess and monitor disaster risks and enhance early warning.

The starting point for reducing disaster risk and for promoting a culture of disaster resilience lies in the knowledge of the hazards and the physical, social, economic and environmental vulnerabilities to disasters that most societies face, and of the ways in which hazards and vulnerabilities are changing in the short and long term, followed by action taken on the basis of that knowledge.

Priority Action 3: Use knowledge, innovation and education to build a culture of safety and resilience at all levels.

Disasters can be substantially reduced if people are well informed and motivated towards a culture of disaster prevention and resilience, which in turn requires the collection, compilation and dissemination of relevant knowledge and information on hazards, vulnerabilities and capacities.

Priority Action 4: Reduce the underlying risk factors.

⁹³ UNISDR. (n.d.). Summary of the Hyogo Framework for Action 2005-2015: Building the resilience of nations and communities to disasters (Hyogo Framework). Retrieved from http://www.unisdr.org/files/8720_summaryHFP20052015.pdf

Disaster risks related to changing social, economic, environmental conditions and land use, and the impact of hazards associated with geological events, weather, water, climate variability and climate change, are addressed in sector development planning and programmes as well as in post-disaster situations.

Priority Action 5: Strengthen disaster preparedness for effective response at all levels.

At times of disaster, impacts and losses can be substantially reduced if authorities, individuals and communities in hazard-prone areas are well prepared and ready to act and are equipped with the knowledge and capacities for effective disaster management.

The mid-term review of the HFA continued this theme.⁹⁴ In the publication *Proposed Elements for Consideration in the Post-2015 Framework for Disaster Risk Reduction* the UN Special Representative of the Secretary - General for Disaster Risk Reduction Margareta Wahlstrom failed to mention recovery at all, not even as an ideal time for risk reduction.⁹⁵ The title alone clearly indicates the focus is on risk reduction. Of course risk reduction can and should be included in recovery but there is much more to recovery than “risk reduction” as argued by Phillips⁹⁶ and even demonstrated in the CDEM recovery framework which despite its many limitations (see Chapter 5) emphasizes not only risk reduction but also psychosocial care and other social elements which are not aimed at reducing risk per se.⁹⁷ Given the close relationship between disaster scholarship and the Yokohama Strategy and HFA, and the linkage between these two and national planning⁹⁸ it should not be surprising that recovery has received such little attention in the literature – and in practice. This trend

⁹⁴ UNISDR. (2011). Hyogo Framework for Action Building the Resilience of Nations and Communities to Disasters Mid-Term Review 2010-2011.

⁹⁵ UNISDR. (2013). *Proposed Elements for Consideration in the Post-2015 Framework for Disaster Risk Reduction*. UNISDR.

⁹⁶ Phillips, B. D. (2009). *Disaster Recovery*. Boca Raton, Florida: Auerbach Publications.

⁹⁷ Focus on Recovery: A holistic framework for recovery in New Zealand. Information for the CDEM Sector [IS5/05]

⁹⁸ Government of New Zealand “National progress report on the implementation of the Hyogo Framework for Action (2011-2013)” (2013).

may be changing – the successor to the HFA, the Sendai Framework for Disaster Risk Reduction now has recovery as a priority area (albeit, grouped together with response whereas the first three priority areas are some variation of DRR).⁹⁹

2.5 Disaster recovery

The purpose of this section is to explore how recovery has been conceptualized in disaster scholarship and the disaster governance framework in New Zealand. Recovery has been conceptualized in two broad ways: as a linear process or in terms of the components needed for an effective recovery. In 1977 a logarithmic model of recovery was proposed by Kates and Pijawka as a basis for comparing case studies of four historical disasters¹⁰⁰ and later for analysing the recovery from Hurricane Katrina.¹⁰¹ In this model each of the first three stages are approximately ten times longer than previous stages as shown on the Y-axis (Figure 2-4), the fourth stage can go on indefinitely. Allowances are made for variation depending on the magnitude of the damage, the resources available, prevailing pre-disaster trends, as well as leadership and the degree and quality of planning and organisation for the recovery.¹⁰² A similar model was developed by Alexander (Figure 2-5) with costs rather than “activity” on the Y-axis.¹⁰³

⁹⁹ United Nations. Sendai Framework for Disaster Risk Reduction 2015-2030.

¹⁰⁰ Kates, R. W., & Pijawka, D. (1977). From Rubble to Monument: The pace of reconstruction. In J. Haas, R. Kates, & M. Bowden, *Reconstruction Following Disaster* (pp. 1-23). Cambridge, MA: MIT Press.

¹⁰¹ Kates, R. W., Colten, C., Laska, S., & Leatherman, P. (2006). Reconstruction of New Orleans after Hurricane Katrina: A research perspective. *Proceedings of the National Academies of Sciences of the United States of America (PNAS)*, 103(40), 14653–14660.

¹⁰² Kates, R. W., & Pijawka, D. (1977). From Rubble to Monument: The pace of reconstruction. In J. Haas, R. Kates, & M. Bowden, *Reconstruction Following Disaster* (pp. 1-23). Cambridge, MA: MIT Press at 12.

¹⁰³ Alexander, D. (2002). *Principles of Emergency Planning and Management*. Oxford: Oxford University Press.

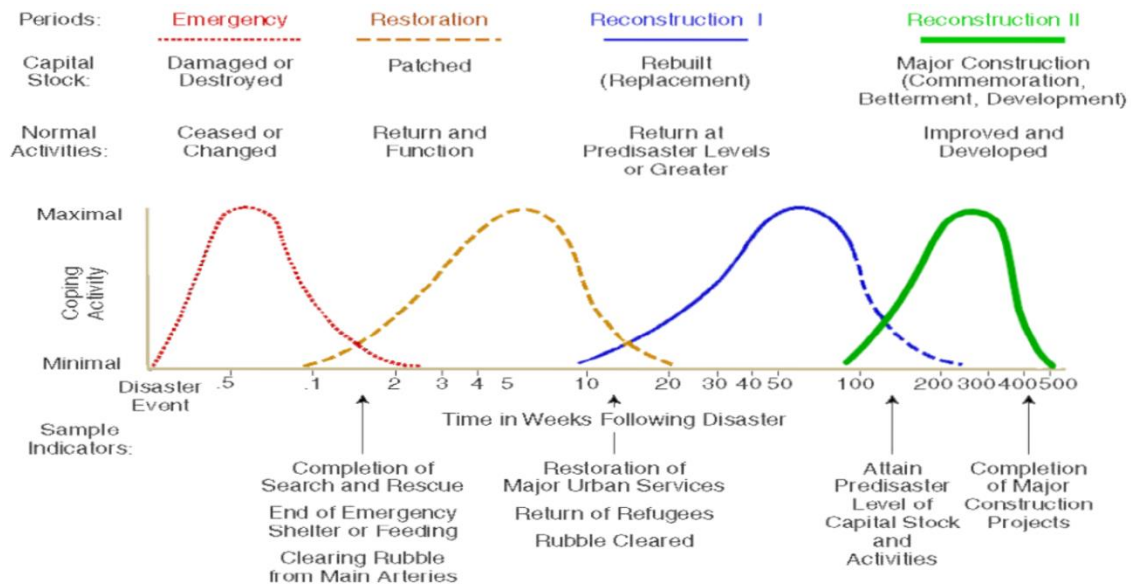


Figure 2-4 Logarithmic model of recovery activity

Source: Kates, R. W., & Pijawka, D. (1977). From Rubble to Monument: The pace of reconstruction. In J. Haas, R. Kates, & M. Bowden, *Reconstruction Following Disaster* (pp. 1-23). Cambridge, MA: MIT Press.

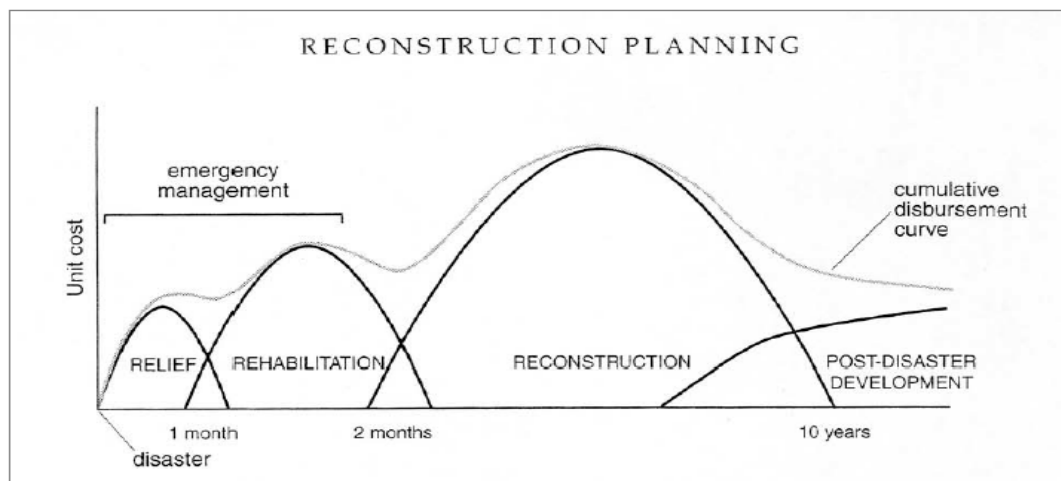


Figure 2-5 Phases of recovery in the aftermath of disaster

Source: Alexander, D. (2002). *Principles of Emergency Planning and Management*. Oxford: Oxford University Press.

Kates et al recognized criticisms of this linear approach, including that the sequence of the phases can be both uneven and overlap and that different social groups may have significantly different experiences with each phase.¹⁰⁴ Their response is that the model can

¹⁰⁴ Kates, R. W., Colten, C., Laska, S., & Leatherman, P. (2006). Reconstruction of New Orleans after Hurricane Katrina: A research perspective. *Proceedings of the National Academies of Sciences of the United States of America (PNAS)*, 103(40), 14653–14660.

be separately applied to various groups to compare their rates of recovery across a community. Nevertheless other scholars have found that the sequential models did not stand up to empirical testing¹⁰⁵ or noted that it is an oversimplification of a process (or, processes) that are complicated by factors identified earlier in this chapter as contributing to vulnerability including power differentials, class, gender, race, previous disaster experiences and access to resources.¹⁰⁶ It also does not account for preparedness activities such as pre-disaster planning which may include models of potential damage and possible rebuilding strategies. While the phases approach may be a useful heuristic device¹⁰⁷ other scholars contend that disasters and the recovery from them progress according to “social time”.¹⁰⁸ What this means is that recovery progresses according to the capacities, resources, and other contextual factors (psycho-social, economic, political) that may not fit neatly into a linear chart.

In contrast to these linear-progression models Rubin developed a framework of the recovery processes based on attributes needed for an “effective and efficient” recovery¹⁰⁹ which was revised in 2009 (Figure 2-6).¹¹⁰ This model is holistic and attempts to integrate recovery with risk reduction (through mitigation) and some of the necessary attributes and demands in a disaster recovery.

¹⁰⁵ Rubin, C. B. (2009). Long Term Recovery from Disasters: The Neglected Component of Emergency Management. *Journal of Homeland Security and Emergency Management*, 6(1), 1-17.

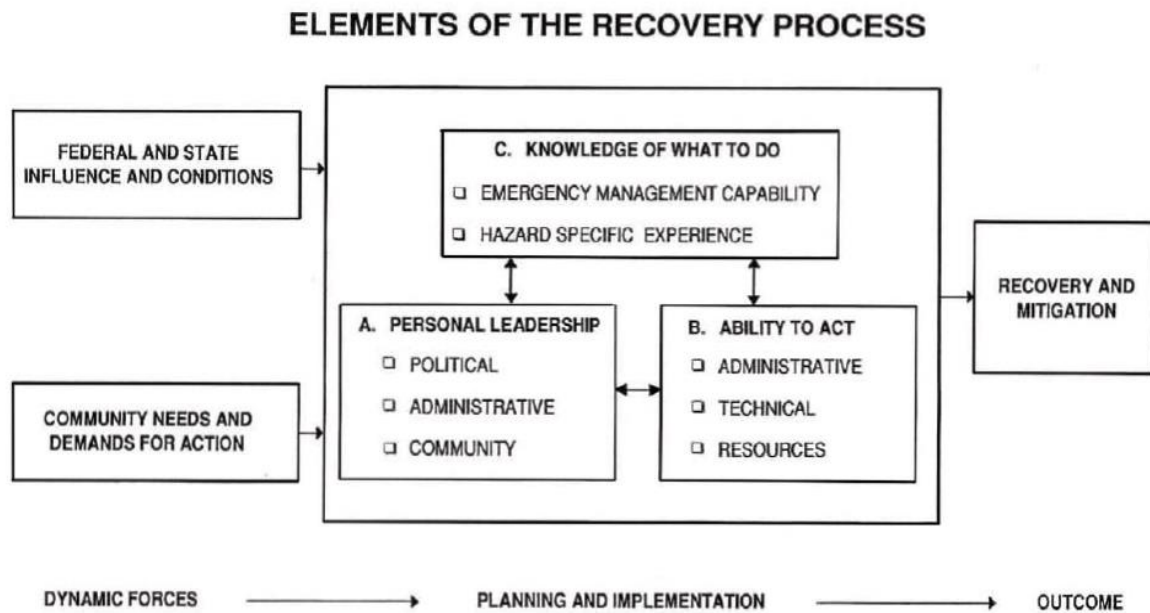
¹⁰⁶ Smith, G. P., & Wenger, D. (2007). Sustainable Disaster Recovery: Operationalizing an Existing Agenda. In H. Rodriguez, E. L. Quarantelli, & R. R. Dynes, *Handbook of Disaster Research* (pp. 234-257). New York: Springer Science and Business Media, LLC at 237.

¹⁰⁷ Neal, D. M. (1997, August). Reconsidering the phases of disaster. *International Journal of Mass Emergencies and Disasters*, 15(2), 239-264.

¹⁰⁸ Committee on Disaster Research in the Social Sciences: Future Challenges and Opportunities, National Research Council. (2006). *Facing Hazards and Disasters: Understanding the Human Dimensions*. Washington, D.C.: The National Academies Press.

¹⁰⁹ Rubin, C. B. “The Community Recovery Process in the United States after a Major Natural Disaster” (1985) 3 *International Journal of Mass Emergencies and Disasters*.

¹¹⁰ Rubin, C. B. “Long Term Recovery from Disasters: The Neglected Component of Emergency Management” (2009) 6 *Journal of Homeland Security and Emergency Management* 1.



Adapted from Rubin, Claire. 1985. *Community Recovery from a Major Natural Disaster*, Monograph #41, University of Colorado, Boulder, Colorado..

Figure 2-6 Elements of the recovery process

Source: Rubin, C. B. (2009). Long Term Recovery from Disasters: The Neglected Component of Emergency Management. *Journal of Homeland Security and Emergency Management*, 6(1), 1-17.

The National Research Council’s Committee on Disaster Research 2006 review of hazards and disaster research concluded that the linear model had given way to models which recognize and accommodate the uneven nature of the recovery process and instead focus on the interaction among issues and concepts.¹¹¹ Smith and Wenger define disaster recovery along these lines as “the differential process of restoring, rebuilding, and reshaping the physical, social, economic, and natural environments through pre-event planning and post-event actions”.¹¹² The word “differential” accounts for the various groups and aspects

¹¹¹ Committee on Disaster Research in the Social Sciences: Future Challenges and Opportunities, National Research Council. (2006). *Facing Hazards and Disasters: Understanding the Human Dimensions*. Washington, D.C.: The National Academies Press.

¹¹² Smith, G. P., & Wenger, D. (2007). Sustainable Disaster Recovery: Operationalizing an Existing Agenda. In H. Rodriguez, E. L. Quarantelli, & R. R. Dynes, *Handbook of Disaster Research* (pp. 234-257). New York: Springer Science and Business Media, LLC at 237.

of society having different ways and rates of recovery. That is not to say that time does not factor into recovery models at all. Rubin and others such as Smith and Wenger adopted a simple division of short and long-term recovery based on an encompassing or “holistic” view of the community and not limited to any particular time-scale. This conceptualization favours the current inclusive and expansive paradigm of the fourth generation of disaster scholarship, and is not limited by descriptive labels for phases such as “reconstruction” or “rebuilding” which are more associated with the physical than the social, economic, or natural environments. This sort of holistic framework for recovery developed in New Zealand and was in place at the time of the Canterbury earthquakes – the Minister of Civil Defence and Emergency Management defines recovery as:¹¹³

Recovery extends beyond just restoring physical assets or providing welfare services. Successful recovery recognises that both communities and individuals have a wide and variable range of recovery needs and that recovery is only successful where all are addressed in a coordinated way. Recovery is a process that will certainly last weeks and months but may extend for years and possibly decades... A holistic and integrated framework is needed to consider the multi-faceted aspects of recovery which, when combined, support the foundations of community sustainability.

¹¹³ Focus on Recovery: A holistic framework for recovery in New Zealand. Information for the CDEM Sector [IS5/05] at 6.

Integrated and Holistic Recovery



Figure 2-7 New Zealand's Recovery Framework. Source: MCDEM. (2005). *Focus on Recovery: A Holistic Framework for Recovery in New Zealand*. Wellington: Ministry of Civil Defence and Emergency Management.

This framework is based on sustainability principles and is unique for putting community at the centre (Figure 2-7) – whether or not this was a good idea was questioned when it was being developed, as “community” is difficult to define, changes over time, and varies from place to place.¹¹⁴ Putting “community” at the centre also does not indicate who or what organisation will be the final decision maker – in Chapter 5, the issue of which level of government is responsible for the community is a major unresolved question. Nevertheless, this framework has been praised by international scholars as leading edge and a model for other countries¹¹⁵ as well as for its connection with sustainability and emphasis on the subsidiarity principle.¹¹⁶ A prototype of this framework was introduced in 1987¹¹⁷ which put New Zealand at the forefront of disaster recovery – at least on a conceptual level. This framework was not tested on a major scale until the 2010 and 2011 Canterbury earthquakes, a subject which is examined in Chapter 5. One of the main problems with scholarship on

¹¹⁴ Mitchell, J. K. (2004). Final Overview. New Zealand Recovery Symposium (pp. 311-313). Wellington: Ministry of Civil Defence & Emergency Management.

¹¹⁵ Mitchell, J. K. (2006). The Primacy of Partnership: Scoping a New National Disaster Recovery. *Annals of the American Academy of Political and Social Science*, 604, 228-255.

¹¹⁶ Britton, N. R. (2005). What's a word? Opening up the debate. In R. W. Perry, & E. Quarantelli, *What is a disaster? New answers to old questions* (pp. 60-78). International Research Committee on Disasters.

¹¹⁷ Domestic and External Security Committee “National Recovery Plan” (2 November 1987).

disaster recovery is that it tends to emphasize principles, such as being holistic and comprehensive, at the expense of practice and implementation. The practical side of recovery is largely absent from scholarship, instead the emphasis is on adaptation.¹¹⁸ And this is reflected in the recovery framework in New Zealand.

Between the inception of the recovery framework under the Civil Defence Emergency Management Act 2002 and the Canterbury earthquakes in 2010/11, scholars in New Zealand investigated the practicability of reconstruction from a major disaster given the provisions within laws governing matter such as land use, buildings, contracts, and, to a lesser extent, emergency management.¹¹⁹ In essence, they re-examined issues with planning and law identified at the Wellington Earthquakes Lifelines forum in the 1990s.¹²⁰ Considerable barriers were identified by both groups which would make the laws suitable only for relatively small-scale emergencies as they were designed for business as usual rather than rebuilding after a major disaster. Although he primarily looked at reconstruction in his dissertation, James Rotimi also described the limitations for a large-scale recovery due to a lack of clarity on recovery roles within CDEM and the absence of powers for coordination.¹²¹ As insightful as this is, Rotimi failed to recognize that this was by design – the intent was for recovery to be carried out with voluntary cooperation and collaboration

¹¹⁸ Tracy Hatton (2015) Collaborative Approaches to the Post-Disaster Recovery of Organisations. PhD Thesis, University of Canterbury.

¹¹⁹ Rotimi, J. (2010) An Examination of Improvements Required to Legislative Provisions for Post-Disaster Reconstruction in New Zealand. PhD Thesis, University of Canterbury; James Rotimi, Suzanne Wilkinson, Kelvin Zuo, and Dean Myburgh. Legislation For Effective Post-Disaster Reconstruction (International Journal of Strategic Property Management, 2009, 13, 143–152).

¹²⁰ John E Feast “Current planning and construction law: The practical consequences for rebuilding Wellington after the quake” (proceedings of the Wellington Lifelines Forum: The Challenge of Rebuilding Cities conference, Wellington, March 1995).

¹²¹ Rotimi, J. (2010) An Examination of Improvements Required to Legislative Provisions for Post-Disaster Reconstruction in New Zealand. PhD Thesis, University of Canterbury at 175.

absent any coercive elements.¹²² Rotimi's work is important for highlighting limitations affecting reconstruction and to a lesser extent, recovery in general, posed by various statutes – but his work is essentially a snapshot in time and is limited by not examining why those limitations exist. Civil defence emergency management in New Zealand has a long history but only a limited number of critical events – as explained in Chapter 1 this necessitates taking a long-view and seeing CDEM as a process rather than only looking at its current state. Rotimi's work is also limited in its handling of recovery roles and the capacities to fulfil those roles by focusing on “national capacity” rather than capacity in local authorities and individual CDEM roles – this is a limitation given the philosophy of local responsibility within CDEM. The remainder of this dissertation examines the trends and traditions of civil defence emergency management in New Zealand to help further explain the limitations of the CDEM framework at the time of the Canterbury earthquakes – and makes recommendations for overcoming them. Additional scholarship, in particular work done specifically in the New Zealand context, is integrated into the analysis of primary data in subsequent chapters.

2.6 Conclusion

This chapter has explored some of the major contributions to disaster scholarship from the earliest academic works to the present and demonstrated the trends which have led to gaps in scholarship and practice. Disaster scholarship is a relatively niche academic area with research and innovation having gone through several phases or generations, each with a particular focus somewhere within the disaster cycle – except for recovery. In this chapter it was demonstrated that historically disasters were addressed first in terms of post-disaster relief and response; over time pre-disaster preparedness planning and risk reduction began

¹²² This is explained in Chapter 5 and in this publication: MCDEM. Working Together: Developing a CDEM Group Plan Director's Guidelines for CDEM Groups (DGL 2/02).

to receive greater emphasis with the aim of reducing the chance of a disaster occurring and the impact on the community when they did occur. The “pull” away from the post-disaster period toward pre-disaster planning and risk reduction has left recovery neglected – in both scholarship and practice, even in New Zealand despite the accolades it has received for its recovery framework. The consequences of this are explored in the following chapters where it is demonstrated that the same trends that occurred in disaster scholarship and practice elsewhere in the world also occurred in New Zealand. The contribution of this dissertation to this “gap in the literature” is a study of the emergency management system in New Zealand and the limitations within that system which were revealed by crisis – in particular the Canterbury earthquakes. The main limitation is the emphasis on principles over practice and too little attention paid to implementation.

Disasters are revelatory events – understanding disasters can help society understand the vulnerabilities and weaknesses in their systems which put them at risk when exposed to hazards. How a society prepares for and responds to hazards and disasters may reveal what we value and how those values can make people vulnerable. For example, putting value on speed and cost savings over safety regulations when constructing a new building, or valuing certain historic features of a city for their aesthetic appeal despite their known vulnerability to certain hazards. Or valuing principles such as cooperation and voluntary compliance over the practical necessities of implementation. Vulnerability can also be created from values within a political ideology which can create inequity in the social environment but also uncertainty in the political environment, especially in crisis – issues take up in later chapters. A holistic approach which takes into account both the physical and social elements of disasters has been emphasized in the literature for decades and has been increasingly

incorporated into policy, if not in practice. New Zealand has been identified as a world leader for its approach to emergency management, especially for the recovery framework – again in terms of the legislation and policies if not in practice. Therefore it is important to understand why the CDEM recovery framework failed in Canterbury. As it turned out, the failure was not in the best practice principles, but in not making sure those principles were realistically able to be put into practice. How New Zealand came to that point and what that meant in the aftermath of the Canterbury earthquakes is the subject of the following chapters.

Chapter 3 Political and legal origins of civil defence

3.1 Introduction

This chapter introduces the fundamental philosophy of local responsibility and underlying principles of civil defence which originated in the 1800s and are still an important component of emergency management in New Zealand today. In so doing, it provides the basis for the argument that civil defence regularly suffered from a lack of leadership and direction throughout all of its iterations, with the government reluctant to take a leading role unless compelled to by crisis, criticism, or a new political context. At the same time, they regularly failed to provide support for other stakeholders to fulfil their mandated civil defence responsibilities which created a persistent gap between principle and practice. This gap became a civil defence theme right through to the Canterbury earthquakes. The result was that civil defence was reliant on an improbable alignment of local capabilities and the capabilities required to effectively manage a disaster. Although the philosophy and principles have remained a part of civil defence for more than 60 years it is demonstrated that how they are interpreted has changed little which has in turn defined the limits of civil defence at the local and national levels. What has remained throughout the history of civil defence right through to the Canterbury earthquakes are the unfunded and unsupported mandate, the government's general reluctance towards civil defence, and the widely varying interpretation of where responsibility for civil defence ultimately rests.

Background and overview

In this chapter the philosophy, principles, and rationale of early civil defence are explored in roughly four phases. The initial phase began in the early colonial days and ended with the

advent of WWII. From the early part of this period the government had a decidedly hands-off policy towards disasters; by the early 1900s and into the 1930s the government gradually became more involved in public safety and security.

The onset of WWII stimulated the first comprehensive national policy for emergency response and brought about the second era of civil defence. The WWII-era Emergency Precautions Scheme (EPS)¹ was based on the UK model of civil defence and was introduced by the wartime Labour government but ignored by the post-war National government who introduced its own abortive legislation after the war. The EPS model would serve as a template and inspiration for the future permanent civil defence scheme. However, as it was developed in a country facing very different risks from New Zealand many adaptations were needed to suit the local context – a process which in some ways put New Zealand ahead of other countries in terms of natural hazards preparedness but also delayed full implementation due to confusion about its fundamental purpose. This second period ended with the creation of the Ministry of Civil Defence in 1958 and the subsequent Civil Defence Act 1962.

The short but intense third period was marked by rather confusing discourse within government over the purpose and implementation of the Act and whether the focus should be on nuclear or natural hazards. Just as this debate ended, with natural hazards taking priority, civil defence faced a new crisis – a lack of confidence among the public and some sectors of the government.

¹ The New Zealand Organisation for National Security Emergency Precautions Committee. “Draft of Emergency Precautions Scheme” (1938).

The fourth phase began after the Inangahua earthquake of 1968 and ended with the creation of the Civil Defence Act 1983 and was distinguished by recognition of the importance of community participation in civil defence. Under the Civil Defence Act 1962 the principles of civil defence were established – self-help, mutual assistance, and national guidance.² But one of the main problems identified in this and subsequent chapters is that civil defence tends to put principles before practice with the expectation that people will rise to the occasion in time of crisis using whatever resources and capacities which were available at the time.

The term “civil defence” outside of New Zealand is largely antiquated, having been supplanted by emergency or disaster management. Its meaning in this chapter varies according to historical context, namely, wartime preparedness measures around WWII, nuclear war preparedness during the early Cold War years, and readiness, response, and to a lesser extent recovery from the 1960s onward. As with the rest of the dissertation this is not an accounting of every disaster event or emergency declaration, rather it considers particular situations for what they contribute to understanding civil defence and disaster governance in New Zealand – what Birkland calls “focusing events”.³

3.2 Pre-WWII: The government’s increasing role in emergency management

The principle of self-help, which was to become a foundation of formal civil defence in the mid-1900s onward, originated during this period not so much because of the geographic distance between the potentially affected areas and help (as was the stated reason later on) but due to the nature of the relationship between government and citizens. Generally,

² Ministry of Civil Defence *General Information Handbook* 1973.

³ Thomas A. Birkland *After disaster: Agenda setting, public policy, and focusing events* (Georgetown University Press, Washington, D.C., 1997)

there were no expectations on the part of the government to provide support or from the locals to be given support. With time, and experience, it was gradually accepted that disasters would need a coordinated response with support from central government. Until the 1930s the government's response to disasters was ad hoc – there was no formal system of response and no guarantee of recovery assistance, and very little by way of follow-up to lessons learned about creating a safer living environment. Over time, expectations changed and governments (local and central) would contribute to major disaster recovery efforts; in the very early years however, it was simply a matter of individuals rebuilding and carrying on.

On 16 October, 1848 a magnitude 7.4 earthquake occurred in the sparsely populated Awatere valley in the Marlborough District on the north end of the South Island.⁴ The initial quake was felt most severely locally but caused significant damage in Nelson and Wellington with much of the damage being caused by aftershocks which caused further damage and destruction to structures that had been loosened by the first shakes.⁵ A local newspaper reported that “clay and brick dwellings” sustained damaged whereas the earthquake left wooden houses undamaged, noting that the latter were “better adapted than any other for this colony”.⁶ Most of the 4800 residential buildings in Wellington were built of unreinforced masonry while others were built of timber based on European styles at the time - after the event the majority of houses were rebuilt with timber.⁷ The government's response was both superficial and ineffectual. Lieutenant-Governor Eyre ordered all ships

⁴ Geonet “M 7.4-7.7, Marlborough, 16 October 1848” <http://info.geonet.org.nz/display/quake/M+7.4+-+7.7,+Marlborough,+16+October+1848>

⁵ Ibid.

⁶ The Wellington Independent (New Zealand, 28 October 1848) at 4.

⁷ R.C. Cooney “The Structural Performance of Houses in Earthquakes” (1979) 12 Bulletin of the New Zealand Society for Earthquake Engineering 223.

attempting to leave Wellington harbour to be detained to avoid feelings among the settlers of a mass exodus and to prevent debtors from escaping without paying their debts,⁸ and he ordered a “day of public fast, prayer, and humiliation” two days after the quake.⁹ The newspapers reported on the Lieutenant-Governor’s visit to a local prison and to damaged houses where he “endeavoured to console” the inmates and residents.¹⁰ There is little indication within contemporary accounts of relief or financial assistance offered by the government, nor any negative opinions voiced about the government’s response. While this could be a reflection of a reserved media culture at the time Brown-Belton concluded that not only did the government not see their role as involving more than moral support (similar to media accounts at the time) but it is likely they could not have due to financial difficulties.¹¹ The government’s lack of involvement may be explained by the view at the time that such events were extremely rare and unlikely to happen again. After interviewing Maori elders who stated they could not recall such a large earthquake in their lifetime and determining that steam or gas had been allowed to vent from the earth thereby relieving pressure, the local newspaper concluded that “we are surely justified in considering the present as an extraordinary occurrence, an occurrence which in all probability may not occur again”.¹²

The next major event occurred just seven years later in 1855, although originating from a different fault. The Wairarapa earthquake caused significant damage to commercial and government buildings in Wellington which had been rebuilt in brick out of concern for the

⁸ Greg Belton-Brown “Revolution or evolution? The response of the law to earthquakes in New Zealand 1848-1948” 2012 18 Canterbury Law Review 213.

⁹ The Wellington Independent (New Zealand, 25 October 1848).

¹⁰ The Wellington Independent, (New Zealand, 28 October 1848) at 2.

¹¹ Greg Belton-Brown “Revolution or evolution? The response of the law to earthquakes in New Zealand 1848-1948” 2012 18 Canterbury Law Review 213 at 216.

¹² The Wellington Independent (New Zealand, 25 October 1848) at 2.

risk of fire¹³ - and possibly under the assumption that the earth in the region was finished quaking for the foreseeable future. Once again, the government's response was minimal with their concern focused more on the government's buildings than the people they were governing.¹⁴ A positive outcome of the first earthquake was a trend towards constructing buildings using timber – the Government Building was completed in 1877 with its wood exterior built to resemble a classic European stone building,¹⁵ thereby appealing to aesthetic sensibilities while accounting for the local geomorphology. This trend was primarily local and rather short-lived in that houses in Wellington and to a lesser extent Wairarapa tended to use timber in the first few years after the quakes but construction of the much more vulnerable masonry buildings continued as the perceived risk of fire overcame the perceived risk from earthquakes and unreinforced masonry came back into popular use¹⁶ and for decades after stone and brick remained the preferred building material.¹⁷

The eruption at Tarawera was a turning point in both the government's response and society's perception, as it was the first documented case of the government providing compensation and relief. The Auckland Star described distribution of blankets to displaced Maori and commented that if local bodies did not allot land to those Maori whose land had been destroyed by the eruption then the government would "doubtless be left to provide

¹³ G.J. Beattie, L.M. Megget and A.L. Andrews "The Historic Development Of Earthquake Engineering In New Zealand" 2008. (paper presented to the 14th World Conference on Earthquake Engineering, Beijing, China, 12-17 October, 2008).

¹⁴ Greg Belton-Brown "Revolution or evolution? The response of the law to earthquakes in New Zealand 1848-1948" 2012 18 Canterbury Law Review 213 at 217

¹⁵ G.J. Beattie, L.M. Megget and A.L. Andrews "The Historic Development Of Earthquake Engineering In New Zealand" 2008. (paper presented to the 14th World Conference on Earthquake Engineering, Beijing, China, 12-17 October, 2008) at 2.

¹⁶ R.C. Cooney "The Structural Performance of Houses in Earthquakes" (1979) 12 Bulletin of the New Zealand Society for Earthquake Engineering 223 at 223.

¹⁷ GA Eiby "A history of anti-seismic measures in New Zealand" (1975) Bulletin of the New Zealand National Society for Earthquake Engineering. Vol. 8, No. 4.

for them”.¹⁸ Indeed, the government did eventually provide £400 to “Native sufferers” in the form of assistance and supplies as well as £2000 for “relief and assistance” to other sufferers.¹⁹ If the Tarawera eruption was indeed a turning point then the Cheviot earthquake in 1901 was a major milestone in which the government took over the cost from the Council of repairing local roads and bridges²⁰ and generously offered to manage donations from Christchurch and Lyttelton²¹ as well as contribute £1500 to match a similar amount of publically donated money.²²

Along with increasing cases of government assistance, this period also provides early examples of risk reduction and readiness – most of which were ignored at considerable cost later on. After the Murchison earthquake in 1929, a number of studies were commissioned, including one by Ferrar and Grange which explained the geological causes of the earthquakes and suggested several reasons for the uneven distribution of the earthquake’s impact on nearby communities.²³ These reasons were geologic, but they conclude their report with simple suggestions for limiting the impact on communities regardless of their geologic profile.²⁴ Ferrar and Grange recommended low-cost methods of reinforcing chimneys and other “minor precautions” to reduce damage in a moderate earthquake, and suggested having water available for domestic consumption and as a fire prevention measure after a disaster. They note that these preparedness schemes and mitigation measures were beyond the scope of their research but it is suggested this line of thinking warranted further inquiry. One year after the Murchison earthquake the Evening Post cited

¹⁸ Auckland Star (New Zealand 18 June 1886) at 2.

¹⁹ Timaru Herald (New Zealand 18 August 1886) at 3.

²⁰ The Star (New Zealand 10 December 1901) at 1.

²¹ The Star (New Zealand 21 November 1901) at 1.

²² Ibid at 1.

²³ H.T. Ferrar and L.I. Grange “Geological Reconnaissance in the Murchison Earthquake Area” (1929) Vol. 11 New Zealand Journal of Science and Technology 185.

²⁴ Ibid at 191.

this report noting that lessons from previous quakes had not been heeded and it would be against common sense to wait for a larger loss of life before implementing them, concluding, “prevention is always better than the cure”.²⁵ These suggestions do not appear to have been acted on, at least not right away, as only two years later fire would cause significant destruction following the Hawke’s Bay earthquake, over 10,000 chimneys were demolished in Wellington after the 1942 Wairarapa earthquake,²⁶ and 60% of the 600 claims made in Christchurch following the 1968 Inangahua earthquake were for chimney damage.²⁷ The majority of damage claims following the 2010/2011 Canterbury earthquakes (excluding land damage) included damage to chimneys.²⁸

This period ends with the government starting to take a greater role in creating a safer living environment with the creation of a document making recommendations for safe residential buildings which was widely adopted but still did not entirely incorporate lessons learned from earlier earthquake experiences.²⁹ Following the Hawke’s Bay earthquakes in 1931 a process was initiated to create the first building standard, NZS 95.³⁰ However, these standards were not mandatory and they fell far short of a 1929 review of knowledge and practice based on lessons learned from previous earthquakes. It would not be until 1978 that the 1929 recommendations would be fully incorporated into regulations and made

²⁵ Evening Post (New Zealand 14 June 1930) at 10.

²⁶ R.C. Cooney “The Structural Performance of Houses in Earthquakes” (1979) 12 Bulletin of the New Zealand Society for Earthquake Engineering 223 at 224.

²⁷ P.J. Moss “Damage in Christchurch and Canterbury” (1968) Vol. 1 NZSEE 143 at 143.

²⁸ Department of Building and Housing “Revised guidance on repairing and rebuilding houses affected by the Canterbury earthquake sequence” (2011).

²⁹ G.J. Beattie, L.M. Megget and A.L. Andrews “The Historic Development Of Earthquake Engineering In New Zealand” 2008. (paper presented to the 14th World Conference on Earthquake Engineering, Beijing, China, 12-17 October, 2008).

³⁰ Ibid.

mandatory.³¹ The reliance on voluntary cooperation would persist in various parts of civil defence throughout its history right through to the Canterbury earthquakes.

Section Summary

This section covered a period of history that introduced two regular elements of emergency management in New Zealand – self-reliance and voluntary compliance on matters of public safety. The concept of self-reliance would grow into the philosophy of local responsibility and the principle of self-help which remain to this day the primary features of civil defence in New Zealand. This period exhibited a steady change in policy from pure self-reliance to temporary self-reliance until outside help could arrive, but it also showed how despite gradually taking on more responsibility for the impacts of disasters the government's response was irregular. However, the trend throughout the 20th century was for government to take on a greater role in social matters – including emergencies. The result would be considerable tension between central government and local stakeholders in matters of responsibility for public safety and community welfare – an issue that manifested after the Canterbury earthquakes. This period also demonstrated what would become a regular occurrence – the failure to incorporate “lessons learned” from disaster events into public policy and law in a display of the regularly occurring short-term memory in society and government of the impact disasters have. It would be 83 years from the first major earthquake in the New Zealand colony until the first earthquake-related legislation after the Hawke's Bay earthquake, and it would be another 25 years until a systematic approach to responding to disaster risk would be instituted.

³¹ R.C. Cooney “The Structural Performance of Houses in Earthquakes” (1979) 12 Bulletin of the New Zealand Society for Earthquake Engineering 223.

