



**National Emergency
Management Agency**
Te Rākau Whakamarumarū

Discussion document

Strengthening New Zealand's emergency management legislation

April 2025



Te Kāwanatanga o Aotearoa
New Zealand Government



**National Emergency
Management Agency**
Te Rākau Whakamarumarū

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The National Emergency Management Agency (NEMA) is the Government lead for emergency management. We help build a safe and resilient Aotearoa New Zealand by empowering communities before, during, and after emergencies.

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How to have your say

The National Emergency Management Agency (NEMA) seeks written submissions on the issues raised in this document by **5pm, Tuesday 13 May 2025**.

Your submission can respond to some or all of these issues. If you email or post your submission, please use the template [provided on our website](#). This will help us to collate submissions and make sure your views are fully considered. Where possible, include evidence to support your views, such as references to independent research, facts and figures, or your experiences.

You can make a written submission by:

- completing an online submission [through our website](#)
- emailing your submission to EmergencyManagementBill@nema.govt.nz
- posting your submission to:

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

Use and release 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.

NEMA may publish copies and/or summaries of the submissions we receive on our website, civildefence.govt.nz. NEMA will consider that you have consented to this by making a submission, unless you specify otherwise in your submission. Additionally, submissions provided to NEMA, whether published or not, may be required to be disclosed in response to a request under the Official Information Act 1982.

If your submission contains confidential information, or information you otherwise wish us not to publish, please indicate this on the front of the submission template, with any confidential information marked clearly within the text.

If you have any objection to us releasing your personal details or any other information in your submission, either publicly or with other government agencies, please state this clearly in the cover letter or email that goes with your submission, including the parts that you consider should be withheld and your reasons for withholding the information. NEMA will take your objections into account and consult relevant submitters when responding to requests under the Official Information Act 1982.

You also have rights under the Privacy Act 2020 in relation to the way that NEMA (and other government agencies) can collect, use, and disclose information about you and individuals referred to in your submission. In particular, you have the right to access personal information that NEMA holds about you and to seek any corrections.

Glossary

4 Rs	The activities that increase resilience to emergencies are often broken into four areas labelled the “4 Rs” – reduction, readiness, response, and recovery
CDEM	Civil defence emergency management is the application of knowledge, measures, and practices that are necessary or desirable for the safety of the public or property, and are designed to guard against, prevent, reduce, recover from, or overcome any hazard or harm or loss that may be associated with any emergency. This includes the planning, organisation, coordination, and implementation of those measures, knowledge, and practices.
CDEM Act or Act	Civil Defence Emergency Management Act 2002
CDEM Group or Group	A joint committee of the mayors and chairperson from the local authorities in a region (or a subcommittee of a unitary authority) with responsibility for emergency management
Controller	A statutory officer with functions and powers during a state of emergency, appointed by a CDEM Group (Group and Local Controllers) or the Director (National Controller)
Coordinating Executive Group	The local authority chief executives and emergency service representatives responsible for advising a CDEM Group and implementing their decisions
Director of CDEM or Director	A statutory officer who holds various emergency management functions and powers at the national level, currently appointed by the chief executive of NEMA
Emergency	A situation that: <ul style="list-style-type: none">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; andb. 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; andc. cannot be dealt with by emergency services, or otherwise requires a significant and coordinated response under the CDEM Act
Government Inquiry or Inquiry	The Government Inquiry into the Response to the North Island Severe Weather Events (Cyclone Hale, the 2023 Auckland Anniversary weekend severe weather event, and Cyclone Gabrielle)
Group Office	The organisational structure for the local government staff who provide technical emergency management expertise to a CDEM Group
Hazard	Something that may cause, or contribute substantially to the cause of, an emergency
Minister	Minister for Emergency Management and Recovery
NEMA	National Emergency Management Agency
Recovery Manager	A statutory officer with functions and powers during a transition period appointed by a CDEM Group (Group and Local Recovery Managers) or the Director (National Recovery Manager)
Risk	The likelihood and consequences of a hazard
TAG report	The 2018 Technical Advisory Group report, <i>Better Responses to Natural Disasters and Other Emergencies in New Zealand</i>

Minister's foreword

New Zealand is one of the riskiest countries in the world. Our exposure to floods, earthquakes, and other hazards means emergency management matters to everyone.

On the ground, I have seen the dedication and hard work by people responding to and recovering from emergencies across the country. But Cyclone Gabrielle and other recent emergencies have shown that the system they are working in is not fit for purpose.

We need to learn from these events and take steps to build a stronger, more prepared, and more disaster resilient nation.

In October, I released the Government's vision to strengthen the emergency management system. Reforming our emergency management legislation is part of this picture.

The Civil Defence Emergency Management Act 2002 is now over 20 years old. While its fundamentals are still sound, reform is needed to enable the emergency management system New Zealanders expect and meet the growing risk we face as a country.

In particular, I want to ensure there is effective leadership, clear accountability, and stronger relationships between the "formal" emergency management system and the communities it serves.

All parts of our society have a role to play. Communities bring different strengths, local knowledge, resources and networks. We

need to identify how best to draw on these strengths and understand how to support those who are most at risk in an emergency.

My ambition is for the new legislation to make a difference on the ground, including:

- making it clear who has control in an emergency, resulting in faster decisions made by the right people
- enabling better cooperation with iwi Māori, businesses, and communities
- having lifeline utilities and other agencies plan and work together more effectively, reducing disruption to essential services
- better consideration of the things that matter to people, including animals, taonga, and other cultural heritage.

I encourage you to share your views on the ideas presented in this discussion document to help shape the future of the emergency management system.

Hon Mark Mitchell
**Minister for Emergency
Management and Recovery**



Introduction

This discussion document seeks feedback to inform the design of a new Emergency Management Bill

1. We are seeking your feedback on options to strengthen New Zealand’s overarching emergency management legislation.
2. As part of its response to the Government Inquiry into the Response to the North Island Severe Weather Events (the **Government Inquiry**),¹ the Government intends to pass a new Emergency Management Bill during this term of Parliament. The Bill will replace the Civil Defence Emergency Management Act 2002 (the **CDEM Act**).
3. In March 2024, Cabinet agreed to take steps to discharge the previous Emergency Management Bill because:
 - a. the Government considered that much of the Bill was bureaucratic rather than practical, so would not make enough difference on the ground
 - b. the Government Inquiry’s final report had not been delivered yet.
4. As well as the Government Inquiry and other reviews, submissions on the previous Bill have been a valuable input for identifying the issues and options that are presented in this document. Some of the options in this document were also proposed in the previous Bill – where applicable, this has been noted in the options.

A note on terminology

Throughout this document, the term “**emergency management**” is used to refer to the range of activities carried out to improve our resilience to emergencies. This is consistent with the meaning of “civil defence emergency management” in the CDEM Act.

This document only uses “**CDEM**” to refer to named things like CDEM Groups.

How to read this document

5. This document is structured around the Government’s proposed objectives for the Bill. It provides an overview of New Zealand’s current emergency management settings and the need for reform, followed by sections that discuss issues and options for each objective.
6. The options outlined in this discussion document are preliminary only. More detailed analysis will be completed as part of the policy development process, and we will consider new issues and options that are raised in submissions.
7. The Government has already agreed that the Emergency Management Bill will make several changes to address barriers to operational effectiveness. These are straightforward matters

¹ [Report of the Government Inquiry into the Response to the North Island Severe Weather Events](#) (April 2024).

that were also proposed through the previous Bill. Relevant proposals are listed at the start of each section.²

Consultation questions

8. We are seeking your views about problems with the emergency management system and potential options to address them. We have also asked specific questions about some issues. All questions are summarised in **Appendix A**.

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For all issues, we would like to hear your views on these questions:

- Do you agree with how we have described the problem?
- 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?
- Are there any other options that should be considered?

How the Emergency Management Bill fits into wider reforms

The Bill will enable wider emergency management system improvements

9. The Government's Response to the Inquiry sets out an overarching vision to strengthen disaster resilience and emergency management in New Zealand.³
10. The issues and options set out in this document would support actions under the following focus areas in the Government Response:
- a. Give effect to a whole-of-society approach to emergency management.
 - b. Support and enable local government to deliver a consistent minimum standard of emergency management across New Zealand.
 - c. enable the different parts of the system to work better together at the national level.
11. Many of the actions in the Government Response are operational in nature. A public investment and implementation roadmap will detail the future work programme for these operational actions, including clear direction and timelines.
12. Operational improvements and legislative reform are equally important parts of achieving the vision set out by the Government Response. The Emergency Management Bill will provide the functions, powers, and other tools necessary to enable practical changes on the ground, and most of the options outlined in this document would have associated implementation costs. Implementation costs will be a key consideration in our final advice on policy options.

² For the full list of proposals, refer to Appendix One in the proactively released Cabinet paper [Strengthening disaster resilience and emergency management: legislative implications](#) (November 2024).

³ [Strengthening disaster resilience and emergency management](#), the Government response to the Report of the Government Inquiry into the Response to the North Island Severe Weather Events (October 2024).

Other work across government will also contribute to our disaster resilience

13. **Resource management reform:** The Government will replace the existing Resource Management Act with two new pieces of legislation, which are expected to be introduced by the end of the year. Managing risks from natural hazards, including climate change, is a key objective for the new system. This means that risks from natural hazards like floods and storms will be better identified under this new system and new development will be encouraged to locate away from or be designed to withstand natural hazards. In the meantime, the Government is seeking to progress scaled-back national direction on managing natural hazard risk to support councils while the new system is being developed and implemented.
14. **National adaptation framework:** Preparing for the impacts of climate change is an important part of building New Zealand's resilience to emergencies. The Government intends to introduce legislation this year to put the first building blocks in place for an enduring national adaptation framework. The framework will seek to improve how information is shared, clarify roles and responsibilities, set principles for investment in risk reduction, and set an approach to cost-sharing.
15. **Emergency provisions in the Public Works Act:** Cabinet has agreed to establish an accelerated land acquisition process in the Public Works Act 1981, that could be activated by Order in Council following an emergency to support the timely restoration of damaged public works during the recovery from an emergency.
16. **Decision-making tools for significant natural hazard events:** The Chief Executive, Cyclone Recovery is developing a suite of recovery settings and decision-making tools. These settings and tools will support immediate decisions by the Government after significant natural hazard events.
17. **Local government reform:** The Government is also making significant reforms to local government, through Local Water Done Well, City and Regional Deals, and Local Government System Improvements. These programmes are intended to address long-standing water infrastructure challenges, establish long-term agreements between central and local government that will support infrastructure investment and economic growth, and refocus councils on better delivering the basics.
18. **Refocusing the science, innovation and technology system:** In February, the Government announced the most significant reset of New Zealand's science, innovation and technology system in more than 30 years. This work includes forming a new Public Research Organisation focused on earth sciences, including climate and hazards resilience.
19. **Cyber security of New Zealand's critical infrastructure system:** The Government is developing regulatory and non-regulatory options to enhance the cyber security of New Zealand's critical infrastructure system.
20. **National Risk and Resilience Framework:** In December 2024, Cabinet agreed a more strategic and proactive approach to national risk management and resilience building using the [National Risk and Resilience Framework](#), led by the Department of the Prime Minister and Cabinet. Cabinet agreed that the Framework will be used to provide Ministers with greater visibility of how relevant workstreams on the Government's agenda relate to each other to achieve its objective to reduce New Zealand's exposure to the harm and cost of crises.

The context for reform

New Zealand faces a wide range of hazards

21. Our unique geography means New Zealand is exposed to a range of hazards that have the potential to cause disaster.
22. Earthquakes, tsunamis, flooding, volcanic activity, and other natural hazard events can happen at any time, sometimes without advance warning. Some biological, technological, and human hazards risk similar negative consequences for the safety and wellbeing of people and communities, as well as to our natural and built environment.
23. Emergencies also have a high economic cost. International comparisons consistently show that New Zealand has some of the highest exposure to natural hazards in the world.
24. For example, a recent report by Te Waihanga, the New Zealand Infrastructure Commission found that our annual expected loss from natural hazard events is 0.57% of gross domestic product (GDP). These losses mainly reflect damage to residential property and businesses, as well as damage to infrastructure.⁴
25. Modelling of well-understood scenarios suggests that over the next 50 years, there is a 97% probability that New Zealand will experience a natural hazard event that causes more than \$10 billion in damage.⁵

Table 1: Example modelled natural hazard risk scenarios

Modelled scenarios	Likelihood in the next 50 years	Modelled building/ infrastructure losses
Auckland volcanic eruption	10%	\$5bn–\$65bn (buildings only)
Large Taranaki eruption	1%	\$10bn–\$15bn
Hikurangi subduction zone M9.1 earthquake and tsunami	1%	\$144bn (buildings only)
Hutt River flood (above stopbank design event)	5%	\$5bn–\$10bn
Alpine Fault M8 earthquake	75%	~\$10bn
Cyclone Gabrielle equivalent event	80%	\$9bn–\$14bn (est. actual cost)

⁴ New Zealand Infrastructure Commission (2025). *Invest or insure? Preparing infrastructure for natural hazards*. This research covers the period between 1960 and 2022, so does not include the impact of Cyclone Gabrielle. New Zealand also ranked second out of 43 countries assessed by Lloyds in their 2018 report “[A world at risk: Closing the insurance gap](#)”. This report (which covered a different period) found that our annual expected loss from natural hazard events is 0.66% of GDP.

⁵ NEMA (2023). Annex 3: New Zealand’s riskscape. [Briefing to the Incoming Minister for Emergency Management and Recovery](#).

About the Civil Defence Emergency Management Act 2002

26. The CDEM Act is New Zealand’s overarching emergency management legislation. It aims to improve our resilience to emergencies in a way that contributes to the wellbeing and safety of the public and the protection of property.

“Emergency” has a specific meaning in the CDEM Act

Under the CDEM Act, a situation is only an emergency if:

- it is the result of a happening (whether natural or otherwise), for example, an earthquake, flood, technological failure, failure of or disruption to an emergency service or a lifeline utility, and
- causes (or may cause) loss of life, injury, 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
- cannot be dealt with by emergency services, or otherwise requires a significant and coordinated response under the CDEM Act.

Many agencies routinely use their own legislation to deal with situations that fall below this threshold. For example:

- most wildfires are managed by Fire and Emergency New Zealand under the Fire and Emergency New Zealand Act 2017
- most plant and animal pests and diseases are managed by local authorities and the Ministry for Primary Industries under the Biosecurity Act 1993.

These situations could escalate and become emergencies if they started to endanger lives or property **and** if managing the wider consequences required significant coordination under the CDEM Act.

27. Our emergency management system:

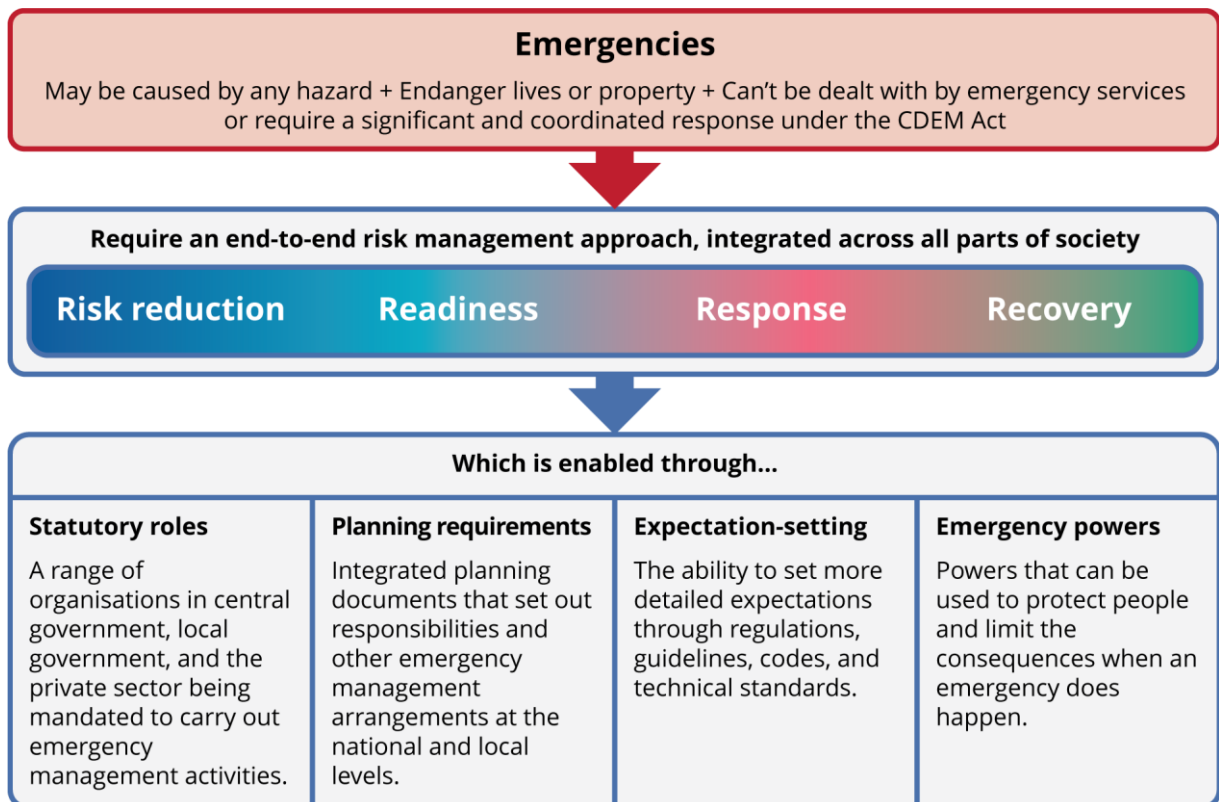
- considers **all hazards** (things that could cause, or substantially contribute to the cause of, an emergency) – including those caused by natural processes, human activity, or a combination of both
- takes an end-to-end **risk management approach** – managing the risk from hazards to an acceptable level requires action across the “4 Rs” of risk reduction, readiness, response, and recovery
- expects **all parts of society** to play a role – risks should be managed by those who are best placed to manage them, at the lowest appropriate level.

28. The CDEM Act enables this approach by:

- a. giving specific functions, duties, and powers to a range of organisations and statutory officers within central government, local government, and the private sector (these responsibilities are outlined in **Appendix B**, and key local government responsibilities are summarised briefly below)

- b. requiring planning documents that set out how emergency management is carried out at the local and national levels, aligned to a national strategy⁶
- c. enabling more detailed expectations to be set through regulations, guidelines, codes, and technical standards
- d. providing extraordinary powers that can be used to protect people and limit the consequences of an emergency.

