

Working Paper 2025/13

The Language of When
Things Go Wrong:
Exploring how the terms
'emergency' and 'crisis'
are used in legislation

Title *Working Paper 2025/13 – The Language of When Things Go Wrong: Exploring how the terms ‘emergency’ and ‘crisis’ are used in legislation*

Citation Please cite this publication as: McGuinness Institute. (2025). *Working Paper 2025/13 – The Language of When Things Go Wrong: Exploring how the terms ‘emergency’ and ‘crisis’ are used in legislation* [online] Available at: <https://www.mcguinnessinstitute.org/publications/working-papers> [Accessed date].

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978-1-99-106585-8 (paperback)
978-1-99-106586-5 (PDF)

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1.0 Introduction

1.1 Purpose

The aim of this paper is to explore how the terms ‘emergency’ and ‘crisis’ are used in legislation. It is part of a series that explores risk and uncertainty. The full set of papers is as follows:

1. *Working Paper 2025/13 – The Language of When Things Go Wrong: Exploring how the terms ‘emergency’ and ‘crisis’ are used in legislation (this paper)*
2. *Working Paper 2025/14 – Examination of the Emergency Response and the Crisis Response within the National Resilience System*
3. *Discussion Paper 2025/02 – How to Tell the Difference Between an Emergency and a Crisis and Why it Matters*

1.2 Wider context

The way leaders speak in times of struggle frames the way that society and governments respond. Careful framing and deliberate choice of terminology can impact the effect of and response to a situation of national significance.¹

Words can shape an event as it happens in a reactive context. Logical, careful framing and deliberate choices of terminology in a forward-looking and preparatory context also have the potential to influence the reaction to a situation. Events affecting society at all levels are inevitable – climate change, pandemics and technological warfare are some of those at the forefront of the societal mind. Using a forward-looking lens and in pursuit of coordinated, targeted and efficient response outcomes, it is critical that the language of things going wrong is carefully chosen and defined.

Establishing a standard practice and a baseline language framework will ultimately enable better and more accurate risk assessments. This can inform definite and structured response strategies which in turn lead to the outcomes we need. Instead of coordination only in a reactive setting, this can allow for coordination across preparation and response, providing a more cohesive and efficient baseline.

The terms ‘emergency’ and ‘crisis’ form the centre of this discussion. In this paper, an initial investigation of the meaning of these terms is undertaken before a more holistic view of Aotearoa New Zealand’s policy settings and frameworks is formed.

2.0 ‘Emergency’ and ‘crisis’: an overview

‘Emergency’ and ‘crisis’ may look like they refer to the same thing, but more critical thought suggests they present distinct concepts. In the context of government and coordinated responses to situations of significance, the use of each term is examined in legislation.

2.1 Legislation

It becomes clear that in legislation, ‘emergency’ is the dominant term. It is used more broadly, more frequently, and more precisely than ‘crisis’.²

Table 1: Term searches across current public act legislation (primary legislation) as at 12 September 2024³

	In title	In text	Specifically defined ⁴
‘Emergency’	4	220	9
‘Crisis’	0	5	0

The legislative context is not necessarily indicative of an official distinction between the terms. But it provides a helpful idea of where each term fits in the current statutory framework. Comparing the definitions that are provided and their contexts may help elucidate a common theme or premise for each term.

The Acts providing a definition of ‘emergency’ are:

- Civil Defence Emergency Management Act 2002
- Fire and Emergency New Zealand Act 2017
- Hazardous Substances and New Organisms Act 1996
- Land Transport Act 1998
- Customs and Excise Act 2018
- Railways Act 2005
- Lake Wanaka Preservation Act 1973
- Building Act 2004
- Mines Rescue Act 2013.

These definitions typically appear in either the general interpretation section or in their own section, or are defined ‘for the purposes of’ a section.⁵ A full list of these definitions appears in Appendix 1.

Across the nine acts, there are general themes in the definitions of ‘emergency’. First, almost all of the definitions refer back to the Civil Defence Emergency Management Act definition or an emergency declared under that legislation. Many of the other definitions make reference to events requiring action to prevent injury and preserve life, or where there is a risk of death or injury.

In comparison, ‘crisis’ is not defined specifically in any legislation. It appears in the substantive text of the following acts:

- Deposit Takers Act 2023
- Employment Relations Act 2000
- Civil Aviation Act 2023
- Civil Aviation Act 1990
- Meat Board Act 2004.

In both Civil Aviation Acts, ‘crisis’ is used following ‘emergency’: ‘... in the event of an emergency or other

crisis'. This quite distinctly suggests there is a difference between the two. The Deposit Takers Act 2023 has a Part titled 'Crisis management and resolution', and the Meat Board Act 2004 refers to 'any major industry crisis'. In the Employment Relations Act, 'crisis intervention' appears twice in the definition of 'life preserving services'.