3.4 Origins of civil defence: Earthquakes, riots, and war

During the 1930s, three types of events would compel the government to act on the hazards facing the country – earthquakes, riots, and war. This section examines the early stages in the development and institutionalization of civil defence in New Zealand. Until the 1930s there was no specific legislation related to disasters, they were seen as issues to be dealt with locally with occasional support from the Department of Internal Affairs.³² This section will introduce four foundational statutes and documents and reflect on how they were developed and how they contributed to civil defence.

During the pre-WWII period the government took a greater role in social welfare and took on a more proactive role in public safety and natural hazard. However, they remained rather hands-off with responsibility falling to the local level – a trend which would continue throughout the history civil defence. It was not until the advent of WWII and the establishment of a national emergency preparedness scheme in 1939, along with the Earthquake and War Damage Fund in 1944, that the government could be said to have taken seriously the need for coordinated disaster response and relief. The remainder of this chapter explores the early development of civil defence in law from just before WWII until the second civil defence Act in 1983. This occurred in a time during which the government had considerable, albeit diminishing, executive power³³ amidst major social changes – in particular to the economy and the welfare state and changes to the governance structure of New Zealand (parliamentary and local). The first iterations of emergency response laws put considerable responsibility at the local level without sufficient resources or statutory

³² Michael Bassett *The mother of all departments: The history of the Department of Internal Affairs*. (Auckland University Press, Auckland, 1997)

³³ Harshan Kumarasingham *Onward with Executive Power: Lessons from New Zealand 1947-57* (Institute of Policy Studies, School of Government, Victoria University of Wellington, 2010).

powers, all the while giving considerable power to the central government. This hold on executive power is explained partially by the social context of the time – the depression related strikes of the early 1930s and later civil unrest and Cold War insecurities. However, these can also be seen as examples of the government being wholly distracted by current events and not seeing (or caring about) the big picture in terms of ever present risk from natural hazards. What is particularly striking is how the legislation itself clearly reflects these two concerns – civil strife and natural hazards – but in terms of implementation and even interpretation at the outset the former initially won out over the latter.

Hawke's Bay Earthquake Act 1931

The Hawke's Bay Earthquake Act 1931 was passed nearly three months after a magnitude 7.8 earthquake caused damage and casualties in Napier, Hastings and other smaller settlements nearby.³⁴ While many buildings were damaged, in particular stone and unreinforced masonry, the greatest damage was caused by fire. Local residents self-organised rescue activities and citizens' committees were established for relief and recovery but both groups struggled due to limited authority and capacity.³⁵ The government offered assistance but responsibility was largely placed on local authorities and the affected communities.³⁶ The resulting conflicts over authority and responsibilities lead to the passing of the Act; awareness of these challenges would be the primary lasting outcome of the disaster.

At the time, there were no national plans for emergency response, no legislation or provisions for emergency measures, and little by way of local preparedness. Powers given to

³⁴ Hawke's Bay Earthquake Act 1932

³⁵ Ministry of Civil Defence. *History of Civil Defence in New Zealand*. Programme of training activities 1991/92.

³⁶ Ibid.

the government under this Act through the Governor-General are very broad, to “make such regulations as he deems necessary, having regard to the exigencies of the Hawke's Bay earthquake and the conditions arising therefrom, for the purpose of validating, authorizing, or prohibiting any act (whether of commission or omission), thing, or proceeding.”³⁷ A list of twenty-four examples are given ranging from (but not limited to) fundraising through taxes to restricting legal proceedings against officials acting in “good faith” for the emergency and the restoration of public infrastructure. Any regulations made under the Act would override any other Act, Order in Council, or regulations, Proclamations, rules or bylaws.³⁸ The Act also delayed local elections for two years from the time of the earthquake and allowed the Governor-General to appoint a Mayor or council member during that time as needed. One of the major challenges presented by the subsequent fires was the loss of public records and other important documents – in particular land titles.³⁹ The Hawke's Bay Adjustment Court was established under the Act in order to hear and determine claims and to grant relief to people suffering “undue hardship” because of the earthquake on obligations “wholly or partly pecuniary in its nature” related to their person or property. The President of the Court is the Chief Justice or a past or present superior judge appointed by the Chief Justice, along with two members – any nomination or appointment cannot be challenged “on any grounds whatsoever”.⁴⁰ The Court was never formally disestablished and remains the responsibility of the current Chief Justice. Similarly, the 1931 Act has no expiration date and is still technically in force.

³⁷ Hawke's Bay Earthquake Act 1932, s66(1)

³⁸ Hawke's Bay Earthquake Act 1932, s66(4).

³⁹ Nicholas Woods “After the 'quake: the legislative response” (2010) *NZ Lawyer* 146

⁴⁰ Hawke's Bay Earthquake Act 1932, Part I s8(1)

The earthquake response and the Act itself seem to have had a very limited impression on the government – no permanent scheme or precautions were taken to prepare the country for the next big disaster. However, two main outcomes can be discerned. In terms of disaster governance the main lesson learned that would be carried on into future legislation came from the disorder caused by the lack of a coordinating mechanisms and unclear authority. The need to designate an authority to coordinate relief efforts until the government can take over (if need be) was included in the Public Safety Conservation Act 1932. More generally the event itself would serve as a reminder of earthquake risk. While subsequent government documents referred to the Hawke's Bay earthquake it would remain as a token lesson for at least the next 30 years as risks from the social rather than natural environment would continue to be major drivers of legislation and policy.

Public Safety Conservation Act 1932

The Public Safety Conservation Act 1932 was enacted shortly after the Hawke's Bay earthquake (1931) and Auckland depression riots of 1932 and gave similar powers to the government as the Hawke's Bay Earthquake Act. In the course of the Parliamentary Debate on the Bill the discussion indicated the intention was primarily to control civil disturbances.⁴¹ After the Bill was passed the objective was clarified by the Minister of Internal Affairs, stating the Act was to "prevent civil disorders and to ensure the preservation of law and order".⁴² Partly in response to the confusion regarding authority and coordination after the Hawke's Bay earthquake the aim of controlling civil disturbances was achieved in the Act by clarifying authority in the immediate aftermath of an emergency and giving special statutory powers. It did not include any other pre-event planning other

⁴¹ 19 April 1932 232 NZPD 175.

⁴² 15 October 1953 300 NZPD 1855.

than allowing action to be taken if authorities perceived a situation may arise causing a breakdown of civil order. This Act enabled the government to declare a state of emergency anywhere in the country in response to a situation which negatively affects “the supply and distribution of food, water, fuel, or light or with the means of locomotion, to deprive the community or any substantial portion of the community of the essentials of life” whether caused by a person or people or if the “circumstances” indicate that public safety or order are or may be threatened. The scope of emergencies defined in the Act is only clarified in reference to situations in which the local police would be given responsibility for an emergency situation before the central government can be involved. This list included both natural hazards such as earthquakes and floods as well as civil strife and fire – whatever the source. While it is notable that this is the first mention in legislation of natural hazards it is odd that these particular examples would be given as the conditions for declaring an emergency were set out in the first page of the Act but not the trigger, or cause. It may be an indication that the main lesson learned from the Hawke’s Bay earthquake was the need for a locally designated authority in an emergency, at least until the government arrives. Regardless, the cause of the emergency was not particularly important as this Act was aimed at giving special powers to government officials and police for the purpose of “the preservation of life, the protection of property, and the maintenance of order”⁴³ whatever the root cause. These rather broad powers are articulated in Section 3 (1):⁴⁴

Where a Proclamation of Emergency has been made, and so long as the Proclamation is in force, it shall be lawful for the Governor-General, by Order in Council, to make all such regulations as he thinks necessary for the prohibition of any acts which in his opinion would be injurious to the public

⁴³ Public Safety Conservation Act 1932 s4(4).

⁴⁴ Public Safety Conservation Act 1932 s32(1).

safety, and also to make all such other regulations as in his opinion are required for the conservation of public safety and order and for securing the essentials of life to the community.”

Any regulations made under this Act would be applicable anywhere in New Zealand, not just in the declared area or areas. The Act was only used twice and was heavily criticised, in particular by legal scholar and former Prime Minister Geoffrey Palmer who called it a “draconian piece of legislation” that was a “blot on New Zealand’s record”.⁴⁵ The Public Safety Conservation Act was an enduring legislation, lasting until 1987⁴⁶ and was amended only once in 1960 in order to clarify when and how a proclamation of emergency should be communicated to Parliament.⁴⁷ The Act was reflective of the significant power wielded by the executive when it was made and used, in particular in 1951,⁴⁸ in contrast to when the Act was repealed in 1987 during a time of major political change and decentralisation.

Emergency Precautions Scheme 1939

The Emergency Precautions Scheme, instituted by the Department of Internal Affairs in 1939, was a means to help prepare local authorities and communities for emergency situations arising from natural disasters or from enemy action.⁴⁹ There were a number of factors which influenced the creation of this scheme. The introduction to the draft EPS describes the Murchison and Hawke’s Bay earthquakes as events which could occur in any municipality in New Zealand, therefore it was seen as the government’s duty to develop a

⁴⁵ Geoffrey Palmer *New Zealand’s Constitution in Crisis: Reforming our political system* (John McIndoe Limited, Dunedin, New Zealand, 1992) at 68.

⁴⁶ Public Safety Conservation Repeal Act 1987.

⁴⁷ Public Safety Conservation Amendment Act 1960 (2).

⁴⁸ Harshan Kumarasingham *Onward with Executive Power: Lessons from New Zealand 1947-57* (Institute of Policy Studies, School of Government, Victoria University of Wellington, 2010) at 92.

⁴⁹ New Zealand Organisation for National Security Emergency Precautions Committee. “Draft of Emergency Precautions Scheme” (1938) at 1.

system for cooperation between local authorities and various government services.⁵⁰ The EPS was based in large part on the British Air Raid Precaution scheme and introduced fundamental principles of civil defence which would persist to the present, in particular local responsibility for community safety, government support and guidance, volunteerism, and regional commissioners. At the time it was created New Zealand was facing challenges on two fronts – the main concern was the threat of a Japanese attack and New Zealand’s own military contribution; domestically, civil unrest resulting from labour disputes between unions, employers, and the government – an issue which would be largely put aside during the war years as work stoppages were made illegal.⁵¹

The stated objective of the EPS was to have a “Dominion-wide organization for the control in any locality of all essential services when they have been suspended by a natural disaster, or by enemy action”.⁵² The EPS prioritized relief activities such as provision of food and shelter as well as management of public, health, and financial services. The second priority was the restoration of the “normal activities” of the community without explaining in detail what these may be. In order to avoid improvisation at the local level during an emergency the EPS contains rather comprehensive and prescriptive plans, however it states that even more detailed plans must be completed at the local level.⁵³ This mention of improvisation in the introduction of the EPS is in reference to the committees set up in Napier after the Hawke’s Bay earthquake. Public notices were issued explaining the objectives of the EPS as developing communities which are able to mobilise “manpower and resources” in time of

⁵⁰ Ibid.

⁵¹ Mark Derby. 'Strikes and labour disputes - Wars, depression and first Labour government', Te Ara - the Encyclopedia of New Zealand <<http://www.TeAra.govt.nz/en/strikes-and-labour-disputes/page-6>>

⁵² New Zealand Organisation for National Security Emergency Precautions Committee. “Draft of Emergency Precautions Scheme” (1938).

⁵³ Ibid at 1

emergency.⁵⁴ Through these public notices the public were encouraged to actively participate through training in first aid, firefighting, and welfare centres.

The EPS was essentially an agreement for cooperation between the government and ministries and local authorities in times of emergency and it put responsibility on local authorities for preparing an “organisation for action” in an emergency.⁵⁵ This organisation would be guided by the EPS guidebook on subjects such as law and order, medical, transport, and supply, as well as a case study of the organisations formed in Hastings after the Hawke’s Bay earthquake of 1931. The resulting local organisations would differ significantly based on local resources and population. Despite the preoccupation with war, executive authority was placed in each local organisation and not the military. However, the three appointed Regional Commissioners were all former military men who liaised between the military and EPS organisations. The Regional Commissioner represented the north and south parts of the North Island and South Island; the regions were subdivided into 16 districts administered by a Controller. Although at first composed largely of volunteers in 1942 the government made membership in EPS organisations compulsory in response to advances made by the Japanese through Southeast Asia and the Pacific.⁵⁶ By 1945, the EPS was disbanded with the only callout occurring in 1942 with the earthquakes in Wellington and Masterton.⁵⁷

Two aspects from the EPS which were adopted directly from the Air Raid Precautions organisation in the UK endured and influenced later CDEM arrangements conceptually and

⁵⁴ Upper Hutt Leader, Volume III, Number 40, 9 October 1941

⁵⁵ *Preparation of emergency precautions schemes*. Statement by the Hon. W.E. Parry, Minister of Internal Affairs. 1940.

⁵⁶ Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971).

⁵⁷ Ibid.

structurally. Conceptually, New Zealand adopted the idea of responsibility for emergency management primarily belonging to local government and community volunteers with guidance and a coordinated response from the government. The EPS relied on volunteers as it would be costly to maintain a full-time countrywide emergency response force, and this contributed to the concept of local responsibility as communities would be able first look for help from within rather than the government. Structurally, the EPS system of multiple layers at the local, regional, and central levels was adopted by later civil defence schemes as was the condition for the government only assisting as needed. The regional system introduced a layer of governance between the local and central government which meant the country was divided into three areas rather than a nation of hundreds of individual communities. Therefore, communities could not only look within for volunteers but horizontally within their region for support. These concepts and structures became a part of civil defence law and policy under the Civil Defence Act 1962 and remain a part of the CDEM system to this day.⁵⁸

Local Authorities Emergency Powers Act 1953

“An Act to confer on local authorities certain powers in emergencies arising from earthquake, fire, or flood, or in time of war from enemy action or enemy sympathizers.”⁵⁹

The Local Authorities Emergency Powers Act 1953 (LAEP Act) was created during a time of growing concerns about communism and the Cold War along with union related civil unrest. Similar to the building regulations being optional, the Act empowered, but did not require, local governments to make arrangements for basic emergency management. Compared to

⁵⁸ Ministry of Civil Defence and Emergency Management *National Civil Defence Emergency Management Strategy* (2008) at 4 and 11.

⁵⁹ Local Authorities Emergency Powers Act 1953

the Public Safety Conservation Act 1938 the LAEP Act had a much broader focus and gives greater emphasis to natural phenomena whereas civil disturbances are limited to wartime action:⁶⁰

"Emergency" means an emergency arising from earthquake, fire, flood, or other natural phenomenon, or from action in time of war by enemy powers or enemy sympathizers, which causes or is likely to cause in New Zealand large scale loss of or injury or damage to life, health, or property.

For this reason, and because the Public Safety Conservation Act already existed, it is improbable that civil unrest was the primary driver of this legislation, rather natural hazards and concern about the Cold War turning hot. Although short-lived it is another foundational document as it contributed a very basic framework of activities to undertake in an emergency and suggested arrangements for carrying them out. However its weaknesses greatly limited its practicality.

Principles from the EPS were adopted, although not in complete form. It reiterated the concept of local responsibility for emergency response, with the Minister of Internal Affairs stating "earthquake disasters do not affect the whole Dominion, so that a national organisation is not what is required at that time but more a local organisation that will act quickly in case of a disaster in its immediate locality".⁶¹ Despite this statement the Act gave significant powers to the Minister to give orders to local authorities in an emergency or if he⁶² considers there to be an imminent threat of an emergency.⁶³ The Act was rather weak in a number of areas. Despite providing a helpful list of emergency response and welfare services the Act did not offer much by way of actually carrying out the activities, for

⁶⁰ Ibid at s 2.

⁶¹ 15 October 1953 300 NZPD 1855.

⁶² The Act uses the masculine third-person, singular personal pronoun "he".

⁶³ Local Authorities Emergency Powers Act 1953, s6(1).

example there were no requisitioning provisions and no provision for compensation for injuries or death resulting from work carried out during an emergency. There was nothing compelling local authorities to undertake the actions prescribed in the Act unless the Minister specifically issued written instructions during or prior to an emergency – civil defence response was effectively optional. Not complying with the Minister’s written directive during an emergency could result in a summary conviction of three months’ imprisonment or a fine; such similar conditions did not apply to directives from local authorities. The only financial arrangements were loans through the Local Authorities Loan Board. These weaknesses undermined the basic intentions of the Act – that of local level responsibility for emergencies – and the result was a Minister-focused system as that is where the power and finances remained. Other than giving extraordinary power to the government in time of emergency the LAEP Act failed to specify what exactly the government’s planning and operational role would be and neglected to even bestow such powers on the government.⁶⁴ It also failed to specify how the local plans were supposed to align with the national plan were either the local or central government to even make plans.

Although the Minister of Internal Affairs believed the LAEP Bill and proposed system were “comparable to the EPS”⁶⁵ the Bill differed significantly in that the EPS was a nationwide organisation with significant guidance from and cooperation within the government. According to the Minister, the LAEP was aimed at natural disasters which he stated, “do not affect the whole Dominion”, therefore a nationwide organisation was not needed. At first glance this may seem like splitting hairs but under this Act responsibility was put on local government but authority (but no clear planning or functional role) given to the Minister

⁶⁴ “Report of the Department of Internal Affairs” [1961] AJHR H22 at 43.

⁶⁵ 15 October 1953 300 NZPD 1855.

and there were no agreements for cooperation or coordination between ministries and local authorities. The Act merely “enabled” local bodies to do what conceivably they would have done without the legislation, i.e. respond to an emergency, but without giving them additional powers or funding to carry out the recommended tasks. The Minister’s statements also stand in contrast to previous actions by the government in their response to “local” disasters which would clearly indicate that they are more than a local problem. This situation repeated itself 57 years later with recovery after the Canterbury earthquakes. A national plan called *Government Action in a Major Emergency*, or G.A.M.E., was approved by Cabinet in 1954 which provided for a committee of “Ministers, senior officials, and services personnel”,⁶⁶ a move that seemed to be aimed to overcoming the lack of national planning within the Act. However it was highly-centralized with many cumbersome procedures which put it at odds with the government’s insistence that emergencies were local issues.⁶⁷

The LAEP Act remained a rather obscure and ineffectual document during its time, exceeded perhaps only by G.A.M.E. in this regard, as it was rarely mentioned in subsequent discussions on civil defence and emergency management and not at all in Parliament between 1953 and 1958 when it was temporarily used as the statutory basis for a national civil defence scheme. Mainly this Act served to highlight the contradiction within the government of responsibility being pushed to the local level while the government retained power and authority and the lack of appreciation at the time of the impact natural hazards could have on the country. It also continued the tradition of public safety being largely an

⁶⁶ Michael Bassett *The mother of all departments: The history of the Department of Internal Affairs*. (Auckland University Press, Auckland, 1997).

⁶⁷ Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971).

optional component of local governance. The Act was repealed and replaced by the Civil Defence Act 1962.⁶⁸

Section summary

By this time the rationale – the risk from natural hazards and civil unrest - and a basic philosophy of civil defence (local responsibility and self-reliance) had been established in law and practice, although it was still an emergent phenomenon. Four laws had been created in response to events which threatened or actually caused harm to part or all of New Zealand society. All mention natural hazards to some extent but none established an effective and permanent system to address the risk posed by natural hazards or to mitigate their impact. Certainly the government was aware of the persistent risk of natural hazards to the country yet they only acted in response to disasters, war, and civil strife. The wars, economic depression, and riots ended leading to relative peace, an improved global economy, and full employment in New Zealand. However as nothing changed with respect to the geomorphology of the country it is difficult to understand why no further action was taken even after a civil defence programme was created during WWII that specifically mentioned natural hazards. Instead, the EPS was dissolved at the end of the war. It would take the threat, albeit incredibly minimal, of total destruction of the country from a nuclear attack before a permanent civil defence and emergency management system would be implemented. That is not to say, however, that no lessons were learned from past events and made into law. The Hawke's Bay earthquake for example highlighted the need for leadership and special powers of authority in an emergency and, for all the good it did, this

⁶⁸ Civil Defence Act 1962, s59

was adopted into the Public Safety Conservation Act and eventually into future civil defence plans.

3.5 Nuclear versus Nature: The Civil Defence Act 1962

The beginning of a permanent, nation-wide, centrally-organised civil defence scheme began in the late 1950s in response to the perceived threat of nuclear attack, if not war, from the Communist Bloc. From the earliest stages there were divergent interpretations of the law and policy and of risk and responsibility which created confusion about the purpose of civil defence and doubts about its necessity. By associating civil defence with the remote risk of nuclear war instead of the more tangible risk of natural hazards, and by continuing to push responsibility – moral and financial – onto local authorities, the government hampered the introduction of an effective emergency management system. Without any concrete plans and limited financial support and with moral duty being the only compulsion for local authorities to act civil defence was off to a shaky start under the Local Authorities Emergency Powers Act 1953. Implementation in the years following the passing of the Civil Defence Act 1962 was hampered by unclear policy priorities and a lack of guidance from the central government as well as unclear and insufficient financial support for local authorities. The Ministry of Civil Defence underestimated the importance of information management and public relations via the media and poorly communicating the rationale for civil defence to the public. After the Inangahua earthquake in 1968 public perception changed for the better – but lingering image problems and a lack of certainty about what constituted a disaster and civil defence's role therein slowed the development of civil defence and thereby, the country's resilience against natural hazards. The limitations caused by a lack of

political will and poor public engagement would become a sort of civil defence tradition and are explored in different civil defence contexts in this chapter, Chapter 4 and Chapter 5.

First step – Establish a Ministry

In 1957 the Ministry of Defence published a review of defence policy outlining their position on the threat posed by the Communist Bloc and nuclear war.⁶⁹ In this paper the Ministry acknowledged the changing global context presented by nuclear weapons and Communist aggression as the most likely threat to New Zealand's interests. As New Zealand had limited resources it would be unable to offer much of a defence against the Communist Bloc as it continued its expansion through South-East Asia. Nor could the country afford nuclear weapons as a deterrent, were such weapons even available. The paper outlined the strategic alliances and agreements made with the other "free and democratic" countries and explained New Zealand's duty to have a military of sufficient size and readiness to meet their international obligations. The focus of the paper is almost entirely on overseas military action, no mention is made of any specific defensive options other than deterrence through strategic alliances.

In 1958 the Ministry of Defence issued a second policy report which reiterated the changing shape of global war – not just nuclear war in general but also the threat of intercontinental ballistic missiles - and recommended the establishment of a ministry of civil defence as part of a new strategy of "flexibility for effective preparedness".⁷⁰ Essentially the limitations were the same as the year before – New Zealand did not have the resources for an effective military which meant a two-pronged approach based on strategic alliances and a civil

⁶⁹ Ministry of Defence *Review of Defence Policy* (1957).

⁷⁰ Ministry of Defence *Review of Defence* (1958).

defence system should the alliance fail to protect the country. The risk of an actual global nuclear war or direct attack on New Zealand was considered minimal yet as the impact of either such occurrence would be very high the government felt it necessary to take adequate measures to protect and prepare the civilian population. However, the first fourteen and a half pages of this fifteen page document are dedicated to military strategy, the final paragraph of the last page is dedicated to civil defence and states that “(t)he safeguarding and educating of the civil population against the effects of nuclear war must, for the first time, become an essential part of national defence plans”. It is questionable how serious or even how widely accepted the risk really was considered then. The document introduces a rather conflicting message as the section exhorting the urgency of the “atomic threat” is immediately followed by a statement emphasizing that civil defence is a precautionary scheme and not indicative of any clear and present danger – a theme which would continue in public messages on civil defence from the government.

In Parliament at the time the issue of civil defence was subordinated by other matters, in this case the abolition of compulsory military service which was also in the Review. Civil defence was not even mentioned when the Review was debated in Parliament. Nevertheless, the government took action and established the Ministry of Civil Defence within the Department of Internal Affairs in 1959.⁷¹ That the Ministry of Civil Defence was positioned in the Department of Internal Affairs seems appropriate for that time as it was home to a wide variety of functions including local authority matters.⁷² The rationale for civil defence was expanded when in October of that year the Minister of Finance, A.H. Nordmeyer, mentioned in Parliament the dual purpose of having an “effective

⁷¹ Ministry of Civil Defence *Civil Defence in New Zealand* (1960).

⁷² Michael Bassett *The mother of all departments: The history of the Department of Internal Affairs*. (Auckland University Press, Auckland, 1997).

system...which could operate in the event of war but also in event of an earthquake or other major disaster”.⁷³ This put the plan in line with previous civil defence schemes and other legislation such as the LAEP Act and Emergency Precautions Scheme, but attention would primarily remain on the nuclear issue. The vague reference to “event of war” was narrowed in the 1959 report from the Department of Internal Affairs to the House of Representatives.⁷⁴ The report included a subsection entitled “Civil Emergency” that described how during the past year special arrangements for the government to respond to a natural disaster had been made and in addition to this the government had decided to prepare civil defence for the risk of a nuclear attack on New Zealand. Ultimately, this never happened.

LAEP Act and EPS as the statutory and organisational basis

In 1960 the Ministry of Civil Defence published a pamphlet entitled *Civil Defence in New Zealand* which outlined the rationale and a very basic conceptual framework for civil defence.⁷⁵ The statutory basis for implementing the policy as outlined in the pamphlet was the Local Authorities Emergency Powers Act 1953;⁷⁶ however it went unamended despite the creation of the Ministry and appointment of Regional Commissioners. Once again based on the UK model and described as being “comparable to the E.P.S.” civil defence was intended to be an “all-purpose organisation for major emergency in peace and war”.⁷⁷ In fact, the proposed scheme bore little resemblance to the EPS. The main similarity was the country was divided into four regions each with a Commissioner appointed by the government in 1960 – these would be the first staff hired specifically for civil defence.

⁷³ 13 October 1959 321 NZPD 2398.

⁷⁴ “Report of the Department of Internal Affairs” [1959] AJHR H22 at 71.

⁷⁵ Ministry of Civil Defence *Civil Defence in New Zealand* (1960).

⁷⁶ LP Bourke “The organisation, role, facilities and responsibilities for civil defence in the northern region” (ND) 2 New Zealand Society for Earthquake Engineering Inc. 347.

⁷⁷ Ministry of Civil Defence *Civil Defence in New Zealand* (1960).

However, civil defence was essentially a paper-based organisation with the Secretary for Internal Affairs also serving as the Director of Civil Defence.⁷⁸ Each region was based around a major urban centre – Auckland, Wellington, Christchurch, and Dunedin. In practice only three regions were created, two in the North Island and one in the South Island.⁷⁹ The task of implementation rested primarily with appointed Regional Commissioners, former military men. Unlike the EPS, which was highly detailed about roles and emphasized horizontal and vertical cooperation by each level of government, the LAEP Act was vague on specifics, in particular for the function of the central government in civil defence, and silent on the role of regional governments and the Regional Commissioners (a position which was created seven years after the LAEP Act which remained unamended, thereby making no statutory basis for the Regional Commissioners). That the LAEP Act would even be considered as the basis for a nationwide system is incongruous with the Act itself which, as the title would suggest, was designed – however poorly – for local-level emergency management. Regardless of how inefficacious the LAEP Act was, the civil defence pamphlet was the most significant development in civil defence from the time the Ministry was created the year before. Over the next few years, implementation would proceed at a slow pace.

Poor governance and mixed messages delay wartime and peacetime civil defence

Civil defence was greatly hindered in getting off the ground between 1958 and 1962 by mixed messages from the government about the rationale for civil defence and a perplexing lack of leadership, support and follow through despite dire warnings of the possibilities of modern warfare and to a lesser extent, natural disasters. The Minister of Civil Defence, W.T.

⁷⁸ LP Bourke “The organisation, role, facilities and responsibilities for civil defence in the northern region” (ND) 2 New Zealand Society for Earthquake Engineering Inc. 347.

⁷⁹ Ibid.

Anderton, stated that it was with “mixed feelings” that he had to recommend the proposed civil defence scheme, but given the threat posed by scientific advancement (read: nuclear weapons) the country needed civil defence.⁸⁰ Every section of the Ministry’s 1960 policy document is about wartime measures in general and nuclear war in particular save the final two paragraphs. There it was simply stated that civil defence in war was essentially the same as in peace, the only differences being the “specialized wartime aspects” for nuclear, biological, and chemical attacks and the lack of warning given by earthquakes compared to enemy attacks. Also in 1960 the Ministry of Civil Defence reported that the national and regional organisations for natural disasters were “in reasonably good shape”, and it was the local level that needed to make progress, with guidance from the Commissioners.⁸¹ The reality however was more complex and even contrary to this statement.

The fundamental barrier to developing civil defence was the lack of clarity on the role and function of the central government and exaggeration of the severity of the risk posed by nuclear war to New Zealand. By the Ministry’s own evaluation this caused reluctance among otherwise willing local authorities and was a major impetus to creating new legislation – yet conflicting statements and confusion about rational and responsibility persisted.⁸² While the government, through Minister Anderton, argued that local authorities should bear the cost of organising local civil defence units, some local authorities argued that as the primary reason for civil defence was nuclear war the cost should be borne by the central government as war is a matter of national defence.⁸³ The lack of leadership also manifested itself in conflicting statements and guidance from Ministers. Whereas the Labour Minister

⁸⁰ Ministry of Civil Defence Civil Defence in New Zealand (1960).

⁸¹ “Report of the Department of Internal Affairs” [1960] AJHR H22 at 42.

⁸² “Report of the Department of Internal Affairs” [1962] AJHR H22 at 19.

⁸³ Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971) at 29.

of Civil Defence Anderton stated “there need be no emotional propaganda that could create a fear complex in the public” when speaking at the New Zealand Municipal Association conference in 1960, his successor in 1961, National Party Minister of Civil Defence F.L.A. Gotz, explained to the same organisation that,⁸⁴

...weapons of unspeakable horrors exist in the world today and we have a duty to safeguard our people...against potential dangers which can come from the skies... So long as such weapons exist and the occasional earthquake still occurs then so long must we be prepared to guard against the effects of these things.

The advocating of moral duty was the government’s way of pushing the issue of responsibility to the local authorities while not actually committing themselves to anything in particular.

While the Ministers were sending unclear messages, the Regional Commissioners were at least consistent in their own messages even though it put them at odds with the government. The Regional Commissioners took a hard line in the early 1960s on the nuclear or nature issue. In contrast to statements made by the Minister of Finance and the two Ministers of Civil Defence that at least attempted to espouse the dual goals of civil defence, Rawlinson provides evidence of the Regional Commissioners pushing the nuclear agenda by stating that nuclear must come first with preparedness for natural disasters a by-product of preparing for nuclear war.⁸⁵ As they were effectively the front-line staff (and the only

⁸⁴ New Zealand Municipal Association, Proceedings of the Forty-eighth Conference, 1961, pp. 11-12. – As cited in Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971) at 31.

⁸⁵ L.P. Bourke. Head Office Conference Reports. October 1960. As cited in Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971) at 63.

people hired specifically for civil defence)⁸⁶ in the face of “limited ministerial direction and consultation”⁸⁷ this position would aggravate and delay implementation of civil defence under the LAEP Act and even the Civil Defence Act 1962. It is an odd position for them to take as, other than Minister Gotz’s alarming vision of horrors raining down from the skies in 1961, the official stance was always that the nuclear threat was minimal. And yet, it was given priority. That the Regional Commissioners were able to carry out their own agenda from 1959 onward is not surprising as the position was only formally created in 1962 under the Civil Defence Act 1962 which outlined their duties but even then did not specify to whom they were responsible to, thus giving them the freedom to pursue their own agenda. This would contribute to the debate about not only the purpose of civil defence but also where responsibility ultimately rested.

The lack of leadership is anomalous considering the only lesson that was really learned from previous disasters and incorporated into legislation was that of the necessity of leadership during an emergency. At a greater scale however this lesson seems to have been lost on the government. Rawlinson sums up the overall sentiment succinctly, stating that while no one was opposed to the principle of civil defence there was generally a lack of interest in taking any kind of action – be it financial or even making clear plans.⁸⁸ It was in this context that the Local Authorities Emergency Powers Act 1953 was repealed and the Civil Defence Act 1962 created.⁸⁹

⁸⁶ Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971) at 36.

⁸⁷ Ibid at 64.

⁸⁸ Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971) at 32.

⁸⁹ Civil Defence Act 1962, s59.

Second step – Make legislation

The Civil Defence Act 1962 was developed following the realisation that the LAEP Act had numerous shortcomings which, among many other things, precluded a leading role for the central government or any other central organisation in developing national plans. As noted in the previous section, in 1960 the Ministry of Civil Defence reported that national and regional organisation for civil defence was in “reasonably good shape” but the local authorities would need to move forward with guidance from the Regional Commissioners.⁹⁰ In 1961 the perspective changed in light of the noted limitations of the LAEP Act. The Ministry reported that the barrier to implementing civil defence policy was not at the local level as stated the year before but due to shortcomings of the law regarding the role of the central government.⁹¹ In 1962 the Ministry acknowledged that a new, comprehensive organisation with a substantial legislative basis was needed, and that the process to create such legislation was underway.⁹²

The Civil Defence Act 1962 was a major step forward in establishing a permanent, nationwide system for civil defence that included both natural hazards and wartime emergencies, and at 35 pages it was seven times longer than the LAEP Act. The structure and many of the roles and responsibilities outlined in the Civil Defence Act itself and the guidance documents produced in the 1960s and early 1970s remain in place today. While it did add clarity in terms of roles, responsibilities, and rationale, it failed to address some of the important shortcomings of its predecessor. The Act underwent six amendments in its 21-year history. In terms of the aforementioned lack of support from the government and

⁹⁰ “Report of the Department of Internal Affairs” [1960] AJHR H22 at 42.

⁹¹ “Report of the Department of Internal Affairs” [1961] AJHR H22 at 44.

⁹² “Report of the Department of Internal Affairs” [1962] AJHD H22.

mixed messages regarding the true aim of civil defence, it put into law once and for all the dual rationale for civil defence and the beginning of a comprehensive emergency management system. Civil defence was declared to be a system for,⁹³

...the planning, organisation, coordination, and implementation of measures, other than measures amounting to actual combat or preparation therefor, that are necessary or desirable in respect of the safety of the public, and are designed to guard against, prevent, reduce, or overcome the effects or possible effects of a national emergency or a major disaster.

A “national emergency” referred to enemy attack and warlike acts, a “major disaster” referred to everything else.⁹⁴ This dual purpose would be a contentious component of civil defence and have a lasting effect on the public’s perception and political will for the organisation.

The public and the Ombudsman’s inquiry

For all the bold statements about the “very real threat” of nuclear war very little was accomplished in the two years following the new legislation’s enactment in 1962. An Ombudsman’s inquiry began in late 1963 after complaints from “responsible citizens” and negative press coverage on the lack of progress made by the government.⁹⁵ The main concerns were on the government’s deficient administration of the civil defence organisation and advisory committee, the “lack of leadership and guidance” by the central government which inhibited the local authorities from making their plans, and the overall secrecy surrounding civil defence which resulted in inadequate publicity and information

⁹³ Civil Defence Act 1962, s2.

⁹⁴ Under the LAEP Act an emergency could have meant either a national emergency or major emergency.

⁹⁵ AJHR 1964 A “Ombudsman’s Report”.

sharing to the point that the public were generally unaware of what their responsibilities were.⁹⁶ The Ombudsman met with the Director of Civil Defence who attributed the delays in forming a National Council and planning committees (under s10)⁹⁷ and national plans from each committee (s13) to various difficulties with time management (the Director and Deputy Director of Civil Defence held other positions with DIA) and a lack of resources – both personnel and financial. The Director added that he thought the local governments should organise themselves and only then could there be a national plan based on the local plans.⁹⁸ Ultimately, the Director felt, the success of civil defence rested on the interest the public took in it at the local level, and only then could the Ministry act. The Ombudsman replied that if the government and Parliament had felt the need to pass the Act in the first place then it was up to the Ministry to put it into effect. If they could not do that due to resource constraints then it was the Director's responsibility to take up the issue with the Minister and not blame a lack of interest among local authorities and citizens. With the Ombudsman's inquiry and prodding, the National Council was formed and met in February 1964.

The formation of the National Council itself was not without controversy however as the media were excluded and portrayed by the Minister as not a suitable conduit for information in an emergency.⁹⁹ As Rawlinson remarked, during the first four years of civil defence (1958-1962) the press had been "generally sympathetic, though not particularly

⁹⁶ AJHR 1964 A "Ombudsman's Report".

⁹⁷ Civil Defence Act 1962 s12 (2) specifies the national committees as: communications, transport, supply, detection and national warning systems, medical, hospital, nursing, and public health services, social welfare, and the enforcement of law and order. They were to be the focal point for local authorities when they made their plans.

⁹⁸ AJHR 1964 A6 "Ombudsman's Report" at 36.

⁹⁹ 7 November, 1964 2332 NZPD 2508.

interested in civil defence”.¹⁰⁰ After the Act was passed the press took a critical interest in civil defence, mainly in regard to it being a retirement organisation for former military men, for being a paper-based organisation in the central government (as compared to the EPS) and for its focus on the nuclear threat rather than natural hazards.¹⁰¹ The exclusion of the media is reflective of the civil defence organisation’s inward looking hierarchal structure with external communication done as the Ministry put it “as circumstances require”¹⁰² rather than proactively reaching out to the public. But this communication strategy was clearly at odds with comments made by the Director of Civil Defence to the Ombudsman about waiting for public interest to increase before acting on national plans and the repeated message that civil defence was a local responsibility. In effect, civil defence was a government operation done with minimal community involvement. It would take substantial amendments to the principal Act and two natural disasters before the community and civilian were brought back into civil defence.

Coercive coverage

Between the passing of the Civil Defence Act 1962 and the first major disasters in 1968 the Act was amended twice. The Civil Defence Amendment Act 1965 put further obligations on local authorities by compelling them to make certain that once a plan is approved and operative they take “all necessary steps to ensure that the civil defence organisation provided for in the plan is able to implement the plan”. How this would be done is not clear. The Amendment Act also extended coverage to those injured or killed while carrying out

¹⁰⁰ Martin R. Rawlinson “Organisation for disaster: The development of civil defence in New Zealand 1959-1970” (Master’s Thesis, University of Canterbury, 1971) at 54.

¹⁰¹ Ibid at 54.

¹⁰² “Report of the Department of Internal Affairs” [1965] AJHR H22 at 17.

“civil defence work”¹⁰³ regardless of whether they were members of a civil defence organisation or working under the guidance of one. This is meaningful because the principal Act only covered members of approved civil defence organisations – people acting under the control of a local authority that had not yet received approval for their civil defence plans were only covered for the first 12-months after the 1962 Act was passed.¹⁰⁴ The absurdity of this is clear as the Civil Defence Act 1962 states:¹⁰⁵

In considering any local plan or joint plan submitted to him, the Regional Commissioner shall have regard to national plans.