Figure 1: The main features of the CDEM Act



Summary of local government responsibilities in the CDEM Act

- 29. The CDEM Act requires local authorities to undertake emergency management through regional CDEM Groups, made up of the local authorities in each region. CDEM Groups work with emergency services and other agencies across the “4 Rs” of reduction, readiness, response, and recovery. CDEM Groups are intended to achieve effective local hazard risk management by encouraging local authorities to cooperate, pool resources, carry out joint emergency management activities, and have full time emergency management professionals.
- 30. Each CDEM Group is supported by a Coordinating Executive Group. This consists of the chief executive of each local authority member (or person acting on their behalf), and senior officials from Police, Fire and Emergency New Zealand, and a provider of health and disability services in their area. CDEM Groups may also appoint other people with relevant skills and experience to their Coordinating Executive Group, such as a senior ambulance service officer.

⁶ The current strategy is the 2019 [National Disaster Resilience Strategy](#).

Legislative change is needed to meet our growing disaster risk

31. The hazard-agnostic, whole-of-society risk management approach promoted by the CDEM Act was world-leading in 2002 and remains international best practice. However, the Government Inquiry and previous reviews have demonstrated that the emergency management system hasn't delivered on this intent.
32. At the same time, the risk of disaster is increasing. Trends that are changing this risk (some of which may also bring new opportunities) include:
 - **Climate change and environmental degradation**, due to their effects on sea level rise, the frequency and severity of natural hazards and extreme weather, biodiversity, biosecurity, and the availability and quality of ecosystems and their services.
 - **Population trends**, including that New Zealand's society is becoming older and more ethnically diverse, with changing levels of income inequality and geographic distribution of population.
 - **Global economic growth and productivity**, which have implications for the health and resilience of our economy, and how much we can afford to invest in emergency management and disaster resilience.
 - **Digital connectivity and technological change**, in terms of the risks they pose (for example, potential disruptions to essential infrastructure due to cyber attack) or opportunities they provide (for example, by enhancing our ability to collect and analyse complex data about hazards and risks).
 - **Challenges to international laws, agreements and arrangements**, which have the greatest effect on some of our economic and security risks but could have further-reaching implications.
33. Action on multiple fronts is needed to face these challenges and achieve the Government's vision for the emergency management system.
34. Legislative reform is part of this picture – strengthening New Zealand's disaster resilience and emergency management will likely require changes and improvements to existing statutory roles, planning requirements, expectation-setting tools, and emergency powers.

Objectives for reform

35. The Government's proposed objectives for reform of the CDEM Act are to:
 - a. strengthen community and iwi Māori participation in emergency management
 - b. provide for clear responsibilities and accountabilities at the national, regional, and local levels
 - c. enable a higher minimum standard of emergency management
 - d. minimise disruption to essential services
 - e. ensure agencies have the right powers available when an emergency happens.

36. These objectives are informed by the Government’s vision to strengthen disaster resilience and emergency management, past reviews and inquiries, and issues raised in select committee submissions on the previous Emergency Management Bill.



Consultation questions

- Have we identified the right objectives for reform?

Objective 1: Strengthening community and iwi Māori participation

37. Everyone has a role to play in emergency management – before, during and after disaster strikes. The Government Inquiry found a disconnect between emergency management organisations and their communities, and that the specific needs of some people and groups are not always being met. It also found that the emergency management system needs to create and shape stronger alliances with iwi Māori, to the benefit of everyone.
38. The Government wants to achieve a whole-of-society approach to emergency management, where communities are enabled and empowered to act alongside the “official” emergency system, before, during and after an emergency. In practice, this requires an emergency management system that:
- understands and plans for the diverse needs of communities, with a particular focus on those who may face worse outcomes
 - draws on the expertise and resources offered by iwi, hapū, community groups, businesses, volunteers, and non-government organisations before, during, and after an emergency
 - knows when to take control, when to partner, and when to get out of the way.

Government decisions relating to this objective

The Government has already agreed that the Emergency Management Bill will:

- Make it explicit that people acting under official direction are protected from civil liability, where the loss or damage relates to a state of emergency or transition period.

Issue 1: Meeting the diverse needs of people and communities

39. Our emergency management system relies on most people being able to look after themselves in an emergency. In practice, this is not always possible. We have identified the following reasons that may cause some people and communities to be disproportionately affected by emergencies:
- a. Some people have **pre-existing vulnerabilities** that mean they may be less able to prepare for or look after themselves during an emergency. This may include people in aged residential care, children, people with health issues, disabled people, and people with low incomes.
 - b. Some people and groups have **different needs** that can't be met through a “one size fits all” approach. For example: Pacific peoples, ethnic communities, rural communities, and people with accessibility needs.
 - c. Some people live in **places that are more exposed to hazards**. For example, areas that are more prone to flooding or areas with less resilient infrastructure.

40. People and communities may fall into more than one of these groups. For example, 80% of marae are built on low-lying coastal land or flood-prone rivers.⁷ The complex legacy of colonisation, their intrinsic bond with te taiao (the natural world) and role as kaitiaki, cultural values, and economic vulnerabilities all influence the capacity of iwi Māori to deal with climate threats.
41. Currently, the CDEM Act does not explicitly consider how emergencies affect some people and communities in a disproportionate way.

What's the problem?

42. Emergencies affect different people and groups in different ways. These communities' needs aren't always well understood or considered when agencies prepare for, respond to, and recover from emergencies. This can lead to worse outcomes and – at worst – risks to life safety.
43. Some people with diverse needs have groups and support networks that advocate for their needs, while others do not. Of those who don't, some may not have the capability or capacity to share their needs and concerns across the 4 Rs.
44. The Government Inquiry found that the emergency management system needs to do more to meet the increasingly diverse needs in New Zealand's communities. It acknowledged that there are communities and individuals who are more at risk to the negative impacts of disasters than others and that engaging with these communities before an emergency event is key to better understanding and supporting their needs in response and recovery.
45. For example, the Government Inquiry found that the needs of older people and those with dementia and other complex health needs were not properly planned or catered for in evacuation centres, and public information was not appropriately tailored for them. It also found similar examples of the diverse needs of people and communities not being met during emergencies.



Some communities in South Auckland found their local evacuation and information centres were not responsive to language and cultural needs or faith practices, such as women having to share sleeping facilities with men. The barriers meant some people chose to remain in their flooded homes, isolated from help and support, and unable to access food and warmth. *Report of the Government Inquiry, p. 35.*

We have identified the following options to address this issue

46. These options are not mutually exclusive, so they could be delivered together:
 - a. **Status quo:** CDEM Groups are not explicitly required to identify, engage, recognise, or consider how emergencies can disproportionately affect some groups.

⁷ Bailey-Winiata, A. (2021). *Understanding the Potential Exposure of Coastal Marae and Urupā in Aotearoa New Zealand to Sea Level Rise* (Master's thesis). hdl.handle.net/10289/14567

- b. **Develop guidance on meeting diverse needs (non-legislative):** This could include national level development and promotion of emergency management guidance tailored for the diverse needs of people and communities.
 - c. **Require CDEM Group plans to include how people and communities that may be disproportionately affected will be planned for (legislative):** This includes explicitly requiring CDEM Groups to identify the diverse needs in their areas and engage with people and communities with diverse needs to inform Group plans.
 - d. **Require the Director to consult with representatives of disproportionately affected communities to inform national planning (legislative):** This includes explicitly requiring that the Director consult these communities as part of the development of the National CDEM Plan and the National CDEM Strategy.
47. Given there are a wide range of people and communities with diverse needs, CDEM Groups would need to retain the flexibility to focus attention on those who face the greatest risk, regardless of which option is progressed.
48. The table below sets out the high-level benefits and risks for these options. Option 3 was proposed in the previous Bill.

Table 2: Initial assessment of options to better meet the needs of diverse communities

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • CDEM Groups have flexibility in how they work with their communities. 	<ul style="list-style-type: none"> • The diverse needs of people and communities are not always well understood or considered. This risks worse outcomes in an emergency.
Option 2 (non-legislative): Develop guidance on meeting diverse needs	<ul style="list-style-type: none"> • Could help to address barriers that people with diverse needs face in preparing for emergencies. • CDEM Groups have flexibility in how they work with their communities. 	<ul style="list-style-type: none"> • Guidance may not be adhered to, so the risk of Option 1 would remain (but to a lesser extent).
Option 3 (legislative): Require CDEM Group plans to include how people and communities that may be disproportionately affected will be planned for	<ul style="list-style-type: none"> • More confidence that the risk associated with Option 1 would be avoided, because local government emergency management arrangements would be driven by an understanding of communities' diverse needs. • This should strengthen the preparedness of communities and subsequently improve outcomes in response and recovery. • May strengthen relationships between CDEM Groups and communities in their areas. 	<ul style="list-style-type: none"> • Communities (or their representatives) may have limited capacity to engage. • May be seen as too prescriptive/inflexible to implement.

**Option 4 (legislative):
Require the Director to
consult with
representatives of
disproportionately affected
communities to inform
national planning**

- National-level emergency management arrangements may better incorporate an understanding of the diverse needs of people and communities.
- Communities (or their representatives) may have limited capacity to engage.
- National level consultation may not practically address the needs of specific communities.

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Consultation questions

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

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

49. There are many different groups representing Māori that are active, or might be called upon, in an emergency, all with varying mandates, representation, resourcing and capacity. This document uses the term **iwi Māori** to encompass iwi, hapū, taiwhenua, taura here and entities such as marae trusts, Māori land trusts and incorporations, Māori Associations, post settlement governance entities and protected customary rights groups.
50. Iwi Māori have unique knowledge, skills, and resources to contribute to emergency management across the 4 Rs. These attributes are grounded in their experience responding to and recovering from emergencies in New Zealand for centuries. For example, iwi Māori:
 - a. use local mātauranga to understand hazards and risks
 - b. use their capacity, networks, and resources to manage risks and care for their communities through response and recovery.
51. This means partnering with iwi Māori is essential to building New Zealand's disaster resilience.
52. While New Zealand's locally led approach to emergency management places emphasis on relationships between local authorities and iwi Māori, the Crown also has a role in supporting CDEM groups and iwi Māori to engage and work together effectively.

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Some of the most effective and rapid responses to the severe weather events were coordinated and carried out by iwi Māori, including iwi, hapū, marae, taiwhenua, trusts, incorporations and whānau. They provided manaakitanga, critical equipment, response and wellbeing support, money, and facilities for welfare to all people in their rohe. *Report of the Government Inquiry, p. 18.*

What's the problem?

53. The willingness, expertise, and capability of iwi Māori in emergency management is not fully acknowledged and drawn on to make the emergency management system more effective for all New Zealanders.
54. The Government Inquiry found that iwi Māori provided some of the most effective and efficient responses to the 2023 severe weather events. Despite this, the inclusion of iwi Māori in formal local government emergency management structures is discretionary and, in some regions, non-existent.
55. Several reviews and inquiries have also identified the significant contribution of iwi Māori in emergency management to the benefit of all people in New Zealand. The Government has accepted the Government Inquiry's recommendation to recognise and enable this contribution.

We have identified the following options to address this issue

56. These options are not mutually exclusive, so they could be delivered together:
 - a. **Status quo:** Iwi Māori are not currently legislatively required to be represented in local government emergency management decision-making structures (CDEM Groups and Coordinating Executive Groups). In some areas, iwi Māori have been appointed as advisors to CDEM Groups or co-opted as members of Coordinating Executive Groups.
 - b. **Address the roles of iwi Māori in plans, guidance, and other policy settings (non-legislative):** This could include updating plans, guidance, and other policy settings to ensure iwi Māori are embedded into the emergency management system at an operational level.
 - c. **Require iwi Māori representation on CDEM Group decision-making structures (legislative):** Iwi Māori representation could be required on CDEM Groups or Coordinating Executive Groups.
 - d. **Require CDEM Groups to engage with iwi Māori during the development of CDEM Group plans (legislative):** This includes explicitly requiring that CDEM Groups engage with iwi Māori in their areas to inform CDEM Group planning before emergencies.
 - e. **Require the Director to seek advice on Māori interests and knowledge to inform national level planning (legislative):** This includes explicitly requiring the Director to seek advice on Māori interests and knowledge when developing the National CDEM Strategy and the National CDEM Plan. For example, the Director could establish a national Māori emergency management advisory group.
57. The table below sets out the high-level benefits and risks for these options. Options 3, 4, and 5 were proposed in the previous Bill.

Table 3: Initial assessment of options to strengthen and enable iwi Māori participation in emergency management

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • CDEM Groups and iwi Māori have flexibility in how they work together. 	<ul style="list-style-type: none"> • Inconsistent relationships and arrangements between iwi Māori and CDEM Groups across New Zealand. • In some regions, the contribution of iwi Māori to emergency management is not maximised. • Iwi Māori are not “hardwired” into the emergency management System.
Option 2 (non-legislative): Address the roles of iwi Māori in plans, guidance, and other policy settings	<ul style="list-style-type: none"> • CDEM Groups and iwi Māori have flexibility in how they work together. • Strengthens relationships between CDEM Groups and iwi Māori ahead of emergencies, resulting in better outcomes during and after an emergency. 	<ul style="list-style-type: none"> • Guidance may not be adhered to, so the risks of Option 1 would remain (but to a lesser extent).
Option 3 (legislative): Require iwi Māori representation on CDEM Group decision-making structures	<ul style="list-style-type: none"> • Iwi Māori would have a mandated role in how emergency management is carried out at the local government level. 	<ul style="list-style-type: none"> • If iwi Māori were represented on CDEM Groups, it may be inappropriate for them to have the same powers as the other representatives (mayors and regional council chairpersons) – for example, the power to declare a state of emergency.
Option 4 (legislative): Require CDEM Groups to engage with iwi Māori during the development of CDEM Group plans	<ul style="list-style-type: none"> • Reinforces existing requirements under the Local Government Act for local authorities to enable contributions to decision-making processes by Māori. • Strengthens relationships between CDEM Groups and iwi Māori, resulting in better outcomes during and after emergencies. 	<ul style="list-style-type: none"> • Not effective if CDEM Groups or iwi Māori don’t have time, capability or resources to engage.
Option 5 (legislative): Require the Director to seek advice on Māori interests and knowledge to inform national level planning	<ul style="list-style-type: none"> • Provides a formal mechanism for Māori interests and knowledge to be considered at the national level. • Supports the Māori–Crown relationship. 	<ul style="list-style-type: none"> • Not effective if iwi Māori don’t have time, capability or resources to engage. • If progressed alongside Option 4, may result in a duplication of effort by iwi Māori.

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Consultation questions

- Have we accurately captured the roles that iwi Māori play before, during and after emergencies?
- How should iwi Māori be recognised in the emergency management system?
- What should be the relationship between CDEM Groups and iwi Māori?
- What should be the relationship between Coordinating Executive Groups and iwi Māori?
- What would be the most effective way for iwi Māori experiences and mātauranga in emergency management to be provided to the Director?

Issue 3: Strengthening and enabling community participation in emergency management

58. Emergency management in New Zealand is based on the principle that everyone plays a role in managing their own risks and helping their families, neighbours, and people in their own networks. Communities make significant contributions in the immediate aftermath of an emergency and have an important role in risk reduction and resilience.
59. Many parts of the community – including marae, churches, schools, non-government organisations, businesses, volunteers, and other community organisations – have a role in emergency management. They have skills, information, and other resources that they often can and want to offer during an emergency.
60. For example, schools and marae are often used as community evacuation centres during emergencies because they can accommodate large numbers of people and are usually well-known in the community. These resources are often used during an emergency to provide manaakitanga and welfare services for everyone in the local community who needs it.

What's the problem?

61. One of the purposes of the CDEM Act is to encourage and enable communities to achieve acceptable levels of risk, and to provide for planning and preparation for emergencies and for response and recovery to these. However, there are situations where communities and community organisations who can and want to offer their knowledge, skills, or resources to support responses to emergencies being unable to connect with the formal emergency management system.
62. For example, offers of skills, resources, or information in response and recovery are not always responded to in a timely way or used to the best effect. This is exacerbated when the process to dock into the formal emergency management system is unclear. This can mean some skills, information and resources are under-utilised or not adequately valued before, during and after an emergency.



With regard to the utilisation of the private sector, the philanthropic sector and contract resources, some respondents reported similar concerns that their offers of help were not responded to in a timely way or were not utilised to best effect. Many private businesses, from helicopter companies to transport and engineering providers, offered capability, services and resources to the region, during both response and recovery. *Independent review into Hawke's Bay CDEM Group's response to Cyclone Gabrielle, p. 41.*

We have identified the following options to address this issue

63. These options are not mutually exclusive, so they could be delivered together:
- a. **Status quo:** Communities' ability to connect with the "formal" emergency management system is varied.
 - b. **Develop and update guidance and strengthen public education (non-legislative):** For example, NEMA could produce guidance or templates relating to:
 - i. developing formal arrangements with local organisations before an emergency
 - ii. processes for accepting offers of resource from the public, including being clear about what the CDEM Group will or won't pay for
 - iii. public engagement during the development of CDEM Group plans.
 - c. **Require CDEM Group plans to state how the Group will manage offers of resources from the public (legislative):** CDEM Groups would need to define when and how they will accept offers of resource from their communities.
64. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new (except the status quo).

Table 4: Initial assessment of options to enable the use of community resources more effectively

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • No additional upfront or implementation costs. 	<ul style="list-style-type: none"> • Can cause inefficiencies in response and recovery • Can cause mismatched expectations around tasking and reimbursement for expenses incurred by people in response and recovery, eroding relationships and trust between CDEM groups and their communities.

<p>Option 2 (non-legislative): Develop and update guidance and strengthen public education</p>	<ul style="list-style-type: none"> • Better community awareness of what to do before and after an emergency. • Improved relationships, trust and expectations before an emergency happens, enabling response to happen more effectively and efficiently. • Could clarify when and how communities will be reimbursed for costs incurred during an emergency. 	<ul style="list-style-type: none"> • Guidance may not be adhered to, so the risks of Option 1 would remain (but to a lesser extent). • Because this would not be mandatory, CDEM Groups may need incentives (such as funding) to develop agreements with local organisations.
<p>Option 3 (legislative): Require CDEM Group plans to state how the Group will manage offers of resources from the public</p>	<ul style="list-style-type: none"> • Could improve efficiencies of community involvement in response and recovery. 	<ul style="list-style-type: none"> • Requires CDEM Groups to have time, capability and funding to develop and implement.

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

65. Section 110 of the CDEM Act provides protection from liability where a person is acting under the direction of a CDEM Group, a Controller, or a Recovery Manager (as long as the action or omission doesn't constitute bad faith or gross negligence).
66. Section 108 of the CDEM Act enables compensation (in certain circumstances) for loss or damage to personal property, where the loss or damage is suffered while acting under the direction of the Director, a CDEM Group, a Controller, or a Recovery Manager.

What's the problem?

