



**National Emergency
Management Agency**
Te Rākau Whakamarumarū



**DEPARTMENT OF THE
PRIME MINISTER AND CABINET**
TE TARI O TE PIRIMIA ME TE KOMITI MATUA

Proactive Release

The following Paper and Minute have been proactively released by the Department of the Prime Minister and Cabinet (DPMC), and National Emergency Management Agency, on behalf of Hon Peeni Henare, Minister of Civil Defence:

Provision of Financial Support to Local Authorities to Assist in the Response to COVID-19 (Paper for the Ad Hoc Cabinet Committee on COVID-19 Response)

Provision of Financial Support to Local Authorities to Assist in the Response to COVID-19 (Meeting of the COVID-19 Ministerial Group: Minute of Decision)

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In-Confidence

Office of the Minister of Civil Defence

Chair, Ad Hoc Cabinet Committee on COVID-19 Response

Provision of Financial Support to Local Authorities to Assist in the Response to COVID-19

Purpose

- 1 This paper seeks Cabinet agreement to a number of changes to current arrangements for provision of government financial support to local authorities for costs they incur in providing welfare support during emergencies. These changes will support the Government's COVID-19 response by ensuring local authorities and Civil Defence Emergency Management (CDEM) Groups have the resources they need to undertake the role the Government expects of them in supporting people who are in self-isolation, and limiting the spread of the virus in communities.

Executive Summary

- 2 This paper seeks Cabinet agreement to amend the Guide to the National Civil Defence Emergency Management Plan 2015 ('the Guide'), to enable the provision of government financial support to local authorities for costs they incur in providing welfare support to people who are self-isolating due to having or being exposed to the COVID-19 virus, or who are confined at home under measures taken as part of the COVID-19 pandemic response (particularly during COVID-19 Alert Levels 3 and 4). As currently worded, the Guide only provides for the reimbursement of such costs in relation to people who are displaced from their usual place of residence.
- 3 The paper also seeks approval to:
 - allow for advance payments to local authorities for these costs (as provided for), should the usual reimbursement process prove to be onerous or unmanageable.
 - increase the total amount that the Director, Civil Defence Emergency Management, has delegated authority to incur under Permanent Legislative Authority, from the current level of \$12.0 million per annum (of which just over \$10 million has already been allocated) to \$20.0 million in 2019/20, and \$25.0 million in 2020/21.

Background

Welfare assistance from local authorities and CDEM Groups is part of a wider suite of support for people directly affected by the COVID-19 pandemic

- 4 A range of financial and welfare support is available to people needing to self-isolate, or who are otherwise adversely affected by the COVID-19 pandemic. This includes support from the Ministry of Social Development (MSD) (through employment subsidies, special needs grants, main benefits, hardship assistance, and civil defence payments), the Ministry of Business, Innovation and Employment (through the Temporary Accommodation Service), and non-government organisations (e.g. Salvation Army). Officials are also undertaking work to identify what further support may be needed. A new package for Māori whanau and communities was recently announced, and MSD is currently developing a proposal for the provision of flexible funding grants for local providers and communities facing immediate and ongoing pressures due to COVID-19.
- 5 Alongside these avenues for support, local authorities and CDEM Groups play an important role at the regional and local level in coordinating, facilitating and directly providing welfare support to displaced, confined and self-isolating people. These roles are discussed in paragraphs 11 - 13 below.

Government can provide financial support to local authorities for welfare costs incurred during an emergency response

- 6 The Guide sets out the arrangements, roles, and responsibilities of agencies for the national management, or support to local management, of emergencies. It enables and supports actions to implement the National Civil Defence Emergency Management Plan Order (2015) ('the Plan').
- 7 Section 33 of the Guide provides for government financial support to local authorities for costs incurred in accommodating, transporting, feeding and clothing displaced people in the event of an emergency (noting that a state of emergency does not have to be in force for this support to be provided). A person is "displaced" if they cannot continue to live in their usual place of residence as a result of the emergency.
- 8 In most instances, government financial assistance is provided to the local authority by way of full reimbursement for actual costs incurred, on the basis of expense claims that are submitted to the Director, CDEM. There is, however, provision in the Guide to make advance payments, which are subject to regular reporting arrangements, and recovery of any unspent funds.
- 9 There is a Permanent Legislative Authority (PLA) in place (under Section 115A of the Civil Defence Emergency Management Act 2002), which provides for the Crown to meet the costs incurred under Section 33 of the Guide. The Chief Executive of the Department of the Prime Minister and Cabinet has delegated authority (currently sub-delegated to the Director, CDEM) to incur such costs up to a limit of \$12.0 million per financial year.