Twelve months after the Act was passed the central government had not even formed committees, let alone national plans from those non-existent committees, which made it impossible for local authorities to make their own plans within 12 months. This provision was essentially a coercive measure aimed at compelling local authorities to complete and get approval for their civil defence plans by using financial and moral pressure; no similar compulsion was felt by the central government until the Ombudsman intervened. This is a highly unusual case of the government using a coercive measure to force compliance – typically, in civil defence, if local authorities do not fulfil their planning obligations then a plan would be made for them at cost. Other amendments in 1965 were administrative, as were the changes made in the Civil Defence Amendment Act 1967 which only dealt with traffic officers during a declared emergency.¹⁰⁶ Both amendments passed without significant debate in Parliament.

¹⁰³ “Report of the Department of Internal Affairs” [1966] AJHR H22 at 16.

¹⁰⁴ Civil Defence Act 1962, s45.

¹⁰⁵ Civil Defence Act 1962, s32 (2).

¹⁰⁶ Civil Defence Amendment Act 1967.

Finding a focus for civil defence

There is a clear divergence between central government and the Regional Commissioners about the purpose of civil defence. Within one year civil defence was alternately described as an organisation made to respond to a nuclear attack that can also be scaled down for the “lesser threat” of natural hazards, and as an organisation made to respond to natural disasters but could also be scaled-up for a nuclear attack. The dual purpose of civil defence was undermined by such actions as the publication of a 1963 document entitled *Civil Defence Planning Guide for Local Authorities*.¹⁰⁷ This booklet was meant to assist local authorities in making their civil defence plans as required under s27 of the Act. Written by the Regional Commissioners it is very clear about priorities, stating “(t)he major threat to any country today must be global warfare”, followed by reference to nuclear warhead equipped intercontinental ballistic missiles.¹⁰⁸ Natural hazards are acknowledged as a more concrete problem but they are designated a “lesser threat” and a local issue. This depiction is at odds with the legislation which allows for an emergency declaration to be made for a natural disaster at any level – national, regional, and local. The plans made according to the booklet would prepare communities for a nuclear attack and would only need to be scaled down for the “lesser” dangers from Mother Nature. Actions in case of nuclear warfare however were designated matters for the central government to consider and “beyond the scope” of local governments. As such, there is no mention of specific actions or measures to take when the nuclear bombs start landing, instead the booklet is remarkably similar to the Emergency Precautions Scheme in terms of specific planning that local governments should do, albeit far less detailed. Regardless of the threat, real or imagined, of nuclear war coming

¹⁰⁷ Ministry of Civil Defence *Civil Defence Planning Guide for Local Authorities* (1963).

¹⁰⁸ Ministry of Civil Defence *Civil Defence Planning Guide for Local Authorities* (1963) at 5.

to New Zealand the booklet was a major step forward in civil defence planning and much better than the initial vague instructions for local authorities to make civil defence plans for nuclear war issued under the impotent LAEP Act. There were some issues that were carried over from the LAEP, in particular no additional funding for local authorities to use for civil defence. In terms of financing the plans, local governments were permitted to pay for civil defence from their budgets s46 (1) or to get a loan s46 (2) and (4).

The nuclear issue and vague wartime references would gradually disappear from civil defence publications after the new Minister of Civil Defence, D.C. Seath, in 1964 made a statement that effectively dropped nuclear in favour of natural hazards:¹⁰⁹

I am not suggesting that planning against the consequences of nuclear disaster should be ignored, but first let us bend our energies to preparing against the known forms of natural disaster...As to any special additional preparations that may be necessary to meet the threat of nuclear attack those are matters which in my view might well be left to examination at a later stage of your proceedings.

This is a complete reversal from earlier statements which planned to simply downgrade from nuclear preparedness to natural disaster response. In other words, civil defence would now prepare for natural disasters and scale-up to nuclear war rather than scale down. The divergence between central and regional civil defence lingered into the late 1960s. The Minister's statement in 1964 should have been a turning point for civil defence but the Regional Commissioners continued with their "nuclear first" propaganda. Even the Ministry of Defence issued a statement in 1966 complimenting the efforts made for civil defence and concluded that although it could be used in the case of a nuclear attack the greatest use of

¹⁰⁹ D.C. Seath, statement made to the National Civil Defence Committee (1964). As quoted in Martin R. Rawlinson "Organisation for disaster: The development of civil defence in New Zealand 1959-1970" (Master's Thesis, University of Canterbury, 1971) at 68.

civil defence could be made by focusing on natural hazards.¹¹⁰ And so it was that the 1968 General Information Civil Defence Handbook emphasized two points – the civil defence system was designed to function in the event of a natural hazard by making use of existing resources, and secondly that special procedures and knowledge would be necessary in the event of a nuclear attack. Existing resources in this case referred to other government organisations that would operate under the direction of civil defence personnel. In other words, the community was still a recipient rather than a participant in civil defence and there were few provisions for strengthening any community's capacity to respond to an emergency. Shortly after this booklet was published New Zealand experienced its largest storm event and the first earthquake disaster for civil defence in the post-war years which would change the government's perspective on emergencies and the public.

Section Summary

This section ends in early 1968, just prior to a large storm and the Inangahua earthquake which serve as focal points for the next section as the first major events for civil defence. From 1959-1964 very little was done to prepare for a nuclear war; likewise even less was done to prepare for natural disasters. From 1964 to 1968 considerable progress was made, on paper at least, in terms of making plans within the civil defence organisation. With new and subsequently amended legislation local authorities and the central government had a clearer understanding about roles, functions, and responsibilities and had made headway on financial support for preparedness and indemnity for civil defence personnel and spontaneous volunteers; meanwhile other civil defence organisations were actively pursuing their own civil defence goals. The Police met their 1965 target of 2076 "civil

¹¹⁰ A.J.H.R., Review of Defence, A.8, 1966 at 9.; This may have been a bit of an exaggeration, as civil defence had not yet been tested in a widespread emergency yet, and when it was in 1968 the results were mixed.

defence police” – volunteers given special powers during a declared emergency or disaster and trained in first aid.¹¹¹ By 1968 the Police had created a national training syllabus and recruited 3105 citizen volunteers; all police districts had created comprehensive civil defence response plan.¹¹² The Fire Service created a national committee and distributed a civil defence coordination plan to urban fire authorities in 1967.¹¹³ In the annual report from the Department of Internal Affairs during this period reference to wartime or nuclear measures was absent. If any specifics were made it was to natural hazards, not nuclear. The Regional Commissioners remained defiant about the dual purpose of civil defence, even in the face of changing policy. Whatever the focus may have been for the various actors involved, the functions, rationale, and philosophy of civil defence became clear in this period. The functions are identified by the various national plans for government action, communication, traffic control, supply, medical, law and order, transport, welfare, evacuation, and firefighting.¹¹⁴ The rationale remained rather divisive but the focus shifted from nuclear war towards preparing for natural disasters while recognizing the possibility of warlike acts occurring. The self-help principle of civil defence needs to be understood in the context of the era. Self-help meant that locally based government organisations would help the community in time of crisis with support as needed from higher levels of government. It essentially puts the people of the community in a position to rely on help rather than being self-reliant as the concept of “self-help” may be interpreted today. There was little involvement by community members – civil defence was being organised for the public, not with them. The use of existing resources would be problematic not only for civil defence

¹¹¹ “Report on the New Zealand Police” [1965] AJHR H16.

¹¹² “Report on the New Zealand Police” [1968] AJHR H16.

¹¹³ “Report of the Fire Service Council” [1968] AJHR H12.

¹¹⁴ Ministry of Civil Defence “Civil Defence Handbook: General Information”. (1968).

response, but recovery as late as the Canterbury earthquakes (see Chapters 4 and 5) as it assumes a suitable alignment between local resources and the demands of an emergency.

The purpose of this section is not to criticise the decision to create a civil defence system due to the threat of nuclear war – other Western countries at the time had similar concerns and also did little to implement measures.¹¹⁵ In both 1939 and 1958 it took a threat to the entire nation to stimulate the creation of a nationally planned and locally-based emergency response system despite a history of destructive earthquakes in the capital region and regular flooding around the country. Given the international climate at the time it is easy to understand the government's concern about global nuclear war, and even the unlikely event of a direct strike on New Zealand. What is not easy to understand is the lack of concrete planning and abdication of moral responsibility to the local authorities for what would ostensibly be a failure of national defence – in particular between 1958 and 1964. The positive side to the reaction to the unlikely threat of a nuclear strike was the establishment of a permanent emergency response scheme – albeit one that existed mainly on paper for the first few years.

A major part of Rawlinson's thesis was that the focus on the perceived nuclear threat was a distraction that confused the public, resulted in criticism from the media, and caused local authorities to be hesitant about making civil defence plans. The effect, he argued, was a delay in implementing a system for responding to and recovering from the persistent threat from natural hazards. Rawlinson is certainly correct about the mixed messages and lack of support, there is significant evidence to support those conclusions – but it is the latter issue

¹¹⁵ Lawrence J. Vale *The Limits of Civil Defence in the USA, Switzerland, Britain, and the Soviet Union*. (The MacMillan Press Ltd, London, 1987). Andrew Burtch *Give me Shelter: The Failure of Canada's Cold War Civil Defence*. (UBC Press, 2012). See also Section 6 Discussion for Canada's experience with Cold War civil defence.

that was the greatest problem. It is one thing to conceive a national system of civil defence – that is the easy part. Making plans and creating the enabling conditions for them to be implemented is the hard part – and this was not done, at least not at the scale sufficient for a nuclear attack or a major earthquake. This theme is taken up in section 3.7 where the civil defence system of Canada is contrasted with New Zealand to show just how absurd the nuclear-focused planning was in this country. This is a reoccurring theme for civil defence – grand ideas with poor follow through, Chapter 4 continues this theme for response and Chapter 5 for recovery. Fortunately, from 1968 onward, the nuclear narrative effectively ended. The new challenges for civil defence would be based on identity and very basic questions of what can civil defence do, who does civil defence, when can civil defence be done, and even why civil defence rather than other organisations such as the military or police.

3.6 A new civil defence – the return of the civilian

The year 1968 proved to be a major turning point for the perception of what civil defence could do for the public and for what the public could do for civil defence. The 1962 legislation did not fully eliminate the shortcomings of its predecessor legislation but through amendments, greater financial support, training, and completion of national, local, and organisational plans a nationwide civil defence scheme had begun to take shape by 1968. While the gap may have narrowed between what the government aimed for with civil defence and was accomplished in practice, another gap existed between the civil defence organisation and the general public. This first came to light after a major storm and the Inangahua earthquake in 1968. Despite legislative amendments (six in total for the 1962 act) public perception of civil defence tended to be negative or inaccurate, an issue the Ministry

was well aware of and set out to address. Correcting this perception became a major driver of change as civil defence came of age (Chapter 4). The purpose of this section is to examine how civil defence was conceptualised and operationalised around the time of two major disasters – a storm and earthquake in 1968. Public perception of civil defence would be a driving force behind the professionalization and later expansion of civil defence as it was further developed into a modern emergency management system.

Inangahua Earthquake and the storm of '68

On the 9th April, 1968, ex-tropical Cyclone Giselle made landfall on the North Island. The storm was considered the worst on record in New Zealand and caused significant damage from rainfall, flooding, wind, and landslips.¹¹⁶ The storm tracked the east coast of the North Island then turned towards Wellington during the night before continuing south on the 10th to Christchurch where it arrived early in the morning of the 11th. There the storm was met with a high tide and caused flooding in the coastal areas of Christchurch, including near to the home of the Leader of the Opposition N.E. Kirk. The storm caused further damage in the south and was the first widespread event for civil defence. Even before the storm Kirk had been a vocal critic of civil defence. In the days after the storm Prime Minister Holyoake, the Minister of Civil Defence, D.C. Seath, and Kirk garnered significant press coverage with their views on the state of civil defence. Kirk's criticisms varied from questioning the very necessity of civil defence to demanding a "thorough shake-up" starting with its "pseudo-military background".¹¹⁷ He was predictably critical of the response in Christchurch but his main targets were the delays in making emergency declarations and the related issue of

¹¹⁶ National Institute of Water and Atmospheric Research. "New Zealand Ex-tropical Cyclone Giselle" http://hwe.niwa.co.nz/event/April_1968_New_Zealand_Ex-tropical_Cyclone_Giselle

¹¹⁷ The Press (19 April 1968).

information sharing within the government.¹¹⁸ Both the Prime Minister and Minister were defensive about the principles of civil defence and its necessity, but they were self-critical and within days a list of practical measures was proposed and published in the media.¹¹⁹ Among these was the recommendation that local governments take a precautionary approach to emergency declarations if there is an “imminent threat” and for arrangements to be made to keep the public better informed of civil defence activities.¹²⁰ The main reason the government identified for the reluctance of local authorities to make a declaration was a lack of initiative and information from the central government. Essentially the local authorities were looking to the central government for leadership and top-down communication on how to act in a civil defence situation as they had never experienced such an event before – the government’s hands-off approach and policy of local responsibility had failed. The result was a situation similar to 1962-1964 when the local authorities were looking for the same sort of guidance when trying to make local plans as they were in 1968 when trying to implement them. The message was clear – the government needed to take a leading role in civil defence. But the recommendations were not implemented before the next major disaster occurred, an event which also revealed another limitation – the failure to involve civilians in civil defence.

On the 24th May, 1968, a magnitude 7 earthquake occurred north of Inangahua on the northwest coast of the South Island at 5:24am primarily affecting the communities of Inangahua Junction and Reefton.¹²¹ Roads, bridges, and railways in the area suffered considerable damage or were rendered unusable due to landslips while electricity and

¹¹⁸ Ibid.

¹¹⁹ The Press (18 April 1968).

¹²⁰ Ibid.

¹²¹ Ministry of Civil Defence “Report on the Inangahua Earthquake, New Zealand, May 1968”.

telecommunications were disrupted which delayed accessing help from beyond the Inangahua area.¹²² Along the Buller River north of Reefton landslips caused the only fatalities as a result of the earthquake and created a risk of flooding after the river was blocked.¹²³ Damage to buildings was superficial, primarily resulting in collapsed chimneys and broken windows. The Local Controller for civil defence declared a state of local major disaster in the Inangahua Country Civil Defence Area at 11am. Due to telecommunication disruptions approximately an hour later the declaration was relayed by radio to the Regional Commissioner in Christchurch.¹²⁴ As it was the first large-scale disaster since the 1962 legislation, Inangahua exposed a number of limitations in legislation, policy, and practice. These “Civil Defence Lessons” as the Ministry called them included human resources limitations and competing obligations of civil defence personnel, public relations management, emergency powers and when to make a declaration, and the necessity of support and information sharing vertically within the structure and horizontally with other civil defence organisations.¹²⁵

In their report on the Inangahua earthquake the Ministry identified human resources challenges early on – the local civil defence organisation was understaffed due to attrition and a failure to replace members who had left. The region itself had been suffering economically and was reliant on central government departments for many economic activities.¹²⁶ Relying on local capacity introduced a challenge for civil defence as many key positions such as communications and transport were not filled as the local officials were engaged in their regular duties; additionally some key personnel were outside of the region

¹²² Ibid at 9.

¹²³ Ibid.

¹²⁴ Ibid at 21.

¹²⁵ Ibid.

¹²⁶ A. McG. Peart “The Roles of Government Departments” (1968) Vol. 1 NZSEE.

and no replacements had been named.¹²⁷ Communication was problematic, both internally within the government and between civil defence and the public. The Director of Civil Defence was not notified until four hours after the first government department other than Civil Defence had received notice of the situation; after the declaration was made other departments such as the Ministry of Works received “civil defence (related) information” and performed restoration work that they did not always share with the Ministry of Civil Defence.¹²⁸ A journal article written by a Ministry of Works official shortly after the earthquake explained that the role of civil defence was only for rescue and welfare, not restoration, indicating a gap between expectations and understanding among ministries.¹²⁹ An issue arose with public relations and the media who initially had direct access to the Controller and Deputy Controller. While this was convenient for the media personnel, civil defence staff found it was a distraction to have them constantly in their presence. Consequently late into the second day a press officer was appointed who issued press releases and accompanied media within the disaster area. The report emphasized the importance of press relations and the necessity of appointing a Press Officer during the early stages of an emergency. Nevertheless, the Ministry still complained of inaccurate reporting and wanted the reporters to clear their articles with civil defence authorities before going to press.¹³⁰ This is indicative of the naivety and lack of understanding of the media that civil defence authorities had at the time, viewing them as simply a conduit for conveying only the particular information the civil defence organisation desired to share.

¹²⁷ Ministry of Civil Defence “Report on the Inangahua Earthquake, New Zealand, May 1968” at 21.

¹²⁸ Ministry of Civil Defence “Report on the Inangahua Earthquake, New Zealand, May 1968” at 81.

¹²⁹ A. McG. Peart “The Roles of Government Departments” (1968) Vol. 1 NZSEE.

¹³⁰ Ministry of Civil Defence “Report on the Inangahua Earthquake, New Zealand, May 1968” at 33.

In terms of outcomes, the Ministry of Civil Defence recognized that civil defence could not spontaneously emerge from local governments as an emergency unfolded – it needed to be more proactive in terms of preparing personnel and in terms of declaring an emergency. In their report the Ministry acknowledged that civil defence needed to engage with the community not just through public relations during a disaster but by informing citizens of their potential contributions to civil defence.¹³¹ The Ministry also suggested a precautionary principle for emergency declarations similar to their recommendations after the storm the month before. This included opening the National Civil Defence Operational Headquarters and the Regional office as early as possible even in the case of local emergencies in case the situation escalated. The main message was to be prepared for the worst possible outcome rather than adapt as the emergency progresses. The reasoning was that cancelling a declaration if an emergency did not eventuate would be easier than declaring an emergency after it had occurred and trying to mobilise resources then. Finally, the report reemphasized the importance of self-help and mutual aid among civil defence organisations – but this had to be reconsidered given the extent of spontaneous volunteers from the local community compared to the limited capacity of civil defence officials. The Inangahua disaster demonstrated that local capacities were not uniform therefore the principles of self-help and mutual aid could not be realised or relied upon in all communities – particularly if civil defence activities were primarily carried out by local authorities without engaging with their communities. Most importantly, what Inangahua showed was that civil defence could actually work.

¹³¹ Ministry of Civil Defence “Report on the Inangahua Earthquake, New Zealand, May 1968” at 84.

Civil defence and community participation

The period from 1968 to 1979 showed steady progress in developing the civil defence organisation through legislative amendments and policy changes aimed at improving public relations and reaching out to the community. In 1968 two enduring features of civil defence in New Zealand were initiated – community-based response teams and a civil defence notice on the last page of the telephone book. The Civil Defence Amendment Act 1968 was aimed at enabling an easier and earlier emergency declaration by local authorities and subsequent activation of the civil defence organisation. In response to the hesitation among some local authorities to declare a “major disaster” the Act changed the terminology to “civil defence emergency” and reduced the duration from 28 days to 7 days with the option of an extension of not more than 28 days. Local authorities who had not yet submitted and received approval on their civil defence plan were given until 31 December 1969 to do so, if not, the Regional Commissioner would do it for them with all costs assumed by the local authority for the Regional Commissioner’s work. All local authorities either met the goal or had submitted plans for review.¹³² In 1969 more community-based response teams in local businesses were trained in first aid and light rescue while “civil defence” was introduced in some schools as an extracurricular activity; the New Zealand Broadcasting Corporation aired a 30min programme on civil defence which boosted volunteer inquires.¹³³

The Department of Internal Affairs reported positively in 1971 the impact of the 1968 amendment with emergency declarations having been made early in various communities which allowed for better preparedness and response. The DIA stated that given the success the civil defence organisation had experienced over the year that “vesting of control in

¹³² “Report of the Department of Internal Affairs” [1969] AJHR H22 at 22.

¹³³ Ibid.

[local authorities] was correct” – perhaps in reference to the criticism in the media and from Norman Kirk about eliminating civil defence and relying on the police.¹³⁴ The Civil Defence Amendment Act 1971 brought the Regional Commissioners under the direction of the Director of Civil Defence which ended their ability to orient civil defence toward nuclear war. This also established a direct linkage between the Ministry and local authorities as before this Amendment the Regional Commissioners stood between the two.

Also in 1971 the Civil Defence Public Relations Plan was published which recognised public relations as an “integral part of the Civil Defence Organisation”.¹³⁵ The objectives were two-fold:

1. To gain public understanding of and active support for civil defence objectives and requirements.
2. To ensure effective communication with the public within disaster areas and outwards by getting to the public vital factual information plus news and views that will support morale and assist the primary tasks of Civil Defence.

In 1972 as part of its new outreach policy the Ministry commissioned a 15 min “instructive and general information” film to be made.¹³⁶ The rationale was that to date the Ministry had relied on British and American civil defence films but these focused on “nuclear catastrophe” rather than natural hazards which for New Zealand was the “more immediate concept of civil defence”.¹³⁷ In a major change from the previous General Information handbook in 1968, the 1973 Civil Defence Handbook made no mention of the nuclear issue,

¹³⁴ “Report of the Department of Internal Affairs” [1971] AJHR H22 at 22.

¹³⁵ Ministry of Civil Defence “Civil Defence Public Relations Plan” [1971].

¹³⁶ “Report of the Department of Internal Affairs” [1972] AJHR H22 at 30.

¹³⁷ Ibid.

the only reference to specific hazard types are natural.¹³⁸ The next year the annual report from the DIA acknowledges that nuclear warfare was the stimulus for civil defence but states that “for *many years*...all planning, doctrine and training” had been directed towards natural hazards (emphasis added).¹³⁹ Regardless of the Department’s changing narrative on its previous focus, civil defence was now a community-oriented organisation preparing for natural disasters with funding directed to training volunteers, constructing buildings for local civil defence, and more types of outreach such as the now familiar civil defence display at local fairs and shows. The purpose was for citizens to have a better understanding of their own role in assisting both the local authorities and themselves in an emergency.¹⁴⁰ This marks another step in the shift from civil defence being done “to the community” to “by the community”.

Numerous amendments were made to the Civil Defence Act in 1975 to align it with the Local Government Act 1974, to make changes in compensation for injury or death which included Acts other than the War Pensions Act 1954 and to make amendments to clarify who could make declarations of emergency to align the Act with other administrative changes. The Civil Defence Amendment Act 1979, which was intended as a bridge between the 1962 legislation and the newly proposed Civil Defence Bill,¹⁴¹ simplified the definition of a civil defence emergency, and once again aligned the Act with administrative changes and changes in other legislation. This process was not without major challenges as the slow pace of creating regions under the Local Government Act 1974 consequently meant that civil defence could move at best at an equally slow pace in regionalisation (further analysed in

¹³⁸ Ministry of Civil Defence “Civil Defence Handbook: General Information” [1973].

¹³⁹ “Report of the Department of Internal Affairs” [1974] AJHR G7 at 60.

¹⁴⁰ “Report of the Department of Internal Affairs” [1974] AJHR G7 at 62.

¹⁴¹ “Report of the Department of Internal Affairs” [1980] AJHR G7 at 40.

Chapter 4). The eleven year period following the storm and earthquake in 1968 saw major changes in civil defence policy and many legislative amendments to keep up with administrative changes and changes in local governance arrangements. Most of all, civil defence reoriented itself from focusing on external threats and intergovernmental coordination to natural hazards and involving the community as an active participant and member of the civil defence organisation.

Section Summary

The year 1968 was pivotal for civil defence as it grew out of its nuclear war origins and refocused on natural hazards. Media and political criticism also changed following candid public discourse of civil defence by the government and a successful response to the Inangahua earthquake. Most important was the realisation that civil defence needed to engage with the communities it aimed to help – the civilian needed to be brought back into civil defence. Legislative amendments in 1968, 1971, and 1975 helped make declaring an emergency easier and brought the Regional Commissioners under the direction of the Director of Civil Defence which surely aided policy coherence and public communication in civil defence. Community outreach and engagement became the primary focus of the Ministry during the 1970s through volunteer training, public outreach, and classroom education. Despite this PR campaign and the legislative amendments, civil defence faced many challenges from administration and capacity to lingering poor public perception. It also appears that lessons from the past did not receive widespread acknowledgement - the main message of Inangahua was to be prepared for the worst possible outcome and avoid improvisation as the emergency progresses – a similar message came from Hawke's Bay as noted in the introduction of the EPS in 1939. However improvisation was essentially the way

civil defence responded to the next major emergency – the Abbotsford landslip in 1979 (see Chapter 4 for a study of this event) and with limited training and few large-scale disasters there was little by way of practical experience for all parts of civil defence from which knowledge could be generated and improvisation avoided.

3.7 New Zealand's civil defence in a global context

This section compares civil defence in other modern democracies in the post-war and Cold War years and shows that the path taken in New Zealand was typical for its time. New Zealand was much later at creating a civil defence organisation than other Western countries but they were also quite early to refocus onto natural hazards. Arguably only getting off the ground in 1964, after 1968 the practical focus of civil defence was on natural hazards. There are notable similarities between other Western democracies and New Zealand in the first years – namely, a lack of real action and leadership by the central government and likewise very little done at the local level. But there are also key differences – New Zealand tended to base decisions on principles rather than practical actualities and limitations – a problem which persisted for decades and manifested again with the Canterbury earthquakes (see Chapter 5). This is most evident by comparing the early years of civil defence in New Zealand with Canada where practical elements of civil defence drove change compared to New Zealand where principles stalled progress.

New Zealand civil defence in contrast – Canada and informed evolution

Comparison with Canada shows strong similarities in terms of civil defence being a troublesome political issue suffering from a lack of leadership. In both countries civil defence struggled to get off the ground until compelled to civil and natural emergencies and

by minimizing or terminating the nuclear narrative. Comparison with Canada particularly highlights the extraordinary naivety of the Regional Commissioners in New Zealand to the realities of nuclear weapons. Whereas New Zealand adjusted their civil defence strategy based on perceived risk, the evolution of Canadian civil defence in the 1950s and 1960s was informed by scientific knowledge about nuclear weapons. This knowledge would have been available to the New Zealand public as it was to the Canadian public yet it did not appear to inform civil defence planning in New Zealand as it did in Canada. While geography would create different imperatives (with Canada being located between the two major Cold War belligerents) the underlying concern was much the same – global nuclear war or a direct nuclear strike.

What really differentiated Canadian policy from New Zealand is the influence of technology on policy. As nuclear weapons became more advanced and as the technology behind their production and means of delivery improved Canadian policy and strategy was adapted to the new international context.¹⁴² Civil defence in New Zealand was certainly initiated on the grounds that technological developments necessitated domestic readiness for a nuclear war (and the “occasional” earthquake) but changes in law and policy were primarily stimulated by revelation of weaknesses in the existing system and changed perception of risk rather than by accounting for new knowledge. Essentially the general plan in New Zealand remained the same throughout the 1950s and 60s –civil defence was a local responsibility and local personnel would respond to a disaster whether it was nuclear or natural. Largely absent in the New Zealand context was debate on the practical realities of civil defence measures compared to the impact of a nuclear strike – a debate that was at the heart of the

¹⁴² Andrew Burtch Give me Shelter: The Failure of Canada’s Cold War Civil Defence. (UBC Press, 2012).

civil defence debate in Canada and other Western countries.¹⁴³ Canada on the other hand moved through distinct stages of civil defence strategy before ultimately refocusing on peacetime disasters around the same time New Zealand did in the late 1960s.¹⁴⁴

Civil defence in Canada started earlier than in New Zealand but they shared a similar trajectory and suffered from public image problems which proved troublesome in gaining support from within government and the public. As in New Zealand, civil defence in Canada was based on the United Kingdom's WWII system but unlike New Zealand Canada emphasized the utilization of "existing services and facilities of government at all levels, assisted by volunteers and non-governmental organizations".¹⁴⁵ New Zealand's Cold War civil defence did not in principle include non-governmental civilians until 1968. While initially consisting primarily of government organisations (as with New Zealand), implementation of civil defence plans depended heavily on community volunteer participation encouraged by a message of civic responsibility whereby citizens owed the state as part of "fulfilling the obligations of citizenship".¹⁴⁶ Comparatively, responsibility in New Zealand was to community and neighbouring areas (by providing mutual assistance) rather than to country. Collaborating with local volunteer organisations gave civil defence in Canada not only an immediate presence on the ground but also gave a sense of credibility while helping form a bond between the community and the state.¹⁴⁷ In contrast to New Zealand where initially citizens were recipients of civil defence rather than active

¹⁴³ See for example Nicholas A Rosa's argument for building fallout shelters in Canada (The Emo National Digest, Published by the Emergency Measures Organization of the Privy Council Office, Vol. 2 No. 1, February 1962.)

¹⁴⁴ Canadian Emergency Management College History. <http://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/mrgnc-prprdnss/archive-cndn-mrgnc-mngmnt-cllg-hstry-eng.aspx>

¹⁴⁵ Civil Defence Notebook, Department of National Health and Welfare (Canada) 1958 at 2.

¹⁴⁶ Andrew Burtch Give me Shelter: The Failure of Canada's Cold War Civil Defence. (UBC Press, 2012) at 219.

¹⁴⁷ Ibid.

participants, in Canada civil defence was based on a concept of “citizen as defender” of their community and relied heavily on community participation almost from the beginning.

Burtch describes Canada’s civil defence system progressing through three stages with changes driven by awareness of the practical realities of nuclear warfare: community self-help, evacuation, and then national continuity of government and individual self-help.¹⁴⁸

The first stage of civil defence began in 1948 and was based in part on the UK model of self-help at the community level. This form of civil defence focused on basic rescue functions and first aid activities and was in a practical sense near identical to the New Zealand model ten years later. The underlying assumption of civil defence planners at the time was that a nuclear attack could be prepared for in the same way as conventional ordinance. In 1952 technological advances lead to the successful detonation of the hydrogen bomb and the second stage of civil defence planning. The community self-help strategy was supplanted by an evacuation strategy from 1954.¹⁴⁹ The evacuation strategy allowed for urban dwellers to escape to the rural areas where they would be fed and sheltered. It was also a period of increased recruitment and publicity, in particular in rural communities near possible target cities.

During the evacuation strategy period (1954-1959), community leaders retained an important role or status in civil defence but technological progress, mainly thermonuclear weapons and Intercontinental Ballistic Missiles, led to a new stage of civil defence that changed the relationship between individuals and the government, or more accurately, between citizen and country.¹⁵⁰ In 1957 the Emergency Measures Organization was

¹⁴⁸ Andrew Burtch Give me Shelter: The Failure of Canada’s Cold War Civil Defence. (UBC Press, 2012).

¹⁴⁹ Andrew Burtch Give me Shelter: The Failure of Canada’s Cold War Civil Defence. (UBC Press, 2012) at 3.

¹⁵⁰ Ibid at 220.

established at the federal level with the aim of creating programmes directed at the “survival of Canada as a nation” in the event of a nuclear war”.¹⁵¹ As the government and public came to understand more about radioactive fallout the evacuation strategy gave way in 1959 to a “national survival” strategy. In this third stage self-help changed its meaning from the community to the individual household as survival became a personal rather than a community initiative. Personal survival, continuity of government, and reconstruction were the main aims of this third stage with the government building underground shelters and encouraging citizens to do the same under a policy of shelter and evacuation.¹⁵² Essentially, “civil defence” in Canada at the time meant giving up all hope of effectively managing a nuclear disaster and simply surviving while in New Zealand plans were just getting underway. By 1962, the Canadian public was beginning to lose interest in civil defence as Cold War belligerents began to improve their relations and the futility of hiding from nuclear fallout became apparent¹⁵³ – in Canada if not New Zealand.

Throughout all stages the Canadian government faced public criticism that preparing citizens as a means to mitigate the impact of war would undermine the peace process and even strengthen support for military options.¹⁵⁴ Such concerns were never raised in New Zealand. Instead, the main concern was who would pay for the training, planning, and implementation costs. Nevertheless, by the mid-1960s civil defence in Canada had lost its nuclear fervour and refocused on “peacetime emergencies”.¹⁵⁵ The civil defence name

¹⁵¹ A Guide to Civil Emergency Planning for Municipalities. Emergency Measures Organisation, Ottawa. 1964 at 30.

¹⁵² John G. Diefenbaker, speech to the House of Commons, published in the EMO National Digest, The Emergency Measures Organization of the Privy Council Office, April 1962, Vol. 2 No. 2.

¹⁵³ Andrew Burtch Give me Shelter: The Failure of Canada’s Cold War Civil Defence. (UBC Press, 2012) at 4.

¹⁵⁴ Ibid.

¹⁵⁵ “Canadian Emergency Management College History” (2104) Public Safety Canada < <http://www.publicsafety.gc.ca/cnt/mrgnc-mngmnt/mrgnc-prprdss/archive-cndn-mrgnc-mngmnt-cllg-hstry-eng.aspx>>.

continued to be used however; in 1969 in Kamloops, British Columbia a civil defence simulation was held which tested the community members' and emergency services ability to respond to a mass casualty situation caused by a crashed bus. Local volunteers were trained in first aid and worked in collaboration with Girl Guides and Scouts. In the simulation documents no mention is made of any sort of nuclear or wartime emergency. What this indicates is that during the time New Zealand was grappling with principles of local responsibility and self-reliance, Canada had gone through three distinct civil defence strategies driven by the practical limitations of community response.

The shift in focus from nuclear or even "warlike" acts to civil emergencies and natural disasters was not at all unique to New Zealand and Canada. As Vale found, the vast majority of countries with civil defence schemes had either eliminated them or shifted focus to natural hazards by the 1980s and those that still professed nuclear preparedness (US and Russia) were in the clear minority.¹⁵⁶ Compared to other Western countries, New Zealand never moved beyond the self-help stage of civil defence and relied on principles rather than practice to drive change. Not only were they a decade behind in creating a post-war civil defence scheme, by the time they did so other countries such as Canada and the US had already evolved their civil defence programmes beyond local self-help to a system that had much greater central government involvement and took into consideration scientific knowledge about nuclear weapons. New Zealand's refocusing from nuclear to natural occurred earlier than most but was still a normal pattern for most countries with a civil defence programme – the notable exceptions being those most actively involved, as it were,

¹⁵⁶ Lawrence J. Vale *The Limits of Civil Defence in the USA, Switzerland, Britain, and the Soviet Union: The Evolution of Policies since 1945*. (MacMillan Press, London, 1987).

in the Cold War, namely the United Kingdom, the United States, and the Soviet Union.¹⁵⁷ In terms of nuclear preparedness New Zealand had more in common with the first two countries in that their programmes remained underdeveloped and were subject to rather more political discourse than concrete action – at least for the first few years in New Zealand.

3.8 Conclusion

Civil defence in the post-war years struggled with issues of purpose, implementation and identity based on divergent policy interpretations, ineffectual laws, and a lack of leadership from central government combined with an overall lack of political will. These would become themes for all aspects of civil defence, in particular for response and later, recovery. The rationale for civil defence had always been that the country faced threats from natural and manmade hazards and therefore a system was needed to reduce the impact of those hazards. But the system that was created lacked a practical focus; civil defence was an organisation that primarily existed on paper with the expectation that local authorities would somehow rise to the occasion during an emergency using whatever resources they had available. The principles of local responsibility and self-help are reasonable in that help from Wellington is a long way off for most communities in New Zealand – but when combined with limited training, funding, and guidance civil defence offered little practical value greater than the capacities already existent in any given community. The Civil Defence Act 1962 gave power and responsibilities for emergency response to local authorities but offered little by way of wherewithal to fulfil the responsibilities and utilize the powers in an

¹⁵⁷ Ibid.

emergency. This is a recurrent theme throughout the history of civil defence and is taken up for response in the next chapter (Chapter 4) and recovery in Chapter 5.

As Rawlinson found, the early history of civil defence is one of periods of apathy, complacency, and indifference interrupted occasionally by natural disasters or civil disturbances which stimulated short lived periods of activity and interest. To Rawlinson's analysis of crisis we can add criticism and political context as drivers of change in civil defence. The Cold War created the political context which compelled the government to establish a national system of civil defence in the post-war years. It took criticism and crisis to compel the government to make national plans after the Ombudsman's inquiry in 1964 and to broaden the scope of civil defence to the community after the Inangahua earthquake in 1968. The risk of a major catastrophe from a natural hazard alone was not enough to establish a national system of civil defence, but it was enough to sustain it. But sustainability does not imply sustained activity or interest, and civil defence has a habit of not learning lessons from the past. Very few lessons from previous disasters were "learned" in the sense that they were incorporated into law or policy or put into practice. Despite a successful experience with WWII-era civil defence, the importance of national guidance, the role of the citizen, and the function of communities in civil defence all seem to have been lost on the central government in the early Cold War years.

There was also a distinct lack of awareness and honest appraisal within government of civil defence during this period. Unlike other countries, such as Canada, the New Zealand government changed their focus from nuclear to natural based not on scientific evidence about nuclear warfare but on principles and perceived risk. By the early 1960s when New Zealand was just getting their Cold War civil defence organisation started, Canada had

already changed plans from one of sending rescuers to a bombsite to one of getting as many people as possible out of harm's way. The civil defence Regional Commissioners in New Zealand ignored or were simply ignorant of widely available knowledge about the impact of a nuclear attack and continued to insist on a strategy of sending people into a nuclear war instead of moving civilians away or to seek shelter. As a result, New Zealand's plans for civil defence were comparatively primitive. Additionally, the Department of Internal Affairs displayed a lack of forthrightness about the state of civil defence by alternating year on year the blame for a lack of progress between local authorities and central government. The Department's annual reports on civil defence in the late 1960s omitted any mention of war – nuclear or otherwise – which stands in contrast to the guidance document made by the Regional Commissioners for local authorities in 1968 that focused almost entirely on nuclear war. Add to this the bewildering comment from the Minister of Civil Defence to the Ombudsman in 1964 regarding the central government waiting for local authorities to act before they could make plans – this statement exemplified the lack of honest engagement with civil defence more than any other event at the time. The greatest oversight though was the failure to include civilians in civil defence, but addressing this omission did not rectify the problem of capacity to fulfil the civil defence mandate. In other words, expanding the number of people who have civil defence responsibilities did not ensure the capabilities existed to meet the demands of the risks the community faced. This is the most intense theme of civil defence from its origin in this early period through to the Canterbury earthquakes.