67. People, businesses, and communities are often the first to respond in an emergency. They may need to take immediate action to help other people themselves before the official emergency management response starts. These actions may save lives or property or stop the emergency from getting worse. People and businesses may also need to use personal property to save lives before official responders arrive (for example, using privately owned inflatable boats to rescue stranded people).



Many community members who did not have a formal role in the response also assisted in the rescue effort, using boats and helicopters to bring people to safety.
Report of the Government Inquiry, p. 83.

68. If these actions aren't directed by a Controller or Police constable, there is no protection from civil liability for loss or damage. This may deter people from acting to save lives or prevent damage to property (where it is safe to do so) before the official response has started. This could be before a state of emergency has been declared.

69. Several written submissions on the previous Emergency Management Bill suggested that people should be protected from civil liability if they cause loss or damage to other people’s property when undertaking actions to protect life or property during an emergency.

We have identified the following options to address this issue

70. These options are not mutually exclusive, so they could be delivered together:
- a. **Status quo:** Protection from civil liability and compensation for loss or damage is not available for people who undertake actions in an emergency without direction from a Controller or constable.
 - b. **Provide for protection from civil liability for loss or damage (legislative):** People would be protected from civil liability if they caused loss or damage while undertaking reasonable and significant emergency management actions in good faith, in circumstances where they were unable to seek or be given direction by a Controller or constable.
 - c. **Enable compensation for labour costs (legislative):** Persons undertaking actions at the direction of a Controller or Constable would be eligible for compensation for labour costs in certain circumstances. For example, if a person or business such as a civil contractor with specialist skills is directed to do something in circumstances where there is not time to contract the use of their time (labour).
71. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new.

Table 5: Initial assessment of options to improve protections from civil liability for undertaking emergency management activity in good faith

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • Does not incentivise possibly unsafe or unnecessary actions. • Encourages increased planning to identify possible needs, rather than people potentially working out of step with official emergency management priorities. 	<ul style="list-style-type: none"> • Does not recognise that individuals are often the first to respond in an emergency. • Could discourage individuals from taking urgent action to save lives or prevent damage to property.
Option 2 (legislative): Provide for protection from civil liability	<ul style="list-style-type: none"> • Supports the reality that people, businesses, and communities will often need to deal with an emergency themselves before the official response starts. 	<ul style="list-style-type: none"> • Potentially incentivises unsafe or unnecessary actions.
Option 3 (legislative): Enable compensation for labour costs	<ul style="list-style-type: none"> • Consistency of how compensation is applied across a range of emergency scenarios, provided that activities are carried out in good faith. • Supports individuals and communities to assist in emergencies when needed. 	<ul style="list-style-type: none"> • Incurs unpredictable costs on the Government and local government, including administration costs. • Potentially incentivises unsafe or unnecessary actions.

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

72. Responsibility for different emergency management activities usually sits with the organisations that are responsible for that subject matter day to day. This approach makes the best use of the skills and expertise that exist across New Zealand and encourages emergency management to be considered “business-as-usual”. It also means the emergency management system is inherently complex – as a result, it’s critical that organisations know how they will work together and who will do what.
73. Roles and responsibilities are defined at multiple levels (through the CDEM Act, the National CDEM Plan and CDEM Group plans, and lower-level operational planning), based on the level of flexibility or detail that is required. The Government wants to ensure there are clear lines of accountability for those who have responsibilities in the Act, and address potential barriers to keeping other roles and responsibilities up to date.

Government decisions relating to this objective

The Government has already agreed that the Emergency Management Bill will:

- Recognise ambulance services as an emergency service.
- Make the chief executive of NEMA hold the role of Director, reflecting NEMA’s establishment as a departmental agency. This role will be renamed to “Director-General”.⁸

Issue 5: Clearer direction and control during an emergency

74. Emergencies require a significant and coordinated response that goes beyond agencies’ normal powers and resources – it’s vital that:
 - a. scarce resources can be prioritised to where they are most needed
 - b. there is clear leadership and decision-making
 - c. broader impacts are dealt with alongside the specific hazard.
75. For example, a wildfire (or flood, earthquake, epidemic, terrorism, etc) can create wider consequences, such as wide-ranging welfare needs. These need to be managed in addition to dealing with the wildfire. This may have surpassed emergency services’ capacity to do so (and also deal with the wildfire) or significant coordination is required to respond because, for example, the consequences are occurring across multiple regions or impacting a significant number of people.
76. The CDEM Act intends to provide a framework for strong operational leadership and coordination in these situations. Group Controllers are responsible for directing and coordinating the personnel, material, information, services, and any other resources that are made available to them during a local state of emergency. During a national state of

⁸ For simplicity, this document only uses the current title.

emergency, the Director's functions include directing and controlling the resources made available to them.

77. Under the current National CDEM Plan, responsibility for managing the response to an emergency sits with "lead agencies" (at a national and local/regional level). The lead agency at the national level is determined by the specific hazard and its primary consequences to be managed in an emergency. For example, the lead agency for wildfires is Fire and Emergency New Zealand, the lead agency for geological hazards (such as earthquakes) is NEMA, and the lead agency for terrorism is New Zealand Police.⁹ While the National CDEM Plan identifies lead agencies at the local/regional level, it does not currently define their specific responsibilities.

What's the problem?

78. Who has command and control¹⁰ of the overall operational response to an emergency is sometimes ambiguous – it is not explicit in the CDEM Act. This ambiguity is intensified when:
- there is no declared state of emergency
 - the hazard that caused the emergency does not have a pre-determined lead agency
 - the emergency was caused by multiple hazards.
79. This means that it can sometimes be unclear who is ultimately in charge of making decisions for the operational response to an emergency. This can create confusion, delayed decision making, and result in an uncoordinated response.
80. Several past reviews have identified this ambiguity as an issue. For example, the independent external review of the Hawke's Bay CDEM Group's response to Cyclone Gabrielle found that without an overarching command structure to which all participants subscribe – with one entity directing and leading the response – the result will always be confusion, duplication, and even conflict.



This manifested in a number of ways, including a lack of clarity about overall command and how command leadership was to be coordinated; patchy coordination and information flows; and unclear mission objectives, prioritisation, and tasking for first responders and partner agencies. *Independent review into Hawke's Bay CDEM Group's response to Cyclone Gabrielle*, p. 23.

81. Similarly, the Government Inquiry identified concerns that there was a lack of clarity in command and control in the "locally led and nationally supported emergency response

⁹ Separately, the [National Risk Register](#) identifies "risk-coordinating agencies" which are responsible for providing coordinated cross-agency advice about New Zealand's most serious risks. Some of these risks aren't relevant to the emergency management system. Risk-coordinating agencies' responsibilities are outside the scope of this document.

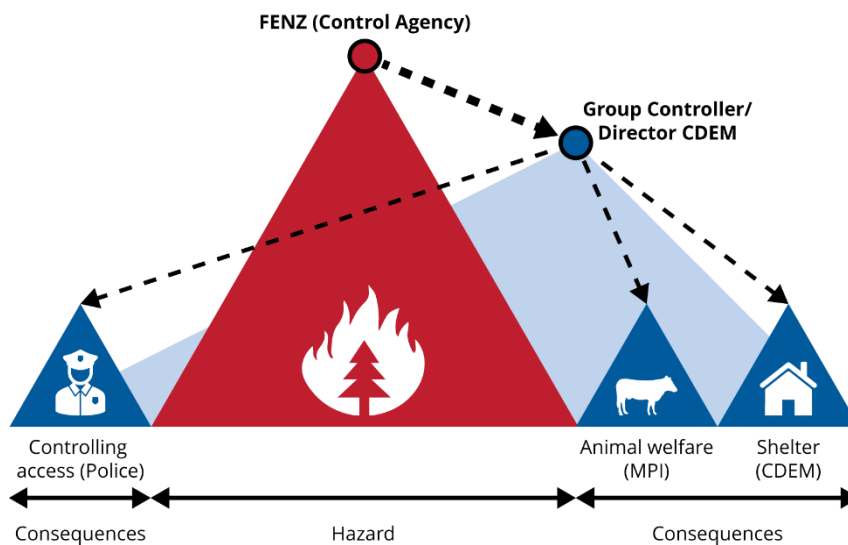
¹⁰ Under the [Coordinated Incident Management System](#), "control" is the authority to set objectives and direct tasks across teams and organisations (and can include control over resources) within their capability and capacity. This does not include interference with that team, unit or organisation's command authority or how its tasks are conducted. "Command" is the authority within a team, unit or organisation. Command cannot be exercised across teams, units or organisations unless specifically agreed.

framework”, which created confusion and at times made it unclear who was the lead and responsible.¹¹

We have identified the following options to address this issue

- a. **Status quo:** The agency dealing with the specific hazard (lead agency) is responsible for managing the response to the emergency. Group Controllers (in a local emergency) and the Director (in a national emergency) are responsible for coordinating and directing resources made available for emergency management.
- b. **Require the agency dealing with the specific hazard to be the “Control Agency” (legislative).** Make it explicit that the Control Agency is in charge of the overall operational response to an emergency, while the Group Controller (for a local emergency) or the Director (for a national emergency) manages the wider consequences in support of (and at the request of) the Control Agency. For example, Fire and Emergency New Zealand would be in charge of the overall operational response to a wildfire that became an emergency (including making decisions about and prioritising resources to manage the wider consequences), with the Group Controller or Director in support.

Figure 2: Wildfire scenario – Hazard Agency as the Control Agency



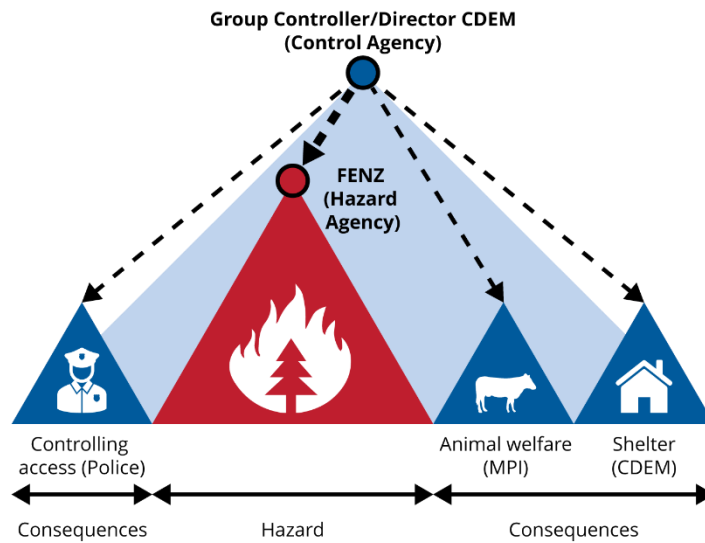
- c. **Require Group Controllers (local emergency) or the Director (national emergency) to be the “Control Agency” (legislative).** Make it explicit that the Group Controller or Director manages the overall operational response to an emergency, including the ability to direct the agency dealing with the specific hazard. Group Controllers would have the power to coordinate resources made available during the response to an undeclared emergency.

This option would not replace other agencies’ responsibility to deal with specific hazards or consequences. For example, Fire and Emergency New Zealand would continue to be responsible for putting out a wildfire that has caused an emergency,

¹¹ Report of the Government Inquiry, p. 63.

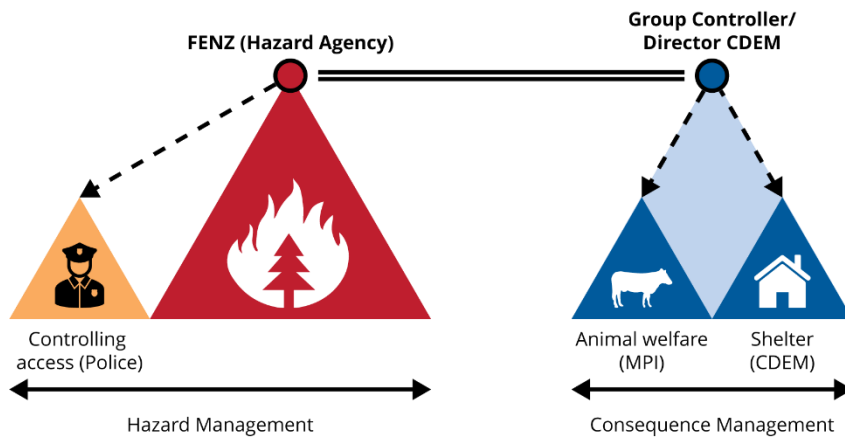
but the Group Controller or Director would be in charge of the overall operational response (including making decisions about how resources are prioritised).

Figure 3: Wildfire scenario – Group Controller or Director as the Control Agency



- d. **A unified control model between the agency dealing with the hazard and the Group Controller or Director (legislative).** Make it explicit that the Group Controller or Director manages the wider consequences of the emergency while the “Hazard Agency” deals with the hazard that caused it. Both agencies would act independently, but with coordination between them.

Figure 4: Wildfire scenario – unified control



82. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new (except the status quo).

Table 6: Initial assessment of options to clarify direction and control during an emergencies

Options	Benefits of this option	Risks/costs of this option
<p>Option 1: Status quo</p>	<ul style="list-style-type: none"> Provides flexibility to decide who is in charge (for practical reasons or otherwise) based on the situation. 	<ul style="list-style-type: none"> It is not always clear that the agency responsible for dealing with the hazard is expected to manage the wider operational response, and that agency may not have the skills, experience, or resources to do so effectively. Confusion about how other parties (e.g. support agencies) are expected to support the response can lead to: <ul style="list-style-type: none"> inaction by some parties that may not see themselves as part of the response delays in early decision-making and confusion around how resources are prioritised.
<p>Option 2 (legislative): Require the agency dealing with the specific hazard to be the “Control Agency”</p>	<ul style="list-style-type: none"> Clarity upfront supports better planning and, when an emergency occurs, reduces time of ambiguity for immediate decision-making. The agency in charge would always have subject matter expertise about the hazard that caused the emergency. Provides a single point of accountability. 	<ul style="list-style-type: none"> The agency responsible for dealing with the hazard may not have the skills, experience, or resources to manage the broader consequences of the emergency. It may be unclear who is the Control Agency and how resources should be prioritised during the beginning of a multi-hazard emergency (i.e. there may be two or more agencies managing different hazards). Could create inefficiencies, with each Control Agency needing to maintain relationships with the same partner agencies.
<p>Option 3 (legislative): Require Group Controllers (local emergency) or the Director (national emergency) to be the “Control Agency”</p>	<ul style="list-style-type: none"> Creates efficiencies by building on the existing functions of the Director and CDEM Groups to plan for and respond to emergencies. Clarity upfront supports better planning and, when an emergency occurs, reduces time of ambiguity for immediate decision-making. Provides a single point of accountability. May reduce costs to agencies that have previously been expected to both deal with the hazard and manage the wider operational response to an emergency. 	<ul style="list-style-type: none"> Increased investment and training may be required to ensure Controllers have the capability to be the Control Agency for all types of hazards.

Option 4 (legislative): A unified control model between the agency dealing with the hazard and the Group Controller or Director

- May not take as long to implement as it does not require additional capability building across agencies.
- Provides flexibility to include multiple agencies as decision-makers during multi-hazard emergencies.
- Agreement may not be reached efficiently, delaying decision making and prioritisation.
- Risks duplication, inefficiency, and uncoordinated or conflicting decisions if tasking or resourcing is done by multiple people.
- No agency has the overall accountability for leading the operational response.



Consultation questions

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

Issue 6: Strengthening the regional tier of emergency management

83. The Government's response to the Inquiry noted that locally led delivery of emergency management is a strength of our system. Local authorities are better placed than central government to understand and manage the risks communities face and partner with them to build resilience.
84. The 2018 Technical Advisory Group report into better responses to natural disasters and other emergencies (the **TAG report**) found that CDEM Groups have taken different approaches to providing emergency management which has impacted effectiveness and confidence in the system. The TAG report found that "approaches are not always collaborative" and that some local authorities "do not buy-in to the joint planning and implementation activities". The Government agreed that local authorities should engage fully in the regional approach that was the intent of the CDEM Act.
85. The Government's response to the Government Inquiry noted that many CDEM Groups' resourcing and business models are limiting their effectiveness. The Government considered alternatives to local government delivery of emergency management (including central government delivery) but concluded that a whole of society approach to emergency management is best done through locally led delivery. Strengthening the regional tier of emergency management and having clearer roles and responsibilities in legislation would support that.

What's the problem?

86. Local authorities can act independently of the Group and do not have to fully buy into what the CDEM Group decides jointly. This does not support a strong regional tier of emergency management and is not meeting the intent of the CDEM Act of joint coordinated governance of emergency management at a regional scale.
87. There is variability in the way CDEM Groups and local authorities organise emergency management in their areas and determine who is employed by and accountable to who. Lines

of accountability may be unclear, overlapping, and inappropriate, and inconsistent between CDEM Groups.

88. Coordinating Executive Groups have varied levels of engagement by their members which means that they are not as effective as was intended in supporting the CDEM Groups with planning advice and implementing CDEM Group decisions and plans.
89. We have identified three key problems relating to the regional tier of emergency management:
 - a. overlapping CDEM Group and local authority roles and responsibilities
 - b. inconsistent organisation and lines of accountability
 - c. variable performance of Coordinating Executive Groups.

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

90. The CDEM Act sets out that local authorities are both individually as well as jointly responsible for emergency management. The CDEM Group and each local authority member has the same functions in emergency management. There is no distinction between what the CDEM Group is responsible for (local authorities jointly) and what each local authority is responsible for individually.
91. Local authorities must participate in CDEM Groups and must pay for emergency management activities that they agree to pay for. Emergency management activities agreed by the CDEM Group needs to be adequately funded by its member local authorities or this undermines the benefits of joint governance at a regional level. The Government's response to the TAG report proposed that CDEM Groups should be required to publicly report to their communities and to the Government on expenditure and performance against the CDEM Group plan. This is to enable the community and the Government to hold local authorities to account for providing adequate funding to implement the CDEM Group's decisions.
92. The overlap of the functions of local authorities and the CDEM Group in the CDEM Act may be causing inconsistency, duplication, and gaps in how emergency management is governed, planned, and delivered. It means that local authorities do not have to fully buy into what the CDEM Group decides jointly, as they can choose to do emergency management independently of the Group.
93. This does not support a strong regional tier of emergency management. This is not fully meeting the intent of the CDEM Act of joint coordinated governance to ensure there is integrated cross-boundary hazard identification and risk management, and joint planning and funding of emergency management at a regional scale. It is also not clear that local authorities are expected to fund and deliver on joint CDEM Group decisions.