Changes to the Guide will support local authorities to respond to welfare support needs as part of the COVID-19 pandemic response

The New Zealand Influenza Pandemic Action Plan identifies a number of specific roles for CDEM Groups

- 10 The Government's expectations of the role of CDEM Groups in a pandemic are outlined in its Influenza Pandemic Action Plan (which is being used as a guiding framework for the COVID-19 pandemic response). These are:
- i. providing or arranging the provision of suitably trained and competent personnel (including volunteers) and an organisational structure for the CDEM Group in its area
 - ii. providing, arranging the provision of, or making available materials, services, information and any other resources necessary to support the health-led response to a pandemic
 - iii. responding to and managing the non-health adverse effects of a pandemic in its area (including coordinated delivery of emergency welfare services and resources to affected individuals, families, whānau and communities)
 - iv. reporting on the coordination of CDEM welfare, infrastructure and lifeline utility aspects of a pandemic
- 11 Local authorities and CDEM Groups need access to tools and resources to undertake these responsibilities. I am concerned that the current wording of the Guide restricts their ability to carry out the second and third of the above roles, in particular.

Local authorities are already responding to demands for self-isolation support, and these look likely to increase

- 12 Self-isolating individuals must remain in their home or an alternative in-situ location for 14 days. For some individuals and groups already travelling (such as 9 tourists in Queenstown, 15 in Otago, and 7 in Canterbury who are already being supported by CDEM Groups), this means finding extended, unplanned-for accommodation in their immediate vicinity. Such people may require support to find accommodation, be transported from their original destination/accommodation, and to access the goods and services they need for their period of self-isolation. These individuals are not considered as displaced, as they do not have a usual place of residence in New Zealand.
- 13 As the response increases in scale, local CDEM Groups are also being asked to:
- Establish sites for individuals or groups needing to self-isolate but who cannot remain in their current residence, and to support transport to these sites. These sites will have costs regarding leasing, security, and cleaning (in addition to goods and services needed).
 - Support the establishment of Community-Based Assessment Centres (CBACs), which are appointment-only clinics to assess and test people exhibiting mild to moderate COVID-19 symptoms. Local authority support roles include facilitating site management, traffic management, and security in support of District Health Boards

and Primary Health Organisations. These are not welfare-related costs and cannot be reimbursed under the current provisions of the Guide.

- 14 In addition, the increase in New Zealand's COVID-19 alert levels to Levels 3 and 4 may result in an increasing need for CDEM Groups to provide welfare assistance to vulnerable or at-risk people who are following government instructions to stay at home, and who are unable to access other sources of support to ensure their basic needs are met while they do so.

Self-isolation is not covered by the current provisions in the Guide

- 15 As currently worded the Guide refers explicitly to the costs associated with people who are "displaced" as a result of an emergency. People who continue to live in their usual place of residence in self-isolation or confinement cannot be considered to be "displaced". As a result, the Guide does not provide for any costs incurred as a result of the current COVID-19 pandemic response, in which people may need to be supported to meet self-isolation or home confinement requirements, either in their own residence or more suitable alternative accommodation.