After the Inangahua earthquake in 1968 the government was compelled to bring the community and civilians back into civil defence. This marked a dramatic change in the

interpretation of “local responsibility” and “self-help” – instead of local authorities providing civil defence to the general public, civilians would be doing civil defence for their communities. But this simply expanded the problem of disparate capacity from local authorities to the community at large. Civil defence was still reliant on existing resources in a given community which makes it difficult to understand what distinguished civil defence from what could reasonably be expected from a community during a crisis. Recall Chapter 2 which examined the earliest scholarship on disasters which focused on this topic – the natural response by community members to self-organise and help themselves. With limited or no training, civil defence as a system essentially dictated that people could do what they would likely have done anyway with the resources they had available – recall the cases from Canada and the US cited in the previous chapter, and even Napier after the Hawke’s Bay earthquake in 1931, where communities spontaneously formed response teams and recovery committees.¹⁵⁸ The primary differences between business as usual and an emergency under the Civil Defence Act 1962 were emergency powers, assurance from the government of support if required, and insurance coverage for civil defence responders. When the government attempted to use insurance as leverage for coercing local authorities to make civil defence plans (while failing to make any national plans) they were taking away one of the few elements that made civil defence a system and reduced the incentive for citizens to join. While this particular problem was overcome with a legislative amendment in 1965, other problems persisted and were exacerbated by later amendments. Capacity development, community engagement, and clarifying responsibilities would continue to be major challenges for civil defence due to poorly written legislation, a lack of political will at

¹⁵⁸ Prince, S. H. (1920). *Catastrophe and Social Change - Based upon a sociological study of the Halifax disaster*. New York: Columbia University Department of Political Science; Carr, L. J. (1932). Disaster and the Sequence-Pattern Concept of Social Change. *American Journal of Sociology*, 38(2), 207-218; Kutak, R. I. (1938). The Sociology of Crises: The Louisville Flood of 1937. *Social Forces*, 17(1), 66-72.

all levels, and poor public image. Perhaps the most concerning is the granting of emergency powers without any systematic training in emergency management – a factor explored in the next chapter. In the next chapter it is demonstrated how it would once again take crisis, criticism, and a changing political context to compel the government to take action on the limitations of civil defence and bridge the gap between principles and practice.

Chapter 4 Responsibility, capacity, and power: The formative years of civil defence

4.1 Introduction

The previous chapter introduced the basic structure, rationale, and principles of civil defence and the emergence of what would become persistent trends: uncertainty about responsibilities and capabilities and the unfunded and unsupported mandate which is sustained by a perpetual lack of political will. This chapter and the next continue to examine these trends but also explore drivers of change and barriers to implementation – namely, an overemphasis on principles and a lack of appreciation for practical considerations, in particular the capabilities needed to utilise the powers and fulfil the responsibilities prescribed by law. This is accomplished by analysing factors which hindered civil defence and those which overcame weak political will and compelled the government to take measures to bridge the gap between principle and practice. This was a process of gradual acceptance that the interpretation of local responsibility, self-help, and national guidance had to change in order to make civil defence fit for purpose. This chapter shows how the government came to accept that if they did not provide support for the civil defence mandate they would end up being involved in all but the smallest emergencies – and this would defeat the purpose of having a system of civil defence.

Where the government has proven itself to be uniquely delinquent is in the one area of law that should be treated with extraordinary care given the potential to curtail basic civil liberties - the allocation and use of emergency powers. This chapter demonstrates how the main challenges for civil defence were ill conceived and poorly written laws and a general

lack of understanding, confidence, and interest in civil defence by officials and the public. A new analytic theme for this chapter and the next is the value of civil defence. In 1974, civil defence was described as a decentralised system within which the local community would have to “fend for itself” using resources already available to it;¹ skills were gained elsewhere by community members.² But this meant a community was only as prepared for a disaster as the people were skilled in areas relevant to emergency response. Until capacity development and training became a national priority the main difference between a world without civil defence law and with it was local officials were granted extraordinary powers – but the use of these was not always clear, and training to utilize them largely absent. From 1975 onward, major changes in civil defence form and function were initiated not by recognition of these limitations per se but external events – namely, regionalisation in local government and crisis in the form of the Abbotsford landslip in 1979. The process of making amendments to accommodate regional government and reflection on the crisis gave a platform for civil defence reform which otherwise had shown no signs of changing. During this time political will became the commonly proclaimed root cause of a weak civil defence system. As such, the first part of this chapter examines the process of regionalisation and what it meant to civil defence and the second part examines political will and other barriers to fulfilling the civil defence mandate.

While this chapter examines this process for emergency response the next chapter examines disaster recovery which was a new addition to civil defence in the 1980s but had limited use in practice until 2010. The lessons learned for emergency response in this and the previous chapter were not heeded for disaster recovery which resulted in similar

¹ “Report of the Department of Internal Affairs” [1974] AJHR G7 at 60.

² R.H.F Holloway “Civil defence” (1978) 33 Journal of the New Zealand Institution of Engineers 266.

limitations being included in the CDEM recovery framework and exposed by the Canterbury earthquakes.

Chapter Overview

This chapter is divided into two sections. The first section analyses the process of regionalisation initiated by the Local Government Act 1974 (LGA 1974) and demonstrates how party politics and limited political interest in civil defence allowed uncertainty and weaknesses in the civil defence system to persist. The process of reform which started in 1975 culminated with the Civil Defence Act 1983 which was an attempt at consolidation and clarification but with little by way of innovation. There were some victories – the process had considerable impact on the structure of civil defence as civil defence regions were harmonized with regions under the LGA 1974 and responsibility was shifted from centrally appointed Regional Commissioners to elected officials in regional and unitary councils. Additionally, an important development was made with changes to the law regarding emergency declarations which reduced uncertainty about mutual assistance during a crisis. But the larger issues affecting implementation and reification of the basic principles remained unchanged. The unfunded and unsupported mandate continued as little by way of training or resources accompanied the regionalisation process – civil defence was still reliant on extant capabilities. The process, however, revealed weaknesses and opportunities for the Ministry to undertake changes toward a more proactive civil defence informed by scholarship and reflection on their own practices. After a major crisis, and considerable criticism, in the form the Abbotsford landslip in 1979 the government, via the Ministry of Civil Defence, made a serious and sustained effort to bridge the gap between principle and practice for disaster response.

The second section analyses the main issue identified as the primary barrier to a fit for purpose civil defence – political will. This is achieved by defining what political will means and examining the relationship between risk perception, public pressure and weak political will. In so doing, this section offers insights into why civil defence was treated the way it was and the resultant mishandling of a potentially extremely powerful area of law.

4.2 She'll be alright: Regionalisation, responsibility, and emergency powers³

With the passing of the Local Authorities Act 1974 (LGA 1974) a process of decentralisation began within civil defence under the banner of regionalisation. The purpose was to align civil defence regions with those created under the LGA 1974 and to allocate responsibilities to regional governments as mandated by the LGA 1974. This required several amendments to the Civil Defence Act 1962. The emergent theme during the regionalisation and amendment making process was a lack of awareness of what civil defence was, what it needed, and even what civil defence law had the potential to do. Where there was awareness there was little concern other than a few key voices in Parliament. Developments in civil defence law in this period were hampered by weak political will, party politics, bad grammar, and a Minister who did not always seem to understand the Bills he was presenting to Parliament. This process saw the creation of new laws that would change the structure of the civil defence organisation which to that point had put planning for local civil defence with local authorities while regional coordination was the responsibility of nationally appointed and unelected officials. The regionalisation process was an important development in civil defence governance as it put more decision making and power in the hands of locally elected officials thereby bringing civil defence closer to its stated principles.

³ "Delusions of adequacy" quote attributed to Walter Kerr.

The new laws would also enable the regional or central government to compel local districts to provide assistance to other districts during a declared emergency – previously this principle of mutual assistance was assumed but never assured. However, the process of regionalisation failed to include measures to ensure those responsibilities could reasonably be fulfilled which had the effect of simply widening the gap between principles and practice. Gradually the awareness turned to acknowledgment and finally acceptance that the civil defence system was not fit for purpose and a new law and institution to address the capacity deficit were introduced.

The Local Government Act 1974 and civil defence regions

The Local Government Act 1974 (LGA 1974) introduced an additional element to subnational governance – regional and unitary councils.⁴ Implementing the LGA 1974 involved many struggles and delays⁵ but for civil defence, most of the challenges in decentralisation and regionalisation were internally derived. The LGA 1974 initiated an amalgamation process which saw the functions of over 700 ad hoc bodies absorbed into either regional or district councils or transformed into new institutions.⁶ Regional councils would primarily be responsible for matters related to the environment with their borders determined largely by water catchment basins and mostly, but not always, aligned with the borders of districts.⁷ It is intuitive to think that regional government formed a middle-tier between the central and territorial local authorities (TLAs), but officially they are simply another form of local government not necessarily above TLAs. Their intended function in

⁴ Rather than repeating “regional and unitary councils” the expression “regional councils” or “regional government” will refer to both.

⁵ Graham Bush 1995 *Local Government and Politics in New Zealand* (2nd ed, Auckland University Press, 1995).

⁶ Ibid at 116.

⁷ Ibid.

relation to TLAs, as Bush describes, was one of complementarity rather than hierarchy.⁸ In contrast to this conceptualisation of local government under the LGA 1974, civil defence had an explicit 3-tier hierarchy with local plans requiring approval from Regional Commissioners, or regional councils after 1975, who would evaluate based on national guidance. Likewise, as the scale of an emergency increased responsibility for control ascended from the local to the regional and then the national level. Regionalisation within civil defence could only be fully implemented at the pace regions were made under the LGA 1974. By 1980, only ten civil defence regions had been created in Auckland, Wairarapa, Taranaki, Marlborough, Nelson Bays and the West Coast, Wanganui, Bay of Plenty, East Cape, Canterbury, and Southland.⁹ The rest of the country remained the responsibility of the Regional Commissioners. Despite the civil defence governance structure being at odds with the normal governance structure in New Zealand it does not seem to have caused any problems and was further developed into regional Groups under the Civil Defence Emergency Management Act 2002. Problems arose not from the structure under regionalisation, but the process.

More power, more problems: The Civil Defence Amendment Act 1975 and 1979

The first step towards regionalisation of civil defence was the Civil Defence Amendment Act 1975. The two main purposes of this Act were to first make changes consequential upon two other new statutes – the Accident Compensation Act 1972 (ACA 1972) and the Local Government Act 1974 which necessitated the establishment of a civil defence mandate for regional governments.^{10,11} The second purpose was to enable mutual assistance between

⁸ Ibid at 116.

⁹ “Report of the Department of Internal Affairs” [1980] AJHR G7 at 40.

¹⁰ (9 July 1975) 399 NZPD 2954.

districts by allowing parts of the Civil Defence Act 1962 to be declared in a district near to but not directly affected by an area where an emergency has been declared. These amendments were a major step forward in realising local responsibility by putting significantly more responsibility and power in the hands of locally elected officials and their appointees in the form of the regional councils and regional controllers rather than nationally appointed Regional Commissioners. Secondly, it greatly contributed to the principle of mutual assistance by allowing, legally, needed resources to be requisitioned from districts beyond where the emergency was taking place. The reason given by the Minister of Civil Defence, H.L.J. May, for this addition was to further alleviate concerns about making an emergency declaration and instead target specific resources to perform particular tasks rather than mobilizing the entire civil defence organisation.¹² As noted by the Opposition this sort of assistance could be done voluntarily but the amendment offered the advantage of removing uncertainty and potential resistance to providing support during an emergency.¹³ When the Civil Defence Amendment Bill 1975 went before Parliament it was warmly received with very few concerns expressed about its provisions. But it was not without problems which required another Amendment Act in 1979 to serve as a bridge to new legislation in 1983.

When the Minister of Civil Defence introduced the 1975 amendment to the Civil Defence Act 1962 he not only displayed a lack of awareness about the Bill but also grossly understated the importance of the clauses within. As he introduced the Bill for the first reading, he emphasized that civil defence is not a mandatory provision for regional

¹¹ The passing of the ACA 1972 necessitated the removal of responsibility for compensation for personal injuries from the Civil Defence Act 1962 as there would have been overlap between the two.

¹² (9 July 1975) 399 NZPD 2954.

¹³ (9 July 1975) 399 NZPD 2957.

government under s76 of the Local Government Act 1974¹⁴ – in fact it is one of only two mandatory provisions under that section.¹⁵ This oversight was ultimately inconsequential but indicative of the level of awareness in Parliament about the Civil Defence Bill not only from the Minister who was presenting it but also from others as no mention was made to correct this error. In the case of the Accident Compensation Act 1972 he admits Parliament forgot about civil defence and had to back-date the section on compensation, and he called the provision for making an emergency declaration in a district not directly affected by an emergency as “procedural”.¹⁶ In fact, this provision was a major factor for removing uncertainty and supporting the principle of mutual assistance between districts. Before this amendment it could only be assumed, but never assured, that this principle could be relied upon in practice. It is also recognition that resources in a given district may not be sufficient for the risks it faces and voluntary cooperation could not be relied upon in crisis.¹⁷ To say that it is procedural is to downplay the significant powers involved in an emergency declaration. The unfunded mandate persisted as funding and training to accompany their new responsibilities remained as limited for regional councils as it was for territorial local authorities. The Opposition gave their full support to the Bill during the first reading with only a few words of caution regarding the section on requisitions, noting that it should be used only for protecting human life. The Bill received no other comments during its first reading and only one comment while at the Local Bills Committee regarding the backdating of the clause on compensation. That the Bill received such little attention was noted by a

¹⁴ (10 April 1975) 396 NZPD 392.

¹⁵ Local Government Act 1974 s76.

¹⁶ (10 April 1975) 396 NZPD 392.

¹⁷ This principle of voluntary cooperation was the basis for not giving emergency powers to Recovery Managers under the CDEM Act 2002 – an issue addressed in Chapter 5.

member of the Opposition as being unusual and perhaps a sign that it was not well understood – this point was not addressed any further.¹⁸

During the second reading, there was confusion about the role and responsibilities between regional and local authorities. This mainly derived from the Minister's statement when introducing the Bill for the second time that the functions carried out by Territorial Local Authorities would be done by Regional Councils.¹⁹ This is not correct and the Minister's comments sparked an unnecessary discussion about Territorial Local Authorities losing power and responsibility which if true would have been a violation of the fundamental principles and philosophy of civil defence. In fact, regional councils were given most of the powers and responsibilities of the Regional Commissioners in regions that had been created under the LGA 1974, and TLAs were still responsible for their own planning and for coordination within their districts during a local emergency.²⁰ In a region that had been established under the LGA 1974 responsibility for approving local plans was changed from officials appointed by the central government (Regional Commissioners) and given to regional councils which were elected locally.²¹ It also gave the emergency powers granted to the Regional Commissioners to regional councils so that during a declared emergency the councils could direct resources when agreed to by local authorities.²² The Minister's confusion, and that of others in Parliament, likely stems from how this section was written – it lacked clarity due to grammatical issues and poor word choices which made it unclear when local authorities would be in control and could be interpreted as local authorities losing control to regional authorities during a declared local emergency (in contrast to a

¹⁸ (9 July 1975) 399 NZPD 2954.

¹⁹ (9 July 1975) 399 NZPD 2954.

²⁰ Civil Defence Amendment Act 1975 s15, s16.

²¹ Civil Defence Amendment Act 1975 s11.

²² Civil Defence Amendment Act 1975 s15, s38 of the principal Act.

regional emergency). But the Minister introduced the Bill by saying TLAs would give up all functions to regional councils, which is wrong. As a result, Parliament spent more time discussing the Minister's misinterpreted elements and the wider problems of civil defence than the provisions of the Bill itself or solutions to the problems. For example, the Opposition described civil defence as suffering from "lethargy" and it was in danger of being a "paper based organisation" – the same critique levelled at civil defence in its first years.²³ In terms of finance, it was described as operating on a "show-string budget with inadequate support".²⁴ One thing that both the Government and Opposition agreed on was civil defence did not get sufficient support from the public. This demonstrates an awareness of the problems facing civil defence on the whole but the comments were limited to the fact that problems existed rather than ways to overcome them.

Regarding the use of emergency powers, the Opposition questioned the necessity of requisition powers to which the Minister of Civil Defence responded that such powers would only be used in emergencies²⁵ which is hardly reassurance as that is when emergency powers are to be used. Other than that, the Opposition stated there was "nothing bad in the Bill" and gave their blessing to these sections.²⁶ The caveat on the use of emergency powers should have been the starting point of an intense discussion, not the end of a brief one. Neither the Government nor Opposition sought clarification on the parts of the Bill delegating responsibility and power during a declared emergency. The result was the Bill was passed although it was riddled with problems of its own and very little was done to address the problems raised. This of course only served to delay decentralisation and no

²³ (9 July 1975) 399 NZPD 2960.

²⁴ (9 July 1975) 399 NZPD 2956.

²⁵ (9 July 1975) 399 NZPD 2962.

²⁶ (9 July 1975) 399 NZPD 2958.

doubt further damaged the reputation of civil defence by causing significant confusion about which level of government would have responsibility and emergency powers. The solution was the Civil Defence Amendment Act 1979 which was a stop-gap measure while a new Civil Defence Bill was being drafted.

The stated aim of the Civil Defence Amendment Act 1979 was to clarify the “civil defence planning and other responsibilities of regional and united councils”.²⁷ The first problem arose from poor word selection – within the 1975 Amendment Act section 38a(1)(a) states that regional councils must prepare a “local plan for its district”. Under the 1979 Amendment Act, regional councils were tasked with making regional plans while local authorities were to make local plans for their district as it would be confusing for the Regional Council to make a “local” plan for its region based on local plans submitted by local authorities. The 1975 Amendment Act also called for regional councils to provide adequate training but with no provision for funding or other means for doing so and no explanation of what “adequate” consisted of. The Civil Defence Amendment Act 1979 removed the compulsion to provide training, instead regional councils were to “promote” training which did not solve the problem. Lastly, the 1975 Amendment Act contained a troubling addition with the following s38(e):

During a civil defence emergency, [Regional Councils will have] the control and co-ordination for the purposes of this Act of the personnel, material, and services made available by other local authorities having civil defence responsibilities within the regional council's district, Departments of State, other Government agencies, statutory corporations, public bodies, or other organisations or persons.

Grammatically s38(e) is questionable as it appears to be missing a conjunction between the regional council's district and the other items in the list. More importantly, it is troubling

²⁷ (21 June 1979) 423 NZPD 929.

because it does not specify which type of emergency be it a local, regional, or national civil defence emergency which creates uncertainty about which organisation would be in charge of coordinating resources during a declared civil defence emergency. A conflict could potentially have arisen between regional and local authorities if a local authority declared a local civil defence emergency. Additionally, the word “other” is problematic as it implies all other local authorities within the regional councils’ regional district. It does not preserve the power a territorial local authority would have if they declared a local civil defence emergency. It could be argued that the purpose was to allow regional councils to requisition personnel and other resources from neighbouring districts directly unaffected by the emergency but this is covered by another provision. Section 5 of the 1975 Amendment Act gave regional councils the power to declare a limited civil defence emergency in neighbouring districts (and thereby have “control and coordination”) so another provision for that same purpose would be redundant. The 1979 Amendment Act rectifies these issues with the following amendment (s9(1e)):

During a state of national emergency or of civil defence emergency, the control and co-ordination for the purposes of this Act of the personnel, material, and services made available by other local authorities having civil defence responsibilities within the regional council's district, and by Departments of State, other Government agencies, statutory corporations, public bodies, or other organisations or persons:

Provided that this paragraph shall not apply during a local civil defence emergency declared under section 22 of this Act by a Chairman of any local authority (other than a regional council) or by any person qualified to do so in his place.

In this way, the Civil Defence Amendment Act 1979 served its purpose of clarifying the previous Amendment Act in regard to powers and responsibilities, but it also highlights how

Parliament willingly passed a Bill which gave extraordinary powers for entering and preventing access to private property by the owners, the taking of private property, restricting movement, and compulsory evacuation without being entirely clear about who would be exercising those powers.²⁸ The 1979 Amendment Act itself was not without problems as it maintained a definition of an emergency in such a way as to cast doubt on whether a declaration could be made before a crisis or if a crisis had to exist – the impact of this poor use of grammar is taken up in the next section. It also contributed to the problem of understanding the principal Act by adding another list of amendments. As such, it served as a short-term bridge while a new Civil Defence Bill was being drafted. Before the Bill could be made into law however and shortly after the 1979 Amendment Act was passed the first major disaster since Inangahua would occur in Dunedin.

The Abbotsford landslip and the capacity deficit

After the Inangahua earthquake and before the creation of new civil defence legislation in 1983 was the Abbotsford landslip in the city of Dunedin in 1979.²⁹ This event was not the most costly during that period, and other declared emergencies resulted in many more evacuees than in Abbotsford, but once again civil defence faced public scrutiny and political pressure which this time resulted in a Commission of Inquiry.³⁰ This Commission of Inquiry is an important part in the development of civil defence as it was the first time that civil defence was the subject of such scrutiny and analysis of its purpose and limitations – in particular for emergency powers and capacity. But once again the linkage would not be made between power, responsibility, and capacity. Instead, the Commission based their

²⁸ Civil Defence Act 1962 s48-52.

²⁹ Graham Hancox "The Abbotsford Landslide: Its nature and causes" (June 2002) Tephra 9.

³⁰ R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7.

comments on the importance of accountability between those empowered to respond to an emergency and those most closely affected by the emergency.

Between the Inangahua earthquake and Abbotsford there were 45 emergency declarations, of which 31 were the result of flooding.³¹ The worst of these in terms of cost were in Lower Hutt in 1976 where an estimated \$85 million in damage was caused and Mātaura in 1978 where an estimated \$30 million in damage was caused plus millions more in stock losses.³² In all 45 events the declared emergency lasted from a few hours to a number of days. The Abbotsford landslip resulted in a month-long emergency declaration with approximately 600 people evacuated and \$7.17 million in EQC claims.³³ The Inquiry was initiated based on criticisms stemming mainly from two matters – the physical causes of the landslip itself, be it an outcome of natural or manmade factors; and the actions taken by authorities before, during, and after the event.³⁴ Their specific orders were to inquire into and report on:³⁵

- a. The cause of the disaster;
- b. Whether modifications to the land made by man contributed to the cause of the disaster, and if so, the respective contributions of the natural conditions of the land and those modifications;
- c. The adequacy of the measures and steps taken, before, during, and after the landslip by persons of authority, being measures and steps taken for the purpose of giving warning of the landslip or coping with its consequences;

³¹ MCDEM “Emergency Declarations 1967-present”

http://www.civildefence.govt.nz/memwebsite.nsf/wpg_URL/For-the-CDEM-Sector-Emergency-declarations-Index?OpenDocument

³² Ibid.

³³ Ibid.

³⁴ R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7.

³⁵ Ibid at x-xi.

- d. The suitability and adequacy of the legislation (if any) relating to –
 - i. The power to declare a local civil defence emergency under the Civil Defence Act 1962, and the powers and authorities derived from the declaration of such an emergency, in circumstances such as those surrounding the Abbotsford landslide;
 - ii. The planning requirements and other constraints affecting the subdivision of, and the building upon, land in new developments;
 - iii. The engineering and geological survey requirements in relation to such developments;
 - iv. The availability of insurance or indemnity cover, whether under the Earthquake and War Damages Act 1944 or otherwise, for damage to land, buildings, or other property caused by earthquakes, severe weather conditions, or other extraordinary natural occurrences;
- e. If that legislation or the practices or procedures of any authorities are found to be unsuitable or inadequate in any respect, suggestions for correcting and improving the legislation, practices, or procedures so that, as far as possible, like disaster may be prevented or their harmful consequences diminished;
- f. The nature and scope of any additional legislation which, in your view, should be enacted:
- g. Such other matters that may be thought by you to be relevant to the general objectives of the inquiry.

From the Commission's report the two topics of greatest relevance to civil defence at the time³⁶ are the conduct of officials (point "c" above) – in particular as it relates to civil defence's use of volunteers, and point "d" above, regarding the "suitability and adequacy" of the civil defence legislation – in particular as it relates to declarations of emergency and the democracy of civil defence. Their findings and recommendations were based primarily on concern for accountability and civil liberties during an emergency based on support for the subsidiarity principle and local responsibility.

The majority of criticisms from the public directed towards local civil defence officials stemmed from communication and information sharing difficulties, in particular specific information on the nature of the risk before the landslip occurred, possible outcomes, and the duration of the evacuation order.³⁷ While these concerns were a large part of what instigated the Commission many of the criticisms directed towards civil defence were withdrawn or "substantially toned down" during the hearings – as people were given the chance to publicly vent their frustrations they tempered their criticisms.³⁸ The remaining criticisms of conduct by civil defence personnel were dismissed by the Commission largely due to the way the Commission conceptualised and carefully defined civil defence. By describing civil defence as "the community organised in a particular way and possessed of special and unusual powers for a particular purpose" the Commission felt that the volunteer organisation could not be held to the same standard as professional emergency services.³⁹ In this context the Commission chose to praise civil defence for what had been

³⁶ Civil defence was still a preparedness and response scheme, over the next decade it evolved to include recovery and risk reduction, which would be relevant to points a and b.

³⁷ R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7 at 123.

³⁸ Ibid.

³⁹ Ibid at 109.

accomplished rather than criticise them for what may be expected of professionals – the lack of training and resources served to the advantage of civil defence in this case, if not the communities they were supposed to help. The Commission gave considerable leeway to civil defence not only on the basis that they are a volunteer organisation, but also because the alternative was unpalatable in a democracy as they saw it.

Accountability and professionalism

The Commission rejected a suggestion for civil defence to be replaced by a standing professional service such as the Army on the grounds of accountability.⁴⁰ Although it was recognized since the earliest days of civil defence that it would not be feasible to have a stand-alone professional emergency response service the Commission rejected the idea on the basis of local accountability to the community and concerns about the exercise of extraordinary power during a declared emergency. Also of concern was responsibility for the emergency responders, who would be acting under emergency powers, being taken away from the local authorities. The Army are not accountable to the local community or answerable to local officials in the same way as civil defence which draws local volunteers under the authority of locally elected officials. The Commission acknowledged that there could conceivably be greater efficiency with the Army but they were not willing to sacrifice accountability for efficiency. The Army, they argued, could be a part of the overall community effort rather than being imposed by an external body. Additionally, the Commission rejected a proposal from the Local Controller suggesting restrictions on civil defence being investigated and scrutinized in order to avoid having civil defence personnel

⁴⁰ R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7 at 137.

second-guessing themselves during an emergency out of concern for later repercussions.⁴¹ This was rejected on the grounds that doing so would cast civil defence as an organisation apart from the community, rather than a part of the community as the Commission saw it. In this way the Commission discussed civil defence in terms of a false dichotomy – either professionally trained responders or local volunteers.

People and Property: Civil liberties and emergency declarations

The “suitability and adequacy” of civil defence legislation rested on two aspects – the ability to declare a state of local emergency and once having done so, the powers and authority civil defence officials would have. The Commission introduced their comments with a caveat about emergency powers, stating, “Our constitutional and legislative traditions are such that the granting of such powers has been treated with suspicion”.⁴² This quote succinctly captures the Commission’s cautious attitude toward emergency declarations and the powers granted therein. Along with accountability, the Commission’s other main concern was the defence of civil liberties. Suggestions were made to the Commission for graduated stages of emergency in the form of an intermediate-stage declaration before an emergency and a “disaster area” after limited to the impacted area. This was rejected on two points – first, the Commission declared that “extensive and necessary powers with their necessary infringement on civil liberties should be confined”; and introducing multiple emergency declaration types would contribute to more, not less, confusion as decisions would have to be made in an emergency (or potential emergency) context. The justification for creating intermediate and post-disaster stages was to protect property. However, the Commission did not want emergency powers declared under the Civil Defence Act only to protect

⁴¹ Ibid at 141

⁴² R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7 at 137.

property as the Civil Defence Act 1962 could take power away from the local government and they decided property was not worth saving at the expense of the civil liberties which may be infringed upon if the purpose was not to save lives. The proposed solution was for the Local Government Act 1974 to be amended to include emergency provisions to save property and relieve distress.⁴³ As the central government had ultimate decision making authority for emergency declarations under the Civil Defence Act 1962 this decision seems to have been aimed at avoiding having the central government making decisions about property at the local level while also suspending many civil liberties. This “solution” is reflective of the Commission’s wariness of emergency declarations and connects the protection of civil liberties with accountability. That is not to say that the Commission was opposed to a declaration of emergency as they concluded that a major local emergency should have been called earlier and covered a wider area based on the worst-case scenario, not the most likely scenario.⁴⁴ In other words, it was less the case that they were recalcitrant towards emergency powers as they were in support of the philosophy of local responsibility upon which civil defence was supposed to be based.

A difficult situation arose when local officials wanted to evacuate residents before their safety was imperilled to an extent necessary for a civil defence emergency to be declared. The Commission consider a suggestion for the Public Safety Conservation Act 1932 (PSCA) to be utilized in such times, but ultimately rejected the proposal. As cautious as the Commission was about the Civil Defence Act 1962 they were especially so regarding the PSCA. The rejection was based on the spirit of the law – the PSCA was created to manage civil unrest, not civil defence. Although the police were given special powers under section 4

⁴³ Ibid at 139.

⁴⁴ Ibid at 116.

of the PCSA, and that section specifically mentions natural disasters, the Commission was reluctant to suggest utilizing the PCSA as it took power away from the local level. While they did acknowledge the necessity of the powers granted to the police they were opposed to the broad powers given to the central government which effectively removed the local authorities from decision making. The alternative strategy suggested by the Commission was to take the powers given to police in s4 of the PCSA and include them in the Civil Defence Act 1962 with provision in the Local Government Act to delegate said powers to the police and other emergency services.⁴⁵

Potential and Immediacy: Clarifying emergency declarations

The Commission was presented with a problem with the wording in the Civil Defence Act 1962 which caused confusion about when a civil defence emergency could be called. The confusion stemmed from whether personal safety faced an immediate versus a potential risk. The original Act defined a “major disaster” as any happening (other than an enemy attack or warlike event) “that causes or threatens to cause large scale loss of life or injury or distress to persons or in any way endangers the safety of the public in New Zealand or in any part of New Zealand”.⁴⁶

The 1968 amendment changed a “major disaster” to a “civil defence emergency” and changed the definition to:⁴⁷

Civil defence emergency means any fire, explosion, earthquake, eruption, seismic sea wave, flood, storm, tornado, or other happening (not attributable to an attack by an enemy or to any warlike act) that causes or may cause loss of life or injury or distress to persons or that in any way endangers the safety of the public in New Zealand or in any part of New Zealand.

⁴⁵ R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7 at 141.

⁴⁶ Civil Defence Act 1962 s2.

⁴⁷ Civil Defence Amendment Act 1968 s2(2).

The 1979 amendment changed the definition to:⁴⁸

Civil defence emergency means a situation (not attributable to an attack by an enemy or to any warlike act) that *causes or may cause* loss of life or injury or distress or in any way *endangers* the safety of the public and which requires the adoption of civil defence measures. (emphasis added)

The problem was based on the difference between potential for harm (*may cause*) versus the immediacy of danger (*endangers*) and emerged by combining the statements referring to “persons” and “the public”. According to the Commission the word “endangers” implied that imminent danger rather than probable danger would be necessary before a civil defence emergency could be declared.⁴⁹ As the landslip was a slow-onset event and the civil defence’s expert advisors could not say with certainty the timing or extent of the landslip there was considerable confusion about whether or when a civil defence emergency could be called. The Commission’s comments were similar to those made after previous disasters (and subsequent ones) – a clear understanding about emergency plans, the law, and the designation of responsibility needs to be attained before an emergency occurs, not during an emergency.⁵⁰ The Commission recommended clarifying the law to make it unambiguous that an emergency declaration could be called in a potential situation which would align the law with the original intent behind the 1968 amendment of making it easier, not more difficult, to make an emergency declaration when there was a threat and not yet an actual emergency. This issue was resolved with in the 1983 legislation which states “endangers or may endanger the safety of the public”.⁵¹

⁴⁸ Civil Defence Amendment Act 1979 s2.

⁴⁹ R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7 at 138.

⁵⁰ See, for example, the previous section on the Emergency Precautions Scheme which explicitly states avoiding “improvisation” during an emergency.

⁵¹ Civil Defence Act 1983, s2.

Uncertainty, convention and cooperation

Other issues raised indicate little had changed since the 1960s. Complaints were heard regarding the lack of support from governmental departments with cooperation usually coming from individual civil defence officials' own initiative rather than departmental directives.⁵² The issue of funding civil defence was also raised, this time to note not just the insufficiency of subsidies from the central government but the awkwardness of the system itself discouraged local governments from allocating resources to civil defence – a problem which would only be exacerbated as regional councils added an additional layer of governance to the system. In terms of the governance arrangements, the Commission suggested a closer arrangement between local authorities and the emergency services which would have the effect of reducing uncertainty. In this case the Emergency Services Co-ordinating Committee had a good relationship with the local borough council but the message from the Commission was to not rely on instances of good relations for communication between civil defence and local authorities but to formalize the relationship and not rely on chance sharing of information and decision making. Oddly, despite recognising the limitations of civilian responders compared to professional emergency services, the Commission did not make a similar recommendation for improving response capabilities as they did for incident management between elected officials and the emergency services.

Synthesis of the Commission of Inquiry into the Abbotsford landslip

The Commission was a unique and substantial form of discourse on the nature and reliability of civil defence at the time and served to further highlight the gaps between the

⁵² R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7 at 142.

law, policy, and practice. Within their decisions the Commission was working to maintain the original spirit of the civil defence law and the basic philosophy of local responsibility – but they also reinforced the limitations of relying on extant capacity by creating a false dichotomy of civil defence responders being either professionally trained or local citizens and officials. There is no mention of increasing local capacity – instead the Commission praised the local civil defence response for doing well despite not being well trained. The lack of professional training for civil defence worked to its favour by quelling criticism during the inquiry, however, the lack of training hurt its image in the public as this was the source of much of the criticism that was dismissed by the Commission on the grounds that civil defence should not be expected to be professional. On the other hand, the Commission identified issues with funding and cooperation between government agencies and exposed the weaknesses in a system that relies on personal relationships instead of systematised cooperation and planning supported by the law.

It also appears that lessons from the past did not receive widespread acknowledgement - the main message of Inangahua was to be prepared for the worst possible outcome and avoid improvisation as the emergency progresses – a similar message came from Hawke's Bay as noted in the introduction of the Emergency Precautions Scheme in 1939. However improvisation was essentially the way civil defence responded to the Abbotsford landslip disaster indicating that whatever planning and training that existed was insufficient in practice. Additionally, local authorities and civil defence officials were unsure of their ability to declare an emergency when threatened by a hazard if they were not in immediate danger. While the Commission strongly embraced the philosophy of local responsibility they failed to make the connection between capacity and responsibility – in particular when it

comes to emergency powers. Both the Commission and Parliament failed to consider whether local authorities had the competency to use the powers they were granted. It was acknowledged that resources were limited, and likely insufficient, for the mandated responsibilities in crisis but the same thought process was not applied to emergency powers despite such powers being an apparent source of suspicion.

The Civil Defence Act 1983 and the politics of civil defence

By 1982 the Civil Defence Act 1962 had been amended six times with significant changes made to the governance structure and responsibilities of regional and local government. These changes resulted in some confusion not only due to the number of amendments but to problems within the amendments themselves regarding responsibility, emergency powers, and the state of civil defence. Additionally, the Abbotsford landslip exposed serious concerns with the declaration of emergencies and the limitations of untrained local civil defence officials and responders. The solution was a new Civil Defence Act, with the Bill introduced in late 1982. When the Civil Defence Bill was being read in Parliament the purpose was variously described as “to aid communities suddenly struck by disaster” and that civil defence was every citizen’s responsibility⁵³ while the basic concept of community self-help remained unchanged.⁵⁴ The idea behind this inclusion of “citizens” and “community” was to ease the burden on local authorities. While this would help fulfil the basic mandate and principles of civil defence it does not address the main civil defence issues – enabling and ensuring local government and citizens are able to do what was required and requested of them under the law – and it ignores the role of the government to enable the law to be carried out by providing national plans for guidance, financial

⁵³ (18 November 1983) 454 NZPD 4012.

⁵⁴ (14 December 1982) 449 NZPD 5508.

support to local organisations and authorities, and training for capacity development. On these points, the Parliamentary debate was split along party lines – Labour in Opposition cited the Abbotsford landslip and concerns raised by local authorities as evidence of the need for capacity development; the National-led Government cited examples of civil defence doing well thus far and therefore needing no further improvement and emphasised the government’s role as an option of last resort in an emergency, which missed the point. Without adequate training, the government’s involvement would necessarily occur sooner and more often. The familiar historic pattern was set to continue which meant the outcome was a statute that further decentralised responsibilities for civil defence but very much resembled its predecessor in that it retained many of the limitations. As the Bill passed through Parliament the debate increasingly focused on capacity and the responsibility of the government to support not just the production of civil defence plans but also the wherewithal for them to be fulfilled. In the face of overwhelming evidence the Minister capitulated and a national training centre was established with the aim of standardising training – but it was an initiative driven by members from the Opposition and the Director of Civil Defence.

One of the main themes during the debate was the role of the government in civil defence relative to local governments and other sub-national stakeholder. The Civil Defence Act 1983 was lax toward the central government and national organisations while it was quite clear on local responsibilities. For example, the National Civil Defence Committee could recommend to the Minister that a planning committee be established to “prepare plans in respect of any aspect of civil defence or national emergency”.⁵⁵ However the Act does not specify what, if any, topics should be covered by national plans or when, if ever, they should

⁵⁵ Civil Defence Act 1983 s21

be made. Compare this with regional plans which had to be made by 1 June 1984 or within 6 months of the first regional council meeting after the law was passed - and they were only valid for up to three years.⁵⁶ Territorial local authorities were given the same conditions but with their plans subject to approval from regional councils.⁵⁷ Regional plans were to be subject to the approval of the Civil Defence Commissioners who were appointed by the National Civil Defence Committee and had to be consistent with whichever “operative” national plans existed.⁵⁸ However, a similar situation occurred as with the predecessor legislation – it would be a slow and seemingly arbitrary process through which national plans would be made. While the government was certain to be vague about their own responsibilities and the importance of local responsibility, they were clear in maintaining a respectable distance from sub-national stakeholders. Despite the talk of local responsibility and community involvement the issue of whether or not to include representatives from local authorities on the National Civil Defence Committee was divided along party lines. The Minister was initially unsupportive of a suggestion from the Opposition to recognize a request from a consortium of local authorities consisting of counties, municipalities, and regional and unitary councils to have a member on the National Committee.⁵⁹ Ultimately, a concession was reached whereby the Minister could allow a representative for local authorities to temporarily sit on the National Committee on occasion.⁶⁰

Party politics also stood in the way of one of the few potentially meaningful changes in emergency management. The only substantial topic that was actually debated was the matter of nuclear accidents. In their role as the Opposition, Labour wanted to include

⁵⁶ Civil Defence Act 1983 s23(2c) and s25.

⁵⁷ Civil Defence Act 1983 s36 and s37.

⁵⁸ Civil Defence Act 1984 s24(2).

⁵⁹ (22 November 1983) 455 NZPD 4166.