We have identified the following options to address this issue

- a. **Status quo:** The CDEM Group and its member local authorities have overlapping functions and duties in emergency management.
- b. **Provide distinct responsibilities for CDEM Groups and their local authority members (legislative):** CDEM Groups make governance, planning, and funding

decisions about emergency management in the region, and monitor delivery of plans by local authorities. CDEM Groups manage emergency responses, delegating to local authority members and Local Controllers/Recovery Managers to manage local area emergencies. Each local authority supports the Group through funding and delivering on what the Group has decided.

- c. **Require CDEM Group plans to state how each member will fund and deliver on the functions and decisions of the CDEM Group (legislative):** Expand requirements of Group Plans to include details on how each member will fund delivery. Strengthen accountability mechanisms, for example, by reporting on expenditure and performance for delivery of the Plan.

94. The table below sets out the high-level benefits and risks for these options. Option 2 was proposed in the previous Bill.
95. The current system is based on mandatory CDEM Groups of local authorities which was intended to support integrated, region-wide emergency management. Both the TAG report and the Government Inquiry said that this model was not broken but should be strengthened. However, there are other ways that emergency management could be delivered. For example, by having emergency management delivered only at the national level, or making individual local authorities responsible for emergency management (with the ability to form CDEM Groups with other councils voluntarily). This would involve making large-scale fundamental changes to the system that we have not assessed at this stage.

Table 7: Initial assessment of options to resolve overlapping CDEM Group and local authority roles and responsibilities

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> Allows flexibility within and between CDEM Groups and local authorities to prioritise and implement emergency management activities as they see fit. 	<ul style="list-style-type: none"> May cause inconsistency, duplication, and gaps in how emergency management is governed, planned, funded and delivered in each region. The purpose and intent of the CDEM Act may not be adequately met.
Option 2 (legislative): Provide distinct responsibilities for CDEM Groups and their local authority members	<ul style="list-style-type: none"> Strengthen the performance of CDEM Groups and local authorities by reducing duplication of effort. Local authorities would still have flexibility to deliver emergency management individually or jointly. 	<ul style="list-style-type: none"> Local authorities may consider there is more burden on them to deliver or conversely that governance and planning roles are being taken away from them. Changes in where local authority costs fall and/or increase in costs overall depending on how CDEM Groups and local authorities currently operate and the degree to which a separation of responsibilities results in the desired change in performance.

**Option 3 (legislative):
Require CDEM Group plans
to state how each member
will fund and deliver on the
functions and decisions of
the CDEM Group**

- Clarify expectations and improve accountability and performance. Does not create additional expectations but ensures existing responsibilities are being met.
- Clearer expectations for delivery reduce overall costs during and after emergencies.
- Time and potential costs for CDEM Group members to agree and implement delivery expectations.
- May still lead to inconsistency in how emergency management is governed, planned, funded and delivered in each region.

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

96. Civil Defence Emergency Management Groups (and each member local authority) are required to provide for suitably trained and competent staff, including volunteers, and an appropriate organisational structure for those staff, and material, services, information, and any other resources for effective civil defence emergency management in its area.
97. Currently, CDEM Groups across the country are organised according to what they think works best for their area and one Group will be organised differently from another. Excluding unitary authorities, there are three models operating throughout the CDEM Groups:
- a. Centralised model – the Group has emergency management staff who work with local authority staff to deliver the work programme.
 - b. Decentralised model – the Group has emergency management staff, and each local authority in the Group also has their own emergency management staff who may act independently of the Group work programme.
 - c. Hybrid model – the Group has emergency management staff working with some local authorities, but some local authorities are acting independently.
98. This is leading to inconsistencies in the way emergency management is being delivered across the regions. For example, in one of the areas operating under a decentralised model, each local authority follows their own work programme. As a result, the Group has been unable to progress some of their initiatives as their priorities differ from those of the local authority. Alternatively, in an area operating under a hybrid model, there has been difficulty engaging with the local authorities who employ their own emergency management staff and obtaining meaningful information during CDEM Group or Coordinating Executive Group meetings.
99. The Government Inquiry noted that there needs to be clarity about roles and accountabilities between the regional (CDEM Group) and local levels (local authorities), including Group Controllers, CDEM Groups, and the Chairs and chief executives of regional councils.



This lack of clarity reduced the regional oversight of hazards and muddled effective implementation of the emergency management system. *Report of the Government Inquiry, p. 62.*

100. In particular, the Inquiry noted that the roles and accountability lines of Group Controllers and Local Controllers are unclear, with multiple reporting lines and layers of accountability.



Group controllers are often employed by a regional council, while local controllers are usually a local council employee with controller responsibilities in addition to their substantive role. This means controllers are accountable to the CDEM Group for their emergency management responsibilities but also have an employment relationship with the local authority that employs them. *Report of the Government Inquiry, p. 62.*

101. The Inquiry recommended making the chief executive of each local authority hold the statutory office of Local Controller, with the ability to delegate to suitably qualified individuals (while retaining overall accountability).
102. There is variability in the way CDEM Groups and local authorities organise emergency management in their areas and determine who is employed by and accountable to who. As a result, lines of accountability between the CDEM Group, local authority members, chief executives, emergency management staff, and statutory officers such as Controllers and Recovery Managers, may not be in line with what the CDEM Act and guidance intended. Lines of accountability may be unclear, overlapping, or inappropriate, and are inconsistent between CDEM Groups.

We have identified the following options to address this issue

- a. **Status quo:** CDEM Groups and local authorities can employ, manage and organise emergency management staff and Controllers and Recovery Managers, and resources in various ways to undertake emergency management in the area.
- b. **Update guidance and provide models for how CDEM Groups and local authorities could organise emergency management in their region (non-legislative):** Provide guidance and models for how CDEM Groups and local authorities employ, manage and organise staff, Controllers and Recovery Managers, and resources for flexible emergency management with appropriate lines of accountability. This could include guidance on how Controllers and Recovery Managers are employed and managed, as well as management and organisation of resources for flexible emergency management while ensuring clear and appropriate lines of accountability.
- c. **Make the CDEM Group responsible for organising emergency management functions (legislative):** CDEM Groups would explicitly be made responsible for employing, managing, organising and accommodating emergency management staff, Group Controllers, Group Recovery Managers, and other resources to carry out the CDEM Group's functions. In practice, the administering authority (a regional council or unitary authority) would carry out this responsibility on the CDEM Group's behalf.
- d. **Retain flexibility but make the chief executive of each local authority hold the role of Controller and Recovery Manager (legislative):** The chief executives of each local authority would have the functions and powers of a Local Controller and Recovery Manager. Where a CDEM Group is made up of multiple local authorities, the CDEM Group would be required to appoint one council's chief executive as the Group Controller and Recovery Manager. Chief executives could delegate these functions and powers to suitably qualified individuals, but would retain overall accountability. CDEM Groups would still have the flexibility to organise their wider emergency management functions as they see fit.

103. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new (except the status quo).

Table 8: Initial assessment of options to providing for clear and consistent organisation and accountability for emergency management

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> Flexibility for CDEM Groups and local authorities to decide, in consultation with their communities, what organisational, employment and accountability arrangements work for them. 	<ul style="list-style-type: none"> Lines of accountability between the CDEM Group, local authority members, chief executives, emergency management staff and statutory officers such as Controllers and Recovery Managers may be unclear, overlapping, inappropriate, and inconsistent between CDEM Groups. Does not support an effective response to larger-scale regional or national level emergencies.
Option 2 (non-legislative): Update guidance and provide models for how CDEM Groups and local authorities could organise emergency management in their region	<ul style="list-style-type: none"> Retains flexibility for CDEM Groups and local authorities to decide, in consultation with their communities, what organisational and accountability arrangements work for them. May help provide for lines of accountability which are clear, appropriate and consistent between CDEM Groups. Recognises that each local authority area has different geographical, demographic, and hazard contexts to consider, so a one size fits all model might not suit some areas. 	<ul style="list-style-type: none"> As guidance is not mandatory, some risks of Option 1 may remain. In particular, this option does not fully support having clear and appropriate lines of accountability across all CDEM Groups, including for interoperable responses to larger-scale regional or national level events.
Option 3 (legislative): Make the CDEM Group responsible for organising emergency management functions	<ul style="list-style-type: none"> Lines of accountability are clear, not overlapping, appropriate, and consistent across New Zealand. Provides long term certainty and a model for local authorities about who delivers what and how. Having all CDEM Groups and local authorities operating within the same organisational and accountability model supports interoperable responses to larger-scale regional or national level events. 	<ul style="list-style-type: none"> Reduces flexibility for CDEM Groups and local authorities to decide, in consultation with their communities, what organisational and accountability arrangements work for them. A “one size fits all” model may not suit some regions. Costs of change in those areas which are not currently organised in line with the mandated model.

**Option 4: (legislative):
Retain flexibility but make
the chief executive of each
local authority hold the
role of Controller and
Recovery Manager**

- Makes council chief executives accountable for the performance of Controller/Recovery Manager functions and powers
- Clearer lines of accountability between Controllers/Recovery Managers and the wider council.
- Risk that some chief executives decide not to delegate their Local Controller/Recovery Manager duties and are not suitably qualified or do not have the time available to undertake those roles.

6.3: Strengthening the performance of Coordinating Executive Groups

104. The Coordinating Executive Group is responsible for providing advice to the CDEM Group; implementing the decisions of the CDEM Group; and overseeing the implementation, development, maintenance, monitoring, and evaluation of the CDEM Group plan. The Coordinating Executive Group should operate as the engine of emergency management because these Executives hold the funding and operational levers to implement governance decisions. It is therefore important that there is good, consistent, and meaningful participation in Coordinating Executive Group.
105. There are varied levels of engagement in Coordinating Executive Group throughout the country. In some cases, attendance at meetings is inconsistent or delegated. Where participation in Coordinating Executive Group is happening, it is not necessarily seen as a meaningful activity and often treated as a formality. In some areas, this may be leading to ineffective advice to CDEM Groups, and failure to effectively implement and monitor CDEM Group decisions and plans and oversee planning processes.
106. The lack of meaningful engagement in Coordinating Executive Groups has impacted their ability to properly debate issues or approve items, resulting in delayed decision making. This has included issues such as the appointment of Controllers, agreement on budgets or planning timelines, and staffing requirements for training and exercises.

We have identified the following options to address this issue

- Status quo:** Responsibilities for local authorities and some other entities to engage in CDEM Group activities are set out in the CDEM Act. The Director may intervene where performance is not meeting expectations.
- Provide more specific expectations on members of the Coordinating Executive Group supported by good practice guidance (legislative):** For example, clearly describing what implementing decisions of the Group means.
- Require the Coordinating Executive Group to report to the Director on how and to what extent it has delivered on its functions under the CDEM Act (legislative):** This could include reporting on attendances and what decisions it has undertaken, including how decisions have been implemented by the members of the Coordinating Executive Group in a given reporting period.
- Remove the ability for Coordinating Executive Group members to delegate membership, or require these entities to have a single, specified delegate (legislative):** Requires one appointed person to attend the Coordinating Executive Groups, this being either the responsible person as named through the Bill, or a suitably qualified delegate, to ensure consistency and support working relationships.

107. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new (except the status quo).

Table 9: Initial assessment of options to strengthen the performance of Coordinating Executive Groups

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> No additional upfront or implementation costs. 	<ul style="list-style-type: none"> Risks delayed decision making and ineffective implementation and monitoring of CDEM Group decisions and plans.
Option 2 (legislative): Provide more specific expectations on members of the Coordinating Executive Group supported by good practice guidance	<ul style="list-style-type: none"> Strengthening requirements, supported by guidance and assurance, could clarify expectations for parties and create greater accountability and mandate to understand, advise on or improve performance across the emergency management system. Does not create additional expectations but specifies and ensures existing responsibilities are being met. 	<ul style="list-style-type: none"> Costs to local authorities, and others, to deliver on existing expectations. Costs for the Director to review performance and intervene if necessary.
Option 3 (legislative): Require the Coordinating Executive Group to report to the Director on how and to what extent it has delivered on its functions under the CDEM Act	<ul style="list-style-type: none"> Provides a formal mechanism for assurance of Coordinating Executive Group performance. 	<ul style="list-style-type: none"> Risks shifting responsibility for Coordinating Executive Group performance to the Director rather than the CDEM Group, undermining local leadership. Costs for the Director to review performance and intervene if necessary.
Option 4 (legislative): Remove the ability for Coordinating Executive Group members to delegate membership, or require these entities to have a single, specified delegate	<ul style="list-style-type: none"> May enable better relationships between Coordinating Executive Group members and retention of relevant knowledge and context around issues, leading to more meaningful input. No additional costs expected as local authority chief executives already have responsibilities to participate in Coordinating Executive Group (so this option does not create additional expectations). 	<ul style="list-style-type: none"> Local authorities may need additional support and guidance to transition to this. Removes flexibility for Coordinating Executive Group members to determine attendance on a case-by-case basis, may make it difficult to achieve quorum.

Q

Consultation questions

- 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?

Issue 7: Keeping emergency management plans up to date

108. One of the purposes of the CDEM Act is to integrate national and local emergency management planning and activity. The Act does this by requiring two statutory planning documents:
- a. The Minister must produce a **National CDEM Plan** that states the hazards and risks to be managed at the national level, and the emergency management necessary to manage these hazards and risks. The National CDEM Plan is secondary legislation, made by the Governor-General as an Order in Council. A person or organisation that is given emergency management responsibilities in the National CDEM Plan must take all necessary steps to carry them out.
 - b. Each CDEM Group is required to produce a **CDEM Group plan** that sets out the hazards and risks to be managed by the CDEM Group, and the emergency management necessary to manage these hazards and risks. A person or organisation that is given emergency management responsibilities in a CDEM Group plan must take all necessary steps to carry them out.
109. Among other things, these plans set out key roles and responsibilities at the national and local levels. Having clear roles and responsibilities is essential for agencies and individuals to know what they are expected to do and how they will work together before, during, and after an emergency. Done well, it also enables clear lines of accountability.
110. National and local planning is aligned through a **National CDEM Strategy** prepared by the Minister on behalf of the Crown. The National CDEM Plan and CDEM Group plans must not be inconsistent with the Strategy, which is secondary legislation.

Related issue

The content of CDEM Group plans is discussed in **Issue 9**.

What's the problem?

111. The National CDEM Plan and CDEM Group plans set out what different people and organisations are required to do, but keeping these roles and responsibilities up to date is hampered by:
- a. the requirement to undertake a full review process before targeted but “more than minor” changes can be made to CDEM Group plans or the National CDEM Plan
 - b. the National CDEM Plan is made by Order in Council, making it less flexible than other forms of secondary legislation
 - c. a requirement to present a draft National CDEM Plan to the House of Representatives for at least 90 days before the Minister recommends it is made by Order in Council.
112. Because updating these plans is administratively burdensome, it can be difficult to make changes that reflect lessons from recent emergencies, changing responsibilities, or the latest understanding of the hazard and risk environment.

113. This problem has also been identified in the review of Auckland Flood Response¹² and through NEMA’s work to improve catastrophic readiness with national agencies.

We have identified the following options to address this issue

- a. **Status quo:** Minor amendments to the National CDEM Plan and CDEM Group plans can be made without a review. Any larger changes require a full review of the plan.
- b. **Enable targeted, “more than minor” amendments to the National CDEM Plan and CDEM Group plans (legislative):** Enable targeted amendments in the National CDEM Plan and CDEM Group plans so roles and responsibilities and other matters can be updated without a full review. For example, if a new hazard is identified, or risk profile changes, a targeted amendment would enable this hazard or risk (and who is responsible for managing it) to be added to the relevant plan.
- c. **The National CDEM Plan isn’t required to be made by Order in Council, but retains its legislative status (legislative):** This would simplify the process to develop and amend the National CDEM Plan, and potentially enable a more flexible format.

114. The table below sets out the high-level benefits and risks for these options. Option 3 was partially proposed in the previous Bill.

Table 10: Initial assessment of options to keep emergency management plans up to date

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> Roles and responsibilities (and other arrangements) subject to review every 5 years. The National CDEM Plan, as secondary legislation, is a statutory document which requires compliance. 	<ul style="list-style-type: none"> It is administratively difficult to change CDEM Group Plans when responsibilities change. The National CDEM Plan is not as easy to review and update as CDEM Groups plans.
Option 2: (legislative) Enable targeted, “more than minor” amendments to the National CDEM Plan and CDEM Group plans	<ul style="list-style-type: none"> Reduces barriers to updating roles and responsibilities in statutory plans. New hazards, changes in risk profile or agency responsibilities can be updated more easily. 	<ul style="list-style-type: none"> Risk that some amendments to plans may not go through sufficient consultation.
Option 3 (legislative): The National CDEM Plan isn’t required to be made by Order in Council, but retains its legislative status	<ul style="list-style-type: none"> May enable the National CDEM Plan to be drafted more flexibly. Easier to amend than through a full Order in Council process. Retains legislative effect. 	<ul style="list-style-type: none"> Balance between flexibility and certainty – more frequent changes to the National CDEM Plan would need to be supported by effective implementation across the system.

¹² Bush International Consulting (2023). [Auckland Flood Response Review](#), p. 24.

Objective 3: Enabling a higher minimum standard of emergency management

115. Emergency management responsibilities sit in multiple parts of the system. For example, many hazards are managed by local authorities, with risk management choices informed by their communities' aspirations and their unique social, economic, and geographic features.
116. This devolved approach is a strength. At the same time, the Government wants to ensure the emergency management system is delivering acceptable outcomes for people in every part of New Zealand. The Government Inquiry echoed a key message from previous reviews and the National Disaster Resilience Strategy: the need for stronger national direction, standard-setting, and assurance across the system.

Government decisions relating to this objective

The Government has already agreed that the Emergency Management Bill will:

- Require Local Controllers appointed by a CDEM Group to be suitably qualified and experienced. This is already required for Group Controllers, Group Recovery Managers, and Local Recovery Managers.

Issue 8: Stronger national direction and assurance

117. The CDEM Act gives emergency management responsibilities to a range of people and organisations across the 4 Rs, including central government, local authorities, lifeline utilities, emergency services, and statutory officers such as Controllers and Recovery Managers. Further responsibilities can be set through subsidiary instruments like the National CDEM Plan, CDEM Group plans, and regulations made under the Act.
118. When they are being delivered effectively, these responsibilities contribute to improving our resilience to emergencies in a way that contributes to the wellbeing and safety of the public and the protection of property.

What's the problem?

119. The CDEM Act provides few levers to ensure parties with responsibilities under the Act are meeting them at the expected level. Without the right mix of tools to ensure responsibilities are being performed effectively, there is a risk that the purpose of the CDEM Act will not be adequately met.
120. The Government Inquiry found that the monitoring and assurance of the emergency management system needed to be strengthened. It also recommended that appropriate powers and authority be provided to set standards and fulfil an assurance function.
121. We have identified two key problems relating to national direction and assurance:
 - a. the Director's mandate to set expectations and monitor performance
 - b. limited mandate to intervene and address performance issues.