Proposal

Amend the Guide to enable local authorities to be reimbursed for costs associated with supporting self-isolation of people in their regions

- 16 I propose that the wording in the relevant section (Section 33.4.1) of the Guide be amended to also cover the costs of providing welfare support to people who are self-isolating due to having or being exposed to the COVID-19 virus, or who are confined at home under measures taken as part of the COVID-19 pandemic response, particularly at COVID-19 Alert Levels 3 and 4.
- 17 The cost of incurring such support would only fall to local authorities and CDEM Groups when all other sources of financial assistance and welfare support have been explored and exhausted. CDEM Groups have significant experience in, and well-established systems and processes for, needs assessment to determine who and how people receive welfare support. Every CDEM Group has a welfare coordination group which includes MSD as a key partner agency, and non-government organisations. As is the case for costs incurred in relation to displaced people, local authority overheads and indirect costs (e.g. local authority staff time, office space and use of vehicles) are ineligible for reimbursement.
- 18 Making this change apply specifically to the current COVID-19 pandemic response is the most practical and expedient approach at the present time. It also places clear parameters on the specific emergency situation (COVID-19 pandemic) to which it applies, helping to manage potential fiscal implications. A wider change (e.g. expanding the scope of coverage to apply in any pandemic or other large-scale health emergency) would require more detailed analysis, and is best considered in the context of the broader review of the Plan and Guide which is due to be undertaken at a later date.
- 19 A document showing the proposed new wording to be included in Section 33.4.1 of the Guide is attached as Appendix 1.

- 20 No change is required to the Plan itself, which is issued as an Order in Council. The relevant section of the Plan (Part 10) has broad provision for government financial support to local authorities for costs incurred in caring for directly affected people as a result of an emergency.

Provide for an advance payment approach (if necessary) to reduce administrative burden

- 21 Financial support to local authorities is usually done on the basis of reimbursement for costs incurred. There is considerable uncertainty about the volume or duration of potential local authority costs associated with providing welfare support to displaced, confined and self-isolating people as a result of COVID-19. It is possible, however, that they could be significant.
- 22 Section 33.7.1 of the Guide provides that estimated future reimbursements of greater than \$250,000 to a local authority can be provided as an advance payment, subject to Cabinet approval. I am therefore seeking approval to allow for advance payments to local authorities (as provided for in Section 33.7.1 of the Guide), should this be considered appropriate. The Director, CDEM will monitor the volume of claims, and only give effect to this decision should the reimbursement process become unmanageable to either local authorities and / or the National Emergency Management Agency (NEMA).
- 23 Information gained from the reimbursement process would be used alongside local authority estimates, to help determine the amount to be advanced. Advanced payments are subject to signed agreements and six-monthly written reports on expenditure. NEMA will apply its normal claims process for eligible costs drawn down against any advance payment, with unspent funds returned to the government.

Increase the financial limit on the Director, CDEM's delegation to incur expenses under Permanent Legislative Authority

- 24 As noted in paragraph 9 above, there is an existing Permanent Legislative Authority (PLA) that provides for the Crown to provide financial support to local authorities for costs they incur in caring for displaced people during an emergency response.
- 25 The Chief Executive of the Department of Prime Minister and Cabinet has a delegated limit (sub-delegated to the Director, CDEM) of \$12.0 million for incurring such costs (GOV-18-MIN-0037 refers). Expenditure against the PLA on other emergencies in the current financial year is \$10.11 million, leaving only limited amount available for further disbursement under the current delegation. In addition, reimbursements associated with current emergencies, excluding COVID-19, are forecast at \$12.0 million in 2020/21.
- 26 I am therefore seeking agreement to increase the delegated limit to incur costs against the Permanent Legislative Authority to \$20.0 million in 2019/20, and to \$25.0 million in 2020/21.

Financial Implications

- 27 Making the change proposed in paragraph 16 above (and as per the wording provided in Appendix 1) is expected to increase the amount of money paid to local authorities for the provision of welfare support services. However, the unprecedented nature of the

current COVID-19 response means we do not have any existing information or evidence that enable us to accurately estimate the amount of funding that may be required.

28 The potential fiscal implications depend on a range of factors, including:

- the volume of people who are required to self-isolate over the course of the COVID-19 response
- the extent of people's need for local government welfare assistance, which is in turn dependent on other sources of welfare assistance available to people who are self-isolating
- regional variation in numbers of self-isolating people who may require assistance (e.g. high tourism areas may need to provide assistance to tourists who lack appropriate accommodation in which to self-isolate); and
- the length of time that the pandemic response is in place.

