



Submission

Strengthening New Zealand's emergency management legislation
NEMA 20 May 2025 (Final)

Submission template: Strengthening New Zealand's emergency management legislation

The National Emergency Management Agency (NEMA) is seeking feedback on options to strengthen New Zealand's emergency management legislation.

The deadline for submissions is **5pm, 20 May 2025**.

You can find the full discussion document and more information about the legislative reform process on NEMA's website. Your feedback will inform decisions about the proposals. We appreciate your time and effort to respond to this consultation.

[Emergency Management Bill consultation](#)

How to make a submission

To make a submission, you will need to:

1. Fill out your name, email address and organisation on the next page. If you are submitting on behalf of an organisation, please ensure you have the authority to represent its views.
2. Fill out your responses to the questions in this document. You can choose to answer some or all of the questions. Where possible, please provide evidence to support your views. For example, references to independent research, facts and figures, or your experiences.
3. If your submission has any confidential information:
 - a. Please state this in the email accompanying your submission, setting out clearly which parts you consider should be withheld, and the grounds under the Official Information Act 1982 (Official Information Act) that you believe apply. NEMA will take this into account and will consult with submitters when responding to requests under the Official Information Act.
 - b. Indicate this in your submission. Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
 - c. Note that submissions are subject to the Official Information Act and may, therefore, need to be released in full or in part. The Privacy Act 2020 also applies.

4. Once you have completed this form, you can send it by:

- a. email (as a Microsoft Word document) to EmergencyManagementBill@nema.govt.nz

OR

- b. post to:

Policy Unit
National Emergency Management Agency
PO Box 5010, Wellington 6140

Submitter information

Any information you provide will be stored securely.

Your name, email address, and organisation

Name: Wendy McGuinness

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Organisation:
(if applicable) McGuinness Institute

- ☐ The Privacy Act 2020 applies to submissions. Please tick the box if you **do not** want your name or other personal information to be included in any information about submissions that NEMA may publish.
- ☐ NEMA may publish submissions or a summary of submissions to its website, civildefence.govt.nz. If you **do not** want your submission or a summary of your submission to be published, please tick the box and type an explanation below:

I do not want my submission published on NEMA's website because...

Does your submission contain confidential information?

- ☐ I would like my submission (or parts of my submission) to be kept confidential and have stated my reasons and the grounds under section 9 of the Official Information Act that I believe apply, for consideration by NEMA.

I would like my submission (or parts of my submission) to be kept confidential because...

Use of information

Submissions will be used to inform NEMA's policy development process and will inform advice to Ministers. Your submission (including identifying information) may also be shared with other government agencies working on policies related to emergency management. NEMA may contact submitters directly if we need clarification on their submission or would like further information from them.

Consultation questions

These questions relate to the issues and options raised in the discussion document *Strengthening New Zealand's emergency management legislation*. You can find the full discussion document on [NEMA's website](#).

You do not need to answer all questions.

Please note we have only answered Questions 1 and 39 due to time constraints at our end. We are only too happy to meet with you to discuss our findings in more detail. I am also speaking at the New Zealand Risk & Resilience Summit 2025 in July (Auckland) and am only too happy to share our SlideShare (if that is of interest).

Thank you for the work you are doing.

Wendy McGuinness
Chief Executive
McGuinness Institute

Objectives for reform

The Government's proposed objectives for reform are to:

- strengthen community and iwi Māori participation in emergency management
- provide for clear responsibilities and accountabilities at the national, regional, and local levels
- enable a higher minimum standard of emergency management
- minimise disruption to essential services
- ensure agencies have the right powers available when an emergency happens.

Refer to pages 8–9 of the discussion document to answer the question in this section.

1. Have we identified the right objectives for reform?

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

We consider the goals need to be clearer and more concise.

Here are a few examples:

- Create a framework that is durable, clear and aligned with other existing frameworks that deal or co-deal with crisis and disasters.
- Provide a common glossary of terms to navigate and communicate when things go wrong. Our thinking is that an emergency is about getting back to normal as quickly and painlessly as possible, whereas a crisis is about finding a new normal. The new normal needs to be palatable and realistic, easy to imagine and ideally have a specific time frame.
- Provide a flow chart to walk people through *what* agencies/organisations are involved at different levels within the framework and *when* those agencies step-up

or step-down. In particular, who is the spokesperson/lead at each part of the process and who is going to audit the process and when (trust is key).