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

122. The CDEM Act gives the Director the function of monitoring the performance of CDEM Groups and other persons with responsibilities under the CDEM Act. It also enables:
 - a. the Director to issue guidelines, codes, or technical standards (these documents do not need to be followed)
 - b. certain mandatory requirements to be set through regulations.
123. Because regulations are relatively inflexible, NEMA has traditionally relied on non-legislative guidelines and technical standards to set expectations about administrative, operational, or other detailed matters. These documents are not always followed, leading to an inconsistent standard of emergency management across New Zealand.
124. The Director’s function of monitoring the performance of parties with responsibilities under the Act doesn’t provide an explicit mandate to provide assurance that the emergency management system is working effectively as a whole. This may be leading to gaps in the expectations being set – for example, if issues cut across multiple parties’ responsibilities under the Act.

We have identified the following options to address this issue

125. These options are not mutually exclusive, so they could be delivered together:
 - a. **Status quo:** the Director has the function of monitoring the performance of persons with responsibilities under the CDEM Act and the power to issue guidelines, codes, or technical standards. The Act also enables certain mandatory requirements to be set through regulations.
 - b. **Increased guidance and strengthened governance (non-legislative):** This could include updating, developing and publishing guidance material or strengthening governance to enable this mandate (for example, using existing national risk governance structures such as the National Hazards Board as a mechanism to assure the performance of those with responsibilities under the CDEM Act).
 - c. **Enable a wider range of mandatory standards to be set through rules (legislative):** Rules would be secondary legislation made by the Director, prescribing matters of detail or procedure that may be unsuitable for regulations. For example, rules could prescribe how CDEM Groups are required to provide, control, and operate emergency warning systems.
 - d. **Give the Director the function of monitoring the performance of the emergency management system (legislative):** The Director would be explicitly responsible for assessing whether the emergency management system is achieving the purpose of the Act.
126. The table below sets out the high-level benefits and risks for these options. Option 3 was partially proposed in the previous Bill.

Table 11: Initial assessment of options to strengthen the Director’s mandate for assurance

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • Encourages strong relationships to influence performance. • Relies on identification of non-performance, rather than mandatory requirements to report against performance standards. 	<ul style="list-style-type: none"> • If no one is actively ensuring that parties perform their responsibilities, then there is a risk that the purpose of the CDEM Act will not be adequately met. • Not meeting responsibilities can create greater costs to government, individuals, and communities during and after emergencies.
Option 2 (non-legislative): Increased guidance and strengthened governance	<ul style="list-style-type: none"> • May be more efficient relative to other options (including through lower implementation costs) as it builds on existing relationships across parties to influence performance, and on existing guidance, governance, and assurance functions. 	<ul style="list-style-type: none"> • Non-enforceable so does not guarantee greater oversight or consistency of performance as it relies on relationships and good will to influence performance.
Option 3 (legislative): Enable a wider range of mandatory standards to be set through rules	<ul style="list-style-type: none"> • Provides clear expectations about what good practice looks like and how to follow it. • Creates mandatory requirements, ensuring greater compliance and more consistent levels of performance. • Provides the flexibility to reflect changing circumstances more quickly and easily than regulations. 	<ul style="list-style-type: none"> • Those subject to new rules may incur compliance costs to meet them.
Option 4 (legislative): Give the Director the function of monitoring the performance of the emergency management system	<ul style="list-style-type: none"> • Would strengthen the mandate of the Director to increase oversight of, identify, and address performance issues across the emergency management system. • Enhances the single point of accountability for overseeing the performance of the emergency management system. 	<ul style="list-style-type: none"> • May require investment to support the Director to fulfil their monitoring and assurance functions. • Need to ensure appropriate mechanisms for oversight and assurance that the Director is also fulfilling their functions.

8.2: Strengthening the mandate to intervene and address performance issues

127. Under a state of emergency or the imminent threat of an emergency, the Minister may direct the Director, CDEM Groups, or any other person to perform or exercise or cease any functions, duties, or powers conferred on that person under the Act. The Minister can require these actions to be performed under the control and to the satisfaction of the Director.
128. Outside a declared emergency or imminent threat of emergency, there are few mechanisms for the Director or Minister to address performance issues when parties are not sufficiently meeting their responsibilities under the Act:

- a. The Director has the power to act on the default of others if they fail to commence or complete their functions or duties within a reasonable time. However, this power only applies to situations where functions or duties have not been carried out – not where they have been carried out below an acceptable standard.
- b. The Director has all the powers that are reasonably necessary or expedient to enable them to perform their functions – for example, the Director could communicate concerns about performance issues to support their function of promoting emergency management that is consistent with the Act.
- c. The Director may, for the purpose of protecting the public, publish statements relating to any emergency, or to the performance or non-performance of any duty imposed on any person by or under the CDEM Act. This may incentivise parties to improve their performance but does not require them to.
- d. Under the Inquiries Act 2013, one or more Ministers may establish a Government Inquiry where they are satisfied that a matter of public importance requires an inquiry. However, this intervention is not necessarily immediate and may take time to translate to action.

129. This means that even when parties are failing to carry out their functions and duties effectively, there is limited ability to take immediate action to address performance issues.

We have identified the following options to address this issue

130. These options are not mutually exclusive, so they could be delivered together:

- a. **Status quo:** There are limited powers of intervention in the CDEM Act to ensure performance against existing responsibilities
- b. **Provide the Director with the power to issue compliance orders (legislative):** If the Director reasonably believed that a party was breaching a legal requirement under the Act, they could issue a compliance order. Compliance orders would require the party to remedy the breach in a reasonable time, and may make recommendations about the measures that could be taken to remedy it. This option would require appropriate checks and balances and could potentially be limited to breaches by certain parties, or breaches of specific legal requirements.
- c. **Expand the Minister’s existing powers of intervention (legislative):** The Minister would have the power to intervene in certain situations outside a declared emergency or imminent threat of emergency, if there were concerns about the performance of legal responsibilities. For example, the Minister could be given the power to direct parties to carry out (or stop carrying out) their functions, duties, or powers during a transition period. As with the option above, appropriate checks and balances on these powers would be required.

131. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new (except the status quo).

Table 12: Initial assessment of options to strengthen the mandate to intervene and direct action

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • Uses existing relationships to influence action. 	<ul style="list-style-type: none"> • Limited ability to direct immediate change when there are issues with performance. • Underperformance of parties can create greater costs to government, individuals, and communities during and after emergencies.
Option 2 (legislative): Provide the Director with the power to issue compliance orders	<ul style="list-style-type: none"> • Provides parties with an opportunity to avoid prosecution by addressing breaches within a reasonable time. • Enables intervention when parties have not performed their legal responsibilities adequately or to expected standards. 	<ul style="list-style-type: none"> • Compliance costs to relevant parties if action is required to address any identified performance issues.
Option 3 (legislative): Expand the Minister’s existing powers of intervention	<ul style="list-style-type: none"> • Strengthens Minister’s ability to seek assurance of performance outside an emergency. • Provides the ability to intervene/direct action. • Could provide a mechanism for intervention of last resort if there are issues of non-compliance. • There is precedent of such powers being available to Ministers through other statutes (e.g. Resource Management Act 1991, Health Act 1956, etc). 	<ul style="list-style-type: none"> • While a new power would have checks and balances to protect against misuse, this could create significant discretion for the Minister to determine adequacy of performance which could potentially be used to override local decision-making. • Requires the Minister to have increased operational oversight, which may not be appropriate in all circumstances. Caveats around what sort of action could not be directed may be required.

Q

Consultation questions

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

Issue 9: Strengthening local hazard risk management

132. Most emergencies happen at a local or regional scale and are managed by local authorities, both individually and through CDEM Groups. Local authorities, informed by local knowledge, are better placed than central government to understand the parts of a river that are likely to flood, the communities and infrastructure that are at risk, and what kind of response will be needed. They also have a range of tools to manage hazards under other legislation (such as the Resource Management Act 1991 and the Building Act 2004).
133. One of the purposes of the CDEM Act is to encourage and enable communities to achieve acceptable levels of risk. The Act does this by requiring CDEM Groups and their member local authorities to identify, assess, and manage relevant hazards, consult and communicate with

communities about risk, and implement cost-effective risk reduction. CDEM Groups determine what is an “acceptable” level of risk, and the most appropriate way to manage it in their areas.

134. Many of these hazard risk management responsibilities are recorded in CDEM Group plans. Each CDEM Group is required to develop a plan that states the hazards to be managed by the Group and the emergency management necessary to manage them.
135. CDEM Group plans must not be inconsistent with the National CDEM Strategy, and must take into account any guidelines, codes, or technical standards issued by the Director.

Related issue

The process to develop and amend CDEM Group plans is discussed in **Issue 7**.

What’s the problem?

136. One of the reasons CDEM Groups were established was to bring the different hazard risk management tools held by territorial authorities and regional councils together, so they can be used in an integrated and coordinated way.
137. However, this isn’t consistently happening in practice. For example, CDEM Group plans are key instruments for driving action across the 4 Rs, but some focus mainly on the activities of the Group Office instead of taking a whole-of-region view (including assigning specific responsibilities to local authorities, emergency services, and other regional agencies). It is also ambiguous what achieving an “acceptable” level of risk should look like.
138. This is particularly stark in risk reduction. Submissions on the previous Emergency Management Bill highlighted that the links between CDEM Group plans and other local government planning instruments (like district plans, regional policy statements, and long-term plans) are often missing or unclear.
139. Before approving a draft CDEM Group plan, a CDEM Group must send the proposed plan to the Minister and have regard to any comments the Minister makes. The Minister doesn’t have the power to require changes, even if a plan has failed to meet its legal requirements.

We have identified the following options to address this issue

140. These options are not mutually exclusive, so they could be delivered together:
 - a. **Status quo:** Local authorities (through CDEM Groups) are responsible for determining their approach to achieving an acceptable level of risk.
 - b. **Provide clearer guidance about what it means to achieve an “acceptable” level of risk (non-legislative):** This could include updating guidance on risk assessments, ensuring alignment with standards set under other legislation relating to hazard risk management, such as the Resource Management Act 1991.
 - c. **Update guidance and strengthen assurance of CDEM Group plans (non-legislative):** The Director could update guidance to set clearer expectations about the form and content of CDEM Group plans and strengthen NEMA’s quality assurance processes. For example, by auditing plans against defined quality standards.

- d. **Enable the form and content of CDEM Group plans to be prescribed through secondary legislation (legislative):** Secondary legislation could set mandatory requirements about the content and detail of Group Plans, including standards that must be followed (such as risk assessment processes).
- e. **Strengthen the Minister’s role in the CDEM Group planning process (legislative):** The Minister could be given the power to make binding recommendations or disallow a CDEM Group’s approval of a draft plan if, in the Minister’s view, it didn’t meet the requirements of the Act.

141. The table below sets out the high-level benefits and risks for these options. Option 4 was partially proposed in the previous Bill.

Table 13: Initial assessment of options to strengthen local hazard risk management

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> Determining what is acceptable through consultation with communities allows for local-level decisions with those directly impacted. Discretion acknowledges the varying factors that need to be considered when assessing risk, including unique local circumstances. 	<ul style="list-style-type: none"> If expectations are unclear, it is difficult for parties with responsibilities to perform to the required standard. There are few formal levers available at the national level to address issues with CDEM Group plans.
Option 2 (non-legislative): Provide clearer guidance about what it means to achieve an “acceptable” level of risk	<ul style="list-style-type: none"> Better mitigation of hazards upfront can reduce overall costs of response and recovery. Could enable parties to meet obligations and create greater accountability and mandate to understand, advise on or improve hazard risk management. 	<ul style="list-style-type: none"> Upfront compliance costs for CDEM Groups may be high due to work needed to bring risks up to the defined standard of ‘acceptable’. Ongoing ‘upkeep’ costs would be lower.
Option 3 (non-legislative): Update guidance and strengthen assurance of CDEM Group plans	<ul style="list-style-type: none"> Builds on existing relationships and the role NEMA and the Minister play in reviewing and commenting on draft CDEM Group plans. Implementation is likely to be straightforward. 	<ul style="list-style-type: none"> Limited ability to achieve consistency with voluntary compliance, not enforceable. It will take time to develop and implement new guidance and a stronger assurance approach.
Option 4 (legislative): Enable the form and content of CDEM Group plans to be prescribed through secondary legislation	<ul style="list-style-type: none"> Supports a consistent standard of emergency management across New Zealand. Provides CDEM Groups with clear expectations about what good looks like. 	<ul style="list-style-type: none"> There is a balance to strike between local flexibility and national consistency. May not be effective if regulations are so exhaustive or prescriptive that there is no room for regional variability. Time and cost to NEMA to develop regulations and produce the guidance material to support them.

**Option 5 (legislative):
Strengthen the Minister's
role in the CDEM Group
planning process**

- Supports a consistent standard of emergency management and better ensures alignment with national-level planning.
- Builds on existing CDEM Group plan review processes.
- There is a balance to strike between the Minister providing comments to drive national consistency and allowing for regional autonomy when making plans.
- Costs to NEMA to review draft CDEM Group plans and provide advice to the Minister.

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Issue 9: Consultation questions

- What is the right balance between regional flexibility and national consistency for CDEM Group plans?
- What practical barriers may be preventing CDEM Group plans from being well integrated with other local government planning instruments?
- Do you think more fundamental changes are needed to enable local authorities to deliver effective hazard risk management? If so, why?

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

142. The purpose of the CDEM Act is to improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural and environmental wellbeing and safety of the public and also property.
143. The CDEM Act focuses on protecting the safety of people and property. While life safety rightly comes first, people also care deeply about protecting other things that can't (or not easily) be replaced. These are those things that can contribute to the social, economic, cultural, and environmental wellbeing of the public.
144. However, there are few levers in the CDEM Act to address issues or ensure this is given due consideration (with the protection of human life and safety remaining as the first priority) during or after an emergency.

What's the problem?

145. Emergencies can create irreparable loss or damage to things that the public values which can create negative consequences on the wellbeing and safety of the public. However, this is not always provided due consideration during and after emergencies. This is particularly true for:
- a. the loss of significant taonga and other cultural heritage
 - b. the loss of pets, working animals, wildlife and livestock.

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

146. Loss of cultural heritage can compound the negative effect of emergencies on individuals and communities. Cultural heritage, including cultural practices and events, institutions, heritage buildings and taonga, are important to our wellbeing, and for maintaining a sense of normality and comfort during and following emergencies.¹³
147. Research on large scale disasters and the role of cultural heritage in aiding the response and recovery has resulted in a growing appreciation of the wider contribution that cultural life and heritage play in enhancing resilience to and recovery from emergencies.



It has been increasingly recognised that cultural heritage has a proactive role to play in building the resilience of communities and saving lives and property from disasters. *Protecting culture in emergencies*, p. 11.¹⁴

148. Māori also have a special relationship with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga and, under Article Two of the Treaty of Waitangi, the Crown has an obligation to protect taonga. Overlooking the importance of taonga Māori in emergency response can hinder effective collaboration, communication, and engagement with Māori stakeholders, compromising the overall effectiveness and inclusivity of emergency management efforts.
149. The Government Inquiry found that the response did not consider communities' cultural context and submissions on the previous Emergency Management Bill further raised concerns that the emergency management framework did not recognise or sufficiently account for the wider role of heritage in community recovery or CDEM Group planning.
150. The National CDEM Plan places some expectations on agencies (such as the Ministry for Culture and Heritage and Heritage New Zealand Pouhere Taonga) to assist and provide advice and support on matters relating to culture and heritage.
151. However, there are few levers in the CDEM Act to require the consideration of cultural heritage, including taonga, during and after emergencies. There is currently little guidance on considering taonga Māori and other cultural heritage in an emergency management context.

We have identified the following options to address this issue

152. These options are not mutually exclusive, so they could be delivered together:
- Status quo:** taonga Māori and other cultural heritage are not always considered during and after emergencies.
 - Develop guidance on considering taonga and other cultural heritage (non-legislative):** This could include developing guidance to outline best practice for how

¹³ *National Disaster Resilience Strategy* (2019), p. 31.

¹⁴ United Nations Educational, Scientific and Cultural Organization (2020). *Protecting culture in emergencies*, p. 11. unesdoc.unesco.org/ark:/48223/pf0000372995

to best integrate the consideration of taonga Māori and other cultural heritage in planning for emergencies.

c. **Strengthen planning expectations through secondary legislation (legislative):**

This includes explicitly requiring CDEM Group plans to outline the cultural heritage of their communities and how this will be part of response and recovery planning; how mātauranga Māori-led approaches (using existing knowledge, understanding, skills) are used to consider local knowledge as part of response and recovery planning; and how cultural heritage experts have been consulted during planning and how they will be leveraged during and after emergencies.

153. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options outlined are new (except the status quo).

Table 14: Initial assessment of options to strengthen due consideration of taonga Māori and other cultural heritage

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • Clear that response efforts must be focused on protecting human life and safety first. 	<ul style="list-style-type: none"> • There are no base requirements to consider taonga Māori and cultural heritage, so plans are not always in place and communities are not always aware how these things will be considered. This makes it more difficult to consider these matters during and after emergencies. • Research points to the national cost and cost to communities being worse after emergencies if those things that communities value are harmed or lost. • There are no specific expectations to consider taonga Māori and cultural heritage in emergency management.
Option 2 (non-legislative): Develop guidance on considering taonga and other cultural heritage	<ul style="list-style-type: none"> • Builds on existing guidance material and existing expectations through the National Disaster Resilience Strategy and National CDEM Plan. • May support existing obligations under other statutes (such as the Heritage New Zealand Pouhere Taonga Act 2014). 	<ul style="list-style-type: none"> • Non-enforceable, so may not be consistently considered or applied. • May not translate into action during and after a response. • Cost to develop and implement guidance, training and education programmes and keep them up to date. • No mandatory requirements to consider taonga Māori and cultural heritage in emergency management.

**Option 3 (legislative):
Strengthen planning
expectations through
secondary legislation**

- Same benefits as Option 2, but creates enforceable expectations that these elements are considered as part of planning, which translates to better consideration during and after emergencies.
- Leverages existing expertise and knowledge before, during, and after emergencies in considering these elements. This could identify any issues early and speed up emergency management efforts.
- Cost to develop and implement secondary legislation and supporting guidance and training.
- Relative to the other options, may incur slightly higher costs for local authorities to implement.

10.2: Considering animals during and after emergencies

154. Research shows that the integration of animals into emergency management planning and arrangements is critical to human health and safety, as well as to the economy, biodiversity and ecosystem health.¹⁵
155. The loss of pets, working animals, and livestock during emergencies can also cause emotional distress and trauma for owners and the loss of wildlife can have negative impacts on communities. Individuals may also put themselves in harm's way due to their concern about their animals.