29 I propose that the fiscal implications of the changes proposed to the Guide should be met through the existing Permanent Legislative Authority. This expenditure is consistent with the intentions of the PLA, to deal with expenses incurred during an emergency, although the existing wording within the Guide ("displaced") did not anticipate an emergency that would require self-isolation. It also appears to be consistent with the Plan itself, which states (Clause 162 (a)) that government financial support to local authorities "focuses on costs incurred by local authorities to care for directly affected people, including the costs of accommodating, transporting, feeding and clothing people as a result of an emergency".

Risks and mitigation approaches

30 There are risks associated with the proposals in this paper. These, and the strategies for mitigating them, are as follows:

- **Uncertain fiscal implications:** The potential fiscal impacts will be managed by adopting an amendment to the Guide that is specific to the COVID-19 response. This ensures there are clear parameters around the nature of the local authority expenses eligible for government financial support. Additional guidance to CDEM groups will provide clarity about the type of costs that are recoverable and under what circumstances.
- **Administrative burden and complexity:** There are well-established reimbursement processes in place. The proposal enables the Director, CDEM to take the decision to adopt an advance payment approach if the volume and duration of expense claims is significant.

Implementation

31 Should the Committee (with Power to Act) agree to the proposed change to the Guide, the Director, CDEM will amend the Guide, and communicate this to CDEM Groups and District Health Boards. This amendment will be applied retrospectively, meaning COVID-19 related expenses already incurred by local authorities will be eligible for reimbursement.

- 32 The Department of Internal Affairs, SOLGM and Local Government New Zealand have stood up a local government focused Response Unit, which is focused on, among other things, the role local government will play in social welfare and wellbeing. Decisions related to the amended scope of government financial support can be communicated to the local government sector through daily updates provided by the Response Unit.
- 33 The updated Guide section will also be uploaded to the civildefence.govt.nz website. Agencies and organisations represented on the National Welfare Coordination Group will also be advised. Additional guidance will also be provided to CDEM Groups to ensure they have certainty about what costs they are able to recover.

Publicity

- 34 I do not consider there is a need for a public announcement or wider communication of this amendment. This is an amendment to an existing provision for government financial support to local authorities and there is no specified level of funding attached to it. Publicising this amendment may create demand or unrealistic expectations about the level and kind of support available from local authorities. Local authorities and CDEM Groups are best placed to assess people's needs on a case-by-case basis, and determine whether they, or another organisation, are the most appropriate source of emergency welfare support.

Impact analysis

- 35 A regulatory impact statement is not required for the proposals in this paper.

Human Rights

- 36 The policy proposals are consistent with the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. It is also consistent with the Office of the High Commissioner for Human Rights (OHCHR) guidance around measures to reduce the impact of COVID-19.

Disability perspective

- 37 The response to COVID-19 has significant implications for disabled people and their carers, support staff, families and whānau. While the proposals in this paper do not have any specific implications for disabled people and their carers, it will form part of the wider suite of welfare supports available to those who may be adversely and disproportionately affected by the COVID-19 pandemic response.

Proactive release

- 38 This Cabinet paper will be proactively released, with redactions made consistent with the Official Information Act.

Consultation

- 39 The following agencies have been consulted on the proposals outlined in this paper: Ministry of Health; Ministry of Social Development; Ministry of Business, Innovation and Employment; Department of Internal Affairs; Ministry of Foreign Affairs and Trade, and

The Treasury, and the Department of the Prime Minister and Cabinet (Policy Advisory Group).