⁶⁰ (23 November 1983) 455 NZPD 4196; Civil Defence Act 1983 s19(4).

nuclear spills in the list of happenings which could require civil defence measures and questioned whether additional preparedness measures should be taken as the nature of the risk was likely greater than local capacity.⁶¹ The National-led Government refused this suggestion and accused the Opposition of using civil defence as a proxy in their anti-nuclear campaign, and they likely were. But an important issue was lost in the debate – whether there were risks that would require resources and capabilities greater than those usually on hand in a community, and the extent to which civil defence should prepare for extreme events. The issue is important to civil defence for both practical and functional reasons. In terms of function, the debate challenged the interpretation that civil defence would only be activated for an imminent threat and the argument that local resources and capabilities at a given time were the limits of civil defence. National's response was three-fold. The first response from the Government came from Norman Jones who dismissed the risk by stating there would be a greater chance of contamination if he urinated into the Tasman Sea than if a ship carrying nuclear materials had a spill.⁶² Second, the issue was rejected by the Government on the grounds that doing so would be restrictive as it would focus on causes rather than effects. For example, an explosion is an effect, the cause could be any number of issues. This was important for making emergency declarations easier as it could be difficult to identify the type and source of hazard in an emergency or potential emergency. Instead, it was argued there should be a general category of hazardous gas or substances in the same way there were general categories for explosions and fires. Third, the Government accused Labour of political grandstanding as it was a sensitive issue and ultimately dismissed the topic altogether.⁶³ The Government made a strong case on a practical basis

⁶¹ (28 July 1983) 451 NZPD 873.

⁶² (28 July 1983) 451 NZPD 876.

⁶³ (28 July 1983) 451 NZPD 880.

but an important issue was lost in the debate when Labour argued that capacities did not exist to respond to a particular hazard. While the nuclear issue was soon dropped, the topic of capacity and whether or not civil defence was fit for purpose became the predominant issue while the Bill was making its way through the House.

When the National-led government introduced the Civil Defence Bill in 1982, the Minister of Civil Defence explained the purposed was to “make better provisions for the performance of civil defence functions by regional and local governments”.⁶⁴ Instead of providing resources or training, the Bill, and later the Civil Defence Act 1983, aimed to ease the burden on local authorities by making civil defence a “total community response” and assigning responsibilities for emergency response to other organisations including schools.⁶⁵ But as the Labour Opposition argued on multiple occasions the Bill did not provide the “wherewithal” for this to actually occur.⁶⁶ As Braybrooke stated, “we are living in a fool’s paradise if we reassure ourselves that local authorities are equipped, financed, and capable of dealing with a major civil defence emergency”.⁶⁷ The Labour Opposition cited the Abbotsford landslip as an example of local civil defence officials being quickly overwhelmed and reported on the Education Boards Association which stated they did not have the resources themselves to fulfil their civil defence responsibilities, nor had their teachers received any training or funding for equipment to do civil defence response.⁶⁸ The response from the Government that directly addressed issues of capacity and resources while the Bill was in Parliament was twofold – both of which missed the mark. First, Norman Jones argued that civil defence in his Southland region had adequately responded to all emergencies that

⁶⁴ 14 December 1982) 449 NZPD 5008.

⁶⁵ (18 November 1983) 454 NZPD 4012.

⁶⁶ (28 July 1983) 451 NZPD 873 and (23 November 1983) 455 NZPD 4199.

⁶⁷ (23 November 1983) 455 NZPD 4199

⁶⁸ (28 July 1983) 451 NZPD 874.

it had been called to thus far, therefore it would continue to do so for the future, and it was unfeasible to prepare for a major emergency anyway.⁶⁹ Such comments were repeated by other Government members. But as Braybrooke pointed out in Parliament⁷⁰ and Britton argued in his scholarship,⁷¹ New Zealand had been fortunate enough to experience a relatively calm seismic period in the post-war years therefore past experience was no indicator of future success. Second, the Minister stated that the Government's role was a supportive one and only in "exceptional circumstances" would the government intervene, otherwise local communities would have to rely on their own resources.⁷² But this misses the point that even for unexceptional circumstances the civil defence organisation was little more than a paper-based organisation with extraordinary powers. The voices in Parliament against training, funding, and capacity development were increasingly at odds with evidence and opinions from scholars,⁷³ experiences such as the Abbotsford landslip, and the Department of Internal Affairs⁷⁴ and Ministry of Civil Defence⁷⁵ which both lamented the poor state of readiness. From 1979 the Civil Defence Act 1962 came under review which led to a series of consultation meetings with local and national stakeholders that revealed a strong need for better training – in particular for emergencies at the regional or national level.⁷⁶ The strongest words came from the Director of Civil Defence in 1978:⁷⁷

⁷⁰ (23 November 1983) 455 NZPD 4196.

⁷¹ Neil Britton "What have New Zealanders learnt from earthquake disasters in their country?" in M.M. Cresswell (ed) *Large Earthquakes in New Zealand* (The Royal Society of New Zealand, Wellington, 1981) at 191.

⁷² (18 November 1983) 454 NZPD at 4012.

⁷³ G.J. Lensen "Earthquake Forecasting, Public Policy and Earthquake Forecasting" (1979) 12 Bulletin of the New Zealand National Society for Earthquake Engineering 328; Neil Britton "What have New Zealanders learnt from earthquake disasters in their country?" in M.M. Cresswell (ed) *Large Earthquakes in New Zealand* (The Royal Society of New Zealand, Wellington, 1981) 191.

⁷⁴ "Report of the Department of Internal Affairs" [1982] AJHR G7 at 38.

⁷⁵ R.H.F. Holloway "Civil defence" (1978) 33 Journal of the New Zealand Institution of Engineers 266.

⁷⁶ "Report of the Department of Internal Affairs" [1979] AJHR G7 at 6.

“...many districts have neither sufficient people nor other resources upon which to base viable civil defence organisations...Individual civil defence volunteers may be trained to perform particular tasks by a local authority. Some attend courses conducted by the Ministry of Civil Defence and a few are trained at the Australian Counter Disaster College. In the main, however, reliance is placed on the abilities and skills acquired in other contexts. Most local civil defence organisations have no experience in dealing with disasters at any level and a significant number do not engage in training or regular practice of any sort.”

Those who were opposed to improving civil defence were either out of touch or playing politics, or both. In the end, the Minister consented that some training would be necessary, although in Parliament he was opposed to the idea so long as Labour was in support of it. By the time the Civil Defence Bill became law in 1983 there was overwhelming evidence that civil defence was in poor shape due to its reliance on extant capabilities stemming from a strict interpretation of local responsibility and self-help. However the Civil Defence Act 1983 very much resembled its predecessor, only with more responsibilities given to regional and community-level stakeholders. In the coming years the Ministry would take a leading role not simply with national plans but national training and exercises and a new appreciation for research on emergency management.

From acknowledgment to action: The professionalisation of civil defence

“The ability of civil defence to give the community protection against the consequences of major disasters continues to give concern to the department.”⁷⁸

Between 1974 and 1983 it was gradually accepted by a combination of crisis, criticism, and a new political context that civil defence needed to be strengthened in almost every aspect. After years of concerns raised by local authorities, elected officials, and even the Director of Civil Defence, the Department of Internal Affairs, in which the Ministry of Civil Defence resided, finally acknowledged that civil defence was in need of strengthening in the

⁷⁷ R.H.F Holloway “Civil defence” (1978) 33 Journal of the New Zealand Institution of Engineers 266 at 268.

⁷⁸ “Report of the Department of Internal Affairs” [1982] AJHR G7 at 38.

capabilities necessary to carry out the functions prescribed by the law.⁷⁹ But acknowledging, accepting, and acting on the problem created a new dilemma – finding the right level of national guidance without undermining the philosophy of local responsibility. To not address the capacity problem would mean the central government would have to regularly intervene, which would be contrary to the purpose of civil defence, and would also make the civil defence organisation consist of little more than untrained, unfunded, and inexperienced officials and volunteers with extraordinary emergency powers. This meant recognition of not only a general capacity deficit but also of uneven capacity across communities. As noted in the previous section, some Parliamentarians were opposed to the idea under their interpretation of local responsibility and self-help, and the misguided belief that civil defence had done well thus far and therefore was not in need of change. But they were in the minority as better training and knowledge were needed for civil defence overall to fill the gap between the demands of an emergency and the capabilities of the emergency services but also the gap in knowledge of risk and the hazards facing communities.⁸⁰ What this meant was acceptance that the endogenous capacity within a community – be it local officials, voluntary organisations, or community members – was not sufficient for responding to a major emergency. It also meant the Ministry could no longer satisfy the principle of national guidance with the occasional national plan and lamenting the recalcitrant local authorities. Instead, it would need to take on a leading role in preparing the civil defence organisation and informing the community at large about risk and emergencies.

⁷⁹ “Report of the Department of Internal Affairs” [1981] AJHR G7 at 38.

⁸⁰ R.H.F Holloway “Civil defence” (1978) 33 Journal of the New Zealand Institution of Engineers 266 at 268.

This marked a major change in the interpretation of the fundamental principles and philosophy of civil defence to include an anticipatory element by aiming to prepare for the risks the community faced rather than planning with a mind toward the capabilities on hand at a given point in time. This did not require a change in law; rather, it required a different interpretation of the law. The Civil Defence Act 1962 (and subsequent amendments) defined civil defence as the measures taken to “guard against, prevent, reduce or overcome the effects or possible effects” of a range of hazards which included all “planning, organisation, coordination, and implementation” as well as training.⁸¹ The Civil Defence Act 1983 had a similar mandate. The way this was originally interpreted was that civil defence was meant to operate under conditions of immediacy and respond to “the worst effects of a major disaster”.⁸² The anticipatory component of civil defence planning involved “contemplating” measures that may be necessary during a declared civil defence emergency⁸³ but it was very limited beyond the scope of response. Consequently, the civil defence mandate was defined by the immediacy of an emergency – that is, an impending or unfolding emergency that would be responded to by the community using its own resources at the time. This imperative of immediacy in turn determined the functions civil defence would perform and when they would be performed. This interpretation changed gradually from 1975 onward with the reaction to the Abbotsford landslip giving a final push towards reform.

In the absence of increased funding for local governments the solution proposed by the Ministry of Civil Defence was threefold – better training for civil defence personnel at a new national training school, increased public awareness of their own civil defence

⁸¹ Civil Defence Act 1962, s2 and Civil Defence Amendment Act 1979, s2.

⁸² “Report of the Department of Internal Affairs” [1980] AJHR G7 at 40.

⁸³ Ministry of Civil Defence. General Information Handbook. 1973.

responsibilities, and better knowledge on civil defence and emergency management. These areas became the focus of the Ministry for the next 10 years as it sought to rebuild the social contract between the central government, local governments, and the community that had been damaged by a lack of willingness among all parties to engage in civil defence.⁸⁴ The aim was to create a groundswell of support for civil defence from the bottom up rather than top down but for this to occur the Ministry would need to take on a stronger leadership role rather than rely on the tactic of using moral responsibility and fear as motivators. Traditionally the role of the Ministry was to give “guidance” via national plans and rely on local authorities to be a conduit to communities but with the new threefold strategy the Ministry would have to take a more proactive leadership role in civil defence. However, the Ministry identified two potentially conflicting challenges – entrenched views from the local level against intrusions from central government and a lack of “firm guidance” from the Ministry itself which meant it would be treading new ground.⁸⁵ As an issue emanating far earlier than the Ministry’s own existence the central-local power conflict would not only persist but be occasionally inflamed by the Ministry’s efforts to get compliance from local authorities and cooperation from communities. The second challenge fell within the Ministry’s control and from 1983 it began to take a stronger leadership role with the establishment of a national training centre and the Research and Planning Unit within the Ministry of Civil Defence in 1983.

When the Civil Defence Bill was before Parliament the main theme was whether the country was prepared for a major disaster, the answer was probably not, and the reason was a lack of capacity to fulfil civil defence responsibilities. The Minister’s solution was to give more

⁸⁴ Wira Gardner “Director’s Column” (December 1983) Tephra 4.

⁸⁵ Ibid.

responsibilities to sub-national stakeholders – schools in particular, but without any training or funding. The process to centralise and standardise training was begun by Director Robin Holloway who acknowledged that while there was no reasonable alternative to local responsibility for disaster response he criticised the persistent belief within the civil defence organisation that groups of locally sourced, untrained and inexperienced volunteers would be sufficient to manage civil defence emergencies – especially large earthquakes.⁸⁶ It was also recognition that response capabilities were not the only problem – for local level planning, capacity development and new knowledge were needed as most plans at the time were rudimentary⁸⁷ “conceptual policy documents” aimed more at getting approval and funding than practically preparing for emergency response.⁸⁸ However, as Director Holloway observed, more was known about the impact of an earthquake the size of the one that struck Hawke’s Bay would have on buildings than on society.⁸⁹ As discussed in Chapter 2, the social impacts of disasters had been the subject of sustained scholarship since the early 1950s in the US but it only began to make an appearance in the New Zealand emergency management scene in the early 1980s.⁹⁰ As a result, 1983 was a turning point for civil defence with the passing of the Civil Defence Act 1983 and the establishment of the National Civil Defence School and the Research and Planning Unit within the Ministry of Civil Defence.⁹¹ In Chapter 3 evidence was shown of training and outreach programmes initiated after the Inangahua earthquake response, but they were not systematic or regular. The National Civil Defence School was opened in recognition that while the new civil defence

⁸⁶ R.H.F Holloway “Civil defence response to a major earthquake” in M.M. Cresswell (ed) *Large Earthquakes in New Zealand* (The Royal Society of New Zealand, Wellington, 1981).

⁸⁷ “Report of the Department of Internal Affairs” [1982] AJHR G7 at 38.

⁸⁸ G.H. Michael “Planning – the all important aspect of civil defence” (July 1984) Tephra 4.

⁸⁹ R.H.F Holloway “Civil defence response to a major earthquake” in M.M. Cresswell (ed) *Large Earthquakes in New Zealand* (The Royal Society of New Zealand, Wellington, 1981).

⁹⁰ Ibid.

⁹¹ Wira Gardner “Director’s Column” (July 1983) Tephra 1.

law prescribed actions and responsibilities how well they would be carried out depended on the capability of people, especially frontline responders and officials.⁹² Likewise, the Research and Planning Unit would fulfil a similar responsibility by supporting informed planning and policymaking.

This proactive civil defence was first led by Director Holloway whose focus was aligned with the concerns expressed in Parliament – capacity development, especially for Controllers on legal understanding.⁹³ After his departure in 1983 his successor, Wira Gardner, had a vision for civil defence which meant challenging the status-quo of local governments standing between the Ministry and the community, but also of identifying and addressing hazards rather than waiting for hazards to become disasters.⁹⁴ In this way Gardner described a much more proactive civil defence which meant emphasizing the role of community members – something which presented two challenges, both of which resulted in backlash that led to his resignation. The first was overcoming a poor public perception of civil defence which, he noted, was often referred to as “Dad’s Army” and a Mickey Mouse outfit; his aim was to overcome such “erroneous and misconceived images”- but such a characterisation did not sit well with the civil defence community.⁹⁵ Recall that the government’s aim with the 1983 Act was to spread responsibility for civil defence beyond local officials and into the community – but as the community generally had a low opinion of civil defence it would make achieving that aim difficult.⁹⁶ In Section 4.3 the relationship between public perception and political will for civil defence is examined – in brief, a poor public image

⁹² D.A. Highet excerpt of a speech as cited in “Opening of the National Civil Defence School” (July 1983) *Tephra* 1 at 1.

⁹³ R.H.F. Holloway “Civil defence response to a major earthquake” in M.M. Cresswell (ed) *Large Earthquakes in New Zealand* (The Royal Society of New Zealand, Wellington, 1981).

⁹⁴ Wira Gardner “Director’s Column” (July 1983) *Tephra* 3.

⁹⁵ Wira Gardner “Director’s Column” (July 1983) *Tephra* 3 at 2.

⁹⁶ The next section, 4.3, examines scholarship which revealed poor understanding among the public of not only civil defence but also risk in general.

made it difficult to get people involved with civil defence which contributed to weak public pressure and therefore, weak political will. Weak political will meant the Ministry had difficulty achieving its aims. Second, his emphasis on direct engagement with the community resulted in backlash from local authorities who felt he was overstepping his boundaries as a high-level official.⁹⁷ He expressed concern about the recalcitrant attitude shown by some local authorities to guidance from the central government and commented that many local level civil defence officials had “drifted” due to a lack of firm guidance from the Ministry.⁹⁸ His aim of improving the public image of civil defence through professionalisation and greater engagement with local stakeholders and doing more to understand and reduce risk was progressive, but his direct approach was controversial and ultimately led to his departure from the Ministry of Civil Defence in 1985. His successor, Edward Latter, would take up the initiatives started by his predecessors with continued training and outreach but with a strong focus on the community. His solution to the “civil defence problem” was to bring civil defence to the people and break down public apathy and overcome the image problems described by Gardner.⁹⁹ Always careful of not overstepping his boundaries and crossing local officials, Latter’s aim was to increase civil defence awareness and preparedness at the community level through four groups – schools, businesses, homes, and skilled people. Latter’s approach was closer aligned with Director Holloway’s reactive civil defence than Director Gardner’s proactive and anticipatory civil defence as it focused on what to do in case of an emergency rather than actively identifying risk – the imperative of immediacy had sustained itself. Conversely, the Research and Planning Unit began introducing international concepts into the civil defence dialogue in

⁹⁷ Wira Gardner “Director’s Column” (December 1983) Tephra 4.

⁹⁸ Wira Gardner “Director’s Column” (December 1983) Tephra 4.

⁹⁹ Edward Latter “Director’s Column” (October 1985) Tephra 5.

New Zealand with reviews of policy and practice in other countries and the dissemination of scholarship on disaster recovery and risk analysis.¹⁰⁰

Despite this new focus, or perhaps because of it, the Ministry struggled with finding meaningful outcomes from its leadership role and found itself in another catch-22. By 1987, local plans were still being criticised for not being realistic or practical and most of the national plans were still a work in progress.¹⁰¹ By taking a stronger and active leadership role the Ministry risked undermining their intended outcome of local responsibility. If local authorities failed or were unable to ready their communities to respond to an emergency or failed to mitigate risks then it would be on the central government to make up for these failures in case of emergency – large or small. This of course would defeat the entire purpose of the civil defence system which meant the simple readiness/response system needed to change. The changes began in 1987 with the publication of the first national recovery strategy¹⁰² and the adoption of a risk-based approach to emergency management in the 1990s. The path from these events to the Canterbury earthquakes is the focus of the next chapter.

Section Summary

Crisis and criticism tend to go together and in this case the Abbotsford landslip in 1979 highlighted greatly varying capacity among communities to respond to the hazards they faced. But it alone may not have been enough, the crisis occurred during a time of change in the governance structure of New Zealand. The limitations of civil defence became an issue in Parliament only when the Local Government Act 1974 demanded a regionalisation

¹⁰⁰ G.F. Preddy “The disaster threat in New Zealand” (September 1984) Tephra 2.

¹⁰¹ F.F.S. Wood “An objective look at civil defence” (August 1987) Tephra 2 and Edward Latter “Director’s Column” (December 1987) Tephra 3.

¹⁰² Domestic and External Security Committee “National Recovery Plan” (2 November 1987).

process without which there is little indication that any moves would have been made to improve civil defence. Recall that in 1974 the Department of Internal Affairs, in which the Ministry of Civil Defence was located, wrote that civil defence was a decentralised system where local communities would have to “fend for themselves” using what they had available – which really brings into question the existence of a “system”. What value did civil defence bring that wouldn’t be there if the law didn’t exist? Emergency powers of course, but they were distributed with a cavalier attitude and little concern for those who would wield them and those who would be subjected to them. The first few decades of civil defence were tentative and amateur; the regionalisation process led to a gradual acceptance, despite some opposition and ignorance, that the status quo would need to change with government grudgingly coming to accept that relying on existing capacities while conferring extraordinary powers was not getting the results they wanted.

The 1983 legislation was intended as a consolidation of amendments and a way to clarify responsibilities for regional and local civil defence organisations. However, the process leading to the passing of a new civil defence statute revealed many of the same challenges identified with the Local Authorities Emergency Powers Act 1953 and during the first decade of the Civil Defence Act 1962. That is, simply giving responsibility to a particular level of government does not confer the requisite capacity to fulfil those responsibilities, nor is there any assurance that the necessary resources would somehow exist in every community to respond to the hazards they face. Failure to accept this would necessitate government involvement in all but the most mundane emergencies. The issue on whether civil defence should prepare for a nuclear incident was shouted down by the Government but it contained an intensely important message about planning for the risks you face rather than

the capabilities you have. The outcome of this process was a statute with a clearer delegation of powers and responsibilities at the local level which was, arguably, a demonstration of the central government's commitment to the first two principles of civil defence – self-help and mutual assistance. However, it also demonstrated the regularity of the government's willingness to foist responsibility on local authorities without provisions enabling those responsibilities to reasonably be carried out while continuing their own reluctance to hold themselves accountable for their own responsibilities, namely, national plans but also ensuring civil liberties were adequately protected.

The Commission of Inquiry into the Abbotsford landslip noted that the granting of extraordinary powers such as those contained within the Civil Defence Act 1962 is normally “treated with suspicion” in New Zealand.¹⁰³ Yet when the newly formed regional councils were given such powers in 1975 and 1979 hardly a word of concern was raised in Parliament despite the amendments being unclear and both the Government and Opposition acknowledging capacity, funding, and training for civil defence was limited and probably not sufficient for a major emergency. The Commission of Inquiry reaffirmed local responsibility not because of proximity to the emergency itself as was stated in civil defence doctrine, but to maintain close proximity between the exercise of emergency powers and those in the affected area. What was not addressed by the Commission was whether those who were granted emergency powers and responsibilities in crisis were suitably prepared – the emphasis was on accountability rather than capability. Emergency powers were the defining feature of civil defence until 1983 when a national training school was opened. Yet when civil defence went through the process of regionalisation the part of the law that

¹⁰³ R.G. Gallen, G.S. Beca, J.D. McCraw, and T.A. Roberts *Commission of Inquiry into the Abbotsford Landslip Disaster* [1980] AJHR H7 at 137.

allocates emergency powers was amended to be incomprehensible – and it took four years for the law to be repaired. Recognizing that local authorities were having difficulties meeting their civil defence responsibilities, the self-congratulatory introduction of the Civil Defence Bill lauded the decentralisation aspects as a means to ease the burden on local authorities by giving responsibilities to schools and other institutions. The problem was not that local authorities were concerned about easing the civil defence burden by spreading it around; rather, the problem was not being able to do what was required of them by law. Local authorities had been given the primary responsibility of responding to emergencies, along with a suite of powers to assist them in doing so, but with no systematic means of ensuring they were able to do so. The next section aims to develop insights into why civil defence had such little support despite the potential risks and powers involved.

4.3 The Civil Defence Problem

“The whole problem of civil defence does not seem to be taken seriously.”

Gerald O’Brien (1975)¹⁰⁴

No other area of law has had such a great discrepancy between the powers and responsibilities under the law and the resources available to utilise and fulfil them as civil defence. The aim of this section is to understand why civil defence proceeded in the manner it did as described in the previous section. In other words, to offer an explanation as to why civil defence was not a major public concern – and therefore not a major political concern. The answer comes from both ends of the political spectrum as captured by Gerald O’Brien’s above statement to Parliament which reflects the situation not only in government but also

¹⁰⁴ Gerald O’Brien in (9 July 1975) 399 NZPD at 2958.

among the public. Three successive civil defence Directors cited political will, misperception by the public of not only civil defence but also the risks they faced, and capacity as major challenges for the civil defence organisation and barriers to fulfilling civil defence responsibilities.¹⁰⁵ The lack of political will can be explained to a great extent by understanding the latter two issues – public perception and capacity. In this section it is argued that the lack of political will is linked to poor public image, a generally poor understanding of civil defence and risk in general, and insufficient capacity to carry out the civil defence mandate. Weak political will at the national level is explained using an analytic framework which identifies characteristics of political will and indicates the areas in which civil defence was lacking.

Public perception and public pressure

In the early years of New Zealand's government the outcome of a disaster was the responsibility of the individuals affected. From the early 20th century onward the government assumed a greater role in citizen's lives with the development of laws aimed at social welfare in health, income, injury and disasters.¹⁰⁶ These social welfare policies deepened and became entrenched after WWII. The outcome, Cleveland argues, was that regardless of the political party in power in New Zealand there was a feeling the government must provide for the people, and citizen survey showed great expectations

¹⁰⁵ Professionalism and capacity were used interchangeably and in this context meant ability to perform the tasks expected of civil defence personnel. For an example of statements about the lack of political will for civil defence from successive Directors of Civil Defence see - R.H.F Holloway "Civil defence" (1978) 33 *Journal of the New Zealand Institution of Engineers* 266; Wira Gardner "Director's Column" (July 1983) *Tephra* 1; and Edward Latter "Director's Column" (August 1985) *Tephra* 4; for an example from the early years of civil defence see Chapter 3 for the case of the Ombudsman's Office inquiring into the lack of national plans in 1964.

¹⁰⁶ J.S. Gandar "Land Use Planning and Natural Hazards" in Hessel et al (eds) *Scientific, Economic And Social Review of Natural Hazards in New Zealand*. (New Zealand National Commission for UNESCO, Wellington, 1984) 425 at 430.

among the public on the government to provide for them.¹⁰⁷ Additionally the nature of the New Zealand political system was one of compromise and consensus between the political parties that could result, at times, in ineffective policies if they failed to target the needs or expectations of citizens. In some such cases, pressure groups were often created to drive political change for a particular social concern such as education, farming, business, women's issues, and even sport.¹⁰⁸ But civil defence never had a pressure group as the few disaster that did occur in the post-war years were quickly forgotten or their significance quickly reduced in hindsight.¹⁰⁹ Essentially, civil defence was an unknown variable for most people¹¹⁰ or one which was quickly forgotten after the fact. This partly explains the lack of political will – the policy failures in civil defence had failed to result in public pressure which would have motivated political will in other areas of social policy where there was an expectation that government would provide for the people. This can be attributed to the way the public viewed risk from natural hazards and the way the public tended to view their own and the government's responsibilities.

Scholarship in the 1970s on public perception of risk and civil defence demonstrates the misconceptions commonly held about risk and the expectations the public felt toward government institutions which undermined the principles and philosophy of civil defence. Surveys conducted on citizens in Napier, Inangahua, and Christchurch on their risk

¹⁰⁷ Les Cleveland *The anatomy of influence: Pressure groups and politics in New Zealand* (Hicks Smith and Sons Ltd, Wellington, 1972).

¹⁰⁸ Les Cleveland *The anatomy of influence: Pressure groups and politics in New Zealand* (Hicks Smith and Sons Ltd, Wellington, 1972).

¹⁰⁹ Martin R. Rawlinson "Organisation for disaster: The development of civil defence in New Zealand 1959-1970" (Master's Thesis, University of Canterbury, 1971); P.M. Bligh "Human adjustment to earthquake hazard" (Master's Thesis, University of Canterbury, 1972); Neil Britton 1977 The social implications of earthquake prediction and warnings on and for organisation. Background report for a paper presented at the Seminar on the Social and Economic Effects of Earthquake Prediction. 12 October 1977.

¹¹⁰ Neil Britton The social implications of earthquake predictions and warning on and for organisations (1977) 11 Bulletin of the New Zealand National Society for Earthquake Engineering 15 at 16.

perception of earthquakes found that people tended to discount the risk they faced in three ways:¹¹¹

1. Earthquakes had not happened in the area in recent memory therefore they were probably safe.
2. Earthquakes had already happened (Napier/Inangahua) so probably safe for now.
3. Earthquakes had happened but no real damage therefore little need to worry.

On the other hand, there was also a prevalent attitude among respondents that if a serious event were to occur the central government (mainly by way of the Earthquake and War Damage Commission) would be there to assist or compensate – a classic example of moral hazard. Furthermore, the surveys found people were generally not aware of the functions of civil defence or if they were aware they generally were not confident in civil defence's capabilities.¹¹² These surveys are revelatory of the misconceptions people held about the nature of the risks they faced and the responsibilities of individuals, communities, and the government in contrast to civil defence doctrine and dogma. The views on earthquake risk are ill-informed; as Britton argued the reason for few recent experiences of damaging earthquakes was due not to any particular initiative to mitigate risk by the government or

¹¹¹ Martin R. Rawlinson "Organisation for disaster: The development of civil defence in New Zealand 1959-1970" (Master's Thesis, University of Canterbury, 1971); P.M. Bligh "Human adjustment to earthquake hazard" (Master's Thesis, University of Canterbury, 1972); Neil Britton 1977 The social implications of earthquake prediction and warnings on and for organisation. Background report for a paper presented at the Seminar on the Social and Economic Effects of Earthquake Prediction. 12 October 1977.

¹¹² Neil Britton "The social implications of earthquake prediction and warnings on and for organisation" (Background report for a paper presented at the Seminar on the Social and Economic Effects of Earthquake Prediction 12 October 1977).

any of the reasons revealed in the surveys but simply due to the fact that no large earthquakes had occurred in developed areas since 1931 in Hawke's Bay.¹¹³ Additionally the findings are explanatory – the lack of political will stemmed in large part from public perception of risk and civil defence. The government is likely to experience little pressure for civil defence from a public that perceives risk to be low, has an unclear understanding and even low expectations of civil defence, and also feels the government will help them out in other ways and who are also not aware or accepting of their own responsibilities during an emergency as envisioned by the government. Recall also from section 4.2 and the image problems identified by successive civil defence Directors, "Dad's Army" being the most common epithet indicating that many who knew of civil defence did not think highly of it. Three themes can be discerned among the public regarding civil defence – a lack of knowledge about what civil defence was supposed to do, doubts among those who knew what civil defence was supposed to do, and therefore a generally apathetic public who did not pressure the government to better finance and implement civil defence.

To better understand how the elements presented in this section and the last contributed to a lack of political will it is helpful to examine the concept of political will itself and look at civil defence through an analytic model.

Understanding political will

Political will was identified in scholarship¹¹⁴ and government in New Zealand in the 1970s and early 1980s as a barrier to fulfilling civil defence responsibilities at all levels.¹¹⁵ It is not a

¹¹³ Neil Britton "What have New Zealanders learnt from earthquake disasters in their country?" in M.M. Cresswell (ed) *Large Earthquakes in New Zealand* (The Royal Society of New Zealand, Wellington, 1981) 191.

¹¹⁴ Neil R Britton "The perception of earthquake prediction: A New Zealand case study" in UNESCO (Earthquake Prediction: Proceedings of the International Symposium on Earthquake Prediction, Paris, 1984) 827 at 844.

phenomenon unique to civil defence as it has often been found to be the cause of a lack of government action and the source of failure to implement government plans in many areas.¹¹⁶ In fields ranging from education and environmental protection to economic reform and debt relief (and civil defence) political will, or the lack thereof, has been cited for government neglect and policy failure.¹¹⁷ However, it is something of a catch-all phrase that is rarely defined and solutions are rarely presented – as was the case with civil defence in the period examined in this chapter where political will was mentioned numerous times in Parliament and by Ministry officials but with limited details or diagnosis. As Evens observed, more time is spent lamenting the absence of political will than analysing what it means which leaves a gap between acknowledgement of its absence and mobilisation.¹¹⁸ The scholarship on political will is relatively limited considering the frequency the term is used but a small number of analytic frameworks have been developed – most of which cite a study by Brinkerhoff.¹¹⁹ The foundational study by Brinkerhoff developed a generalizable framework for analysis in an attempt to systematically understand political will by

¹¹⁵ R.H.F. Holloway “Civil defence” (1978) 33 *Journal of the New Zealand Institution of Engineers* 266; Wira Gardner “Director’s Column” (July 1983) *Tephra* 1; and Edward Latter “Director’s Column” (August 1985) *Tephra* 4.

¹¹⁶ Lori Ann Post, Amber N.W. Raile, and Eric D Raile “Defining Political Will” (2010) 38 *Politics and Policy* 654; Lawrence Woocher “Deconstructing Political Will: Explaining the failure to prevent deadly conflict and mass atrocities” (2001) 12 *Princeton Journal of Public and International Affairs* 179; Derick W. Brinkerhoff “Assessing political will for anti-corruption efforts: An analytic framework” (2000) 20 *Public Administration And Development* 239.

¹¹⁷ Carmen Malena “Building political will for participatory governance: An introduction” in Carmen Malena (ed) *From political won’t to political will: Building support for participatory governance* (Kumarian Press, 2009) 3.

¹¹⁸ Gareth Evans “Conflict Prevention and Development Cooperation: From Crisis to Peaceful Governance” (Keynote Address, Seminar on Channels of Influence in a Crisis Situation – How can Development Cooperation Support Conflict Resolution and Democracy? Helsinki, 9 May 2006).

¹¹⁹ See for example Lawrence Woocher “Deconstructing “Political Will”: Explaining the Failure to Prevent Deadly Conflict and Mass Atrocities” (2001) 12 *Journal of Public and International Affairs* 179; Carmen Malena “Building political will for participatory governance: An introduction” in Carmen Malena (ed) *From political won’t to political will: Building support for participatory governance* (Kumarian Press, 2009) 3; and Lori Ann Post, Amber N.W. Raile, and Eric D Raile “Defining Political Will” (2010) 38 *Politics and Policy* 654.; Also see Derick W. Brinkerhoff “Assessing political will for anti-corruption efforts: An analytic framework” 20 *Public Administration And Development* 239.

identifying its basic characteristics which serve as indicators. This framework serves as a useful tool for encapsulating how political will was lacking in civil defence.

Brinkerhoff defines political will as “the commitment of actors to undertake actions to achieve a set of objectives...and to sustain the costs of those actions over time”.¹²⁰ The context in which political will is most apparent, or lacking, is during time of change, or proposed changes. Brinkerhoff proposed five categories for analysis:

1. Locus of initiative
2. Degree of analytic rigor
3. Mobilization of support
4. Application of credible sanctions
5. Continuity of effort

The first indicator describes where the initiative for change exists – be it an individual actor or group that are proponents of change, or who may be compelled to initiate change from within the political system. It could also be external to the political system serving as a driver of change that induces, or coerces, others to take action. Saliency is an important component of this indicator – if those with the power to initiate change do not perceive the importance or relevance of the issue then they are unlikely to initiate change. Therefore the extent to which the locus of initiative is positioned relative to those able to make reforms indicates higher or lower political will. The second indicator involves the degree to which the reformer or reform group have analysed the issue at hand and generated politically and technically feasible solutions. The third indicator, mobilization of support, describes the willingness and ability of the individual or group leading reform to generate and sustain

¹²⁰ Derick W. Brinkerhoff *ibid* at 242.

support and overcome resistance. Generally, the more support there is the more effective the reforms will be and therefore more political will can be generated. The fourth characteristic examines the existence and credibility of sanctions and incentives. A credible (enforceable) sanction would indicate a higher degree of political will than an initiative backed by weak or no sanctions. Finally, the fifth indicator, continuity of effort, refers to not only the effort but the resources put into reform over the long-term. An indicator of long-term commitment would be a system to monitor progress with feedback and adjustments to ensure goals are met. If a reform appears to be a one-off and lacks these systems and resources (including financial and personnel) then it is an indicator that political will is lacking.

The usefulness of the Brinkerhoff model of political will is the explanatory power it offers by systematically categorising the characteristics of political will which in this case is useful for demonstrating the deficiencies within civil defence as follows:

1. Locus of initiative – For most of its history, civil defence did not have a champion for its cause, instead it received broad but shallow support; likewise, while it had a few detractors it did not have any strong opponents either. The impetus for new legislation came from outside the civil defence organisation. The amendments, which were a major source of confusion, were not instigated with the purpose of improving civil defence based on any sort of analytic rigour (as explained in the next point) but to simply align, or update, the civil defence structure with other laws. With few champions for the cause of civil defence within government and with no public pressure groups there was a weak impetus for change and therefore, weak political will. The impetus, as it were, was updating the law to account for changes in

other laws, to clarify poorly written amendments, and less so to account for some of the recommendations from the Abbotsford landslip Commission of Inquiry. The locus of initiative, if there was one, was within the position of the Director of Civil Defence. There were few personal and no group-based groundswells for change or reform.

2. Degree of analytic rigor – The process of creating legislative amendments and ultimately new legislation was not informed by scholarship or practice in civil defence or disaster management, and only minimally informed by the Commission of Inquiry. There were practical elements to change but very little consideration given to the conceptual elements of civil defence. By keeping a very narrow focus on emergency response and thereby minimizing the amount of preparedness and training done between disasters, advances in the field such as the creation of the Federal Emergency Management Agency (FEMA) in the USA in 1978 which introduced an integrated and comprehensive approach to emergency management had little impact on civil defence in New Zealand at the time. When civil defence was established in the 1940s and again in the 1960s great importance was made of the necessity of adapting the UK system to the unique context of New Zealand. Twenty years after the first Act was passed there appears to have been little effort to adopt or adapt practices from overseas. The main issues were clarity of responsibility, capacity, and finances and power, not innovation.
3. Mobilization of support – The Government initially refused to allow local representatives onto the national committee for civil defence but relented and

allowed non-members to be invited on occasion. With this criterion, it is easier to see how local level implementation would suffer, as local authorities would be subjected to top-down pressure with little opportunity for input into the measures they would be required to adopt. Additionally, no additional provisions for funding support were included in the 1983 Act despite considerable additional responsibility given to local governments and other organisations. The Government can be credited for inviting over 20 representatives from national organisations as a means of mobilizing support at that level but this also had the effect of alienating local authorities from decisions being made which they would be responsible for carrying out. For an organisation with a clearly hierarchical structure there was remarkably little indication of effort to engage the support of sub-national stakeholders.

4. Application of credible sanctions – the Government refused to include coercive measures to ensure compliance by local governments, instead preferring a spirit of cooperation while also lamenting the lack of cooperation. The only carrot offered was funding for authorities who had approved plans, but the only stick was emphasizing moral responsibility. If plans were not made on time by local authorities then plans would be made for them at cost.
5. Continuity of effort – The Government sent mixed messages in this feature of political will. On the one hand, the law stated that local and regional authorities must make new civil defence plans within six months of the 1983 Bill becoming law and then again once every three years. On the other hand, national plans had no deadline or prescription for renewal. As a result, they were intermittent and

seemingly randomly produced. Likewise funding for local authorities was never assured and could be expanded year on year or suddenly cut as happened in the 1970s. As a result local governments could never be sure that their three-year plans could be implemented let alone funded or even guided by national plans.

This categorisation of the findings from the previous sections indicates that political will for civil defence was lacking in every category. The locus of initiative rested primarily in the position of the Director of Civil Defence who faced all the limitations outlined above, in particular a lack of financial support and widely varying capacity across the organisation, but also a lack of insight into the real limitations of the civil defence organisation due to a scarcity of analytic research on civil defence. This partly explains the lack of innovation or adoption of modern emergency management principles into the Civil Defence Act 1983 – innovation came in the years after from initiatives within the Ministry and from external factors (see Chapter 5). The process of making the Act was inward looking but the problems of civil defence were only superficially understood. Although this analytic model cannot show it but as revealed by surveys public perception of civil defence and risk from natural hazards was low as well which meant little public pressure on elected officials. The outcome in the absence of more funding locally was to focus on capacity development centrally, increasing knowledge on risk and civil defence itself, and to strive to have a better-informed public. As the Minister of Civil Defence showed himself to be less than conversant about civil defence law and other important issues it fell upon the Director of Civil Defence to lead the organisation in these measures.