The legislation therefore indicates various things about the meanings of 'emergency' and 'crisis':

1. There does seem to be a difference in meaning.
2. That difference in meaning is not elaborated on anywhere.
3. Use of each term is quite different, with 'emergency' being far preferred.
4. 'Emergency' seems to encompass broad scenarios, in particular events requiring life-saving or injury-prevention measures.

Because of the lack of clarity between these terms, we have prepared a discussion paper, *Discussion Paper 2025/02 – How to Tell the Difference Between an Emergency and a Crisis and Why it Matters*, outlining our suggestions for how the existing terminology could be improved.

Appendix 1: Legislative definitions of ‘emergency’

Table A1.1: Legislative definitions of ‘emergency’

Act	Section	Definition
Civil Defence and Emergency Management Act 2002	4 Interpretation	<p>emergency means a situation that—</p> <p>(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</p> <p>(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</p> <p>(c) cannot be dealt with by emergency services, or otherwise requires a significant and co-ordinated response under this Act.</p>
Fire and Emergency New Zealand Act 2017	6 Interpretation	<p>emergency means an event requiring an immediate action to protect and preserve life, prevent injury, or avoid damage to property and includes—</p> <p>(a) a fire (including an alarm of fire); and</p> <p>(b) a hazardous substance emergency; and</p> <p>(c) a state of emergency declared under the Civil Defence Emergency Management Act 2002; and</p> <p>(d) any other substance emergency; and</p> <p>(e) an incident attended by emergency services (including the New Zealand Police, FENZ, and hospital and health services)</p>
Hazardous Substances and New Organisms Act 1996	46 Meaning of Emergency	<p>For the purposes of section 30(c) and sections 47 to 49, emergency means—</p> <p>(a) an event involving the release of a new organism for which a national pest management plan has been approved under section 66 of the Biosecurity Act 1993; or</p> <p>(b) a state of emergency declared under the Civil Defence Emergency Management Act 2002; or</p> <p>(c) an emergency as defined in section 6 of the Fire and Emergency New Zealand Act 2017; or</p> <p>(d) an emergency declared under Part 9; or</p> <p>(e) a marine oil spill emergency under the Maritime Transport Act 1994.</p>
Land Transport Act 1998	79P Defences to work time offences	<p>2) For the purposes of subsection(1), emergency means—</p> <p>(a) a state of emergency declared under the Civil Defence Emergency Management Act 2002; or</p> <p>(b) an incident attended by an emergency service; or</p> <p>(c) an event requiring immediate action to save life or prevent serious injury.</p>

Act	Section	Definition
Customs and Excise Act 2018	Sch 2, cl 1	<p>(4) In this clause, emergency means—</p> <p>(a) an emergency due to an actual or imminent attack on New Zealand by an enemy, or to any actual or imminent warlike act whether directed against New Zealand or not, if loss of life or injury or distress to persons or danger to the safety of the public is caused or threatened to be caused in New Zealand or in any part of New Zealand; or</p> <p>(b) a search and rescue event at any point outside New Zealand involving a serious and imminent threat to the safety of persons or craft; or</p> <p>(c) a state of war or other like emergency in any place outside New Zealand; or</p> <p>(d) any other circumstances agreed between the chief executive and the Chief of Defence Force.</p>
Railways Act 2005	76 Lights, etc, liable to be confused with railway signals	<p>(4) For the purposes of this section, emergency means—</p> <p>(a) an actual or imminent danger to human health or safety; or</p> <p>(b) a danger to the environment or chattels so significant that immediate action is required to remove the danger.</p>
Lake Wanaka Preservation Act 1973	2 Interpretation	emergency means an emergency declared by the Guardians of Lake Wanaka under this Act
Building Act 2004	13BB Definitions	emergency means a situation of a kind described in paragraphs (a) and (b) of the definition of emergency in section 4 of the CDEM Act
Mines Rescue Act 2013	4 Interpretation	<p>In Part 2,—</p> <p>emergency means an incident at a mining operation that has resulted, or may result, in the death of any person</p>

Endnotes

- 1 We saw this play out across different countries over the course of the COVID-19 pandemic.
- 2 As a result, the meaning of ‘emergency’ is examined more thoroughly in the courts, but only in reference to the legislative context. Appearances of ‘crisis’ are more colloquial and less common in the legislation.
- 3 We used the advanced search function on legislation.govt.nz to search all public principal Acts in force, excluding Bills, secondary legislation and other legislative instruments. Current at 12 September 2024.

A public Act is an Act that affects the public at large. It deals with matters of public policy and is promoted by the Government or a member of Parliament who is not a Minister.

legislation.govt.nz defines a principal Act as ‘an Act that deals with a particular topic and whose main job is not to amend any other Act.’
- 4 This refers to phrasing in legislation that defines ‘emergency’. This does not include Acts that define a specific kind of emergency: compare ‘prison emergency’ in the Corrections Act 2004, s 179C.
- 5 Compare Civil Defence and Emergency Management Act 2002, s 4; Hazardous Substances and New Organisms Act 1996, s 46; Land Transport Act 1998, 79P.



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