- To create a learning culture within the emergency crisis
- To focus on the short and long-term. Many impacts can occur over generations, so it is important to explore what second and third level impacts might arise.
- To be fit for the future. This means preparing the system for 2040 and 2050. The research is that from 2040 onwards, climate change will have a significant impact on the quality of our lives and the types and frequencies of emergencies that might occur.
- To clarify how a lockdown for a pandemic works (or does not work) alongside the legislative framework.

Our view is that the current framework is confusing and New Zealanders deserve a clear and more concise system. When people are anxious they often turn angry, so we need to ensure that we create a system that enables New Zealanders to know where they are in the emergency process. They also need to know what to expect in terms of next steps, and be given a clear idea as to what success looks like (i.e. the end goal).

Please note the Institute is in the process of finalising four papers relevant to this topic. It is an area that we have felt more work is urgently required.

1. Working Paper 2025/13 – The Language of When Things Go Wrong: Communicating in the midst of crises and emergencies
2. Working Paper 2025/14 – An Examination of Aotearoa New Zealand’s Process of Emergency Escalation
3. Discussion Paper 2025/02 – How to Tell the Difference Between an Emergency and a Crisis, and Why it Matters
4. Discussion Paper 2025/03 – Hot Stuff: How New Zealand might measure and report carbon emissions from wildfires

The following is an excerpt from a letter we have sent to the Prime Minister and other MPs.

The important distinction between risk and uncertainty

In 1921, economist Frank Knight wrote a book titled *Risk, Uncertainty and Profit*. In the book, Knight drew a distinction between measurable uncertainty (which he called risk) and unmeasurable uncertainty (which he called uncertainty). The distinction focuses on whether outcomes are known (or not). If they are known, decisions tend to be guided by previous insights and the application of technical tools such as risk assessments and risk management (e.g. assessing probability and magnitude). In contrast, true uncertainty is when the inputs and the outcomes are not known or understood. In these cases, decisions are guided more by opinion and ideology and tools such as scenario analysis.

This distinction is particularly important today as we navigate our way forward. The term uncertainty is often used when risk is more appropriate. For instance, the recent escalation of US tariffs created a risk, not uncertainty – most importantly it created a known risk that could be studied and measured, and a strategy could be prepared in advance for every eventuality – the risk was known and measurable.

If we are faced with a risk, we know it can be identified and measured, whereas when faced with uncertainty a different approach is required. Importantly, uncertainties provide opportunities (as well as challenges), hence, uncertainties create space for innovation to occur. To summarise, decisions fail if you treat a risk as an uncertainty (e.g. a failure of analysis) and if you treat uncertainty as a risk (e.g. a failure to innovate).

Objective 1: Strengthening community and iwi Māori participation

Issue 1: Meeting the diverse needs of people and communities

We have identified options to ensure the emergency management system better meets the diverse needs of communities, with a particular focus on those who may be disproportionately affected during an emergency.

Refer to pages 10–13 of the discussion document to answer the questions in this section.

2. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

3. Are there other reasons that may cause some people and groups to be disproportionately affected by emergencies?

Please explain your views.

Insert response

4. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

5. What would planning look like (at the local and national levels) if it was better informed by the needs of groups that may be disproportionately affected by emergencies?

Please explain your views.

Insert response

6. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 2: Strengthening and enabling iwi Māori participation in emergency management

We have identified options to recognise the contributions made by iwi Māori in emergency management, to the benefit of all people in New Zealand.

Refer to pages 13–16 of the discussion document to answer the questions in this section.

7. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

8. Have we accurately captured the roles that iwi Māori play before, during and after emergencies?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

9. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

10. How should iwi Māori be recognised in the emergency management system?

Please explain your views.

Insert response

11. What should be the relationship between Civil Defence Emergency Management (CDEM) Groups and iwi Māori?

Please explain your views.

Insert response

12. What should be the relationship between Coordinating Executive Groups and iwi Māori?

Please explain your views.

Insert response

13. What would be the most effective way for iwi Māori experiences and mātauranga in emergency management to be provided to the Director?

Please explain your views.

Insert response

14. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 3: Strengthening and enabling community participation in emergency management

We have identified options to improve communities' ability to participate in emergency management. This includes making it easier for individuals, businesses, and other community organisations to offer resources to the "official" emergency response.

Refer to pages 16–18 of the discussion document to answer the questions in this section.

15. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

16. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

17. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 4: Recognising that people, businesses and communities are often the first to respond in an emergency

We have identified options to address barriers that may stop people, businesses, and communities from acting during an emergency.