4.4 Conclusion

By the 1980s, the philosophy and principles of civil defence had existed for decades but they remained mostly an abstraction, a hopeful hypothesis, as legislation, convention, and a lack of political will inhibited their full reification. Until the government accepted greater responsibility for civil defence and readying the country for a major crisis civil defence remained a tentative and amateur institution. What started as a simple process to align civil defence regions with administrative regions under the Local Government Act 1974 led to a fundamentally different interpretation of the civil defence principles and philosophy. The traditional interpretation of the self-help principle and local responsibility was taken to mean that communities would need to respond to an emergency using resources available to them at the time of the crisis without considering the widely varying capacities around the country or if there were even appropriate capacities endogenous to any community that would sufficiently allow it to respond to an emergency based on the risks the community faced. By 1983 the interpretation of the foundational principle of self-help had changed from meaning community members and officials literally had to fend for themselves until outside help arrived to mean that community members and officials would be trained and provisioned to help themselves during an emergency thereby reducing the necessity of outside help. The principle of mutual assistance was not necessarily changed but enabled through legislation allowing for declarations to be made in districts not directly affected by an emergency in order to requisition resources and personnel. The principle of national guidance changed from meaning the creation of responsibilities for others to taking a leading role in creating the conditions for those responsibilities to be fulfilled. Not providing training or education and minimal and unreliable funding can only realistically mean one

outcome – the central government will be involved in all but the most mundane of emergencies – and this brings into question the value of civil defence altogether. These realisations were largely ignored when civil defence was expanded to include recovery – as explored in the next chapter voluntary cooperation was the fundamental principle and very few resources were put into training recovery managers. As explored in this chapter it took elements external to the civil defence system to stimulate change and provide a platform for reform.

What makes civil defence unique is the habit of giving significant responsibilities for public safety along with significant power but with limited training and resources. The process of regionalisation and the accompanying decentralisation and granting of emergency powers and responsibilities was in part embarrassing and disconcerting. The Civil Defence Act 1962 and each of its successors contain among the most extensive requisitioning powers on the books in New Zealand, yet concerns raised about these emergency powers were brushed aside with the explanation that they would only be used in an emergency. Concerns about capacity and emergency powers were raised when the amendment Bills were in the House but it was not until after the Abbotsford landslip and the Commission of Inquiry that elected officials began to accept the push for change. When the Civil Defence Bill was before Parliament three Labour MPs, Gerald O'Brien, John Terris, and Phillip Woollaston, pushed for national training standards and bottom-up support – but the outcome was the continuation of a top-down structure that paradoxically emphasized local responsibility. In the end, only a few yokel politicians were lamely arguing for the status quo, but it was up to the Ministry to reinterpret the law and establish national training standards and reach out to communities. By the time the Civil Defence Act 1983 was passed it had become

impossible to ignore that fact that civil defence was not going to spontaneously emerge from the ground up without adequate funding, training, or guidance regardless of how many times the government and Ministry spoke of local responsibility and the self-help principle.

Throughout its history, civil defence has suffered from a significant lack of political will and public understanding about what its purpose and competencies are which created a catch-22 situation. Without political will or public interest from the local level there would be little pressure on the government to spend more on civil defence. Without more spending local authorities would continue to be challenged in fulfilling their responsibilities leading to an uneven application of the law. And without an adequately provisioned, trained, and motivated civil defence organisation the public would be left with few opportunities to develop a strong and positive impression which resulted in little by way of public pressure. Without public pressure there is little political will. This cycle was broken by crisis, criticism, and a changed political context which provided a platform for concerned voices to be heard which compelled the government to address the problems facing civil defence. But this also led to another civil defence paradox – how to balance national guidance and local responsibility without overdoing the first or underserving the other?

The Civil Defence Act 1983 served its purpose of bringing much needed clarity after the numerous amendments made since 1962. However, the 1983 legislation for the most part greatly resembled its predecessor albeit with better wording. The greatest change came not from within the legislation itself but from how it was interpreted. The meaning of the philosophy and principles necessarily had to change to address the limitations of civil defence which emerged through scholarship, Parliamentary debates, and discourse among

civil defence stakeholders. By acknowledging the limitations and accepting the necessity of capacity development and community engagement, the Ministry of Civil Defence also had to accept a different interpretation of the principle of national guidance and what it meant in relation to the philosophy of local responsibility. The Ministry could no longer fulfil that principle by producing the occasional national plan and reminding local governments of their moral duty to their communities. Instead, they needed to take a strong leadership position by engaging directly with other stakeholder groups and supporting those groups in the fulfilment of their civil defence responsibilities. In this way, responsibility for disasters became nationalised.

The same year the government accepted a leading role in civil defence a new element was introduced – recovery. Unfortunately many of the same problems which afflicted civil defence when it was a response organisation would manifest in the Civil Defence Emergency Management recovery framework.

Chapter 5 Civil Defence Comes of Age: A new emergency management and the recovery from the Canterbury earthquakes

5.1 Introduction

Taking up the themes of capacity, leadership, and responsibility from previous chapters, this chapter argues that the government's action after the Canterbury earthquakes was a repetition of familiar historic patterns and places the earthquake recovery within the context of decades of practice within both the civil defence organisation and the broader governance system of New Zealand. This chapter explores disaster recovery in law and policy from the introduction of the Recovery Co-ordinator in 1983 to the Canterbury earthquakes and the limitations of the CDEM recovery framework in crisis. At the time of the Canterbury earthquakes, and virtually every other emergency since recovery was introduced to civil defence, the state of readiness for recovery has been poor in a way that is reminiscent of response in the 1960s and 1970s.

The main focusing events after the passing of the Civil Defence Act 1983 are the Canterbury earthquakes. Accordingly, they are the focus of this chapter – specifically, the failure of the recovery framework under the Civil Defence Emergency Management Act 2002 and the necessity of new recovery legislation, namely, the Canterbury Earthquake Recovery Act 2011 (CER Act 2011). The initial CDEM response to the Canterbury earthquake was the subject of a review commissioned by the Ministry of Civil Defence and Emergency Management (MCDEM) in 2012.¹ Overall, the results were just satisfactory and the main

¹ Ian McLean, David Oughton, Stuart Ellis, Basil Wakelin, and Claire B Rubin “Review of the Civil Defence Emergency Management Response to the 22 February Christchurch Earthquake” (29 June 2012) Report Commissioned by the Ministry of Civil Defence and Emergency Management.

findings highlighted issues in the CDEM response which are similar to the findings of this chapter on recovery – a lack of professional training and practical experience for leadership positions, confusion between the mandate for particular roles, and a weak Ministry. Essentially, civil defence has been fundamentally weak in practice throughout most of its history. This chapter demonstrates that at the time of the Canterbury earthquakes recovery was essentially a paper-based component of civil defence that was poorly implemented due to the limitations of the response-oriented framework from which it is supposed to operate, the failure to adequately prepare Recovery Managers for their role, a failure to articulate the responsibilities between numerous recovery positions, and a failure to harmonize civil defence law and goals with other legislation. With the CDEM Act 2002, New Zealand has followed a similar trend as emergency management globally by introducing into law a risk-based, integrated and comprehensive framework – but it has also followed the trend of neglecting recovery in practice. The CDEM recovery framework was developed on sound principles but contained very little in terms of practicality. To support recovery, this chapter recommends a review of the current emergency powers to ascertain their relevance to recovery and of capacities needed for recovery – large or small. These recommendations stem from the finding that the current CDEM system has done very little to identify and develop disaster recovery knowledge, capabilities and powers and is still response oriented and therefore a functional system for recovery does not exist in New Zealand. As with response in the 1960s and 1970s, recovery is primarily done on an ad hoc basis and relies on goodwill and a coincidental alignment of extant local capabilities and the demands of an emergency.

5.2 Civil defence meets emergency management: Review, reform, and risk reduction

This section briefly explores how civil defence emergency management (CDEM) came into being in order to provide a basis for understanding the limitations of CDEM in the recovery from the Canterbury earthquakes. While the Civil Defence Act 1983 was a consolidation of amendments to its predecessor, the Civil Defence Emergency Management Act 2002 was a consolidation and integration of reviews and recommendations of emergency services, management, and law with an emphasis on risk reduction, further emphasis on local responsibility, and a recovery component premised on voluntary participation with cooperative outcomes² - at least, initially. As with the Civil Defence Act 1983, the process leading to the CDEM Act 2002 was triggered by changes in local governance arrangements and law which sparked a review of emergency services based on the now familiar question of whether the country was prepared for an emergency of national significance. As always, the answer was “No” and the outcome was new legislation.³

With a vision to build a “resilient and safer New Zealand”,⁴ the CDEM Act 2002 has six stated purposes – the first purpose is to “improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property”; secondly the Act encourages communities to manage risk to an acceptable level.⁵ The next four are repetitive in that they call for planning – nationally, regionally, locally, and

² Working Together: Developing a CDEM Group Plan Director’s Guidelines for CDEM Groups (DGL 2/02) at 50.

³ Brian McLay, R. Perry Cameron, Robin Klitscher, and Margaret Murray *Civil Defence Review Panel Report* (prepared for the Ministry of Civil Defence 1992) at [01.010].

⁴ National Civil Defence Emergency Management Strategy 2007 (Department of Internal Affairs).

⁵ Civil Defence Emergency Management Act 2002 s3(a)(b).

integrated among a “wide range of agencies and organisation” that are involved in managing or preventing emergencies. The first two purposes appear to be new if compared to the Civil Defence Act 1983, but they were introduced in 1987 in the first national disaster recovery plan under the Domestic and External Security Committee (DESC) via the Department of Prime Minister and Cabinet (DPMC).⁶ The recovery plan was adopted into the civil defence national plan in 1988 and contained many principles that are fundamental to the CDEM Act 2002. Namely, it emphasized local authorities’ primary role not only in recovery but also in identifying and managing risks and expressly delineated the central government’s role in recovery as one of last resort with minimal involvement to get a community back to functioning after an emergency. It also emphasized recovery occurring in not just the built environment but also social, economic, and natural with the community at the centre.

Changes in local government arrangements and the repeal of the Public Safety Conservation Act 1932 in 1987 led to a review of emergency services and powers throughout the 1990s.⁷ The Final Report on Emergencies in 1991 established the direction of the review process.⁸ The Final Report mainly dealt with the balance of emergency powers (for example, distinguishing between conflict-based emergencies versus civil emergencies resulting from natural and technological hazards) based on the premise that the central government had “primary responsibility for the security, safety, and welfare of its citizens” which meant that regardless of any delegation of responsibility for emergency and disaster management the

⁶ Domestic and External Security Committee “National Recovery Plan” (2 November 1987).

⁷ Law Commission *Final Report on Emergencies* (NZLC R22, 1991) and Brian McLay, R. Perry Cameron, Robin Klitscher, and Margaret Murray *Civil Defence Review Panel Report* (prepared for the Ministry of Civil Defence 1992).

⁸ Law Commission *Final Report on Emergencies* (NZLC R22, 1991).

“ultimate responsibility” remained with government.⁹ In terms of civil defence the Final Report recommended a review and replacement of the Civil Defence Act 1983 as well as clarification on the relationship between the Recovery Co-ordinator under the Ministry of Civil Defence and the Recovery Coordinator under the Cabinet Domestic and External Security Committee (DESC) within the Department of Prime Minister and Cabinet. In 1992 the *Review of Civil Defence* was published which found that the existing structures were incapable of handling a major emergency, especially recovery, due to confusion among high-level roles, concerns about coordination, and a lack of clarity in statutory authority and accountability. The Review recommended, *inter alia*, the adoption of an “all-hazards” approach and greater emphasis on pre-event planning, for to be put on the social elements of recovery, and emphasized the necessity of greater compatibility with other legislation – in particular the Local Government Act 1974.¹⁰

In 1995 the Report of the Emergency Services Review Task Force was released followed by working papers in 1996 and 1997 which further elaborated the findings of the Final Report and Review of Civil Defence.¹¹ These reports tended to focus on response and readiness, and to a lesser extent the role of risk reduction, either by mandate or design, but in regard to recovery all commented that clarification was needed on the role of the central government via DESC and the Ministry of Civil Defence based on the experience of Cyclone Bola in 1988. The most influential of these was the 1995 Report of the Emergency Services Review Task Force, or the Teagle report named after the chairperson, Somerford Teagle. All

⁹ Law Commission *Final Report on Emergencies* (NZLC R22, 1991) at s2.49.

¹⁰ Brian McLay, R. Perry Cameron, Robin Klitscher, and Margaret Murray *Civil Defence Review Panel Report* (prepared for the Ministry of Civil Defence 1992).

¹¹ Somerford Teagle Report of the Emergency Services Review Task Force (prepared for the Department of Internal Affairs 1995).

four principle recommendations of the report were taken up either in the immediate years or after the passing of the CDEM Act 2002:¹²

1. Establish a Ministry of Public Safety mandated to give policy advice,
2. Adopt a scalable response model for local and central government,
3. Accept the principle of “contingent capability” which would require a better understanding of the New Zealand hazardscape,
4. Establish a “transition unit” to manage the establishment of the Ministry of Public Safety and which would form the core of the new Ministry.

Instead of a Ministry of Public Safety, the Ministry of Emergency Management served as a “transition unit” and was merged with the Ministry of Civil Defence to form MCDEM. The model for response was established as the Coordinated Incident Management System (CIMS) in 1998¹³ which also served as the structure for the recovery framework. The principle of contingent capability mainly referred to the health and housing sector, but the hazardscape element was integrated into civil defence through planning document required under the CDEM Act 2002. This is supported through knowledge generated via research platforms such as the Natural Hazards Research Platform and through plans made under the Resource Management Act 1991.¹⁴ From this process emerged a new emergency management – a risk-based, all-hazards, comprehensive, and integrated holistic system¹⁵ that was made into law and practice through the CDEM Act 2002 and its supporting plans, strategies, and guidelines. But the new CDEM framework neglected to overcome many of

¹² Somerford Teagle Report of the Emergency Services Review Task Force (prepared for the Department of Internal Affairs 1995) at ix.

¹³ Officials’ Committee for Domestic and External Security (2014) *The New Zealand Coordinated Incident Management System (CIMS)* 2nd ed.

¹⁴ Wendy Saunders, Jane Forsyth, David Johnston, and Julia Becker “Strengthening linkages between land-use planning and emergency management in New Zealand” (*The Australian Journal of Emergency Management*, February, 2007) 22.

¹⁵ Neil R. Britton and Gerard J. Clark “From Response to Resilience: Emergency Management Reform in New Zealand” (*Natural Hazards Review*, August, 2000) 145.

the limitations of the previous civil defence regime – in particular a lack of clarity on recovery functions and conflicts between various statutes, especially those related to land use and buildings. The outcome of this neglect was a new law and governance structure after the Canterbury earthquakes.

In the mid-2000s, a significant amount of research was done by Resilient Organisations¹⁶ and James Rotimi in his PhD dissertation¹⁷ on barriers to reconstruction after a major disaster in New Zealand – in particular by laws governing land use and buildings. The main findings were similar to findings presented in the 1990s at the Wellington Lifelines Forum,¹⁸ that is, laws governing land use and buildings would serve as barriers to reconstruction as they were designed for business as usual circumstances. In such normal conditions the processes for attaining consents and other such procedures may be inconvenient and even time consuming, but not a substantial barrier. However, when large areas of a city are being rebuilt simultaneously such routine procedures would be impossible to follow given the time and manpower involved. Few, if any, provisions for major crises were contained in statutes such as the Resource Management Act 1991 and the Building Act 2004 and its predecessor, and the CDEM Act 2002 offered no emergency powers for recovery. To this end, in 2008 Resilient Organisations found that special provisions would have to be made after a major disaster to overcome the business as usual processes of the RMA and Building Act.¹⁹ These sorts of barriers were largely overcome by the Canterbury Earthquake

¹⁶ See for example: Dean Myburgh, Suzanne Wilkinson, and Erica Seville “Post-Disaster Reconstruction Research in New Zealand: An Industry Update” (Resilient Organisations Research Report, 2008).

¹⁷ James Rotimi “An Examination of Improvements Required to Legislative Provisions for Post Disaster Reconstruction in New Zealand” (PhD Dissertation, University of Canterbury, 2010).

¹⁸ John E Feast “Current planning and construction law: The practical consequences for rebuilding Wellington after the quake” (proceedings of the Wellington Lifelines Forum: The Challenge of Rebuilding Cities conference, Wellington, March 1995).

¹⁹ Dean Myburgh, Suzanne Wilkinson, and Erica Seville “Post-Disaster Reconstruction Research in New Zealand: An Industry Update” (Resilient Organisations Research Report, 2008).

Response and Recovery Act 2010 and its successor, the Canterbury Earthquake Recovery Act 2011 in a rather heavy-handed manner.²⁰ But they were relatively easy, even if not constitutionally sound,²¹ fixes; other problems with disaster recovery identified in the 1990s such as confusion between national level recovery coordinators remained – as did other problems with capacity and experience which mirrored the challenges in disaster response in the 1960s and 1970s. These problems come from the CDEM recovery framework itself which is quite broad in scope but very limited in substance and, to borrow a phrase from criticism of the response framework in the 1970s, lacked the wherewithal to do what was expected of it. Altogether, before the CDEM Act 2002 was passed both the broad legislative framework and civil defence governance arrangements had been identified as potential barriers to recovery from a major disaster. The next section explains the overall CDEM framework, while the remainder of the chapter explores the limitations of the CDEM recovery framework.

National CDEM Framework

The CDEM Act 2002 introduced a governance structure and planning responsibilities which focused on risk management and a decentralised system with significant responsibility placed on regional CDEM Groups based in the regional or unitary council. As with civil defence regions under the Civil Defence Act 1962 and 1983, the region covered by CDEM

²⁰ Section 71(2) of the CER Act 2011 gave broadly defined powers to “grant exemptions from, modify, or extend any provisions of any enactment” in order to inter alia, “enable a focused, timely, and expedited recovery”.

²¹ Andrew Geddis “An open letter to New Zealand’s people and their Parliament” (2010)

Pundit <http://pundit.co.nz/content/an-open-letter-to-new-zealands-people-and-their-parliament> .

Groups generally correspond with regions under the Local Government Act 2002.²²

According to the National Plan 2005, a CDEM Group:²³

- (a) is a committee of elected representatives of local authorities in the region covered by the CDEM Group;
- (b) is supported by chief executives, hazard plans, EOCs (Emergency Operation Centre) and staff, and the involvement of communities of interest at all levels;
- (c) has established cross-boundary agreements with other CDEM Groups;
- (d) can be viewed as a consortium of local authorities, emergency services, and others delivering civil defence emergency management in a co-ordinated manner according to their group plans and their community outcome process.

Each CDEM Group has a Coordinating Executive Group consisting of high-level members from local authorities, emergency services, and other related organisations – the CEG reflects the recommendation from the Commission of Inquiry to the Abbotsford landslip in 1979 that the relationship between local authorities and emergency services be formalised.

Each CEG must have:²⁴

1. the chief executive officer of each member local authority or a person acting on the chief executive officer's behalf; and
2. a senior Police employee; and
3. a senior member of the Fire Service; and
4. the chief executive officer of the hospital and health services operating in the area or a person acting on the chief executive officer's behalf; and
5. any other persons that may be co-opted by the Civil Defence Emergency Management Group.

The main position in the CDEM Group structure is the Group Controller who is empowered during a declared emergency to direct and coordinate all resources for the emergency

²² Civil Defence Emergency Management Act 2002 s4.

²³ National Civil Defence Emergency Management Plan Order 2005 (SR 2005/295) at s19(2).

²⁴ Civil Defence Emergency Management Act 2002 s20(1).

response – the Controller’s powers end with the termination of an emergency declaration.²⁵

The main statutory documents under the CDEM Act 2002 are the National CDEM Plan and a National CDEM Strategy – these are elaborated upon with a Guide to the Plan and numerous Director’s Guidelines which explain various aspects of civil defence. The national CDEM framework also includes regional Group plans and local arrangements, as well as other statutes that address hazards such as the Resources Management Act 1991 and other agencies and organisation.²⁶ Civil defence emergency management itself is defined as “the application of knowledge, measures, and practices that – 1) are necessary or desirable for the safety of the public or property; and 2) are designed to guard against, prevent, reduce, or overcome any hazard or harm or loss that may be associated with any emergency; and includes, without limitation, the planning, organisation, co-ordination, and implementation of those measures, knowledge, and practices.”²⁷ An “emergency” in this case is similar to the Civil Defence Act 1983.²⁸

A situation that— (a) is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and (b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand; and (c) cannot be dealt with by emergency services, or otherwise requires a significant and co-ordinated response under this Act.

²⁵ Civil Defence Emergency Management Act 2002 s28.

²⁶ National Civil Defence Emergency Management Strategy 2007 at 4.

²⁷ Civil Defence Emergency Management Act 2002 s4.

²⁸ Civil Defence Emergency Management Act 2002 s4.

The National Strategy contains the values, principles, and goals for CDEM, along with objectives for each goal. The National Strategy provides an “overarching framework for CDEM planning” and is supported by the National Plan, CDEM Group Plans, and local, organisational, and individual plans – although there is no legal basis for compelling individuals or most organisations to make CDEM plans. The purpose of the National Plan is to:²⁹

- (a) state the hazards and risks to be managed at the national level; and
- (b) provide for the civil defence emergency management arrangements to meet those hazards and risks.

The three objectives of the National Plan are:³⁰

- (1) To provide for effective management of states of national emergency or civil defence emergencies of national significance through a planned and co-ordinated whole-of-government response.
- (2) To provide for effective recovery from states of national emergency and civil defence emergencies of national significance through a planned and co-ordinated whole-of-government response.
- (3) To provide for effective management of national support in states of local emergency through a planned and co-ordinated whole-of-government response.

The CDEM Act 2002 did not introduce an entirely “new” system of emergency management, but it did bring into primary legislation many of the elements articulated in the first recovery plans – in particular risk management and the holistic sustainable development

²⁹ National Civil Defence Emergency Management Plan Order 2005 (SR 2005/295) at s4.

³⁰ National Civil Defence Emergency Management Plan Order 2005 (SR 2005/295) at s5.

principles. Response, readiness, and recovery would remain the core functions of the Ministry and local authorities under the CDEM Act 2002 with most risk reduction activities occurring under other statutes.³¹ In the next section it is demonstrated that recovery, as a component of the 4Rs (Reduction, Response, Readiness, Recovery) of civil defence emergency management, was sorely neglected by MCDEM in a way that is reminiscent of the way its predecessor underestimated the capabilities needed by local authorities to fulfil their civil defence responsibilities for response and readiness. Unlike response-oriented positions such as Group Controller which are mandatory, the main recovery positions at the sub-national level are not mandatory. This makes CDEM essentially a response-based system with an optional recovery component – that is, until a major disaster struck and new legislation was required. As for the central government, their role is based on a precept of avoidance which places them in a position of having to adapt to the demands of an emergency during an emergency which was identified as far back as 1942 as an undesirable position to be in.³² Adaptation during a major crisis is inevitable, but must be supported by a resilient system which means a high-level of readiness³³ and as much as possible the reduction of uncertainty from emergency management laws and policies. In the remainder of this chapter it is argued that at the time of the Canterbury earthquakes, New Zealand was not ready to recover from any sizeable emergency using the CDEM framework. Despite the extensive review of laws and policies and adopting a risk-based approach and sustainable development principles for civil defence in the 1990s and 2000s, the fundamental issues of

³¹ Wendy Saunders, Jane Forsyth, David Johnston, and Julia Becker “Strengthening linkages between land-use planning and emergency management in New Zealand” (The Australian Journal of Emergency Management, February, 2007) 22.

³² See Chapter 3 on the origins of civil defence and the Emergency Precautions Scheme.

³³ Patrick Helm “Risk and resilience: strategies for security” (Civil Engineering and Environmental Systems, 2012, 32:1-2, 100-118).

power, funding, mandate, responsibility, and capacity were not fully reflected in the recovery space.

5.3 The Limits of Civil Defence: Disaster Recovery

“...on paper, civil defence lacks nothing...however, the civil defence organisation continues to lack the resources to do the job demanded of it” John Terris, 1983³⁴

Introduction

The above quote was made in criticism of the lack of wherewithal for civil defence responsibilities to be carried out when civil defence primarily meant emergency response – but it is an apt description of the recovery component under the Civil Defence Act 1983 and the CDEM Act 2002. The Civil Defence Act 1983 was mostly an unremarkable document compared to its predecessor but for the inclusion of a section on recovery. However, recovery suffered from the same type of neglect as response did in the first decades of civil defence in that it was primarily paper-based and lacked training, funding, and even clarity about the functions to be performed by the various roles within the recovery framework. These limitations were identified in the 1990s, as demonstrated in the previous section, and maintained under the CDEM Act 2002. The purpose of this section is to explore the concepts, principles, roles, and structure of the recovery component of the 4Rs in New Zealand in order to argue that after the first recovery plan was made in 1987 recovery has since been very much neglected. The primary reason for the establishment of the Canterbury Earthquake Recovery Authority (CERA) was the “unprecedented”³⁵ scale of the disaster; unofficially it was also due to coordination and cooperation difficulties among local

³⁴ (28 July 1983) 451 NZPD 874.

³⁵ Gerry Brownlee “Ministerial Foreword” in Canterbury Earthquake Recovery Authority *Recovery Strategy for Greater Christchurch* (Canterbury Earthquake Recovery Authority, Christchurch, 2012).

authorities.³⁶ What has rarely been considered is the level of readiness in the CDEM recovery framework itself at the time of the Canterbury earthquakes.

The 1992 review of civil defence warned that for civil defence to be successful there must be “clarity, completeness, and a public testing of the planning and performance” of civil defence and expressed scepticism that the hierarchical structure which places so much responsibility at the local level would survive a major crisis.³⁷ The Review also predicted the local community would be lost in the “bureaucratic thicket” as the central government responded to a crisis. This section demonstrates these concerns were not heeded for recovery under the CDEM Act 2002 and the result was the collapse of the hierarchical structure and the creation of CERA – a central government run bureaucracy. This section and the next demonstrate that it is highly unlikely that any part of the country would have been ready to recover from any sizeable disaster due to a confusing governance structure, a failure to properly train recovery managers, and divergent policy interpretation about local government responsibilities and the CDEM recovery mandate. The aim of this section is to identify the barriers to recovery which created vulnerabilities due to the design and weak implementation of the CDEM recovery framework. The main problems identified in this section is that when it comes to recovery within civil defence, form came before clearly articulated functions, and principle before practice. While the CDEM principles of recovery were largely adopted by CERA, the concept of recovery at the highest level was based on avoidance, not good governance. By failing to properly plan the central government’s role in recovery there is little more that nationally appointed coordinators and managers could do

³⁶ “Over the top?” The Press (online ed, New Zealand, 26 April 2011).

³⁷ Brian McLay, R. Perry Cameron, Robin Klitscher, and Margaret Murray *Civil Defence Review Panel Report* (prepared for the Ministry of Civil Defence 1992) at [07.006].

other than spend money. And this is what the government had hoped to avoid in the first place.³⁸

Recovery in civil defence: Principles, purpose, and priorities

The first national recovery plan created under the Civil Defence Act 1983 was as much an aspirational document as a form of risk management for the central government. It outlines recovery principles and priorities for all levels of government and aims to contain the government's exposure to costs from recovery while also reminding local authorities and citizens of their civil defence and risk management responsibilities. The government created a plan that was principled but pragmatic and limited their commitment to the affected community. Many, if not most, of the elements of the first national plan remain in place today.

The first Recovery Plan, produced in 1987, was administered by Domestic and External Security Committee within the Department of Prime Minister and Cabinet – this plan was copied wholesale into the National Recovery Plan under the Civil Defence Act 1983 the following year with some additions. The 1987 Recovery Plan identified three sorts of emergencies – civil defence, agricultural, and medical, and designated the Domestic and External Security Committee as responsible for “all post-disaster coordination”.³⁹ It also set out the basic purpose, principles and priorities, namely:⁴⁰

- Restore the fabric of the affected community to allow a return to normal social and economic activity as quickly as possible while mitigating against future occurrences;
- As much as possible, recovery should be managed by local authorities; and

³⁸ Domestic and External Security Committee “National Recovery Plan” (2 November 1987).

³⁹ Domestic and External Security Committee “National Recovery Plan” (2 November 1987) S(87)18 at 2.

⁴⁰ Domestic and External Security Committee “National Recovery Plan” (2 November 1987) S(87)18 at 2.

- Central government will only be involved where local resources are inadequate to undertake recovery and only to the point which local authorities are able to take over.

The priorities were safety of people, and then social, economic, and physical restoration. Implicit within this plan, and explicitly stated in subsequent plans, is that recovery would follow a similar form as response with successively higher levels of government being involved as the severity of the event grew. These principles are clear, long lasting, and generally accepted globally as desirable for disaster recovery – build back better when practical; elements in addition to physical infrastructure need recovering including the social fabric of a community; and local authorities need to take a leading role albeit with support from the central government.⁴¹ These same principles can be seen in the National Plan 2005⁴² and 2015⁴³ under the CDEM Act 2002 as well as the CERA Recovery Strategy.⁴⁴ But the latter document added practical elements that were missing from previous recovery documents. And this highlights fundamental and persistent problems for civil defence that are likely to continue – the gap between principles and practice, and the gap between responsibilities and the ability to fulfil them. These problems manifested in each of the previous chapters covering 50 years of civil defence.

⁴¹ See, for example, W. J. Clinton “Lessons Learned from Tsunami Recovery: Key propositions for building back better” (United Nations Secretary-General’s Special Envoy for Tsunami Recovery. New York: United Nations, 2006); Sandeeka Mannakkara and Suzanne Wilkinson *Re-conceptualising “Building Back Better” to Improve Post-Disaster Recovery* International Journal of Managing Projects in Business 2014 vol 7 327 – 341.

⁴² The following section from the National Civil Defence Emergency Management Plan 2005 is almost verbatim from the 1988 Recovery Plan - s89(3) “The aim of any government assistance is to provide the minimum level of assistance required to restore to the community the capacity for self-help and to provide solutions that are the most appropriate long-term solutions. This does not imply an obligation to restore a community to a better state than existed before the emergency, and nor is there an obligation to restore to previous levels if those are not sustainable in the longer term.”

⁴³ Although the National Plan 2015 uses slightly different and certainly nicer sounding language the message is identical to previous National Plans.

⁴⁴ Canterbury Earthquake Recovery Authority (2012). Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha. Christchurch: Canterbury Earthquake Recovery Authority.

The Recovery Plan under the Civil Defence Act 1983 adopted the purpose, principles, and priorities of the DESC recovery plan but it was missing practical elements which would support implementation. The Civil Defence Recovery Plan's two functions were to firstly remind sub-national stakeholders of their responsibility towards risk reduction and then secondly to outline areas where the central government could potentially offer and coordinate resources for a major recovery.⁴⁵ The Recovery Plan sent a strong message of the government's desire to avoid exposure to financial costs for recovery as a result of local authorities, individuals, and business not managing hazards or preparing for emergencies by fulfilling their civil defence or risk-reduction responsibilities (which were articulated in other statutes) – but it lacks a practical element seen in response and readiness plans that could compel specific actions such as training or education or planning. Likewise, with its risk-based and community-centred principles the government's first recovery strategy formed the basis of the current CDEM system but again with few provisions on how to implement. Although based on sound principles, in practical terms the recovery plan in New Zealand is based on avoidance rather than good planning. Since its earliest appearance in civil defence, recovery has been neglected in terms of practical considerations of implementation and some of the problems stemming from this – such as the confusing array of recovery coordinators, managers, and commissioners were carried over wholesale from one civil defence Act to the next.

⁴⁵ National Civil Defence Plan 1988

The Recovery Framework: Form before function

“It is the pervading law of all things organic and inorganic, of all things physical and metaphysical, of all things human and all things superhuman, of all true manifestations of the head, of the heart, of the soul, that the life is recognizable in its expression, that form ever follows function. This is the law.” Louis H. Sullivan, 1896.

Since the earliest years of civil defence there has been a graduated framework whereby successively higher levels of government become involved as the demands of an emergency exceed capacity at the lower levels. This model was adopted for recovery in the 1980s along with the creation of various recovery roles and was solidified in 2005 with the Guide to the National Plan (Figure 5-1). This structure is based on the response model which dates as far back as the introduction of the Regional Commissioners in the 1960s and was further institutionalised within the CIMS structure which was adopted for response in 1998 (Figure 5-2).⁴⁶ Unfortunately, as demonstrated in the next section, the actual functions to be performed by the roles within this framework were rarely explicated in any great detail. In other words, the form of recovery existed before the functions were clarified.

⁴⁶ Officials’ Committee for Domestic and External Security (2014) The New Zealand Coordinated Incident Management System (CIMS) 2nd ed

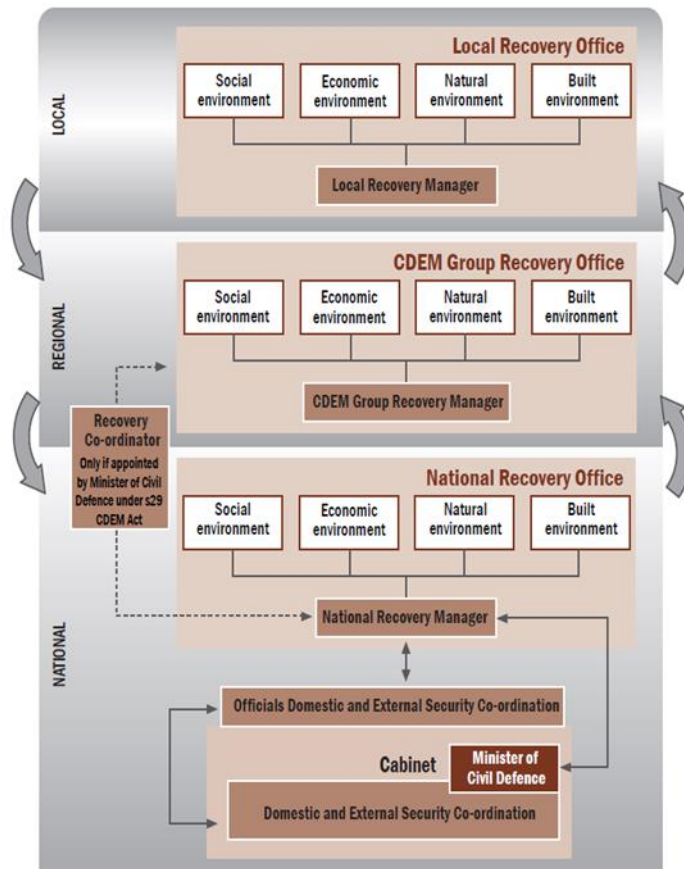


Figure 5-1 Generic recovery structure

Source: Focus on Recovery: A holistic framework for recovery in New Zealand. Information for the CDEM Sector [IS5/05]



Figure 5-2 Scalable response structure

Source: Officials' Committee for Domestic and External Security (2014) *The New Zealand Coordinated Incident Management System (CIMS) 2nd ed.*

The creation of such a structure gives the impression of readiness and certainty – when an emergency becomes more challenging, clearly delineated levels of support are contributed by successively higher levels of government. This is only an illusion of certainty when in fact there was nothing but uncertainty about who would be doing what and when. The shortcomings of this

format have long been known. The Review of Civil Defence 1992 identified the need for clarity in the various roles within civil defence – a point that was made again three years later by the Teagle Report – and also criticised the expectation that the local community would be able to withstand pressure from the structures above. In effect, one of the main problems with

recovery in New Zealand was identified 20 years before the Canterbury earthquakes – a lack of clarity between the various recovery roles. By adopting and expanding the recovery

framework from its predecessor, the CDEM Act 2002 added to the problems of recovery. As the rest of this chapter argues, not only did these roles lack defined functions but they also lacked the training and powers which would allow them to do their job were their job even clarified. Civil defence did however have principles, and priorities and purpose – but after these were established in the 1980s momentum was lost until the Canterbury earthquakes.

The roles of recovery: The Disaster Recovery Co-Ordinators, the Commissioner for Disaster Recovery, and the Recovery Managers

In the 1980s and 1990s four positions were created for disaster recovery under two statutes and two statutory regulations – these positions were all carried over under new local government and civil defence statutes in 2002 despite repeated notices about the confusion caused by a lack of a clear mandate and authority. There is no clear explanation for the lack of mandate but the lack of authority was by design as the CDEM Act 2002 was largely based on “voluntary participation” and enabling cooperative outcomes.⁴⁷

The Civil Defence Act 1983 created the position of a Recovery Co-ordinator which the Minister could appoint if it was felt the local authorities did not have the ability “*to ensure the effective co-ordination of the resources necessary to restore necessary services, amenities, and habitation*”.⁴⁸ Meanwhile, under the 1987 National Recovery Plan, a DESC Recovery Coordinator would also be appointed if central government assistance was needed in order to coordinate resources and planning nationally. During a declared emergency the Regional and Local Controllers would be responsible for directing and co-ordinating all resources necessary for the emergency.⁴⁹ The Civil Defence Recovery Co-

⁴⁷ Working Together: Developing a CDEM Group Plan Director’s Guidelines for CDEM Groups (DGL 2/02) at 50.

⁴⁸ Civil Defence Act 1983 s69(1).

⁴⁹ Civil Defence Act 1983 s30 and s40.

ordinator assumed all civil defence functions and powers of the Regional or Local Controller and functioned alongside local authorities for the purpose of restoring “necessary services, amenities, and habitation” but without emergency powers after the declaration ended.⁵⁰ The Recovery Co-ordinator would be under the direction of the Regional Commissioner for the region in which the emergency occurred until the declared emergency ended and then under the Secretary of Civil Defence. The 1983 statute was quite clearly focused on the immediate needs of the emergency and not long-term recovery but it was not clear in what capacity the Recovery Co-ordinator would function after a declared emergency ended as they would have lost the powers granted to the Regional and Local Controllers under the Act. Additionally, it was not clear how resources would be coordinated any better by a Recovery Co-ordinator than Regional or Local Controller if they did not have the power to compel any sort of action or requisition resources once the declared emergency ended. Additionally, an amendment to the Civil Defence National Plan in 1992 allowed for any central government department to appoint a recovery coordinator. It also allowed for the appointment of a local Recovery Manager to liaise between local authorities and the DESC Coordinator if a national Coordinator had not been appointed.⁵¹ None of these positions had any particular powers, only functions such as “liaise” and “coordinate” and would rely on the goodwill of other departments and private businesses.

