



9 March 2021

Alan Thompson
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Reference: OIA-2020/21-0299

Dear Alan Thompson

Official Information Act request relating to the Whakaari Event

Thank you for your Official Information Act 1982 (the Act) request received on 18 December 2020. You requested:

With respect to the Whakaari/White Island disaster response NEMA (DPMC) have previously advised that they were the Lead Agency at the National level and that Bay of Plenty CD&EM Group were the Lead Agency at the Local level (in accordance with the National CD Emergency Plan Order 2015). A Lead Agency is responsible for appointing its Controller to manage its response. In this disaster then there would have been a National Controller (NEMA) and a Regional Controller (Bay of Plenty CD&EM Group). The National Plan also states that responses to emergencies will be based on the NZ Coordinated Incident Management System (CIMS) framework (ref Clause 115). CIMS (Version 3) further states that "Only one Controller can be the Lead Controller who directs the overall response to the incident (ref Clause 4.4.2).

"Under the provisions of the Official Information Act I request the following information with respect to the Whakaari/White Island response:

- 1. The organisational structure as established by NEMA in accordance with the CIMS model for their role as Lead Agency for the national response. This should include each of the liaison representatives of the responding agencies as specified in the National Plan (ref Clause 124).*
- 2. The daily Incident Action Plans (IAPs) as prepared by the national Incident Management Team (IMT) and signed off by the National Controller in accordance with the CIMS framework. These IAPs should identify the daily Mission, Objectives, Strategy and Tasks for the national response, ie what was the role and responsibilities of NEMA as the national Lead Agency.*
- 3. Confirm that each agency who responded to Whakaari operated in accordance with the direction of the National Controller and provide copies of the reports from each (refer the requirements of Clause 15 of the National Plan).*
- 4. What were the roles and responsibilities with respect to the response that NEMA (as National Lead Agency) delegated to or were otherwise assigned to the Bay of Plenty CD&EM Group (as Regional Lead Agency) under NEMA's lead.*
- 5. Confirmation as to the agency or agencies whose representative was the "single Controller" responsible for the overall response (including the rescue and recovery operations) in accordance with the CIMS framework (Version 3.)"*

I refer to the letter dated 9 February 2021 advising that the timeframe for responding to your request was extended under section 15A of the Act by 20 working days because it necessitated

consultations to be undertaken before a decision could be made on the request. Following this extension, I am now in a position to respond.

The New Zealand Coordinated Incident Management System (CIMS) 3rd Edition was published in August 2019 and came into effect on 1 July 2020. Therefore, at the date of the Whaakari event, (9 December 2019) CIMS 2nd Edition was in operation. However, the National Emergency Management Agency (NEMA) and the Bay of Plenty Civil Defence Emergency Management (CDEM) Group (who led the overall response) also drew on the CIMS 3rd Edition.

- 1. The organisational structure as established by NEMA in accordance with the CIMS model for their role as Lead Agency for the national response. This should include each of the liaison representatives of the responding agencies as specified in the National Plan (ref Clause 124).*

A document setting out the organisational structure at the national level does not exist. However, the organisational structure for the Whaakari event was established in accordance with CIMS 3rd Edition. The Support Agencies included:

- Customs New Zealand
- Fire and Emergency New Zealand
- Ministry for Primary Industries
- Ministry of Business, Innovation and Employment
- Ministry of Foreign Affairs and Trade
- Ministry of Social Development
- New Zealand Defence Force
- New Zealand Police
- Ministry of Health.

A Strategic Communications function was not established at the national level. Further, iwi/Māori representation was established by the Bay of Plenty CDEM Group, rather than at the national level.

- 2. The daily Incident Action Plans (IAPs) as prepared by the national Incident Management Team (IMT) and signed off by the National Controller in accordance with the CIMS framework. These IAPs should identify the daily Mission, Objectives, Strategy and Tasks for the national response, ie what was the role and responsibilities of NEMA as the national Lead Agency.*

The National Coordination Centre prepared three Action Plans. Daily incident action plans are not prepared at the national level. The three documents within scope of this part of your request are set out below:

- a) NEMA National Coordination Centre Response Plan Action Plan No: 1
- b) NEMA National Coordination Centre Response Plan Action Plan No: 2 (note that there is an administrative error in this document; the date of issue should read 12/12/2019)
- c) NEMA National Coordination Centre Response Plan Action Plan No: 3.

I am releasing the first two documents. Some contact information relating to certain emergency management functions from these documents is redacted, pursuant to section 6(a) of the Act. It is important that the availability of these means of communication solely for officials is preserved. The release of this information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

The third document is a draft Action Plan. It was not finalised as the response activity for the Whakaari event transitioned to recovery formally on 20 December 2019 and the National Coordination Centre was deactivated.

Therefore, I am withholding in full document 3 under section 9(2)(g)(i) of the Act to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.

- 3 *Confirm that each agency who responded to Whakaari operated in accordance with the direction of the National Controller and provide copies of the reports from each (refer the requirements of Clause 15 of the National Plan).*

The National Controller for the event confirms that each agency who responded to the Whakaari event at the national level operated in accordance with his directions. There are no documents within scope of this part of your request.

- 4 *What were the roles and responsibilities with respect to the response that NEMA (as National Lead Agency) delegated to or were otherwise assigned to the Bay of Plenty CD&EM Group (as Regional Lead Agency) under NEMA's lead.*
- 5 *Confirmation as to the agency or agencies whose representative was the "single Controller" responsible for the overall response (including the rescue and recovery operations) in accordance with the CIMS framework (Version 3.)"*

As advised, for the purpose of interpretation of CIMS 3rd Edition (noting that CIMS 2nd Edition was still in effect), the Bay of Plenty CDEM Group was the Lead Agency and its Group Controller was the Lead Controller for the overall response to the Whakaari event. NEMA was the lead Agency at the national level and coordinated support for the CDEM Group.

Appropriate powers and functions are set out in the Civil Defence Emergency Management Act 2002 and the National Civil Defence Emergency Management Plan and therefore no further functions were required to be delegated or otherwise assigned to the Bay of Plenty CDEM Group.

In making my decisions with respect to your requests, I have considered the public interest considerations in section 9(1) of the Act.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

We do not intend to publish this response on the Department of the Prime Minister and Cabinet's website.

Yours sincerely



Carolyn Schwalger
Chief Executive, National Emergency Management Agency