33% of households had reported attempting to illegally re-enter a cordoned township (with many admitting success) and that the primary reason for evacuees to attempt such action was to care for their animals.¹⁶

156. A significant proportion of select committee submissions on the previous Emergency Management Bill (more than half of overall submissions) raised the impact animal welfare has on human welfare and sought a more animal inclusive approach to emergency management.
157. The National CDEM Plan places some expectations on animal owners, or persons in charge of animals, to develop their own plans to care for their animals during emergencies. It also places some expectations on agencies (such as the Ministry for Primary Industries) to coordinate the provision of animal welfare services, planning for animal welfare in emergencies, and provide advice on matters relating to animal welfare.
158. However, while the CDEM Act has some levers to consider animals during and after emergencies, it does not explicitly consider how animals contribute to the wellbeing of people during and after emergencies.

We have identified the following options to address this issue

159. These options are not mutually exclusive, so they could be delivered together:

¹⁵ Australian Institute for Disaster Resilience (2024). *Planning for Animals*, p. 2. East Melbourne, Australia. knowledge.aidr.org.au/resources/handbook-animals-in-disaster/

¹⁶ Glassey, S. (2020). Legal Complexities of Entry, Rescue, Seizure and Disposal of Disaster-Affected Companion Animals in New Zealand. *Animals*, 10(9), 1583. doi.org/10.3390/ani10091583

- a. **Status quo:** Animals are not always considered during and after emergencies.
- b. **Develop guidance on considering animal impacts (non-legislative):** This could include updating, developing and publishing guidance to outline best practice for how to best integrate the consideration of animals in planning for emergencies.
- c. **Strengthen planning expectations through secondary legislation (legislative).** This could include requiring CDEM Group plans to consider animal preparedness as part of response and recovery planning in their areas.
- d. **Expand emergency powers to enable mitigation of pain or distress to animals (legislative):** The emergency powers of CDEM Groups and the power to enter premises under the CDEM Act would be amended to enable mitigation of pain or distress to animals.

160. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options outlined are new (except the status quo).

Table 15: Initial assessment of options to strengthen due consideration of animals

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> Clear that response efforts must be focused on protecting human life and safety first. 	<ul style="list-style-type: none"> Plans are not always in place and communities are not always aware how these things will be considered, which makes it more difficult during and after emergencies. Research points to the national cost and cost to communities being worse after emergencies if those things that communities value are harmed or lost.
Option 2 (non-legislative): Develop guidance on considering animal impacts	<ul style="list-style-type: none"> Builds on existing guidance material and existing expectations through the National Disaster Resilience Strategy and National CDEM Plan. May build on existing powers in other legislation (such as the Fire and Emergency Act 2017). 	<ul style="list-style-type: none"> Non-enforceable, so may not be consistently considered or applied. May not translate into action during and after a response. Cost to develop and implement guidance, training and education programmes and keep them up to date.
Option 3 (legislative): Strengthen planning expectations through secondary legislation	<ul style="list-style-type: none"> Same benefits as Option 2, but creates enforceable expectations that these elements are considered as part of planning, which creates better consideration during and after emergencies. Leverages existing expertise before, during, and after emergencies in considering these elements. This could identify any issues early and speed up emergency management efforts. 	<ul style="list-style-type: none"> Cost to develop and implement secondary legislation and supporting guidance and training. Relative to the other options, may incur slightly higher costs for local authorities to implement.

**Option 4 (legislative):
Expand emergency powers
to enable mitigation of
pain or distress to animals**

- Provides additional powers to mitigate pain and distress to animals.
- May require investment in training to implement this safely (particularly how to handle animals for evacuation purposes).
- May create confusion during response as to where to focus efforts – may risk diverting efforts away from protection of human life and safety first.



Consultation questions

- 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?

Objective 4: Minimising disruption to essential services

161. Our wellbeing depends on essential services that address our basic needs, keep us safe, and let us live our normal lives. We often don't realise how much we rely on these services (like electricity, communications, or the justice system) until something goes wrong.
162. The Government wants to minimise the impact of emergencies on essential services, so communities can continue functioning normally – or return to normal as soon as possible. This requires the organisations that provide or enable these services to understand the risk they face, prepare for disruption, and manage it effectively when disaster strikes.

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

163. A range of infrastructure provides services that underpin the normal functioning of society and the economy.
164. Emergencies can disrupt the infrastructure that provides these essential services (**essential infrastructure**), endangering lives or property and impeding response efforts. Failure of essential infrastructure may also be the *cause* of an emergency – for example, dealing with the consequences of an extended power outage may require a significant and coordinated response under the CDEM Act.
165. Recognising the need for essential infrastructure to continue operating in an emergency, the CDEM Act defines certain infrastructure providers in the public and private sectors as “lifeline utilities”.¹⁷ Lifeline utilities are required to:
- ensure they can function to the fullest possible extent (even though this may be at a reduced level) during and after an emergency and make their business continuity plans available to the Director on request
 - participate in the development of the National CDEM Strategy, the National CDEM Plan, and CDEM Group plans
 - provide free technical advice to CDEM Groups or the Director
 - ensure any information that is disclosed to them is only used or shared with another person for the purposes of the CDEM Act
 - perform any functions, duties, or requirements set through regulations, the National CDEM Plan, or a CDEM Group plan.
166. Some lifeline utilities are also covered by sector-specific resilience requirements under other legislation. For example, price–quality regulation sets minimum service quality standards for some entities in the electricity, gas, and telecommunications sectors. The CDEM Act aims to

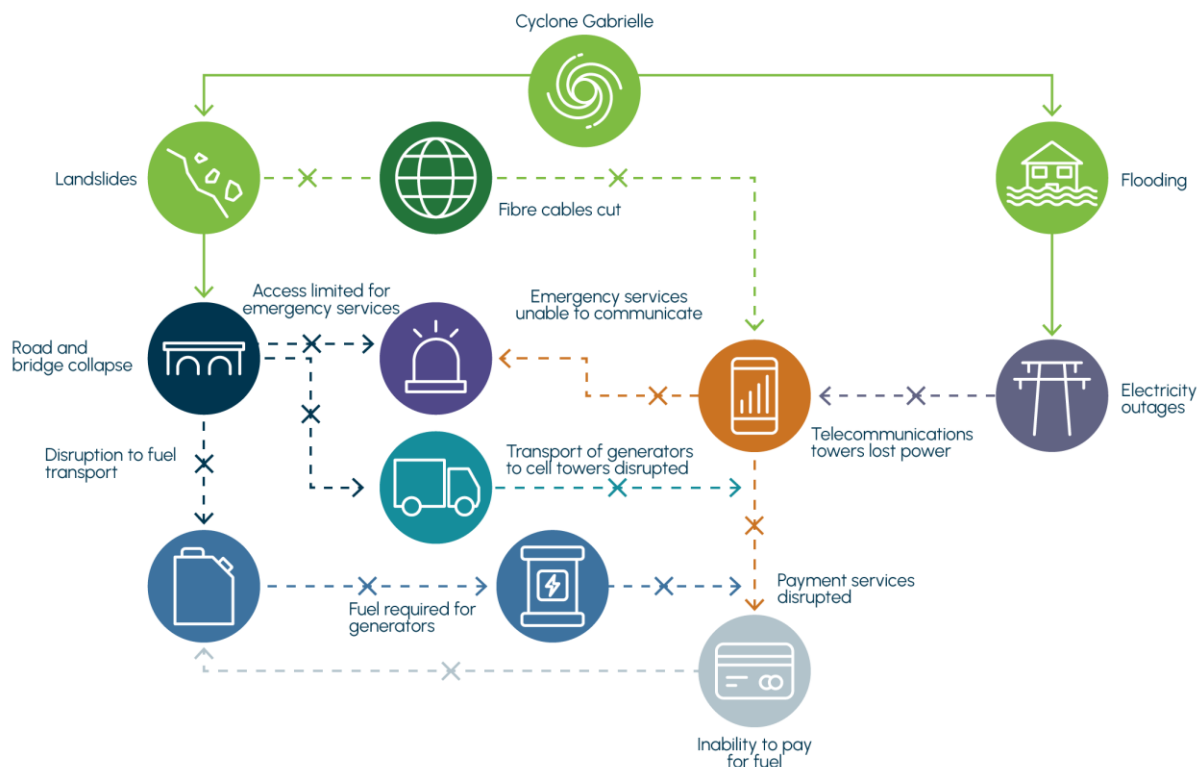
¹⁷ [Schedule 1 of the CDEM Act](#) lists certain organisations in the broadcasting, energy, telecommunications, transport, and water sectors.

complement these requirements by focusing on lifeline utilities' readiness to respond in an emergency.

What's the problem?

167. While some disruption to essential infrastructure may be unavoidable in an emergency (especially when assets are damaged), our current lifeline utility arrangements are insufficient to ensure the timely restoration of services when disruption does happen.
168. As the infrastructure that provides essential services becomes increasingly interconnected and interdependent, the impact from disruption is amplified – an outage in one sector can create knock-on disruption to other essential infrastructure.
169. The vulnerability from these interdependencies was illustrated during Cyclone Gabrielle, where outages quickly cascaded across electricity, telecommunications, roading, water services, and fuel infrastructure.

Figure 5: Fragility of an interconnected system¹⁸



170. The costs of outages can be felt far beyond the affected entities, disrupting:

- hospital services, CDEM Groups, marae, and other first responders
- businesses' ability to operate
- access to basic goods
- government agencies' ability to deliver their critical functions and services.

¹⁸ Source: Report of the Government Inquiry, p. 88.

171. As one example, the cost to customers associated with the interruption of electricity supply during Cyclone Gabrielle is estimated at \$474 million over two weeks.¹⁹
172. We have identified three key problems relating to the restoration of essential infrastructure in an emergency:
- a. the narrow definition of “lifeline utility” in the CDEM Act
 - b. inadequate business continuity planning
 - c. barriers to cooperation and information sharing.

11.1: Narrow definition of “lifeline utility”

173. Increasing digital connectivity and other technological changes have expanded the range of services that underpin the normal functioning of society and changed how some lifeline utilities operate. Some providers of the infrastructure that underpins these essential services are not recognised as lifeline utilities under the CDEM Act. This means they:
- aren’t required to keep functioning during and after an emergency
 - don’t need to participate in planning at the regional or national levels
 - aren’t covered by the duty to use or disclose information only for the purposes of the Act (this may prevent or deter agencies and lifeline utilities from sharing information with them).
174. Additional services that could be considered “essential” include:
- a. certain digital services
 - b. distribution of groceries to retailers
 - c. cash and payments services
 - d. solid waste management services
 - e. hazard warning systems.
175. To add a new entity (or class of entities) to the CDEM Act’s Schedule of lifeline utilities, the Minister must be satisfied that disruption to their services would constitute a hazard. This test doesn’t explicitly account for infrastructure that enables other essential infrastructure, or essential infrastructure whose disruption would worsen the consequences of (but not cause) an emergency.
176. For example, while a lack of physical cash is unlikely to be a problem for most people under normal circumstances (meaning it wouldn’t be considered a “hazard”), it became a major barrier to purchasing food and other necessities in some parts of the North Island following Cyclone Gabrielle. The Government Inquiry found that some stores, retirement villages, iwi, and banks flew in cash until electronic payment systems resumed.

¹⁹ Energja (2023). [Electricity distribution sector Cyclone Gabrielle review](#), p. 19. Independent report prepared for Energy Networks Aotearoa.

We have identified the following options to address this issue

- a. **Status quo:** NEMA could continue encouraging voluntary participation by essential infrastructure providers that aren't lifeline utilities.
- b. **Add additional entities to the CDEM Act's Schedule of lifeline utilities (secondary legislation):** Some additional classes of infrastructure that provides essential services (such as solid waste management services) could be made lifeline utilities by Order in Council.
- c. **Replace the lifeline utilities framework with an expanded, principles-based definition of "essential infrastructure" (legislative):** An organisation or class of organisations could be recognised as an "essential infrastructure provider" if they were responsible for infrastructure components (including assets, information, networks, systems, suppliers, people, and processes) necessary to deliver an essential service. An "essential service" would be defined as a service that underpins:
 - i. public order or safety, or
 - ii. public health, or
 - iii. national security, or
 - iv. the functioning of the economy or society.

Further information about this option, including a list of potential new essential infrastructure, is provided in **Appendix C**.

177. The table below sets out the high-level benefits and risks for these options. Option 3 was partially proposed in the previous Bill.

Table 16: Initial assessment of options to recognise a wider range of essential infrastructure

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • Essential infrastructure providers that are not recognised as lifeline utilities under the CDEM Act have full flexibility about their level of involvement. 	<ul style="list-style-type: none"> • Few levers to incentivise voluntary participation, ineffective at achieving consistent involvement. • Essential infrastructure providers that are not lifeline utilities are not covered by the CDEM Act's information sharing protections. • Households, businesses, and communities would experience different outcomes (potentially including higher costs) based on their service providers' voluntary level of participation.

<p>Option 2 (secondary legislation): Add additional sectors to the CDEM Act's Schedule of lifeline utilities</p>	<ul style="list-style-type: none"> • Lifeline utility obligations would apply to additional essential infrastructure providers (or classes of provider). This would enable better management of disruption to essential services than Option 1. • Can be achieved through the existing legislative framework. 	<ul style="list-style-type: none"> • The current test to recognise new lifeline utilities is ambiguous (making it difficult to apply in practice), and some essential infrastructure providers would still be excluded if they didn't meet the current definition. • Compliance costs for new entities to meet their requirements under the Act. • Implementation costs for CDEM Groups and central government (relative to number of additional lifeline utilities).
<p>Option 3 (legislative): Replace the lifeline utilities framework with an expanded, principles-based definition of "essential infrastructure"</p>	<ul style="list-style-type: none"> • Enables equivalent obligations to apply to any infrastructure entity that provides an essential service. This would enable better management of disruption to essential services than the other options. • Accounts for other essential services that may emerge in the future. • Over time, better alignment could be achieved through other legislation adopting the same principles-based definition. 	<ul style="list-style-type: none"> • Compliance costs for new entities to meet their requirements under the Act. • Implementation costs for CDEM Groups and central government (relative to number of additional essential infrastructure providers).

11.2: Strengthening lifeline utility business continuity planning

178. When their services are disrupted, lifeline utilities bear the cost to restore their own assets. However, this doesn't reflect the wider social and economic costs felt by households, businesses, communities, and other essential infrastructure sectors. To mitigate these negative externalities, the CDEM Act gives lifeline utilities a general responsibility to ensure they can keep functioning during and after an emergency.

179. Lifeline utilities work hard to keep functioning and restore their services when disaster strikes, but this isn't always supported by strong pre-event planning. For example, the Government Inquiry found that some lifeline utilities weren't sufficiently prepared for power and telecommunications outages:

“ The impact of power outages on the ability to pump fuel came as a surprise to some petrol stations and airports which were unprepared for operations during extended outages. *Report of the Government Inquiry, p. 101.* ”

180. While the CDEM Act enables the Director to monitor how lifeline utilities are carrying out their responsibilities, it provides few levers to set expectations about business continuity planning or address issues when they are identified.

We have identified the following options to address this issue

- a. **Status quo:** Some detail about lifeline utilities’ business continuity planning expectations is included in the National CDEM Plan. The Director’s monitoring function is not currently prioritised.
- b. **Increase assurance of lifeline utilities’ business continuity plans (non-legislative):** Increased guidance and monitoring of lifeline utilities’ business continuity planning. The Director could also publish information about any concerns they have identified.
- c. **Introduce financial penalties and enable detailed business continuity planning requirements to be set through regulations (legislative):** Failing to develop a business continuity plan (or meet any specific requirements) could result in a financial penalty. Detailed business continuity requirements could be set through regulations, enabling different requirements to apply to different classes of lifeline utilities.
- d. **Introduce financial penalties and prescribe specific business continuity planning requirements in primary legislation (legislative):** As with the previous option, failing to develop a business continuity plan (or meet any specific requirements) could result in a financial penalty. Specific business continuity requirements would be prescribed in the Act, applying consistent obligations to all lifeline utilities.

181. The table below sets out the high-level benefits and risks for these options. Option 4 was partially proposed in the previous Bill.

Table 17: Initial assessment of options to strengthen lifeline utility business continuity planning

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • High-level business continuity planning expectations set in legislation. 	<ul style="list-style-type: none"> • Inadequate levels of preparedness among some lifeline utilities. • Negative externalities from poor planning felt by other essential infrastructure providers and the wider public.
Option 2 (non-legislative): Increase assurance of lifeline utilities’ business continuity plans	<ul style="list-style-type: none"> • Provides clearer expectations to lifeline utilities and improves NEMA’s understanding about the quality of business continuity planning across the system. • Strengthens implementation within existing emergency management legislative settings. 	<ul style="list-style-type: none"> • Few levers to address issues when they are identified. • Guidance and monitoring alone would likely be insufficient to improve business continuity practices (and ultimately reduce the cost from service disruptions).

<p>Option 3 (legislative): Introduce financial penalties and enable detailed business continuity planning requirements to be set through regulations</p>	<ul style="list-style-type: none"> • Regulations would act as a backstop to address systemic business continuity planning issues and achieve greater consistency within a particular class (or classes) of lifeline utilities. • Provides a formal mechanism to address noncompliance with legal requirements. • Regulations provide flexibility to consider any interactions with requirements under other legislation. 	<ul style="list-style-type: none"> • Administrative costs for NEMA to develop regulations. • Compliance costs would be limited to the classes of lifeline utilities covered by regulations and vary based on individual entities' existing level of business continuity planning.
<p>Option 4 (legislative): Introduce financial penalties and prescribe specific business continuity planning requirements in primary legislation</p>	<ul style="list-style-type: none"> • Consistent business continuity planning requirements would apply to all lifeline utilities. • Provides a formal mechanism to address noncompliance with legal requirements. 	<ul style="list-style-type: none"> • Needing to consider the needs of all sectors (and catering for those that may be recognised in the future) may make requirements too high-level to achieve the intended outcomes. • Would likely duplicate or conflict with some lifeline utilities' existing obligations under other regulatory regimes, leading to disproportionate compliance costs. This could be mitigated by the Minister exempting relevant entities from specific business continuity planning requirements.