Refer to pages 18–19 of the discussion document to answer the questions in this section.

18. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

19. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

20. Are there any other options that should be considered?

Please explain your views.

Insert response

Other problems relating to this objective

21. Should we consider any other problems relating to community and iwi Māori participation?

Please explain your views.

Insert response

Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels

Issue 5: Clearer direction and control during an emergency

We have identified options to make it clearer who is in charge of the operational response to an emergency.

Refer to pages 20–25 of the discussion document to answer the questions in this section.

22. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

23. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

24. Are there any other options that should be considered?

Please explain your views.

Insert response

25. Do you think more fundamental changes are needed to the way direction and control works during the response to an emergency? If so, why?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

Issue 6: Strengthening the regional tier of emergency management

Issue 6.1: Resolving overlapping CDEM Group and local authority roles and responsibilities

We have identified options to ensure it is clear what CDEM Groups and each of their local authority members are responsible for.

Refer to pages 26–28 of the discussion document to answer the questions in this section.

26. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

27. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

28. Are there any other options that should be considered?

Please explain your views.

Insert response

29. Do you think more fundamental changes are needed to the way emergency management is delivered at the local government level (for example, the CDEM Group-based model)? If so, why?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

Issue 6.2: Providing for clear and consistent organisation and accountability for emergency management

We have identified options to ensure CDEM Groups are organised effectively, with clearer lines of accountability.

Refer to pages 28–31 of the discussion document to answer the questions in this section.

30. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

31. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

32. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 6.3: Strengthening the performance of Coordinating Executive Groups

We have identified options to strengthen how Coordinating Executive Groups provide advice to and implement the decisions of their CDEM Groups.

Refer to pages 31–32 of the discussion document to answer the questions in this section.

33. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

34. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

35. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 7: Keeping emergency management plans up to date

We have identified options to make it easier to update the National CDEM Plan and CDEM Group plans, reflecting changes to roles and responsibilities.

Refer to pages 33–34 of the discussion document to answer the questions in this section.

36. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

37. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

38. Are there any other options that should be considered?

Please explain your views.

Insert response

Other problems relating to this objective

39. Should we consider any other problems relating to responsibilities and accountabilities at the national, regional, and local levels?

Please explain your views.

We believe that a crisis communication framework should be accounted for within new legislation. This relates to Objective 2 because it ties together the issues laid out above. We believe that policy work and legislative clarity needs to improve the language we use and understand in relation to incidents. Primarily, we suggest that clearer definitions

of (and distinctions between) the terms 'emergency', 'crisis', and other commonly used phrases should be laid out in new legislation. We believe that this fundamentally frames the way incidents are responded to societally and within the industry. Clarity in term usage allows for specific demarcations of the stages of emergency management: at what point did COVID-19 become a crisis that required a new normal? Being able to understand and clearly identify when an isolated incident or state of emergency evolves into a bigger-scale crisis situation allows for more efficient policy and response shifts.

For more information, please see our draft Working Paper 2025/13 – *The Language of When Things Go Wrong: Communicating in the midst of crises and emergencies*, which is attached to our email. This piece takes an analytical and evidence-based approach to the current situation before making recommendations about term usage.

Objective 3: Enabling a higher minimum standard of emergency management

Issue 8: Stronger national direction and assurance

Issue 8.1: Strengthening the Director's mandate to set expectations and monitor performance

We have identified options to enable a wider range of mandatory standards to be set, and strengthen the Director's ability to provide assurance about the performance of the emergency management system.

Refer to pages 36–37 of the discussion document to answer the questions in this section.

40. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

41. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

42. Which aspects of emergency management would benefit from greater national consistency or direction?

Please explain your views.

Insert response

43. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 8.2: Strengthening the mandate to intervene and address performance issues

We have identified options to better ensure those with legal emergency management responsibilities are meeting them sufficiently.

Refer to pages 37–39 of the discussion document to answer the questions in this section.

44. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

45. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

46. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 9: Strengthening local hazard risk management

We have identified options to strengthen the way CDEM Groups and their members manage the risk of hazards in their areas, including by using CDEM Group plans more effectively.

Refer to pages 39–42 of the discussion document to answer the questions in this section.

47. Do you agree with how we have described this problem?

☐ Yes

☐ No

☐ Not sure / no preference

Please explain your views.

Insert response

48. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

49. What is the right balance between regional flexibility and national consistency for CDEM Group plans?

Please explain your views.

Insert response

50. What practical barriers may be preventing CDEM Group plans from being well integrated with other local government planning instruments?