In contrast, a 1981 amendment to the Local Government Act 1974 created a much more powerful role in the Commissioner for Disaster Recovery. This Commissioner could advise, monitor, and even replace local authorities if the Minister felt they were unable to

⁵⁰ Civil Defence Act 1983 s71(1).

⁵¹ National Civil Defence Plan Amendment 4 (3/92) at 6.

adequately exercise their “powers, functions, and duties”⁵² – not just those related to the immediate needs of the recovery as under the Civil Defence Act. The powers given to the Commissioner were absolute in so far as the powers ordinarily given to local authorities:⁵³

The Commissioner, in the name and on behalf of the local authority, may exercise any power and shall perform all the functions and duties conferred or imposed on the local authority by this or any other Act, or by any instrument or otherwise.

While the Civil Defence Recovery Co-ordinator was appointed for 28-days (extendable if necessary), the Local Government Recovery Commissioner had a baseline three-month period. The person appointed as the Civil Defence Recovery Co-ordinator could also be the Recovery Commissioner. When comparing the two statutes a graduated system is apparent – the Civil Defence Act confers upon a nationally appointed Co-ordinator the powers and responsibilities of a Local or Regional Coordinator but is limited to the immediate restoration of basic services and addressing basic needs. The Local Government Act however gave all powers from that Act and any other that local authorities would normally have to the nationally appointed Commissioner. The Local Government Act 2002 contained two provisions for central government to intervene via an appointed Commissioner - the first provision was a general case of local authorities failing to perform, the second provision was specifically for local authorities failing to perform in a disaster recovery.⁵⁴ This provision allowed for a full takeover of the “powers, functions, responsibilities, and duties” of local authorities. The Commissioner for Disaster Recovery was eliminated by a legislative amendment in 2012.⁵⁵

⁵² Local Government Act 1974 Amendment Act 1981 s692B(1)(b).

⁵³ Local Government Act 1974 Amendment Act 1981 s692E.

⁵⁴ Local Government Act 2002 s253.

⁵⁵ Local Government Act 2002 Amendment Act 2012.

This potentially confusing arrangement was noted by each of the main review reports on emergency management in New Zealand in the 1990s⁵⁶ yet it remained in place even after the CDEM Act 2002. Instead of adding clarity, the CDEM Act 2002 and the multitude of explanatory guidance documents produced since 2002 contributed to the confusion by not giving a clear mandate for the main recovery roles, by not making recovery planning mandatory which meant recovery plans would not have legal authority as do the CDEM Group plans, and by not granting emergency powers for recovery as there are for response. Under the CDEM Act 2002 a “suitably qualified and experienced person” could be appointed as Recovery Co-ordinator in the case that the Minister felt a Group would be unlikely to “ensure the effective carrying out of recovery activities in its area”.⁵⁷ The CDEM Act 2002 also states that if a Recovery Co-ordinator was appointed they would be treated as the Group Controller and be granted “all the functions, duties, and powers of a Group Controller”.⁵⁸ The Recovery Co-ordinator would be responsible to the Director. The National Plan 2005 simply says the Recovery Co-ordinator has a role to carry out with no details on what that role might be.⁵⁹ The Guide to the National Plan gives more detail:⁶⁰

The prime function of the Recovery Co-ordinator is to manage the work of agencies at the area of the emergency and to ensure that government assistance and actions are properly co-ordinated. In instances where such a person is appointed, local responsibility remains, and the CDEM Group Recovery Manager is to work with the Recovery Co-ordinator.

Three successive documents – the CDEM Act 2002, the National Plan 2005, and the Guide to the National Plan, did little to elaborate on what the Recovery Co-ordinator would do. The

⁵⁶ Somerford Teagle Report of the Emergency Services Review Task Force (prepared for the Department of Internal Affairs 1995); Law Commission *Final Report on Emergencies* (NZLC R22, 1991); and Brian McLay, R. Perry Cameron, Robin Klitscher, and Margaret Murray Civil Defence Review Panel Report (prepared for the Ministry of Civil Defence 1992).

⁵⁷ Civil Defence Emergency Management Act 2002 s29(1).

⁵⁸ Civil Defence Emergency Management Act 2002 s30(2) and s30(3).

⁵⁹ National Civil Defence Emergency Management Plan Order 2005 (SR 2005/295) at s89(5)(f).

⁶⁰ The Guide to the National CDEM Plan at Section 25 p9.

statute, the statutory regulation, and the supporting document all say the same thing: the Recovery Co-ordinator is to make sure the recovery is coordinated properly. There is no indication of how that would be done.

There are two major issues with the description of the Recovery Co-ordinator's role. First, the assumption that a Recovery Manager exists locally – it is not mandatory for one to be appointed. Second, a Group Controller's powers are only available during a declared emergency which means a Recovery Co-ordinator's powers would only be available during a declared emergency. Under the CDEM Act 2002 an emergency declaration lasts for up to 7 days and may be extended.⁶¹ Once the declaration ended the Recovery Co-ordinator would be powerless. The Recovery Co-ordinator would do whatever the Director ordered, but there is no real obligation for "agencies at the area of the emergency" to follow the direction of the Recovery Co-ordinator after the emergency declaration ended. It might be practical for them to, but practicality is a major limitation for recovery within the CDEM framework. Realistically, an agency at the local level would follow the direction of their own Director and Minister, not the ones from Civil Defence. And this was recognized by the Ministry in 2005:⁶²

Not only will statutory powers cease, but some agencies and organisations, whose contribution may be linked directly to the state of civil defence emergency, may decide their role is over.

The absence of power was intentionally done in order to have a "cooperative" atmosphere during recovery instead of coercive.⁶³ The Canterbury Earthquake Recovery Act 2011 overcame this cooperative and confusing system at the national level through the Minister

⁶¹ Civil Defence Emergency Management Act 2002 s70(2).

⁶² Recovery Management Director's Guidelines for CDEM Groups [DGL 4/05] at 23.

⁶³ Working Together: Developing a CDEM Group Plan Director's Guidelines for CDEM Groups (DGL 2/02) at 50.

for Canterbury Earthquake Recovery. However, there remained another recovery position that could potentially exist at any level – the Recovery Manager.

The Recovery Manager

Adding to the confusion of which role will be involved and when, and for what purpose is the position of Recovery Manager. The Ministry has progressed from respecting the “cooperative” relationship ethos that the CDEM Act was based on and merely suggesting local authorities create the position of Recovery Manager, to making it virtually impossible to make a CDEM plan without it, to proposing that it be a requirement under the Act.⁶⁴ There are three possible roles with the title Recovery Manager – National, Group, and Local – but the distinction is not always made in Ministry documents. Generally, unless specific reference is made to the National Recovery Manager the term “Recovery Manager” refers to the Group Recovery Manager.

The role of Recovery Manager has made numerous appearances in New Zealand legislation, legislative instruments and policy documents but has always been a weak position due to a lack of clarity about its role relative to the Recovery Co-ordinator, a lack of a clear mandate, a lack of emergency powers, and the fact that the position was only suggested and not required. The Recovery Manager position was first created in a 1992 amendment to the recovery section of the National Plan under the Civil Defence Act 1983.⁶⁵ While the principles and positions created under that National Plan were largely carried over to the CDEM Act 2002 – the Recovery Manager position does not appear in the Act and was only mentioned in passing in the National Plan 2005. Instead, it first appeared in two documents

⁶⁴ Office of the Minister of Civil Defence “Review of the legislative framework for recovery from emergencies” June, 2015.

⁶⁵ See the previous section in this chapter – The Recovery Framework: Form before Function

in December 2002, *Working Together: Developing a CDEM Group Plan: Director's Guidelines for CDEM Groups* and *Working Together: The Formation of CDEM Groups: Director's Guidelines for Local Authorities and Emergency Services*. In these two documents the Ministry simply suggests the appointment of "suitably trained and competent" Recovery Managers and justified the lack of powers on the premise of an overall voluntary and cooperative CDEM framework.⁶⁶ The Ministry changed its view regarding the necessity of the Recovery Manager in 2005 by stating in the Director's Guidelines to Recovery Management that one would be necessary during the transition from response to recovery – but this statement implies the position would already be filled as the Group Plan is not made during an emergency.⁶⁷

The CDEM Group Recovery Manager will be named in the CDEM Group plan, and will take up the role while the emergency is still in force and the controller is managing response efforts.

This is confusing because the National Civil Defence Emergency Management Plan 2005 only mentions the Recovery Manager in a short list of positions which could be considered for professional development.⁶⁸ Nowhere in law does it say a Group Recovery Manager must be appointed, but it is impossible to complete a Group Plan without appointing one. The Director's Guidelines to the National Plan 2005 add to the confusion by offering a short list outlining the role of the National Recovery Manager, but not for the Group or Local level.⁶⁹ The Director's Guidelines for Recovery Management superseded the 2002 guide for CDEM Groups but it is not a legislative instrument and gave no more powers to Recovery Manager's than before which meant the "voluntary" and "cooperative" nature remained.

⁶⁶ *Working Together: The Formation of CDEM Groups. Director's Guidelines for local authorities and emergency services* (DGL 1/02) at 1 and 18.

⁶⁷ *Recovery Management Director's Guidelines For CDEM Groups* [DGL 4/05] at 23.

⁶⁸ *National Civil Defence Emergency Management Plan Order 2005* (SR 2005/295) s57 (2)(b).

⁶⁹ *Recovery Management Director's Guidelines For CDEM Groups* [DGL 4/05] at 10.

Additionally, the Director's Guideline to Recovery attempts to direct Groups to appoint a position while failing to say what that position entails. It was not until 2010 that the Ministry produced a document outlining general qualities for Recovery Managers⁷⁰ and only one national training standard had been created for recovery management compared to over a dozen for response.⁷¹

There is no clear guidance in the Director's Guide to the National Plan of the relationship between the National Recovery Manager and the Recovery Co-ordinator. According to the Guide to the National Plan 2005, after a Recovery Co-ordinator is appointed the Group Recovery Manager remains and coordinates with the Recovery Co-ordinator as well as liaises between the Local Recovery Manager and National Recovery Manager. The Recovery Co-ordinator is supposed to work "at the area of the emergency" to coordinate government assistance and action and reports to the Director of Civil Defence.⁷² However, the National Recovery Manager works nationally but also "liaises" with Group Recovery Managers and "co-ordinates the recovery activity of the relevant CDEM Groups".⁷³ This makes it unclear who is coordinating – the Co-ordinator or the National Recovery Manager. If both can fulfil the same function then there is an unnecessary redundancy in the CDEM framework. As was done in the writing of this chapter, one would have to carefully read through a half-dozen documents totalling hundreds of pages just to understand what is to be done by the only four positions in the CDEM recovery framework.

Finally, the CDEM Act 2002 states the Recovery Co-ordinator is under the direction of the Director and whether or not the Recovery Co-ordinator takes on the powers and role of the

⁷⁰ Civil Defence Emergency Management Competency Framework Role Map: Recovery Manager (2010).

⁷¹ See the next section - Capacity Development for recovery in this chapter.

⁷² The Guide to the National Civil Defence Emergency Management Plan (sec 25 p9).

⁷³ The Guide to the National Civil Defence Emergency Management Plan (sec 25 8).

Regional Controller is to be determined at the time of appointment.⁷⁴ The problem is the same as under the Civil Defence Act 1983 - the Regional Controller is only empowered for response, not recovery, and the emergency powers granted are only available for the duration of the declared emergency. Essentially it is a question of competence and convention – what could a nationally appointed Recovery Co-ordinator achieve that a Regional Controller could not when they are given identical emergency powers that are limited to the duration of the emergency declaration?

Section Summary

It is clear that there are major contradictions and limitations within the CDEM recovery framework which make it a vulnerability in a crisis and a liability towards having a resilient country due to the uncertainty about roles and authority. This issue is not new to the civil defence. The 1992 Review of Civil Defence specifically mentioned this lack of “clarity and completeness” as a weakness of the civil defence system and was a key point in the recommendation for revising the law and framework.⁷⁵ The basic principle of recovery was to limit the government’s exposure to an expensive recovery; on top of this was added the principle of voluntary cooperation which gave no powers for coordination. With vaguely defined functions and without granting powers it is unclear what successively higher levels of government would have to offer besides more money. High-level appointees may be able to “coordinate resources” based on convention but they had little by way of statutory basis to ensure this would happen. It is similar to the principle of mutual support and the Civil Defence Act 1962 Amendment Act 1975 as examined in the previous chapter – before this

⁷⁴ Civil Defence Emergency Management Act 2002 s29.

⁷⁵ Brian McLay, R. Perry Cameron, Robin Klitscher, and Margaret Murray *Civil Defence Review Panel Report* (prepared for the Ministry of Civil Defence 1992) at [07.002].

amendment mutual support for emergency response was based on voluntary cooperation. After the Amendment a limited emergency declaration could be made in districts not directly impacted by an emergency which would ensure cooperation in order to requisition resources and personnel – uncertainty was reduced through a compulsory measure. Similarly, at the time of the Canterbury earthquakes the government was limited in what its recovery personnel could do after the declaration had ended. In order to ensure cooperation they would be forced to continually roll-over the emergency declaration until the recovery process was stable – which could take years – or rely on the voluntary cooperation of everyone, which didn't happen. This expectation of voluntary cooperation was eliminated in 1975 for the response phase – but retained for recovery. The lesson was clearly not learned until too late. Additionally, the Ministry of Civil Defence and Emergency Management is not a powerful front-line ministry and has only a few dozen staff – it is unlikely that specialist departments such as the Department of Building and Housing (DBH) or the Ministry for the Environment, or the Ministry of Business, Innovation, and Employment where the DBH now resides, would take direction from MCDEM in matters of housing and environment over the long-term. That is also assuming that MCDEM or a regional CDEM Group even has trained Recovery Managers, which for the most part, they do not. This is not mere speculation, a review of the CDEM response to the Canterbury earthquakes found that MCDEM's position tucked away within the Department of Internal Affairs combined with a tradition of having a Minister with low seniority negatively impacted MCDEM's relationship with other, larger, departments during the response.⁷⁶ There is no indication that MCDEM or the CDEM Group would have fared any better during

⁷⁶ Ian McLean, David Oughton, Stuart Ellis, Basil Wakelin, and Claire B Rubin "Review of the Civil Defence Emergency Management Response to the 22 February Christchurch Earthquake" (29 June 2012) Report Commissioned by the Ministry of Civil Defence and Emergency Management.

the transition to recovery than they did in response as they were still a small ministry with no powers and staff with limited experienced and training in disaster recovery.

Capacity development for recovery in New Zealand

Despite the role of Recovery Manager existing since 1992 there is little evidence of serious and sustained efforts to support this civil defence function even after the passing of the CDEM Act 2002. Although there are statutory obligations for the Ministry and CDEM Groups to increase, monitor, and evaluate capacity to meet the needs of their civil defence emergency management mandates the process has been haphazard and for recovery capabilities essentially stagnant at the time of the Canterbury earthquakes.⁷⁷ Both of the first two National Strategies (2003-2006 and 2008-present) had the same goal of “enhancing New Zealand’s capability to recover from civil defence emergencies”.⁷⁸ The CDEM Act 2002 requires Civil Defence Groups to:⁷⁹

“...take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel...for effective civil defence emergency management in its area.”

One of the first documents to be published after the passing of the CDEM Act 2002 was the Director’s Guidelines for CDEM Groups⁸⁰ which suggested that:

...experienced and trained Recovery Manager(s) plus alternate(s) are made available for the entire Group for any member to utilise...Carrying out recovery following an emergency is a key statutory function of the CDEM Group as is making available suitably trained and competent personnel” (emphasis added).

⁷⁷ National Civil Defence Emergency Management Plan Order 2005 (SR 2005/295) – section 8(5) states that MCDEM will monitor the capacity and capability of CDEM Groups.

⁷⁸ National Civil Defence Emergency Management Plan Order 2005 (SR 2005/295)

⁷⁹ Civil Defence Emergency Management Act 2002 s17(b).

⁸⁰ Working Together: The Formation of CDEM Groups. Director’s Guidelines for local authorities and emergency services (DGL 1/02) at 12 and 18.

The key words here are “competent”, “experienced”, and “trained”. In this section it is argued that this is another case of the Ministry creating an unsupported mandate for local authorities as there are no suitable or sustainable mechanisms for experience to be developed or shared, the training component is at a bare minimum, and a list of generic competencies were only developed in 2010 and are of questionable value. At the time of the Canterbury earthquakes recovery in New Zealand, as a practical component of CDEM, had barely evolved beyond the principles developed in 1987.

The starting point for assessing capacity is the 2004 Review of Civil Defence in which capacity both within the Ministry in general and in the Ministry and local authorities for response and recovery in particular were highlighted as major issues.⁸¹ In the case of the Ministry this was attributed to, among other things, a high rate of staff turnover and, bizarrely, a lack of experience in emergency management. The Review found that after flooding in February 2004 “extensive demands” were imposed on smaller local authorities not only for the response but the prolonged recovery, and the Ministry itself found their resources exceeded.⁸²

Competence and Experience

In 2009 a series of publications were made available by the Ministry as part of a programme with the stated aim to “provide a comprehensive and knowledge-based CDEM professional development system for New Zealand”.⁸³ The first part of this process was a generic list of shared “competencies” across CDEM positions such as “Leadership is demonstrated through

⁸¹ Review of Ministry of Civil Defence and Emergency Management – Final Report 2004.

⁸² Review of Ministry of Civil Defence and Emergency Management – Final Report 2004 at s94.

⁸³ Civil Defence Emergency Management Competency Framework: Technical Standard for the CDEM Sector [TS 02/09].

strategic decision making that influences others and drives change”.⁸⁴ Each competency is ranked from 1-3 for each CDEM position – on the ground responders for example received a “1” for this leadership competency whereas Controller and Recovery Managers were given a “3”. In other words, those in charge need to come up with a plan and try to get people to implement it which of course has been the major failing of civil defence since 1962. The following year a set of publications, called “Role Maps”, for CDEM functions were published but there is little to distinguish one role from another due to considerable overlap and similarly worded statements with vague meaning. For example, an “essential attribute” for the Recovery Manager is “Demonstrates empathy, and willingness to understand and respect others’ needs”.⁸⁵ This could be applied to any role not just in the CDEM system but in any situation where humans interact. The second stage was intended to look into “specific skills and knowledge required to carry out key roles” but so far, there is no evidence that it took place. This may be due to the demands of the Canterbury earthquakes starting in late 2010 in which case it could be said that as questionable as the value of this competency framework is, it was too little and too late coming as it did seven years after the law was made.

It is not clear exactly how these competency role maps were acted on but a national assessment of CDEM capacity in 2012 indicates serious issues existed in terms of recovery capabilities – in particular for professional development.⁸⁶ Recovery scored far lower than any other aspect of civil defence with the report noting that “CDEM Groups consistently scored the lowest in this goal, in many cases reaching the ‘requires attention’ zone...Most

⁸⁴ Civil Defence Emergency Management Competency Framework: Technical Standard for the CDEM Sector [TS 02/09] at 40.

⁸⁵ Civil Defence Emergency Management Competency Framework Role Map: Recovery Manager (2010) at 6.

⁸⁶ CDEM Capability Assessment Report: Part 2 April 2012 at 60.

interviewees acknowledged that recovery was the ‘poor cousin’ of emergency management and needed to be more fully understood and embedded across their Group and/or district.”⁸⁷ But the results of the capacity review do not tell the whole picture. For example the highest score was achieved for the indicator “An appropriately qualified Recovery Manager, and alternate(s), is identified and formally appointed”.⁸⁸ But this measures two variables – qualification and auxiliary arrangements – and the qualification, as is demonstrated in the next section, is minimal. Outside of the review it was also noted in 2012 that MCDEM’s problems with staff turnover as it relates to capacity development had, at least temporarily, recurred.⁸⁹

Concerning experience, there is no clear indication of any systematic method since the CDEM Act 2002 was passed to increase this aspect of civil defence. According to MCDEM, no national training exercises delivered since 2002 have included recovery – they have focused almost entirely on response.⁹⁰ Events which demand a managed recovery occur rarely in any one region and large-scale events occur once every few generations which means real-world experience is also minimal. Currently the Ministry offers “lessons learned” from local recovery on an ad hoc basis, but there is no systematic method for allowing Recovery Managers in New Zealand to gain experience or even knowledge in their role. A solution to this is proposed in Chapter 6 – undoing some of the decentralisation of CDEM and establishing a national cadre of recovery managers.

⁸⁷ CDEM Capability Assessment Report: Part 2 April 2012 at 58.

⁸⁸ CDEM Capability Assessment Report: Part 2 April 2012 at 60.

⁸⁹ Civil Defence Emergency Management e-Bulletin August 2012.

⁹⁰ CDEM Capability Assessment Report: Part 2 2012 at 58.

Training

The current capacity development strategy through MCDEM is based on:⁹¹

- University courses and advanced qualifications
- Professional development courses
- Training and certificate qualifications
- Integrated Training Framework
- CDEM Induction tools

Of the *university programmes* not one focuses on recovery – at most it is included as part of a general “emergency management” course. All focus on response, risk reduction, or resilience – all of which could be argued as a part of recovery but none explore recovery as a process or function of emergency management on its own. As has been argued in many places and demonstrated in Canterbury – recovery is not simply an extension of response nor is it simply a process of “risk reduction” done after the fact. For *Professional Development Courses*, at present (mid-2015) there are no courses for Recovery Managers. The Controller course offered through Massey University reflects the Controller’s function which stops at recovery – the Controller is responsible for the transition to recovery but recovery itself is the responsibility of the Recovery Manager. The other Professional Development courses are for developing knowledge on hazards and response-related aspects of emergency management.⁹² *Training and certificate qualifications* are limited to one course on recovery aimed at local authorities – NZQA 7333. The course runs for 3-5

⁹¹ Ministry of Civil Defence and Emergency Management “CDEM training and courses”
www.civildefence.govt.nz/cdem-sector/capability-development/cdem-training-and-courses/

⁹² Ministry of Civil Defence and Emergency Management “Professional development courses”
www.civildefence.govt.nz/cdem-sector/capability-development/cdem-training-and-courses/professional-development-courses/

days. Recovery is mentioned in other modules but only so far as the transition to recovery from response which is the focus of those modules. The Ministry's *Integrated Training Framework* courses are only at the foundational level.⁹³ Likewise, the *CDEM Induction tools* are for staff who are new to CDEM.⁹⁴ This is the extent of recovery management training in New Zealand – one short-course that many or most Recovery Managers have not done and no training exercises that includes recovery. Compare this to training for CDEM responders which includes a half dozen core courses, weekly training sessions, annual large-scale training exercises, and regular deployments for flooding and search and rescue. So of course MCDEM, the Canterbury CDEM Group and the CDEM Act 2002 were replaced by CERA and the Canterbury Earthquake Recovery Act 2011 – they had no power, limited experience, and virtually no training – and as the previous section demonstrated there was a lack of clarity and planning for the main recovery roles under the CDEM Act 2002. But the limits of civil defence were not only functional and practical, the next section explores contradictions in policy and law which put the CDEM Act 2002 at odds with the National-led government.

Section Summary

The brevity of this section is indicative of the extent of capacity development that exists for disaster recovery in New Zealand. The Ministry created a mandate for CDEM Groups to have experienced, competent and trained personnel but did little or nothing to enable the realisation of this mandate for recovery management. The Ministry provided very little guidance for developing local capacity in recovery in a situation that is similar to response in

⁹³ Ministry of Civil Defence and Emergency Management "Training and certificate qualifications" www.civildefence.govt.nz/cdem-sector/capability-development/cdem-training-and-courses/training-and-certificate-qualifications/

⁹⁴ Ministry of Civil Defence and Emergency Management "CDEM Induction tools" www.civildefence.govt.nz/cdem-sector/capability-development/cdem-training-and-courses/cdem-induction-tools/

the 1960s and 1970s. At that time, as explored in Chapter 4, guidance was limited to “do civil defence” to the community until help arrives. But this was roundly criticised at all levels from local authorities to the Director of Civil Defence and finally in Parliament. The solution was to build a national training school which focused almost entirely on response capabilities. At present, one national course exists for training Recovery Managers compared to over a dozen for civil defence emergency responders. No system exists for gaining recovery experience whereas civil defence responders train weekly and have annual large-scale exercises. The competency standards MCDEM created for recovery are so limp and generic as to be impractical. Appointing a Recovery Manager is not even mandatory – not even during a disaster recovery as with the Christchurch City Council in 2010. Even if one was appointed it would not be entirely clear what they would do in relation to nationally appointed recovery managers and coordinators. At the time of the Canterbury earthquakes the CDEM recovery framework lacked substance and clarity. The power, money, and decision making remained at the national level while responsibility remained a local issue – after the Canterbury earthquakes even that was largely taken away with the establishment of CERA and the collapse of the CDEM recovery structure. The familiar refrain of “local responsibility” is present throughout the CDEM literature from 2002-2010, but for recovery the situation is remarkably and unfortunately similar to response 30 years prior – similarly it took a major disaster to bring action on the limitations of civil defence. Recall the Review of Civil Defence in 1992 which specifically identified a lack of training, clarity, and completeness as potential sources of failure in crisis – and suggested the structure that puts so much weight on the local level would be replaced by a top-down approach. Of course an institution like CERA was necessary, there was no viable practical element in the CDEM framework on which the recovery could have been managed. The final element which

necessitated CERA and the CER Act 2011 is the fundamental question of where responsibility for community welfare ultimately rests.

False expectations: Wellbeing and the “proper” role of local government

There is a fundamental divergence between the two major political parties in New Zealand regarding local authorities and community wellbeing. The impact on civil defence is that, depending on whether National or Labour are in government, the CDEM Act 2002 and the recovery framework will be either directly aligned with or opposed to the government’s policy on local governance and community wellbeing. In this section it is demonstrated that local government law under each party contain widely varying expectations of responsibility for wellbeing and planning on local authorities during an emergency and disaster recovery relative to a business as usual environment. In reference to the research questions and the Canterbury earthquakes – the government took a leading role in the recovery not only because of the limitations in civil defence already identified in this chapter but also because of the National-led government’s political ideology.

Under the National government, community wellbeing is the domain of the central government. Under the CDEM recovery framework, it is unequivocally the domain of local authorities via the regional CDEM Group. Under the Canterbury Earthquake Recovery Act 2011, wellbeing is a part of the recovery strategy which is managed by CERA and the Recovery Minister. This makes it congruent with National’s platform but contrary to Labour’s. With the enactment of the Local Government Act in 2002, the Labour government aimed to bring a form of governance to New Zealand that emphasized partnerships between communities, local authorities, and central government and a mandate for local

authorities to have a broad responsibility for the wellbeing of their communities.⁹⁵ At the same time, civil defence was brought in line with local government law – the Local Government Act 2002 and the CDEM Act 2002 share a similar statement of purpose and responsibility for local authorities concerning community wellbeing:

Local Government Act 2002	CDEM Act 2002
<p>The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act:</p> <p>(d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.</p>	<p>s3(a) The purpose of this Act, which repeals and replaces the Civil Defence Act 1983, is to—</p> <p>(a) improve and promote the sustainable management of hazards (as that term is defined in this Act) in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property;</p> <p>s38(a) All persons exercising functions in relation to the development of civil defence emergency management plans⁹⁶ under this Act must have regard to— (a) the responsibility of people and communities to provide for their own well-being and the well-being of future generations</p>

Since its inception, civil defence and the wellbeing of communities have been a local responsibility. This was reaffirmed generally with the passing of the CDEM Act 2002, after which the Ministry further elaborated the point specifically in the recovery context. In 2005, MCDEM defined recovery as “[r]egeneration of the social, emotional, economic and physical wellbeing of individuals and communities”.⁹⁷ Planning for recovery is done by local authorities via the CDEM Group or at the district level.⁹⁸ Pre-Canterbury earthquakes, the central government limited its role in recovery to providing assistance in circumstances of

⁹⁵ Andy Asquith “The Role, Scope and Scale of Local Government in New Zealand: Its Prospective Future” (The Australian Journal of Public Administration, 2012, 71, 76–84) and Christine Cheyne “Empowerment of local government in New Zealand: A new model for contemporary local-central relations?” (ComJLocGov 2; (2008) 1, 30).

⁹⁶ Civil defence emergency management plans are made by local authorities via the CDEM Groups.

⁹⁷ Focus on Recovery: A holistic framework for recovery in New Zealand. Information for the CDEM Sector [IS5/05] at 5.

⁹⁸ Focus on Recovery: A holistic framework for recovery in New Zealand. Information for the CDEM Sector [IS5/05]

an “unusual type or magnitude”.⁹⁹ The keyword here is “assistance”, not “assuming primary responsibility”. A statement by the Director of Civil Defence in 2009 leaves little doubt about where responsibility for community wellbeing lay:¹⁰⁰

The Group’s members have a legislated responsibility, as well as a moral responsibility, to...manage the wellbeing of their communities in times of stress.

As for the civil defence roles performed by central government, recall the recovery framework and roles from previous sections of this chapter – the nationally appointed roles were responsible for coordinating resources nationally and liaising with CDEM Groups who had responsibility for planning and implementing recovery. By design, the CDEM recovery framework limited the government’s involvement to providing assistance and high-level coordination and placed responsibility for community wellbeing at the local level.

The National Party has a very different view on which level of government is responsible for community wellbeing. The National Minister for Local Government was as clear about community wellbeing and local government as the Director of Civil Defence, except with the opposite message in 2007:¹⁰¹

The broad purpose of the Local Government Act 2002 covering social, economic, cultural, environment wellbeing is unrealistic. It creates false expectations about what councils can achieve and confusion over the proper roles with respect to central government.

Subsequently, the National government systematically eliminated wellbeing as it pertains to local authorities with amendments to the Local Government Act 2002. Under National,

⁹⁹ National Civil Defence Emergency Management Plan Order 2005 (SR 2005/295) at s84(8).

¹⁰⁰ CDEM Group Plan Review [DGL 09/09] at 2.

¹⁰¹ New Zealand Government. *Better Local Government* March 2012 at 6.

the mandate for local authorities changed with the removal of all mention of wellbeing and local authorities.

Compare the Labour-led purpose above with this Amendment in 2012 under the National government:¹⁰²

The Act...provides for local authorities to play a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services, and performance of regulatory functions.

Likewise, the purpose of local authorities changed. The Local Government Act 2002 states the purpose of local authorities is:¹⁰³

(b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

The 2012 Amendment replaced that section with:¹⁰⁴

(b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

In 2013, Labour reiterated their message on community wellbeing in a way which corresponds with the CDEM view on wellbeing:¹⁰⁵

Community wellbeing, as determined by local communities, needs to be placed at the heart of local government purpose and decision-making.

¹⁰² Local Government Act 2002 Amendment Act 2012 (93) s3(d).

¹⁰³ Local Government Act 2002 s10.

¹⁰⁴ Local Government Act 2002 Amendment Act 2012 at 7 (1).

¹⁰⁵ Labour Policy Platform November 2013 at 11.15.

Despite all of this work to make community wellbeing the sole responsibility of the central government under the Local Government Act, the CDEM Act 2002 remains unchanged. The difference between the two statutes now is a matter of governance versus administration. Under the Local Government Act 2002 in its original form, and under the CDEM Act 2002, local authorities (via the CDEM Group) were ultimately responsible for community wellbeing and various forms of community engagement – the relationship between communities, local authorities and central government was one of partnership. Under the amended Local Government Act, local authorities are responsible for administering central government policies at the local level and providing services to their communities that could not be better provided by the private sector. National's 2007 statement on local authorities and the amended Local Government Act created a gap between expectations put onto local authorities during business as usual and what is expected of local authorities (via the CDEM Group) after a disaster. Although the CER Act 2011 preceded the amendments to the Local Government Act, the National party had made their stance clear and had already started the process to assume responsibility for community wellbeing before the Canterbury earthquakes occurred. With this understanding it is clear why CERA and the CER Act 2011 were inevitable – the ideological differences between the Labour and National parties created a gap that would have required National to accept a fundamentally different governance arrangement than what they preferred. The Canterbury earthquake recovery governance structure is a natural outcome of the National government's position on local governance – but it is still at odds with the CDEM Act 2002.

Without a legislative amendment the gap remains and it creates uncertainty. If civil defence law were changed to put community wellbeing in the hands of the central government it

would be a profound transformation for civil defence and fundamentally change the nature of CDEM planning. If the current CDEM law is retained then it would be necessary to articulate in which circumstances local authorities and central government will have responsibility for community wellbeing. But this raises the uncomfortable question – at what point is community wellbeing too much for local authorities? In terms of financial costs, is there a price point that determines when the central government will take over? Or is it a qualitative measure? Whatever outcome the Canterbury earthquakes have on civil defence, the CDEM recovery framework was inoperable due to the lack of planning, training and emergency powers and as this section shows under a National-led government due to a fundamental difference in political ideology.

5.4 The problem with recovery: Failure, success, and taking responsibility

The new emergency management system was supposed to be holistic and sustainable, but it has clearly been incremental and failing that, derivative, and focused primarily on response, leaving recovery as the perpetually neglected component of emergency management. At best, the Ministry of Civil Defence and Emergency Management failed to support the mandate for capacity development. At worst, the Ministry's failures prolonged and worsened the recovery from the Canterbury earthquakes by not putting resources toward identifying the capabilities and powers needed for recovery management and failing to develop trained and experienced Recovery Managers. Worryingly, the Minister of Civil Defence has also proposed granting emergency powers for recovery management in a move that is suggestive of her predecessors in the 1970s as examined in Chapter 4 as these powers are not accompanied by plans for capacity development. Also reminiscent of early civil defence, since 2010 the Ministry has sent mixed messages on the state of recovery by

redefining what successful recovery means and denying that any problems exist for all but the largest disasters using specious arguments and evidence.

Despite the lack of effort put into capacity development and MCDEM's own findings on the deplorable state of recovery in 2012, the Ministry claimed success in recovery in 2013:¹⁰⁶

The CDEM recovery framework has been consistently successful in facilitating the recovery of communities following emergencies. Examples since the Strategy's introduction include recovery efforts following several floods in different parts of the country. As part of recovery from the Gisborne earthquake in 2007, work was done to strengthen buildings in the region...However, the experiences following the Christchurch earthquakes have shown that the recovery framework does not adequately provide for recovery from an emergency requiring large-scale recovery efforts.

This quote is from a document reporting on progress made on the National Civil Defence Emergency Management Strategy 2007 and states that the assessment period runs from 2008-2013 – but the only specific example given of a successful recovery is from the 2007 Gisborne earthquake. The Ministry does not cite any particular cases of successful flood recovery – instead, they gloss over the issue with a vague reference to “several floods in various parts of the country”. The National Strategy 2007 differed little from its predecessor which was published in 2004 and covered the period 2003-2006. The goals for recovery in both are almost identical:

- To enhance New Zealand's capability to recover from disasters

Each Goal had a small number of objectives. The objectives for recovery under the 2007 Strategy are:

¹⁰⁶ Office of the Minister of Civil Defence “Progress of the National Civil Defence Emergency Management Strategy” (April 2013) at s26 and s27.

- Implementing effective recovery planning and activities in communities and across the social, economic, natural and built environments
- Enhancing the ability of agencies to manage the recovery process

There is little evidence to suggest that the Ministry succeeded at this goal or in these objectives. As demonstrated in the previous section there are few Recovery Managers and even fewer who have received capacity development programmes specifically for recovery management. The claim to success is based on unspecified flooding events and the Gisborne earthquake which occurred before their specified period and even that is not a good example. Reference to flooding and the Gisborne earthquake recovery was also made in the 2012 CDEM Capabilities Assessment report – but in that document the flooding was cited as situations where “crucial experience was gained” – not exactly a ringing endorsement of success for the CDEM recovery framework. Before 2008 New Zealand did not have a “consistently successful” experience with flood recovery. Recall in the previous section the Ministry’s own review of the recovery from flooding in 2004 which found the Ministry and local authorities stretched to their limits.¹⁰⁷ Again, this is not a strong endorsement of the CDEM recovery framework as those floods were nowhere near the “large-scale” as the Canterbury earthquakes which was the standard the Ministry referred to in their statement. Perhaps it is unfair to expect the CDEM recovery framework to have worked well only two years after the Act was passed. However, the recovery from the Matata floods in 2005 – which was one of the largest flooding events in the past decade – was subject to considerable criticism due to the excessive focus on the built environment and failures in the social environment in terms of wellbeing (psychosocial health), community engagement,

¹⁰⁷ Review of Ministry of Civil Defence and Emergency Management – Final Report 2004.

and participation – fundamental elements of the CDEM recovery framework.¹⁰⁸ Perhaps other, less well-documented floods were consistently successful but the evidence suggests that would be due to happenstance and not because of the recovery framework. The 2012 CDEM capability survey gave recovery the lowest score among the 4Rs and found that less than 60% of the surveyed Groups had actually identified and trained a Recovery Manager¹⁰⁹ and most recovery plans were “fairly basic”.¹¹⁰ Recall also that there is only one national training course for Recovery Managers. New Zealand somehow went from having consistently poor form in flood recovery from 2002-2007, to being “consistently successful” in 2008 onward with no apparent changes in law, policy, strategy, objectives, goals, or training and a 40% chance that an area affected by a flood did not have a trained Recovery Manager and almost a 70% chance that recovery plans did not incorporate risk reduction (a fundamental component of building back better).¹¹¹

As with claiming success in flooding, citing the Gisborne earthquake recovery as a success case is difficult to substantiate. It was previously described by civil defence officials as a time for learning – the lesson learned by the Mayor of Gisborne was to strengthen buildings to be more earthquake resilient.¹¹² In 2009, the alternate CDEM Group Controller during the Gisborne response, Peter Higgs, lamented the slow pace of recovery which he attributed to delays with insurance companies and the requirement for the Council to have “high standards” for the rebuild.¹¹³ Be that as it may, the media at the time reported on a speedy

¹⁰⁸ K Spee 2008. Community recovery after the 2005 Matata disaster: long-term psychological and social impacts, GNS Science Report 2008/12, 40; Susan Collins, Bruce Glavovic, Sarb Johal, and David Johnston. Community Engagement Post-Disaster: Case Studies of the 2005 Matata Debris Flow and 2010 Darfield Earthquake, New Zealand (New Zealand Journal of Psychology Vol. 40, No. 4. 2011).

¹⁰⁹ CDEM Capability Assessment Report: Part 2 2012 at 59.

¹¹⁰ CDEM Capability Assessment Report: Part 2 2012 at 58.

¹¹¹ CDEM Capability Assessment Report: Part 2 2012 at 59.

¹¹² CDEM Capability Assessment Report: Part 2 2012 at 59.