11.3: Barriers to cooperation and information sharing

182. Emergency management relies on strong relationships, coordination, and cooperative planning between lifeline utilities, CDEM Groups, emergency services, and government agencies. This is a collective action problem – the interdependencies between lifeline utilities mean that one organisation's investment in resilience may end up being ineffective if the essential infrastructure they depend on isn't similarly resilient.
183. A cooperative approach is possible under the CDEM Act, and some lifeline utilities have well-established and effective sector coordination arrangements. However, recent emergencies (including Cyclone Gabrielle) have exposed several barriers to effectiveness:
- Lifeline utilities, CDEM Groups, and other agencies don't always have pre-existing relationships or a common understanding of their roles and responsibilities, meaning they don't always know what is expected of each other when an emergency happens. This can lead to delayed restoration of lifeline utilities (or restoration being done in an uncoordinated way).
 - The risks to lifeline utilities – and the interdependencies between the services they provide – aren't always well understood or planned for. For example, some CDEM Group plans appear to place little emphasis on infrastructure failure as a hazard to be managed by the Group.

- Information about outages and restoration times is key to informing planning during an emergency, but this information doesn't always get shared effectively between lifeline utilities and CDEM Groups or NEMA. This may be because organisations aren't sure what information to share or who to share it with. In some situations, lifelines may be unwilling to share information due to commercial or other sensitivities – including a perceived risk that this may be considered anticompetitive behaviour under the Commerce Act 1986.
- The same lifeline utilities often need to deal with multiple requests for the same information or get asked for different information in different parts of the country. We are also aware of inconsistencies in the level of information that lifeline utilities are willing to share with CDEM Groups.

We have identified the following options to address this issue

184. These options are not mutually exclusive, so they could be delivered together:

- Status quo:** NEMA promotes voluntary cooperation and joint planning between lifeline utilities, CDEM Groups, and other agencies.
- Strengthen assurance and develop standards and guidance (non-legislative):** Could include stronger assurance of current responsibilities, developing and updating guidance, information sharing agreements, and data standards.
- Explicitly require CDEM Groups to involve the lifeline utilities in their areas in the development of CDEM Group plans (legislative):** Lifeline utilities are already required to participate in the development of CDEM Group plans. In turn, this option could ensure CDEM Groups involve lifeline utilities more closely in planning.
- Require lifeline utilities to contribute to national response plans (legislative):** The Director could require one or more classes of lifeline utilities to contribute to the development of plans for responding to disruptions of national significance, similar to the existing National Fuel Plan. These plans could address:
 - roles and responsibilities of the relevant lifeline utilities, CDEM Groups, NEMA, and other agencies
 - default information sharing and coordination arrangements for lifeline utilities of the same type
 - any other matters that may be necessary to deal with a major disruption.
- Strengthen information sharing protections (legislative):** Information sharing protections could be strengthened by:
 - increasing penalties for improper disclosure of information
 - introducing a protection from prosecution resulting from information disclosed by a lifeline utility during or immediately before an emergency.
- Enable data standards to be prescribed through secondary legislation (legislative):** During an emergency, the Director, CDEM Groups, and lifeline utilities would be required to request and provide information in a consistent format,

specified in secondary legislation. This would not override the CDEM Act's general power to require information from any person.

185. The table below sets out the high-level benefits and risks for these options. Option 4 was partially proposed in the previous Bill.

Table 18: Initial assessment of options to strengthen cooperation and information sharing between lifeline utilities and others

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> High-level expectations set in the National CDEM Plan and supporting guidance. 	<ul style="list-style-type: none"> Little awareness about the level of cooperation happening between lifeline utilities and CDEM Groups. Inconsistent levels of information sharing for different lifeline utility sectors and geographic areas. Administrative burden and inefficiency from duplicate requests for information.
Option 2 (non-legislative): Strengthen assurance and develop standards and guidance	<ul style="list-style-type: none"> Sets clearer expectations, enables organisations to reflect best practice voluntarily. 	<ul style="list-style-type: none"> Not mandatory, so may not be consistently considered or applied.
Option 3 (legislative): Explicitly require CDEM Groups to involve the lifeline utilities in their areas in the development of CDEM Group plans	<ul style="list-style-type: none"> Complements the existing duty on lifeline utilities to participate in the development of CDEM Group plans. Planning process facilitates a common understanding of the interdependencies between the essential infrastructure in the same geographic area. 	<ul style="list-style-type: none"> Compliance burden on lifeline utilities with national coverage. This could potentially be mitigated through stronger national direction on the CDEM Group planning process or exempting national lifeline utilities from this requirement.
Option 4 (legislative): Require lifeline utilities to contribute to national response plans	<ul style="list-style-type: none"> Provides clearer expectations about default coordination arrangements, especially for lifeline utilities that operate at both the national and local levels. Planning process supports stronger relationships between lifeline utilities and other agencies. Provides more sector-specific detail than is feasible in the National CDEM Plan. Opportunity to integrate relevant provisions from other legislation, creating a complete picture of the powers that may be needed to deal with disruptions. 	<ul style="list-style-type: none"> Introducing an additional kind of planning instrument could cause confusion. Administrative effort for lifeline utilities and agencies to keep plans updated over time.

Option 5: (legislative) Strengthen information sharing protections	<ul style="list-style-type: none"> Increased penalties would reflect the commercial and other sensitivity of information that may be disclosed by lifeline utilities. Clarifies existing requirements around the use and disclosure of information. “Safe harbour” protections would address potential disincentives for important information to be shared between lifeline utilities and regulators. 	<ul style="list-style-type: none"> Increased penalties may have a chilling effect on appropriate information sharing. “Safe harbour” protections would need to be designed carefully to avoid perverse outcomes.
Option 6 (legislative): Enable data standards to be prescribed through secondary legislation	<ul style="list-style-type: none"> Provides clearer expectations and a consistent, nation-wide approach to information sharing. Reduces duplication of effort by lifeline utilities. 	<ul style="list-style-type: none"> Provides less flexibility than the status quo.

Q

Consultation questions

Issue 11.1:

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

Issue 11.3:

- 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?

Issue 12: Strengthening central government business continuity

186. Central government organisations²⁰ provide a range of public services that support the normal functioning of the economy and society. Communities’ medium to long-term resilience relies on these critical functions and services continuing during and after an emergency.

187. In an emergency, these agencies also need to respond to new issues that may emerge in the areas they are normally responsible for (such as the welfare system, the border, or the economy). This cannot be achieved without strong business continuity management arrangements.

²⁰ A full list of central government organisations can be found on the [Public Service Commission’s website](#).

188. The CDEM Act requires public service agencies²¹ to ensure they can function to the fullest possible extent (even though this may be at a reduced level) during and after an emergency. They must also make their business continuity plans available to the Director on request.
189. New Zealand Government Protective Security Requirements also impose requirements on business continuity planning for certain central government organisations. These requirements outline the Government's expectations for managing personnel, information and physical security. All public service agencies, the New Zealand Defence Force, New Zealand Police, and Parliamentary Counsel Office are required to implement Protective Security Requirements.

What's the problem?

190. Some central government agencies (such as Crown agents or New Zealand Police) that provide similar critical functions and services to public service agencies aren't recognised in the CDEM Act.²² However, the current National CDEM Plan does expect all agencies with roles and responsibilities under the plan to carry out business continuity planning. There is an opportunity to address this inconsistency.
191. While the CDEM Act enables the Director to request public service agencies' business continuity plans, it provides few levers to address issues or hold agencies to account. This may be desirable if business continuity planning requirements are extended to a broader group of central government agencies (which are subject to different types of Ministerial direction and influence).
192. We consider the agencies that provide the most similar critical functions and services to public service agencies are the New Zealand Police, New Zealand Defence Force, Reserve Bank, Parliamentary Counsel Office, Crown agents (such as Health New Zealand and the Natural Hazards Commission), Autonomous Crown Entities (such as Heritage New Zealand), and Independent Crown Entities (such as the Electoral Commission).
193. Other central government organisations (such as Crown entity companies or state-owned enterprises) would be more appropriately recognised as lifeline utilities, as is currently the case for KiwiRail, Transpower, Radio New Zealand, and Television New Zealand.

We have identified the following options to address this issue

- a. **Status quo:** Public service agencies have business continuity requirements under the CDEM Act. The New Zealand Government Protective Security Requirements imposes requirements for business continuity planning on a broader group of central government agencies.
- b. **Promote best practice business continuity practices (non-legislative):** This could include the development of and updates to best practice guidance that is promoted widely across government agencies that provide critical functions and services.

²¹ Departments, departmental agencies, interdepartmental ventures, and interdepartmental executive boards (Public Service Act 2020).

²² The exception is the New Zealand Transport Agency, which is a lifeline utility with business continuity responsibilities relating to the State Highway network.

- c. **Extend current business continuity requirements through an “opt in” model (legislative):** Business continuity requirements would be extended to cover the New Zealand Police, New Zealand Defence Force, Reserve Bank, Parliamentary Counsel Office. The Minister would also have an ability to extend these business continuity requirements to specific Crown agents, Autonomous Crown Entities, and Independent Crown Entities through notice in the *Gazette*.
- d. **Extend current business continuity requirements to a broader group of central government organisations, with a mechanism to exempt specific Crown entities (legislative):** Business continuity requirements would be extended to the New Zealand Police, New Zealand Defence Force, Reserve Bank, Parliamentary Counsel Office, and all Crown agents, Autonomous Crown Entities, and Independent Crown Entities. The Minister would have the power to exempt specific Crown Entities from these requirements through notice in the *Gazette*.
- e. **New requirement to take account of guidance issued by the Director (legislative):** Public service agencies (and any other agencies recognised under the previous options) would be required to take account of Director’s guidelines relevant to the development of business continuity plans.

194. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new (except the status quo).

Table 19: Initial assessment of options to strengthen central government business continuity

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • Provides an existing set of requirements to build on. 	<ul style="list-style-type: none"> • Excluding agencies providing critical functions and services risks communities being significantly impacted during or after emergencies.
Option 2 (non-legislative): Promote best practice business continuity practices	<ul style="list-style-type: none"> • Provides an opportunity to educate and inform departments about best practice business continuity planning. Guidance could also be used by other central government agencies. • Guidance material can be amended easily over time. 	<ul style="list-style-type: none"> • The use of non-regulatory tools without appropriate levers to encourage their use risks limited improvements to business continuity planning. As a consequence, managing disruption to some critical functions and services may still be ineffective. • Ongoing implementation cost associated with developing, updating, and promoting the guidance.

<p>Option 3 (legislative): Extend current business continuity requirements through an “opt in” model</p>	<ul style="list-style-type: none"> • Provides greater assurance about the business continuity of agencies that operate at “arm’s length” from Ministerial direction. • Enables responsibilities to be placed only on agencies with responsibility for critical functions and services. • Provides flexibility to include or exclude specific agencies in response to changes in their services and functions. 	<ul style="list-style-type: none"> • Any agencies without existing business continuity plans would need to develop them. • Some administrative cost to advise the Minister on “opt in” agencies, ongoing cost to amend the list over time – similar or lower costs relative to Option 2.
<p>Option 4 (legislative): Extend current business continuity requirements to a broader group of central government organisations, with a mechanism to exempt specific Crown entities</p>	<ul style="list-style-type: none"> • Applies consistent business continuity planning requirements to all central government agencies (unless exempt). • Easier than Option 3 to implement and administer on an ongoing basis. 	<ul style="list-style-type: none"> • Any agencies without existing business continuity plans would need to develop them. These requirements may be unnecessary for some Crown Entities. • Administrative cost to set up and manage an exemption process, making this option less efficient than Option 3.
<p>Option 5 (legislative): New requirement to take account of guidance issued by the Director</p>	<ul style="list-style-type: none"> • Reduces ambiguity about minimum expectations for business continuity planning. • Provides for greater consistency of approach across government agencies. • Enables specific planning considerations to be dealt with through guidance. This can be amended easily to reflect changing practice. 	<ul style="list-style-type: none"> • Time lag between the enactment of new requirements, guidance being issued, and business continuity plans being created or amended. • Administrative cost to implement guidance across government, similar to Option 2. • Active monitoring and assurance required to achieve full benefits.

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

195. During a declared state of emergency or a transition period,²³ the CDEM Act provides access to a range of powers that can be used to address risks to life or property, or otherwise limit the severity of the emergency. These powers are wide-ranging but time limited by design, intended only for situations that can't be dealt with effectively through other legislation.
196. The Government wants to ensure the process to access these powers, who uses them, and how they are used is fit for purpose.

Government decisions relating to this objective

The Government has already agreed that the Emergency Management Bill will:

- Enable concurrent national and local states of emergency and/or transition periods to be in force over the same geographic area at the same time, if this is necessary to deal with different emergency events.

Issue 13: Managing access to restricted areas

197. During a state of emergency or transition period, certain people have the power to prevent or restrict access to roads or public places.²⁴
198. This power may be needed in a range of situations to prevent or limit the extent of an emergency, for example:
- a. to stop people from entering dangerous areas;
 - b. prioritising access when roads have been damaged; and/or
 - c. so emergency repairs can be carried out.

What's the problem?

199. While roads and public places may need to be fully or partially closed for a range of reasons, the way this power is used has sometimes restricted the ability of lifeline utilities, marae, and other first responders to respond.
200. For example, the Government Inquiry found that some lifeline utility workers were repeatedly turned away from controlled access routes before finally being accredited, slowing their ability to restore power. This issue was exacerbated by delayed communication due to outages. Similar concerns were raised in select committee submissions on the previous Bill.

²³ A transition period may be notified after an emergency has occurred, providing access to a stripped-back set of powers for the initial stages of the recovery.

²⁴ During a state of emergency, this power (section 88) may be used by a Controller, a Police constable, any person acting under the authority of a Controller or constable, or any person authorised in a relevant CDEM plan. During a transition period, the equivalent power (section 94M) may be used by a Recovery Manager, a Police constable, or any person acting under the authority of constable.

201. There are also situations where wider access to restricted areas can be managed safely (such as enabling evacuated residents to return for a brief period), but this doesn't happen consistently in practice.

We have identified the following options to address this issue

202. These options are not mutually exclusive, so they could be delivered together:
- a. **Status quo:** Roads and public places may be fully or partially closed during a state of emergency or transition period.
 - b. **National guidance and training on managing cordons (non-legislative):** NEMA or the New Zealand Police could develop best practice guidance, including on identifying the organisations that may need access before an emergency.
 - c. **Prescribe the form of identification passes through regulations (secondary legislation):** CDEM Groups or the Director could issue identification passes to accredited people and organisations before or during an emergency. Falsely claiming to be accredited would be an offence.
 - d. **Clarify that access can be restricted to any class or group of persons (legislative):** The Act could explicitly enable those using this power to restrict access to any class or group of persons (or prevent access by any class or group of persons – for example, any organisation that hasn't been accredited by a CDEM Group).
203. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new (except the status quo).

Table 20: Initial assessment of options to better manage access to restricted areas

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • Those exercising the power to close roads and public places have the flexibility to restrict or prevent access in a way that is proportionate to the risk. 	<ul style="list-style-type: none"> • Those who may need access to restricted areas aren't always identified ahead of time, leading to delayed response activities. • Different risk tolerance may lead to inconsistent use in different areas.
Option 2 (non-legislative): National guidance and training on managing cordons	<ul style="list-style-type: none"> • Guidance informs a more consistent approach to cordon management in different parts of the country. • A templated accreditation process would reduce duplication of effort in different parts of the country. 	<ul style="list-style-type: none"> • National consistency would depend on voluntary adoption of guidance. • Time and cost associated with developing and implementing new guidance and training.

<p>Option 3 (secondary legislation): Prescribe the form of identification passes through regulations</p>	<ul style="list-style-type: none"> • Faster access to restricted areas. • Enables accreditation to happen in a nationally consistent way. • Sets a clearer expectation that CDEM Groups will have processes to identify and accredit relevant people and organisations. • Uses existing provisions in the CDEM Act. 	<ul style="list-style-type: none"> • Still likely to require a level of administrative decision-making during an emergency. Those exercising powers would retain the ability to restrict or prevent access for accredited people if this was necessary under the circumstances. • Relative to Option 2, slightly higher costs to implement a consistent approach nationwide.
<p>Option 4 (legislative): Clarify that access can be restricted to any class or group of persons</p>	<ul style="list-style-type: none"> • Sets a clearer expectation that those exercising the power to close roads and public places will also consider access requirements. • Makes existing powers more explicit. 	<ul style="list-style-type: none"> • Potentially unnecessary – the CDEM Act already enables access to be restricted to certain persons.

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

204. The CDEM Act provides CDEM Groups, Controllers, and Recovery Managers with a range of functions and powers. “Functions” describe the activities a CDEM Group, Controller, or Recovery Manager are expected to do. “Powers” describe what CDEM Groups, Controllers, and Recovery Managers can do (if necessary) to carry out these functions.
205. During a state of emergency, section 85 of the Act provides CDEM Groups with a list of powers that may be needed to manage the immediate consequences from an emergency.

Powers available under section 85 of the CDEM Act

During a state of emergency, CDEM Groups have the power to:

- a. carry out or require to be carried out
 - i. works
 - ii. clearing roads and other public places
 - iii. removing, disposing, or securing dangerous structures and materials
- b. rescue people in danger and remove them to safety
- c. provide first aid to casualties and transport them to hospital or areas of safety
- d. relieve distress, including providing emergency food, clothing, and shelter
- e. conserve and supply food, fuel, and other essential supplies
- f. prohibit or regulate land, air, and water traffic
- g. take emergency measures to dispose of dead people or animals
- h. disseminate information and advice to the public
- i. employ or make other arrangements with people to carry out emergency management
- j. provide equipment, accommodation, and facilities.

- 206. In practice, these powers are usually delegated to Group Controllers and Local Controllers. Section 94H of the Act provides a similar (but more limited) set of powers to Group and Local Recovery Managers during a transition period.
- 207. These powers are separate to the coercive powers available to Controllers (in a state of emergency) and Recovery Managers (in a transition period), such as the powers to require evacuations and close roads or public places.

What’s the problem?

- 208. There is an inconsistent description of functions and powers between CDEM Groups, Controllers and Recovery Managers, which make roles and responsibilities unclear and potentially inappropriate in terms of accountability.
- 209. Many of the “emergency powers” in section 85 are better described as “functions”, not powers. There are also inconsistencies about who uses the same powers during a state of emergency and a transition period. For example, the power to clear roads and other public places sits with the CDEM Group during a state of emergency, but with Recovery Managers during a transition period.
- 210. Clarifying what functions and powers should sit with CDEM Group, Controllers, and Recovery Managers – according to who is best placed to carry out activities and use powers, and be accountable for them – would make roles and responsibilities in emergency management clearer. It would also ensure that the right powers are available to the right people in an emergency response and during the initial stages of recovery.

We have identified the following options to address this issue

- a. **Status quo:** The powers in section 85 of the CDEM Act sit with CDEM Groups by default. Equivalent powers in section 94H sit with Recovery Managers.
 - b. **Tidy up existing functions and powers related to CDEM Groups, Controllers, and Recovery Managers (legislative):** This specifically includes separating the functions from the powers in section 85 and determining where functions and powers appropriately sit with CDEM Groups, Controllers and Recovery Managers.
211. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so Option 2 is new.