Please explain your views.

Insert response

51. Are there any other options that should be considered?

Please explain your views.

Insert response

52. Do you think more fundamental changes are needed to enable local authorities to deliver effective hazard risk management? If so, why?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

Issue 10: Strengthening due consideration of taonga Māori, cultural heritage and animals during and after emergencies

Issue 10.1: Considering taonga Māori and other cultural heritage during and after emergencies

We have identified options to ensure the impacts of emergencies on taonga Māori and other cultural heritage is considered appropriately.

Refer to pages 43–45 of the discussion document to answer the questions in this section.

53. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

54. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

55. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 10.2: Considering animals during and after emergencies

We have identified options to ensure the impacts of emergencies on pets, working animals, wildlife, and livestock is considered appropriately.

Refer to pages 45–47 of the discussion document to answer the questions in this section.

56. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

57. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

58. Noting that human life and safety will always be the top priority, do you have any comments about how animals should be prioritised relative to the protection of property?

Please explain your views.

Insert response

59. Are there any other options that should be considered?

Please explain your views.

Insert response

Other problems relating to this objective

60. Should we consider any other problems relating to enabling a higher minimum standard of emergency management?

Please explain your views.

Insert response

Objective 4: Minimising disruption to essential services

Issue 11: Reducing disruption to the infrastructure that provides essential services

Issue 11.1: Narrow definition of “lifeline utility”

We have identified options to extend emergency management responsibilities to a broader range of infrastructure that provides essential services.

Refer to pages 50–52 and Appendix C of the discussion document to answer the questions in this section.

61. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

62. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

63. If we introduced a principles-based definition of “essential infrastructure”, are there any essential services that should be included or excluded from the list in Appendix C of the discussion document?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

64. If you think other essential services should be included in the list in Appendix C, what kinds of infrastructure would they cover?

Please explain your views.

Insert response

65. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 11.2: Strengthening lifeline utility business continuity planning

We have identified options to ensure lifeline utilities have planned effectively for disruption to their services.

Refer to pages 52–54 of the discussion document to answer the questions in this section.

66. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

67. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

68. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 11.3: Barriers to cooperation and information sharing

We have identified options to strengthen cooperation and information sharing between lifeline utilities, CDEM Groups, and other agencies.

Refer to pages 54–57 of the discussion document to answer the questions in this section.

69. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

70. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

71. Because emergencies happen at different geographical scales, coordination is often needed at multiple levels (local and national). Do you have any views about the most effective way to achieve coordination at multiple levels?

Please explain your views.

Insert response

72. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 12: Strengthening central government business continuity

We have identified options to ensure central government organisations have planned effectively for disruption to their services. This includes options to expand the range of central government organisations recognised in the Act.

Refer to pages 57–60 of the discussion document to answer the questions in this section.

73. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

74. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

75. Are there any other options that should be considered?

Please explain your views.

Insert response

Other problems relating to this objective

76. Should we consider any other problems relating to minimising disruption to essential services?

Please explain your views.

Insert response

Objective 5: Having the right powers available when an emergency happens

Issue 13: Managing access to restricted areas

We have identified options to improve the way cordons are managed.

Refer to pages 61–63 of the discussion document to answer the questions in this section.

78. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

79. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

80. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 14: Clarifying who uses emergency powers at the local level

We have identified options to ensure emergency powers sit with the most appropriate people at the local government level.

Refer to pages 63–65 of the discussion document to answer the questions in this section.

81. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

82. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

83. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 15: Modernising the process to enter a state of emergency or transition period

We have identified options to remove the requirement for a physical signature to declare a state of emergency or give notice of a transition period.

Refer to pages 65–66 of the discussion document to answer the questions in this section.

84. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

85. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

86. Are there any other options that should be considered?

Please explain your views.

Insert response

Issue 16: Mayors' role in local state of emergency declarations and transition period notices

We have identified options to make mayors' role in local state of emergency declarations and transition period notices more explicit.

Refer to pages 66–68 of the discussion document to answer the questions in this section.

87. Do you agree with how we have described this problem?

☐ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Insert response

88. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Insert response

89. Are there any other options that should be considered?

Please explain your views.

Insert response

Other problems relating to this objective

- 90. Are there any circumstances where Controllers or Recovery Managers may need other powers to manage an emergency response or the initial stages of recovery more effectively?**

Please explain your views.

Insert response

Other comments

- 91. Do you have any other comments relating to reform of New Zealand's emergency management legislation?**

Insert response