¹¹³ Peter Higgs. Panel Discussion (Proceedings Shaken Up conference, 9 December 2009, Wellington).

recovery for businesses in Gisborne but in a survey of the Gisborne business community it was attributed to the earthquakes occurring right before peak Christmas shopping season (20%) and the necessity of opening as soon as possible to not lose sales (15%) while 40% attributed it to the closeness of the community itself.¹¹⁴ Only 3% cited civil defence as facilitating recovery, and an equal number cited effective pre-disaster planning.¹¹⁵

Somehow, in the course of one year, recovery went from being a weak link and being described as the “‘poor cousin’ of emergency management [that] needed to be more fully understood and embedded across... Group(s) and/or district(s)”¹¹⁶ to a success case. Given the lack of training, abysmal results in the survey of recovery planning, and cases of less than successful recovery the Ministry cannot reasonably claim consistent success in small-medium size emergencies. Likewise, the local authorities in Canterbury cannot reasonably shoulder the entire blame for a disorganised recovery – what chance did they have given the confusion about recovery roles and a lack of capacity within the CDEM recovery system? On the other hand, it could be argued (and this seems to be what MCDEM is saying in 2013) that recovery from small-medium size emergencies is not complicated and needs no more than a multi-day workshop for training, vaguely defined competencies, and no mandatory planning or even a Recovery Manager. But this is contradicted by a June 2015 proposal by the Minister of Civil Defence for a two-tier system – small-medium size events and large events, each of which will have a different set of powers and guidelines.¹¹⁷ Under the proposed two-tier system, legislative amendments would make recovery planning and the

¹¹⁴ Felicity Powell “Urban earthquake events and businesses: Learning from the 2007 Gisborne earthquake in New Zealand” (The Australian Journal of Emergency Management Volume 25, No. 3, July 2010) at 57.

¹¹⁵ Felicity Powell “Urban earthquake events and businesses: Learning from the 2007 Gisborne earthquake in New Zealand” (The Australian Journal of Emergency Management Volume 25, No. 3, July 2010) at 57.

¹¹⁶ CDEM Capability Assessment Report: Part 2 2012 at 58.

¹¹⁷ Office of the Minister of Civil Defence “Review of the legislative framework for recovery from emergencies” June, 2015.

appointment of a Group Recovery Manager mandatory and would give special emergency powers for recovery from small-medium size emergencies. Why would the Minister propose these changes to a system that the Ministry described as “consistently successful”?

Given the history of civil defence explored throughout this dissertation, implementation of the proposed changes will be highly challenging if the Ministry fails to assess the capacities needed for Recovery Managers and provide training. To repeat the main message from Chapter 3 and 4 – legislating responsibilities does not cause the identification and manifestation of the capabilities required to fulfil them. As explored in Chapter 4, this was recognised, accepted, and addressed with response in the 1970s and early 1980s but somehow recovery escaped scrutiny until the Canterbury earthquakes. Since the 1980s, extensive work has been put in to response capabilities assessment and training – but not recovery. Additionally, there is no evidence to suggest that the proposed powers to be granted for recovery are appropriate – they are the exact same as granted for response with the exception of powers of requisition.¹¹⁸ This reliance on response models should also be reconsidered. The post-2002 recovery strategy was modelled on the CIMS response structure which in turn had systematized the response model which had been in place since the 1960s. More thought should be put into whether this is an appropriate model or if recovery has particular functions or demands that would be better served in an alternative structure. An alternate model is suggested in Chapter 6.

¹¹⁸ Office of the Minister of Civil Defence “Review of the legislative framework for recovery from emergencies” June, 2015.

The aim of this chapter is not to discredit the CDEM recovery framework or the principles on which it is based. As stated earlier, the principles are widely recognized and recommended in scholarship and practice. Even though the recovery framework was not implemented under MCDEM during the Canterbury earthquake recovery its core elements were adopted by CERA. The CERA recovery strategy draws significantly from the CDEM recovery strategy which was principles-based and these principles formed the foundation of CERA's work.¹¹⁹ The CERA 'petal' shape, which puts community in the centre with the natural, built, social, economic, and cultural component on the perimeter, is almost identical to the conceptual framework for recovery under CDEM (Figure 5.3 and 5.4). The focus on community and public participation are also key components of the CERA and CDEM recovery documents.

The problem then was not the recovery principles but the wherewithal to fulfil them. In other words,

of course a specialised agency was necessary and of course the recovery faced numerous challenges and troubles from the earliest stages – the country has done so little to prepare itself for recovery that any other outcome is difficult to conceive. The DPMC in 1987 and

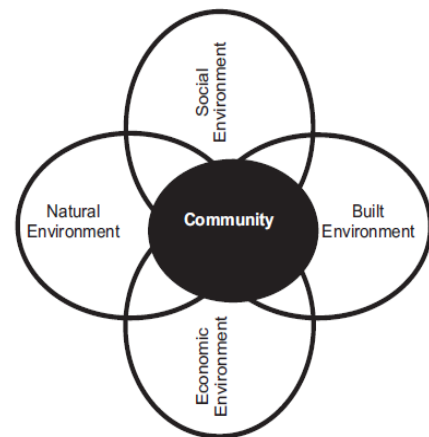


Figure 5.3 CDEM Components of Recovery

Source: Focus on Recovery: A holistic framework for recovery in New Zealand. Information for the CDEM Sector [IS5/05]



Figure 5-4 CERA Components of Recovery

Source: Canterbury Earthquake Recovery Authority (2012). Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha. Christchurch: Canterbury Earthquake Recovery Authority.

¹¹⁹ Ljubica Mamula-Seadon *No Title* (speech given to Resilient Futures: Supporting Recovery in Greater Christchurch conference, Lincoln University, April 2011).

MCDEM in 2005 adopted various recovery principles but did little to bridge the gap between the principles and a practical recovery. To this end, many questions remain unanswered. What are the capabilities needed for a good Recovery Manager? How can Recovery Managers get experience in something that happens so rarely? What can CERA tell us about recovery that was not known before the Canterbury earthquakes? What can CERA tell us about recovery powers and capabilities? How would a similar size emergency be managed under a Labour government? Ultimately, decisions on recovery readiness in New Zealand should be based on empirical evidence, not a few questionable examples of “success” or one big failure.

MCDEM has failed in the recovery component of civil defence and then claimed success anyway while allowing the blame for failures in the Canterbury recovery to be placed on Mother Nature and local councils. It is disingenuous to claim success in a handful of local flooding cases and a small earthquake when so few communities had any sort of recovery preparedness and there are numerous cases of poor performance in recovery. It is short-sighted to say that the recovery system was not suitable for a large-scale recovery – there was very little sincere and sustained effort to train Recovery Managers at any level. They have moved the goalpost from having suitably trained Recovery Managers to “successfully” recovering from small-medium size emergencies. And maybe this is acceptable, without evidence it is impossible to say what the required capacities are for managing the recovery from a small, medium, or large emergency. On the other hand, it is difficult to accept that the failure of the CDEM recovery framework in Canterbury was a result of the “unprecedented scale” or political discord among local authorities and between local and central government when it is clear that there has been very little effort to develop the

recovery framework beyond the printing press. Until the Ministry is honest with its assessment of the recovery framework and until steps are taken to better understand and address the capability gap in recovery – as was done for response 40 years ago – recovery in New Zealand will remain the poor cousin of civil defence emergency management.

A note on the proposed changes to the CDEM recovery framework

At the time of writing the main outcome of the Canterbury earthquakes on civil defence law appears to be a two-tiered system for recovery with selective response powers granted for small-medium sized events and a suite of powers being considered for long-term recovery from major events. In 2014 public submissions were invited by the Regulations Review Committee as part of an inquiry into the legislative response to future national emergencies. The aim of the inquiry is to “establish the most appropriate legislative model for enabling and facilitating response to, and recovery from, national emergencies once a state of emergency has been lifted, while maintaining consistency with essential constitutional principles, the rule of law, and good legislative practice.”¹²⁰ Essentially, the Review will create a best practice model of emergency powers for use after a declaration has ended but certain aspects of the emergency still require special attention, especially in the long-term. The Minister for Civil Defence released a statement explaining the direction she aimed to take recovery including a two-tiered system with emergency powers for Recovery Managers to use in small-medium size emergencies and a second tier for large emergencies.¹²¹ In June 2015, a new National Civil Defence Emergency Management Plan was released which overcame some of the limitations of its predecessor by incorporating sections from other

¹²⁰ Regulations Review Committee “Inquiry into Parliament’s legislative response to future national Emergencies” (17 December 2014).

¹²¹ Office of the Minister of Civil Defence “Review of the legislative framework for recovery from emergencies” June, 2015.

CDEM documents and clearly stating the mandate for National and Group Recovery Managers.¹²² It also has a section on risk reduction which was oddly missing from the 2005 National Plan despite risk reduction being one of the 4Rs. Recall that in the 2005 National Plan the only mention of the Recovery Manager position was in a list of roles that could receive capacity development – also recall that many regions do not have a trained Recovery Manager. The mandates for the National Recovery Manager and Group Recovery Manager in the new National Plan appear to be compiled from the Recovery Management Director’s Guidelines for CDEM Groups in 2005 and the Guide to the National Plan 2005. Soon after the National Plan 2015 was released the Minister of Civil Defence proposed eliminating the role of Recovery Co-ordinator and making it mandatory to appoint a Group Recovery Manager and make a Group Recovery Plan.¹²³ The Minister also proposed giving Recovery Managers the same powers available to Controllers during a response – minus the powers of requisition for the transition period to recovery after an emergency has ended:¹²⁴

- carry out works, clear roads and other public places, and remove, dispose of, secure or make safe dangerous structures and materials;
- provide for the conservation and supply of food, fuel and other essential supplies such as water;
- disseminate information and advice to the public;
- evacuate premises and places, and exclude people and vehicles;
- enter onto premises, for example, to perform an assessment;
- close roads and public places;

¹²² National Civil Defence Emergency Management Plan Order 2015 (SR 2015/140) s156(4)(a-n) and s157(2)(a-i).

¹²³ Office of the Minister of Civil Defence “Review of the legislative framework for recovery from emergencies” June, 2015.

¹²⁴ Office of the Minister of Civil Defence “Review of the legislative framework for recovery from emergencies” June, 2015.

- give directions to stop an activity or to take any action, to limit the consequences of the emergency and potentially for the purposes of coordinating recovery efforts;
- require information for the recovery, e.g. from lifeline utilities.

But this still leaves open the question of capacity – to repeat previous sections and chapters: simply creating a position in law does not manifest the capabilities necessary to fulfil that position's functions. The government acknowledged a long time ago that relying on endogenous capacity within a community was not a reliable way to prepare for emergency response. Yet, as this chapter has demonstrated, very little had been done at the time of the Canterbury earthquakes to prepare the country's Recovery Managers for disaster recovery and there is little indication in the Minister's statements or in the Regulatory Review process that any more will be done than putting more responsibilities onto local authorities – only this time with more power. This is a repeat of the regionalisation process in 1975 where regional authorities were given civil defence responsibilities and emergency powers but with variable funding and little or no training. The familiar historic pattern continues.

5.5 Conclusion

Civil defence has long struggled with the question of public safety and community welfare and where responsibility ultimately rests. The fundamental flaw of civil defence is the unfunded and unsupported mandate which is justified with important sounding noises about local responsibility. The outcome was an emergency management recovery system that was hardly fit for purpose. Recovery was a novel element of civil defence in 1983 and remained as such while risk reduction became the predominant philosophy and response the main area in practice. This chapter explored disaster recovery in law and policy from its

first appearance in 1983 to the Canterbury earthquakes and the limitations of the CDEM recovery framework in crisis. Between those periods an extensive review of the emergency services was undertaken and a radically different approach to emergency management adopted. With the new emergency management came significant empirical and theoretical scholarship, best practices for risk reduction, readiness and even better response capabilities. But recovery has always been an under-explored element of disaster scholarship and in New Zealand a grossly underserved element of civil defence emergency management. The Ministry has argued that the recovery situation in New Zealand is good enough given the “successful” recovery from local flooding and the Gisborne earthquake with the only change needed for small-medium size emergencies is granting emergency powers while the main issue for recovery overall is managing large-scale events.¹²⁵ There is little evidence to support the first claim, and by suggesting emergency powers should be granted the Ministry is on track to repeat the mistakes of its past – recall the previous chapter where granting powers did little to enable a better civil defence system. The ability to actually use the powers is the critical factor. The country was not prepared for a large-scale event not simply because of the limits to rebuilding as identified by Rotimi and others,¹²⁶ or the “unprecedented” scale of the event, or even the political infighting in Canterbury but also due to an extraordinary gap in training and experience between recovery and the other 3Rs and the failure to reconcile local responsibility under the CDEM Act 2002 with the Local Government Act 2002. When so little was done for recovery it is just as absurd to blame the earth for shaking too hard as the source of failure of the CDEM

¹²⁵ Office of the Minister of Civil Defence “Review of the legislative framework for recovery from emergencies” June, 2015.

¹²⁶ James O. Rotimi, Suzanne Wilkinson and Kevin Zuo 2009 “Legislation for effective post-disaster reconstruction” 13 *International Journal of Strategic Property Management* 143; Rotimi, J. (2010) *An Examination of Improvements Required to Legislative Provisions for Post-Disaster Reconstruction in New Zealand*. PhD Thesis, University of Canterbury

recovery framework as it is to take credit for a successful local recovery simply because the ground didn't shake hard enough. Recall the delinquent manner in which emergency powers were handed out in the 1970s and the nonsensical claims that civil defence had done well in the past and would do so in the future – to paraphrase Charles Darwin, the CDEM recovery strategy carries the indelible stamp of its lowly origin. Due to the lack of training as with response in the 1960s and 1970s, the CDEM recovery framework simply gave permission for local capacity to be engaged during an emergency but with even less added value due to the lack of emergency powers. It must be acknowledged that not providing adequate training and resources for recovery management and not aligning responsibilities under civil defence law with other laws will simply hasten the involvement of the central government and necessitate new laws during an emergency which brings into question the value of civil defence altogether.

At the time of the Canterbury earthquakes the CDEM recovery framework was limited by many of the same issues response had faced 40 years ago – primarily this stems from a reliance on principles over practice. At the national level the recovery principles are based on avoidance rather than success – especially for large or complex emergencies. They were created based on the desire to reduce the government's involvement and exposure to financial costs but they say little about governing or conducting an effective recovery. Most of the responsibility was put at the local level while the power, decision making, and money was at the top. After the Canterbury earthquakes even the responsibility was taken away from the local level and the structure collapsed. It also appears that MCDEM grossly underestimated the demands of a large recovery and are now settling for good enough in small-medium size emergencies based on cheap victories in unspecified local flooding

events and one moderate earthquake with no documented evidence of the CDEM recovery framework being an essential component of those events. The evidence from those events in fact is quite the opposite. At present, the recovery principles do not contain much by way of getting better at recovery - the assumption about capacity is that if local authorities cannot manage then the central government will assist - but that is just a way of throwing money at a problem without accounting for the expertise and capabilities that might make a recovery process better – and perhaps even more affordable. There is a conflict here – the government has stated the most effective recovery is done by local authorities and sets out numerous guidelines and principles to ensure that takes place. Yet it has done so little to add value to the CDEM recovery framework by failing to support the practical implementation of those principles. Additional weaknesses in the system are caused by uncertainty about roles and functions – and this is nothing new but it took the destruction of a city to compel the government to do something about it. But simply giving Recovery Managers a job description still falls short. Recovery from a major disaster – which is the condition for central government involvement – is being done a disservice by not having mechanisms and processes in place to increase the effectiveness of the government’s role in recovery – recommendations to this end are given in the next chapter. Finally, the CDEM recovery framework and the principles it is based on are highly vulnerable to the election cycle owing to the uncertainty about which level of government is responsible for community wellbeing. Paradoxically, the system designed to create a “resilient New Zealand” is itself a major source of vulnerability by giving a false assurance of the level of preparedness for a major disaster and conflicting messages about where responsibility for public welfare ultimately rests.

At the time of the Canterbury earthquakes there were many gaps in the CDEM recovery framework that could have been bridged earlier if there had been a better appreciation for the trends, traditions, and limitations of civil defence as every weakness identified in this chapter had been raised already for other aspects of civil defence in the past, and even for recovery in the past 20 years. Again, the Civil Defence Review Panel in 1992 was prophetic:¹²⁷

“It will be of no satisfaction after a major event to have a resulting enquiry decide that a single part of the structure failed to perform because of difficulties in its relationship with any other part of the structure. The public would rightly be unforgiving if such a situation arose when it should have been foreseen.”

This quote could be applied to any of the limitations identified in this chapter – the lack of clarity between recovery roles, the lack of congruence between the CDEM Act 2002 and the Local Government Act 2002, and the lack of mandate, power, and training for recovery managers. There have been many missed opportunities to improve disaster recovery in New Zealand. Perhaps if civil defence hadn’t once again been forgotten or ignored when changes were made to local government law (recall the Local Government Act 1974 as discussed in Chapter 4 Section 4.2) the National-led government would not have had to scramble to make a new emergency law during a crisis. Perhaps if there were more than one short-course on recovery the Canterbury recovery process would have gotten off the ground smoother and been better managed by “trained and experienced professionals”. Perhaps if there were greater clarity between the functions of Recovery Coordinator, Recovery Manager, Recovery Commissioner, and the DESC Recovery Coordinator the Canterbury

¹²⁷ Brian McLay, R. Perry Cameron, Robin Klitscher, and Margaret Murray *Civil Defence Review Panel Report* (prepared for the Ministry of Civil Defence 1992) at [07.002].

recovery would have been better coordinated from the start. Perhaps if the Ministry had identified the necessary and desirable capacities for Recovery Managers sometime between 1992 and 2010 the Canterbury recovery would have been better managed – at the very least CERA would have had a better crop of personnel to pick from.

Chapter 6 Conclusion – Delusions of adequacy and delinquencies in public safety

“Now all the duties of Rulers are contained in this one sentence, The safety of the people is the supreme Law” Thomas Hobbes

6.1 Introduction

For all its neglect, inconsistencies, and incoherence, civil defence is a rather straightforward proposition. Yet, since the Cold War the civil defence system in New Zealand has been fundamentally flawed in all of its incarnations in what can justly be described as a mishandling of a very powerful area of law. The disturbing trend throughout each chapter in the history of civil defence is the distribution of extraordinary responsibility and powers without the associated training or resources to fulfil and utilize them. It is difficult to imagine another area of law where such a discrepancy occurs. The aim of this chapter is to provide answers to the research questions and give recommendations for future research and on improving the CDEM recovery framework. Taking a historical perspective, this dissertation analysed the development of civil defence emergency management law and policies in New Zealand and found that the legislative and organisational response to the Canterbury earthquakes was not only necessary but inevitable. These conclusions are based on the evidence which shows the trends and traditions of civil defence are such that principles come before practice, form before function, and the political will for change is primarily brought about through crisis, criticism, or an attempt to catch up with changes outside of civil defence. The outcome of a new statute, authority, and recovery framework after the Canterbury earthquakes were necessary because when it came to recovery under

the CDEM Act 2002, the government offered neither resources nor powers, only responsibility. Moreover, the divergent interpretation of local responsibilities between the two major political parties in New Zealand made the CDEM recovery framework sensitive to the election cycle. The outcome was inevitable, because disaster recovery was subject to the same trends and traditions as disaster response decades earlier which entailed reliance on admirable but flaccid principles due to the absence of enabling conditions for implementation.

6.2 Summary of findings

The aim of this dissertation was to answer a very basic question – Why CERA? Why a new governance structure and law when an emergency management law had been created only a few years before? Why was the CDEM recovery framework not suitable despite being cited as a model for other countries? The official reason was the scale of the recovery from the Canterbury earthquakes and the great demand for coordination. In the media, discord among local authorities and between local and central government suggested a need for a stronger authority to manage the recovery. But what of the civil defence recovery framework itself and the various recovery roles therein? The short answer to “Why CERA” can be answered not just in terms of scale or squabbling but of how robust the recovery framework was at the time of the Canterbury earthquakes. The CDEM recovery framework was weak and a vulnerability as it contained great uncertainty about the functions to be fulfilled, lacked power and authority, was contrary to the government at the time’s view on local responsibility, and lacked mechanisms for capacity development and gaining practical experience, and was essentially an optional component of civil defence. But recovery is not optional because in a country like New Zealand situated where it is atop numerous fault

lines between the roaring 40's, it is inevitable. And the CDEM recovery framework was designed in such a way that the central government and an organisation like CERA were not only necessary, but also, inevitable. Of course adaptation during a major crisis is also inevitable, but adaptation must be preceded by a resilient system which means a high-level of readiness.¹ At the time of the Canterbury earthquakes, New Zealand was not ready to recover from a major disaster using the CDEM framework.

Revisiting the Research Questions

How, and why, have the philosophy, practice, and governance of civil defence emergency management evolved in New Zealand and what did they mean in the aftermath of the Canterbury earthquakes?

Despite being created in anticipation of serious emergencies, the evolution of civil defence has primarily been in reaction to events. The tendency has been to allow external circumstances to dictate the pace and nature of change which has resulted in the main drivers being crisis, criticism, and catching up with socio-political changes. Relying primarily on circumstances to drive change has meant that while civil defence emergency management has evolved considerably since its Cold War origins, evolution does not mean uniform improvement. Evolution is a specific adaptation to the current environment which meant that changes were often piecemeal and biased toward immediate issues rather than long-term robustness and reliability. It took the threat of national destruction from nuclear war to motivate the government to create a national response system, and a Commission of Inquiry into the 1979 Abbotsford Landslip to compel the government to create the

¹ Patrick Helm "Risk and resilience: strategies for security" (Civil Engineering and Environmental Systems, 2012, 32:1-2, 100-118).

enabling conditions for that national response system to be reliably utilised in crisis. The outcome was the establishment of a national training school that primarily readied the nation's civil defence personnel for response. National planning was initially absent under the pretence of "local responsibility" until the Director of Civil Defence was brought to task by the Ombudsman's Office in 1964 which immediately resulted in the Ministry making national response plans. Since then, response planning has been a consistent and mandatory component of civil defence at all levels – albeit with often poor outputs but the planning process itself at least brought together emergency management stakeholders to talk about response. But the gap between principles and practice persisted in recovery due to an outdated interpretation of local responsibility – disaster recovery followed the same trends and traditions as response and it took a crisis of national significance to compel the government to bridge the gap. At the time of the Canterbury earthquakes the CDEM recovery framework was lacking basic elements to enable implementation that existed for response – training, emergency powers, resources, and guidance to supplement responsibilities under the law. This meant that at the time of the Canterbury earthquakes the CDEM recovery framework was an impracticable component of civil defence which necessitated the government taking a leading role in the recovery. The outcome of the Canterbury earthquakes on CDEM has so far only resulted in clarification of national and regional mandates for recovery managers and a proposal for emergency powers for the transition from response to recovery. There is still a gap in knowledge, capacity development and means for gaining experience.

Why were disasters nationalised? How did the central government come to take a leading role in civil defence despite the philosophy of local responsibility and principle of self-help?

Disasters were nationalised through the realisation that national preparedness for a major disaster could not be achieved solely, or even primarily, from the ground up. National preparedness is more than the sum of local plans – it requires guidance and support in the form of money, training, and knowledge generation and sharing. The philosophy of local responsibility and the self-help principle have evolved throughout the history of civil defence. While initially they meant local authorities would have to respond to an emergency with whatever resources and capabilities they happened to have, incidents such as the Inangahua earthquake in 1968 and Abbotsford landslip in 1979 compelled the government to change their interpretation. The government took the lead in emergency response through training, funding, and leading national exercises for disaster response. These national exercises also form a part of the national readiness plan which the government necessarily leads to better prepare the public and emergency services. It has also taken a leading role in risk reduction by supporting research through the National Hazards Research Platform, the EQC Research Programme, and Resilience to Nature's Challenges (RNC) National Science Challenge. Of course civil defence is still very much a local responsibility, but with that responsibility comes training, planning support, national guidance documents (however numerous and confusing) and emergency powers along with courses in how to use them. This does not apply to recovery. The nationalisation of disasters – or the assumption of greater responsibility by the government in preparing the country for disasters – has been uneven. Recovery was and still is reliant on endogenous capacity

and desire among local authorities – in other words, recovery is reliant on a coincidental alignment between local capacity and the demands of an emergency just as response was in the 1960s and 1970s. Failing that, the only option is for the central government to intervene and spend and legislate their way through a recovery as happened in Canterbury in 2010 and 2011. Adding to this is the fundamental divergence between the Labour and National parties – depending on which party is in power the CDEM Act 2002 will either be directly aligned with or opposed to the government in terms of local responsibility for community wellbeing. As community is at the centre of the CDEM recovery framework it makes recovery planning by local authorities very difficult as their plans would have to change with every new government in order to be implementable - even if CDEM Act 2002 itself did not change. With the latest changes to the National Plan, the proposed changes to the recovery section of the CDEM Act 2002, and hopefully with lessons learned from CERA, New Zealand is well positioned to bridge the gap between principle and practice and make recovery at least as operable as response. This however will require a more active role taken by the central government, extensive research to understand the capabilities needed for recovery at all levels, and a mechanism to institutionalise the recovery experience and reduce the ad hoc way it has been practiced to date (see sections 6.3 and 6.4 for recommendations).

Was the creation of the Canterbury recovery framework under the CER Act 2011 and CERA an anomaly necessitated by the extreme nature of the event or was it an outcome of vulnerabilities within the CDEM recovery framework?

The post-Canterbury earthquake recovery framework under the CER Act 2011 and CERA is an anomaly in that it is a deviation from the intended process for disaster recovery under the CDEM Act 2002 – but it is not an anomaly simply because of the extreme nature of the

Canterbury earthquakes. A disaster of the scale of the Canterbury earthquakes was the primary reason for creating and sustaining a civil defence system – but that system failed when it was needed most. The post-Canterbury recovery framework was an outcome of familiar historic patterns which resulted in shortcoming within the CDEM recovery framework which limited its implementability during a crisis. The familiar historic patterns are the central government putting significant responsibilities onto local government without sufficient guidance or financial support or consideration for the demands on local capacity that civil defence responsibilities would have. Additionally, the divergence between the two main political parties regarding local responsibilities and community wellbeing put the CDEM Act 2002 and the CDEM recovery framework at odds with the National-led government at the time of the Canterbury earthquakes. Using the CDEM recovery framework would have meant National accepting a governance structure fundamentally opposed to their ideology on local governance. The CER Act 2011 adopted the principles from CDEM, and the responsibilities, but went one step further and provided the means for the principles to be implemented and also more closely aligned local responsibilities and community wellbeing with the National-led government's ideology. The Commission of Inquiry into the 1979 Abbotsford Landslip revealed disparate capacity between communities for responding to emergencies. Although this issue had already been raised earlier by the Director of Civil Defence, Major-General Robin Holloway, it took such a crisis to compel the government to provide professionalised training for civil defence – but that training primarily focused on response. Similarly, the Canterbury earthquakes compelled the government to do for recovery what they had long ago done for response – bridge the gap between principles and practice in order to meet the demands of the crisis. Given these

trends and the limitations within the CDEM recovery framework, a new law and institution were necessary and inevitable.

6.3 Questions for future inquiry

This dissertation has demonstrated the limitations of civil defence emergency management at the time of the Canterbury earthquakes, and explained how it came to be in such a state. In the early stages of research a major limitation was the lack of literature on civil defence emergency management in New Zealand. Since Rawlinson's thesis in 1971 there have been no such extensive studies of the laws and policies governing civil defence.² Director of Civil Defence, Major-General Robin Holloway, noted in 1981 that more was known about the impact earthquakes would have on buildings than society – and this statement is valid today.³ There are major gaps in knowledge about emergency management in law and practice in New Zealand as scholarship and funding has largely followed the trend internationally of focusing on risk reduction. Since the 1990s there have been considerable publications on risk reduction but it is primarily focused on the built and physical environments, the closest that scholarship has come to CDEM is through evaluating risk management and CDEM planning in comparison to other areas of law, in particular the Resource Management Act 1991.⁴ The findings in this dissertation indicate avenues to future research that could only be answered as the Canterbury recovery process, as administered by CERA, came to an end. Currently the CDEM Act 2002 and the recovery

² Martin R. Rawlinson "Organisation for disaster: The development of civil defence in New Zealand 1959-1970" (Master's Thesis, University of Canterbury, 1971).

³ R.H.F. Holloway "Civil defence response to a major earthquake" in M.M. Cresswell (ed) *Large Earthquakes in New Zealand* (The Royal Society of New Zealand, Wellington, 1981).

⁴ See for example, Becker, J.; Kerr, J.; Saunders, W. (2006) An approach for pre-event land-use recovery planning for New Zealand. GNS Science Report 2006/23 and Becker, J.S. and Johnston, D.M. (2002) Planning for earthquake hazards in New Zealand: A study of four regions. *Australian Journal of Emergency Management*, Autumn 2002: 2-8.

framework are under review and two government review processes are underway on CERA and the Canterbury earthquakes.⁵ The following questions all aim to provide insights on what can be learned about the administration, governance, and capacity demands of a large-scale disaster recovery:

For government institutions, especially at the local level, is recovery simply business as usual but in a compressed timeframe or are there elements of recovery that necessitate additional training, capabilities, or knowledge beyond what is written in the CDEM recovery framework?

For the CDEM sector, what capacities are necessary to fulfil the mandate of Recovery Manager? For roles other than the Recovery Manager, to what extent do the capabilities required for disaster recovery differ from business as usual? What powers are needed for disaster recovery? More specifically, are the demands of a recovery sufficiently different from response to warrant a different set of powers?

More broadly, should each statute on the books have an “in case of disaster” recovery section or provision, or is it preferable for the government of the day to create legislation specific to the context of a major disaster? Or, should the CDEM Act 2002 be amended to give it the power to override other legislation in the mid to long-term to facilitate a timely recovery?

Inquiry into recovery capacities versus business as usual should not be limited to leadership positions such as the CEO, mayor, or even the Recovery Managers. MCDEM has a little over three dozen staff, the Canterbury CDEM Group office less than a dozen, while CERA had

⁵ The Department of Prime Minister and Cabinet are conducting their own review, headed by Elizabeth McNaughton – formerly of the Red Cross New Zealand. CERA is also doing its own “lessons learned”. It is unclear at the time of writing when outputs can be expected from these projects.

over 200 staff – what factors impacted their work compared to business as usual? If there were differences, were they apparent throughout the recovery process or did they change at different stages as the recovery progressed?

Insights into these questions would help answer two bigger questions - does the CER Act 2011 provide a replicable framework for recovery from future disasters? And, what can be done to improve the implementability of the CDEM recovery framework in crisis – large and small? More research must be done – not only on the lessons learned from CERA. There is a paucity of scholarship on civil defence in New Zealand – in particular social and legal scholarship. The large government-funded programmes – National Hazards Research Platform, the EQC Research Programme, and Resilience to Nature's Challenges (RNC) National Science Challenge – devote most of their funding to understanding and correcting risk in the built and natural environment. Only a small proportion of funding is available for the social sciences and policy-oriented research, and even less for law. Finally, notable by its absence is the lack of scholarship on Maori culture and disasters.

6.4 Policy implications: Suggestions for improving the national recovery framework in New Zealand

This dissertation has revealed a number of contradictions in civil defence, but the greatest paradox is how to balance national guidance and local responsibility without overstepping one and underserving the other. The government has always been a reluctant leader in civil defence - most often by hiding behind the philosophy of local responsibility. But for each of the 4Rs circumstances have forced the government to take a leading role. The Ombudsman in 1964 compelled the government to take a leading role in civil defence planning; the Inangahua earthquake and Cyclone Giselle in 1968 compelled the government to take the

lead in engaging and preparing the community in civil defence as a form of response and readiness; the Abbotsford landslip in 1979 showed the necessity of professionalised training for responders and civil defence personnel which compelled the government to take the lead in capacity development; the wake-up call for risk reduction came in the 1980s from disasters at home and abroad and the government's fear of footing the bill for disaster recoveries great and small; and the Canterbury earthquakes compelled the government to take a leading role in the recovery from the "unprecedented event" despite the fear of such an event being the one thing that sustained the civil defence organisation throughout the years. Now that there is a precedent the government should continue the historic trend and take a leading role in disaster recovery.

Instead of having only local and regional Recovery Managers with widely varying training and an almost universal lack of experience, recovery should be centralised with a permanent cadre of National Recovery Managers in a revision of the long-standing philosophy of local responsibility. Just as the principles of civil defence were reinterpreted for response in the 1970s and 1980s, so too should they be for recovery. It would be most efficient and effective to have a cadre of centrally located Recovery Managers that attend every recovery to observe, advise, or assume control as needed. In the case of specialist knowledge which is not needed regularly by local and regional authorities it is far more practical to develop the necessary capabilities centrally and dispatch recovery management experts as needed than to rely on regional and local recovery managers who may be called upon only on extremely rare occasions. This permanent cadre of recovery managers should be based in the Ministry of Civil Defence and Emergency Management in Wellington and would travel to any declared emergency and all recovery operations regardless of whether

an emergency was declared. Institutional knowledge of the demands of recovery in this country will be built up, stored centrally, and utilised in every recovery by one agency attending every emergency instead of some agencies attending a few. New Zealand is not so large and diverse a country that local knowledge is truly far from experts from outside the region. Local knowledge could be further enhanced by having regional Recovery Managers seconded to the National Recovery Office as a National Recovery Manager in order to gain experience in recovery management around the country instead of only during an actual recovery situation in their own territory. As they occur so infrequently the opportunity to gain hands-on experience is minimal if Recovery Managers are limited to their own district or region. Instead of relying on often-reluctant council staff and response-oriented emergency managers for recovery from an event they will most likely never see in their lifetimes, that knowledge should be developed and captured through the experiences of many emergencies being attended to by one department. Essentially, the current system expects people to rise to the occasion when, as any successful coach and competitor know, you fall to the level of your experiences and training. Therefore, every recovery from a declared emergency should be attended by a professional National Recovery Manager who observes and if necessary advises or even assumes control. In this way best practices can be captured, stored, and disseminated by being utilised in every recovery event. This would accommodate the philosophy of local responsibility while accepting the limits of civil defence in a major emergency.

This proposal would not only provide New Zealand communities with better trained and experienced recovery managers it would also contribute to greater certainty in recovery. The current system implies that the central government may have a role in recovery but it is

unclear when and for how long and under what circumstances and with what capabilities or even which particular office would be in control which creates uncertainty about lines of communication, authority, and ability. The current system not only creates unnecessary uncertainty but also jeopardizes the accumulation of knowledge and experiences in governing recovery by decentralising the task under the philosophy of local responsibility and allowing recovery to be conducted on an ad hoc basis. The current system also underestimates the capacities needed for effective recovery management – in New Zealand the capacities needed for recovery have hardly been considered at all. The central government stopped relying on endogenous capacity and minimal training for response in 1983 but started recovery on a similar path as response in that same year by failing to support the recovery framework. This means that endogenous capacity will be the driver of recovery until the central government feels more help is needed but it does nothing to improve the capacity of local authorities to manage a recovery. It also does nothing to improve the chances of the central government effectively contributing anything more than money which is what they wanted to avoid in the first place. Of course when the central government assumes control of a recovery they bring with them great power – and great responsibility, unfortunately there is no guarantee that the requisite capacities will also manifest. The central government has always been a reluctant leader in civil defence and just as it has with the other 3Rs the central government should take a leading role in recovery. Putting into law that a “suitable person” should be found to manage a recovery amounts to relying on a chance alignment between the demands of an emergency and local capacity. When it comes to government responsibility and capability, the victims of the next major disaster should not have to rely, as their predecessors in Canterbury did, on chance. In the post-Canterbury years there is very little excuse for speculation about the

capabilities and competencies needed for recovery management – the research can now be done and suitable people trained and given experience, and an institution created for recovery management over the long term instead of in the dust of a rebuild.

6.5 Conclusion

This dissertation provided insights into how the emergency management system in New Zealand came to find itself falling far short when it was needed most. The answer is found in its history. This dissertation has shown that the failure to engage with recovery until forced to was not an anomaly – there is a now familiar historic pattern within civil defence of the government introducing responsibilities but doing little to support their fulfilment until compelled to by crisis, criticism or changes external to civil defence – usually a combination of all three. This dissertation has found that it was not simply the scale of the disaster in Canterbury – of course emergency services can be overwhelmed and adaptation will be necessary. Nor was it due to the inability of local authorities to function well – although this may have been a function of poor recovery planning. The government failed to adequately prepare the country for recovery from any sort of disaster – large or small.

The main message of the findings in this dissertation is that recovery needs an institution, not an individual. That institution should be adaptable but that does not mean ad hoc. This lesson has been learned countless times and was written in the first paragraph of the foundational document of civil defence in New Zealand in 1938.⁶ One of the problems identified in this dissertation is the CDEM system contains assumption that every eventuality can be prepared for by scaling up existing systems to meet the demands of an event. But this creates an illusion of certainty by assuming that a disaster is simply the sum

⁶ The New Zealand Organisation for National Security Emergency Precautions Committee. “Draft of Emergency Precautions Scheme” (1938).

of its parts and all that is needed is a higher level of government – with more power and money. But this system put form before function and created responsibilities without a clear mandate which has been shown to result in inaction before a disaster and confusion during a disaster. Creating a role without articulating or supporting the capabilities needed to fulfil that role resulted in an unreliable system. Normally with decentralisation the central government gives up responsibility to local authorities and with that the power to fulfil those responsibilities – this did not occur for CDEM recovery. It cannot be said that the principles the recovery framework is based on failed; the failure was in the expectation that they could be implemented by an undertrained, underfunded, unexperienced and underpowered governance system. It is concerning that the government has consistently been so willing to give responsibility for public safety in crisis to local authorities and volunteers along with considerable emergency powers but with limited means to prepare for or carry out those responsibilities and utilize those powers.

CDEM needs stronger leadership from the national level – this can take the form of funding or training, or by undoing some of the decentralisation of responsibility by establishing a National Recovery Office which includes regional Recovery Managers on secondment. It must be accepted that for some aspects of civil defence local responsibility is a barrier to community wellbeing and a vulnerability as not all communities are going to be prepared to lead a recovery alongside business as usual governance – and the central government should have more to offer than cash and a firm hand. Recall Chapter 2 where it was argued that the intensity of a hazard in itself is not the root cause of a disaster, it is the catalyst that exposes vulnerabilities created by decisions made in the social environment. The main message of this paradigm is that the root causes of vulnerability and disasters are not

necessarily locally derived. Rather, vulnerabilities are part of many processes, often originating far from the local level where a disaster occurs. In this way, civil defence is stuck in its own history. This dissertation has shown that the conditions which necessitated a new institution after the Canterbury earthquakes developed over decades in the civil defence emergency management system and the relationship between local and central authorities. CERA and the CER Act 2011 were not anomalies and are outcomes of the long-term processes, policies, laws and practice of civil defence in New Zealand. The experience of recovery from the Canterbury earthquakes and the subtle inevitability of another disaster are reminders that ultimately, responsibility for civil defence, public safety, and community wellbeing rests with the central government.

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