Table 21: Initial assessment of options to clarify who exercises what powers at the local level

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • CDEM Group is responsible for exercise of powers which could result in greater financial costs/liability to the Group (e.g. works). 	<ul style="list-style-type: none"> • Uncertainty as to whether the exercise of power is required to complete a functional activity (due to there being powers for the action). • Powers sit with CDEM Group members who may be less qualified to make operational decisions on their use.

**Option 2 (legislative):
Tidy up existing functions
and powers related to
CDEM Groups, Controllers,
and Recovery Managers**

- Remove duplication, confusion and inconsistencies around functions and powers of CDEM Groups, Controllers and Recovery Managers.
- Minor cost as is largely clarifying and codifying existing practice.

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

212. The CDEM Act enables certain elected representatives (such as mayors or the Minister) to declare a state of emergency or give notice of a transition period by completing a form with a hand-written signature.

What's the problem?

213. The requirement for a physical signature to declare a state of emergency or give notice of a transition period is impractical in some situations. During an emergency, this could delay crucial access to emergency powers needed to respond to an emergency, including those necessary to save or protect life and property. Obtaining a physical signature could also waste time and resources that could be better used doing something else.

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Finally, there is something both farcical and dangerous in the current requirement for mayors to physically sign a declaration of emergency by hand on a piece of paper. Epic feats, for example, were required of CDEM staff to travel, in the height of the storm, to a Mayor's flooded home to deliver the paper for signing. Similar stories applied with regard to the Chair of the CDEM Group and other mayors. In spite of the heroic efforts of staff, this cost time and seems an oddity in the 21st century context. *Independent review into Hawke's Bay CDEM Group's response to Cyclone Gabrielle, pp. 27–28.*

We have identified the following options to address this issue

- Status quo:** Physical signatures are required to declare a state of emergency or give notice of a transition period.
 - Enable authorised persons to use electronic signatures (legislative):** Elected members of CDEM Groups and the Minister would have the option to declare a state of emergency or give notice of a transition period by completing a form electronically.
 - Enable authorised persons to declare a state of emergency verbally (legislative):** This could require that there is a witness to the declaration. Notice of a transition period would still be required in writing because the decision is not as time critical.
214. The table below sets out the high-level benefits and risks for these options. This issue was not addressed by the previous Bill, so all the options below are new (except the status quo).

Table 22: Initial assessment of options to modernise the process to enter a state of emergency or transition period

Options	Benefits of this option	Risks/costs of this option
<p>Option 1: Status quo</p>	<ul style="list-style-type: none"> A physical signature ensures only authorised people are making declarations and notices, and that there is a physical record that those people have consciously considered the implications. 	<ul style="list-style-type: none"> A physical signature could delay a declaration of a state of emergency, if the decision maker does not have a physical form or pen on hand or officials cannot physically retrieve it as proof of authorisation. This may delay access to powers needed to respond to an emergency.
<p>Option 2 (legislative): Enable authorised persons to use electronic signatures</p>	<ul style="list-style-type: none"> Modernises ability to make declarations and notices. Local authorities use electronic signatures for other purposes so will likely have established technology and processes. 	<ul style="list-style-type: none"> Potential security issues associated with electronic signatures. Local authorities will need to ensure that appropriate technology and security processes are in place to ensure that the person authorised to declare or give notice is actually doing it. Reduces the risk associated with Option 1 but does not remove it, for example if electricity and internet are disrupted.
<p>Option 3 (legislative): Enable authorised persons to declare a state of emergency verbally</p>	<ul style="list-style-type: none"> If there are minimal communication services available, an oral declaration would enable the use of necessary powers. 	<ul style="list-style-type: none"> A state of emergency enables the use of extraordinary powers affecting civil liberties. People may consider that a physical or electronic signature provides an important check on access to those powers. However, a verbal declaration does not affect the requirement for due consideration of whether a declaration is appropriate in the circumstances.

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

- 215. Each CDEM Group must appoint at least one person (an elected representative) authorised to declare a local state of emergency or give notice of a local transition period within the CDEM Group area.
- 216. The CDEM Act also enables the mayor of a territorial authority (or another elected representative designated to act when the mayor is absent) to declare a local state of emergency or give notice of a local transition period within their own district.

What's the problem?

- 217. The current overlap in who can declare or give notice over a single district or wards (either the mayor of the affected district or another elected member of the CDEM Group) may cause confusion and delay.

We have identified the following options to address this issue

- a. **Status quo:** Both the CDEM Group and a mayor can declare a local state of emergency or give notice of a local transition period over a district or wards within the Group area.
- b. **Mayors have primary responsibility for declaring a local state of emergency or giving notice of a transition period for their district or wards (legislative):** The CDEM Group appointee would continue to declare or give notice for the whole Group area and may declare or give notice for more than one district. As a backup, the law could also provide that a representative of any member of the Group can declare or give notice for a district if the mayor (or another elected member designated to act on behalf of the mayor) is unable to declare. The Minister would retain their current ability to declare a local state of emergency.
- c. **CDEM Groups have primary responsibility for declaring a local state of emergency or giving notice of a local transition period for a single district or wards in the Group area (legislative).**

218. The table below sets out the high-level benefits and risks for these options. Option 2 was proposed in the previous Bill.

Table 23: Initial assessment of options to clarify mayors' role in local state of emergency declarations and transition period notices

Options	Benefits of this option	Risks/costs of this option
Option 1: Status quo	<ul style="list-style-type: none"> • Mayors, who have local knowledge and are closest to their local communities, can declare or give notice for their districts and wards. • The CDEM Group can declare or give notice in circumstances where the Group considers that this is the most appropriate course of action for the district but the mayor disagrees. 	<ul style="list-style-type: none"> • Mayors are not clearly responsible or accountable for decisions to declare or give notice. • The mayor and other representatives of the CDEM Group may feel they need to confer over who will declare a state of emergency over a district or wards, which could delay a response.
Option 2: (legislative): Mayors have primary responsibility for declaring a local state of emergency or giving notice of a local transition period for their district or wards	<ul style="list-style-type: none"> • Clear responsibility and accountability for mayors, who are closest to their local communities, to declare or give notice where the emergency is only occurring within their district. • Minimises confusion about who should declare or give notice, and potential delay. 	<ul style="list-style-type: none"> • Some mayors may not have the capability and confidence to declare, especially if the decision is time critical. For example, they may not be trained in the legal considerations for making a declaration or giving notice.

**Option 3: (legislative):
CDEM Groups have
primary responsibility for
declaring a local state of
emergency or giving notice
of a local transition period
for a single district or
wards in the Group area.**

- Clear responsibility and accountability for the CDEM Group to declare or give notice regardless of the scale of the emergency or where it is occurring in the Group area.
- Minimises confusion about who should declare or give notice.
- May be more efficient and effective than Option 1 by requiring fewer elected officials to have the necessary capability and training to make a significant legal decision.
- Group appointees may not always have the local knowledge and connections with local communities to be able to apply the legal considerations to declare or give notice, although in practice they can be advised by the relevant mayor and chief executive of the local authority.

Conclusion and next steps

219. The deadline for written submissions is **5pm, 13 May 2025**. You can find information about the submission process at the beginning of this document and on [NEMA's website](#).
220. Your feedback will help inform further policy development and shape changes to New Zealand's emergency management legislation.
221. Final policy decisions are expected later this year, before the introduction of a new Emergency Management Bill in the second half of 2025. Once the Bill is introduced, you will have another opportunity to have your say through the select committee process.

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Consultation questions

- Should we consider any other problems relating to community and iwi Māori participation?
- Should we consider any other problems relating to responsibilities and accountabilities at the national, regional, and local levels?
- Should we consider any other problems relating to enabling a higher minimum standard of emergency management?
- Should we consider any other problems relating to minimising disruption to essential services?
- 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?

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Consultation questions

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

Appendix A: Summary of all questions

General questions

Objectives for reform

- Have we identified the right objectives for reform?

For all issues, we would like to hear your views on these questions:

- Do you agree with how we have described the problem?
- 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?
- Are there any other options that should be considered?

Objective 1: Strengthening community and iwi Māori participation

Issue 1: Meeting the diverse needs of people and communities

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

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

- Have we accurately captured the roles that iwi Māori play before, during and after emergencies?
- How should iwi Māori be recognised in the emergency management system?
- What should be the relationship between CDEM Groups and iwi Māori?
- What should be the relationship between Coordinating Executive Groups and iwi Māori?
- What would be the most effective way for iwi Māori experiences and mātauranga in emergency management to be provided to the Director?

Other problems relating to this objective

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

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

Issue 5: Clearer direction and control during an emergency

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

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

- 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?

Other problems relating to this objective

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

Objective 3: Enabling a higher minimum standard of emergency management

Issue 8: Stronger national direction and assurance

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

Issue 9: Strengthening local hazard risk management

- What is the right balance between regional flexibility and national consistency for CDEM Group plans?
- What practical barriers may be preventing CDEM Group plans from being well integrated with other local government planning instruments?
- Do you think more fundamental changes are needed to enable local authorities to deliver effective hazard risk management? If so, why?

Issue 10.2: Considering animals during and after emergencies

- 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?

Other problems relating to this objective

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

Objective 4: Minimising disruption to essential services

Issue 11.1: Narrow definition of “lifeline utility”

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

Issue 11.3: Barriers to cooperation and information sharing

- 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?

Other problems relating to this objective

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

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

Other problems relating to this objective

- 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?

Conclusion

Other comments

- Do you have any other comments relating to reform of New Zealand’s emergency management legislation?

Appendix B: Background – current responsibilities in the CDEM Act

Central government

The **Director of CDEM** is a statutory officer appointed by the chief executive of NEMA. They hold a range of emergency management functions and powers at the national level.

During a national state of emergency, the **National Controller** has access to a range of emergency powers and is responsible for directing and controlling resources made available for emergency management.

During a national transition period, the **National Recovery Manager** has access to a range of emergency powers and is responsible for directing and controlling resources made available for emergency management.

All **government departments** have the duty to keep functioning to the fullest possible extent during and after an emergency. They must also make their plan for functioning during and after an emergency available to the Director on request.

Local government

There are 16 **CDEM Groups** across New Zealand. They are responsible for emergency management in their areas and have access to a range of powers (including emergency powers) that enable them to deliver on these responsibilities. CDEM Groups are either:

- a joint committee formed by the local authorities in each region (represented by each council's mayor or chairperson), or
- a council committee in some unitary authorities.²⁵

As members of a CDEM Group, **local authorities** (territorial authorities, unitary authorities, and regional councils) are collectively responsible for carrying out the Group's functions. Local authorities are individually responsible for planning and providing for emergency management within their own districts. They must also keep functioning to the fullest possible extent during and after an emergency.

The regional council member of the CDEM Group (or a unitary authority member, if applicable) is the **administering authority** and is responsible for providing administrative and related services on behalf of the Group.

Each CDEM Group must establish a **Coordinating Executive Group** made up of the chief executives of each local authority member and a senior representative from the Police, Fire and

²⁵ Auckland Council, Chatham Islands Council, Gisborne District Council, and Marlborough District Council are all CDEM Groups with one unitary authority member. Nelson City Council and Tasman District Council are unitary authorities that have united to form the Nelson-Tasman CDEM Group as a joint committee.

Emergency New Zealand, and a health and disability service provider. Other members can also be co-opted by the CDEM Group. Coordinating Executive Groups are responsible for providing advice to and implementing the decisions of their CDEM Group. Day to day, these responsibilities are usually carried out by a **Group Office** of local government emergency management experts.

During a state of emergency, **Group Controllers** have access to a range of emergency powers and are responsible for directing and coordinating the resources made available by departments, CDEM Groups, and other persons. CDEM Groups may also appoint one or more **Local Controllers**, who must follow any directions given by the Group Controller during an emergency.

During a transition period, **Group Recovery Managers** have access to a range of emergency powers and are responsible for directing and coordinating the resources made available to carry out recovery activities. CDEM Groups may also appoint one or more **Local Recovery Managers**, who must follow any directions given by the Group Recovery Manager during a transition period.

Lifeline utilities

Lifeline utilities (operators of infrastructure that provides certain essential services) have the duty to keep functioning to the fullest possible extent during and after an emergency. They must also:

- make their plan for functioning during and after an emergency available to the Director on request
- participate in the development of the National CDEM Strategy, the National CDEM Plan, and CDEM Group plans
- provide free technical advice to CDEM Groups or the Director
- ensure any information that is disclosed to them is only used or shared with another person for the purposes of the CDEM Act
- perform any functions, duties, or requirements set through regulations, the National CDEM Plan, or a CDEM Group plan.

Emergency services

New Zealand Police, Fire and Emergency New Zealand, and providers of health and disability services are **emergency services**.²⁶ Emergency services must participate in the development of the National CDEM Strategy and CDEM plans, and provide an active member for each Coordinating Executive Group.

²⁶ Taumata Arowai – the Water Services Regulator is currently included in the CDEM Act’s definition of “emergency services”. The [Local Government \(Water Services\) Bill](#) proposes removing Taumata Arowai from this definition.

Appendix C: Potential list of infrastructure that provides essential services

This Appendix provides additional information about an option to address Issue 11.1, the narrow definition of “lifeline utility” in the CDEM Act

Definitions

Under this option, an organisation could be recognised as an “essential infrastructure provider” if it were responsible for infrastructure components (assets, information, networks, systems, suppliers, people, and processes) necessary to deliver an essential service. An “essential service” would be defined as a service that underpins:

- a. public order or safety, or
- b. public health, or
- c. national security, or
- d. the functioning of the economy or society.

How the list of essential infrastructure providers could work

Under this option, the Emergency Management Bill would replace the CDEM Act’s provisions to recognise lifeline utilities with:

- A list of essential infrastructure providers, defined by the essential services they provide. Like lifeline utilities in the CDEM Act, essential infrastructure providers may either be named entities (such as Radio New Zealand) or a defined class of entities (such as “an entity that provides a telecommunications network”).
- The process the Minister must follow to add or remove essential infrastructure providers from the list. This would include consultation requirements and any factors the Minister must consider when making their decision.

We anticipate that all existing lifeline utilities would become essential infrastructure providers.

The Emergency Management Bill could also provide a list of additional essential services, with the corresponding essential infrastructure providers defined once the legislation is in force (following the process established through the Bill). This two-stage approach would:

- signal the Government’s intention to recognise the operators of infrastructure that provides these essential services
- enable new essential infrastructure providers to be added against an existing essential service (such as emergency broadcasting services)
- enable other legislation to use either a consistent group of essential services (for example, to define a narrower subset of infrastructure that provides the same essential service), **or** the same definition of an essential infrastructure provider.

Potential essential infrastructure providers

Essential infrastructure providers (defined consistently with Schedule 1 of the CDEM Act)

Essential services	Essential infrastructure providers
Provision of telecommunications services	An entity that provides a telecommunications network (within the meaning of the Telecommunications Act 1987).
Provision of emergency broadcasting services	Radio New Zealand Limited
	Television New Zealand Limited
Production, processing, transmission, distribution, and storage of petroleum products	An entity that produces, processes, or distributes to retail outlets and bulk customers any petroleum products used as an energy source or an essential lubricant or additive for motors for machinery.
Generation, transmission, and distribution of electricity	An entity that generates electricity for distribution through a network or distributes electricity through a network.
Production, transmission, distribution, and storage of gas	An entity that produces, supplies, or distributes manufactured gas or natural gas (whether it is supplied or distributed through a network or in bottles of more than 20 kg of gas).
Roading	An entity that provides a road network (including State highways).
Rail	An entity that provides a rail network or service.
Aviation	The company (as defined in section 2 of the Auckland Airport Act 1987) that operates Auckland international airport.
	The company (as defined in section 2 of the Wellington Airport Act 1990) that operates Wellington international airport.
	The airport company (as defined in section 2 of the Airport Authorities Act 1966) that operates Christchurch international airport.
	The entity (being an airport authority as defined in section 2 of the Airport Authorities Act 1966, whether or not it is also an airport company as defined in that section) that operates the primary airport at Bay of Islands, Blenheim, Dunedin, Gisborne, Hamilton, Hokitika, Invercargill, Napier, Nelson, New Plymouth, Palmerston North, Queenstown, Rotorua, Tauranga, Wanganui, Westport, Whakatane, or Whangarei.
Maritime	The port company (as defined in section 2(1) of the Port Companies Act 1988) that carries out port-related commercial activities at Auckland, Bluff, Port Chalmers, Gisborne, Lyttelton, Napier, Nelson, Picton, Port Taranaki, Tauranga, Timaru, Wellington, Westport, or Whangarei.
	The Grey District Council, acting as the Greymouth harbour authority and owner and operator of the Port of Greymouth under Parts 4 and 6 of the Local Government (West Coast Region) Reorganisation Order 1989, Part 39A of the Local Government Act 1974, and section 16 of the Local Government Amendment Act (No 2) 1999.
Provision of drinking water services	An entity that supplies or distributes drinking water to the inhabitants of a city, district, or other place.
Collection, treatment, and disposal of wastewater	An entity that provides a wastewater or sewerage network or that disposes of sewage.
Management and disposal of stormwater	An entity that provides a stormwater network or that disposes of stormwater.

Potential scope of new essential infrastructure providers

Essential services	Essential infrastructure providers
<p>Provision of hazard warning services</p> <p><i>This could include the infrastructure that provides flood detection, tsunami monitoring, or emergency mobile alerts.</i></p>	
<p>Operation of domain name system (DNS) services</p> <p><i>This could include management of New Zealand's country code top-level domain.</i></p>	
<p>Provision of data storage or processing services</p> <p><i>This could include data centre facilities or data services providers that store or process data that is integral to the delivery of essential services.</i></p>	
<p>Provision of managed information technology services</p> <p><i>This could include the management of information technology infrastructure that is integral to the delivery of essential services.</i></p>	Obligations would apply to organisations defined as essential infrastructure providers, based on them having responsibility for infrastructure components necessary to deliver one of these essential services.
<p>Provision of cloud computing services</p> <p><i>This could include the provision of on-demand computing services that are integral to the delivery of essential services.</i></p>	These organisations would be defined by following the process established through the Bill.
<p>Internet service providers</p>	
<p>Vaulting, processing, settling, distribution, withdrawal and deposit of New Zealand Legal tender</p>	
<p>Operation of systems, services and products that are critical to the initiation, instruction, authorisation, clearing and settlement of payments in New Zealand</p>	
<p>Collection, treatment, and disposal of solid waste</p>	
<p>Processing and distribution of groceries²⁷ to grocery retailers</p> <p><i>This could include major supermarket distribution centres.</i></p>	

²⁷ As defined in the [Grocery Industry Competition Act 2023](#).