Proactively Released

Recommendations

- 40 The Minister of Civil Defence recommends that the Ad Hoc Cabinet Committee on COVID-19 Response, acting with Power to Act:
- 1 **note** that the role of CDEM Groups in a New Zealand pandemic response includes the provision of services and any other resources necessary to support the health-led pandemic response, including coordinated delivery of emergency welfare services and resources to affected individuals, families, whānau and communities
 - 2 **note** the Guide to the National Civil Defence Emergency Management Plan 2015 makes provision for local authorities to be fully reimbursed for costs incurred in caring for displaced people,
 - 3 **note** that, as currently written, the Guide does not provide for any costs incurred in providing welfare support to people who are meeting COVID-19 self-isolation or home confinement requirements, thereby creating a potential constraint on the ability of CDEM Groups and local authorities to effectively undertake their role as outlined in Recommendation 1
 - 4 **agree** to amend the Guide to the National Civil Defence Emergency Management Plan 2015, to enable the provision of government financial support to local authorities for costs they incur in providing welfare support to people who are self-isolating or who are confined at home, under measures taken as part of the COVID-19 pandemic response, particularly at COVID-19 Alert Levels 3 and 4
 - 5 **note** that the unprecedented nature of the COVID-19 pandemic and the associated response means it is not possible to identify the potential fiscal implications of this amendment
 - 6 **agree** that this amendment will apply specifically to the current COVID-19 pandemic response, thereby ensuring clear parameters for its application, and helping manage potential fiscal implications
 - 7 **direct** the Director, Civil Defence Emergency Management to amend and re-issue the Guide to the National Civil Defence Emergency Management Plan 2015, to reflect the decisions made in Recommendation 4 above
 - 8 **note** that government financial support to local authorities for costs incurred is usually provided through reimbursement on the basis of expense claims, with provision in the Guide to make advance payments if large amounts of expenditure are anticipated
 - 9 **agree** that advance payments may be made to local authorities for costs incurred in caring for people directly affected (displaced or requiring support to self-isolate), should the Director, Civil Defence Emergency Management consider this to be appropriate due to the level and / or volume of claims for reimbursement.
 - 10 **note** that any advance payments made under the approval given in Recommendation 9 above would comply with the existing eligibility and process requirements in the Guide to the National Civil Defence Emergency Management Plan 2015

- 11 **note** that the current delegated limit to incur costs against the Permanent Legislative Authority is \$12.0 million, with expenditure to date in 2019/20 of just over \$10 million.
- 12 **note** that reimbursements associated with current emergencies, excluding COVID-19, are forecast at \$12.0 million in 2020/21
- 13 **agree** to increase the delegated limit to incur costs against the Permanent Legislative Authority to \$20.0 million in 2019/20, and \$25.0 million in 2020/21
- 14 **note** that the delegation to incur costs up to the \$12.0 million delegated limit is currently with the Director, Civil Defence Emergency Management / Deputy Chief Executive, National Emergency Management Agency (sub-delegated by the Chief Executive, Department of the Prime Minister and Cabinet)
- 15 **authorise** the Chief Executive, Department of the Prime Minister and Cabinet authority to incur costs and approve payments and advance payments in line with the increased limits referred to in Recommendation 13 above
- 16 **note** that the Chief Executive, Department of the Prime Minister and Cabinet is likely to sub-delegate the authority given in Recommendation 15 above, to the Chief Executive, National Emergency Management Agency and / or the Director, Civil Defence Emergency Management

Authorised for lodgement

Hon Peeni Henare
Minister of Civil Defence

PROPOSED NEW WORDING IS SHOWN IN RED

Guide to the National Civil Defence Emergency Management Plan 2015

Section 33.4.1 Caring for the displaced and those required to self-isolate due to the COVID-19 pandemic (CDEM Expense Claim)

Government will fully reimburse local authorities for costs incurred in caring for displaced people and for those required to self-isolate due to the COVID-19 pandemic as described below.

Eligible costs include the full direct costs of accommodating, transporting, feeding (including pet food for companion animals) and clothing people who either (a) cannot continue to live in their usual place of residence as a result of an emergency, or who (b) are required to confine themselves or self-isolate in-situ (either in their own residence or more suitable alternative accommodation) due to having or being exposed to the COVID-19 virus, or under measures taken as part of the COVID-19 pandemic response - particularly at COVID-19 Alert Levels 3 or 4. This applies while displaced people are en route to, or in, emergency accommodation such as halls or marae. Marae and other organisations providing such accommodation, can invoice local authorities who will then claim reimbursement from NEMA. Where a marae considers it culturally inappropriate to invoice a local authority for providing this service, the local authority may seek reimbursement of any koha provided to the marae for the provision of emergency accommodation.

The cost of helicopter drops to people isolated in their homes who cannot be evacuated and are lacking supplies of essential items such as food, fuel, and medical items may be reimbursed.

For example, in a small-moderate flood event that requires the evacuation of a number of households, costs that are deemed to be eligible are those of evacuee food and accommodation, helicopter welfare flights to ensure the safety of isolated residents and the provision of potable water and portable toilets for health reasons

Costs which will not be eligible include:

- local authority overheads, and
- indirect costs such as local authority staff time, Emergency Operations Centre (EOC) activation costs, office space and the use of vehicles.

Displaced people should be moved from emergency accommodation into temporary accommodation as soon as possible, unless they choose to remain on a marae.

See 33.7, CDEM expense claims preparation and process, and the Logistics in CDEM Director's Guideline [DGL 17/15] for more information on claims.



Meeting of the COVID-19 Ministerial Group

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Provision of Financial Support to Local Authorities to Assist in the Response to COVID-19

The group of Ministers with Power to Act on COVID-19 matters [CAB-20-MIN-0130] convened on 26 March 2020 at 10.30am, and in accordance with their Power to Act:

- 1 **noted** that the role of Civil Defence Emergency Management (CDEM) Groups in a New Zealand pandemic response includes the provision of services and any other resources necessary to support the health-led pandemic response, including coordinated delivery of emergency welfare services and resources to affected individuals, families, whānau and communities;
- 2 **noted** that the Guide to the National Civil Defence Emergency Management Plan 2015 (the Guide) makes provision for local authorities to be fully reimbursed for costs incurred in caring for displaced people;
- 3 **noted** that, as currently written, the Guide does not provide for any costs incurred in providing welfare support to people who are meeting COVID-19 self-isolation or home confinement requirements, thereby creating a potential constraint on the ability of CDEM Groups and local authorities to effectively undertake their role as outlined in paragraph 1 above;
- 4 **agreed** to amend the Guide to enable the provision of government financial support to local authorities for costs they incur in providing welfare support to people who are self-isolating or who are confined at home, under measures taken as part of the COVID-19 pandemic response, particularly at COVID-19 Alert Levels 3 and 4;
- 5 **noted** that the unprecedented nature of the COVID-19 pandemic and the associated response means it is not possible to identify the potential fiscal implications of this amendment;
- 6 **agreed** that this amendment will apply specifically to the current COVID-19 pandemic response, thereby ensuring clear parameters for its application, and helping manage potential fiscal implications;
- 7 **directed** the Director, Civil Defence Emergency Management to amend and re-issue the Guide to reflect the decisions made in paragraph 4 above;
- 8 **noted** that government financial support to local authorities for costs incurred is usually provided through reimbursement on the basis of expense claims, with provision in the Guide to make advance payments if large amounts of expenditure are anticipated;

- 9 **agreed** that in exceptional circumstances advance payments may be made to local authorities for costs incurred in caring for people directly affected (displaced or requiring support to self-isolate), should the Director, Civil Defence Emergency Management consider this to be appropriate due to the level and/or volume of claims for reimbursement;
- 10 **noted** that any advance payments made under the approval referred to in paragraph 9 above would comply with the existing eligibility and process requirements in the Guide;
- 11 **noted** that the current delegated limit to incur costs against the Permanent Legislative Authority is \$12.0 million, with expenditure to date in 2019/20 of just over \$10 million;
- 12 **noted** that reimbursements associated with current emergencies, excluding COVID-19, are forecast at \$12.0 million in 2020/21;
- 13 **agreed** to increase the delegated limit to incur costs against the Permanent Legislative Authority to \$20.0 million in 2019/20, and \$25.0 million in 2020/21;
- 14 **noted** that the delegation to incur costs up to the \$12.0 million delegated limit is currently with the Director, Civil Defence Emergency Management/Deputy Chief Executive, National Emergency Management Agency (sub-delegated by the Chief Executive, Department of the Prime Minister and Cabinet);
- 15 **authorised** the Chief Executive, Department of the Prime Minister and Cabinet to incur costs and approve payments and advance payments in line with the increased limits referred to in paragraph 13 above;
- 16 **noted** that the Chief Executive, Department of the Prime Minister and Cabinet is likely to sub-delegate the authority referred to in paragraph 15 above to the Chief Executive, National Emergency Management Agency and/or the Director, Civil Defence Emergency Management.

Michael Webster
Secretary of the Cabinet

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