

13 February 2026

Committee Secretariat  
Governance and Administration Committee  
Parliament Buildings  
Wellington 6021

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Tena koutou

## **Canterbury Civil Defence Emergency Management Group Joint Committee and Canterbury Mayoral Forum combined submission – Emergency Management Bill (No 2) 2025**

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1. The Canterbury Civil Defence Emergency Management Group Joint Committee (CDEM Group) and Canterbury Mayoral Forum (Mayoral Forum) thank the Governance and Administration Committee for this opportunity to make a joint submission on the proposed Emergency Management Bill (No 2) 2025 (the Bill).
2. Given the common membership and shared interests of both the CDEM Group and Mayoral Forum we make this joint submission taking a regional strategic perspective to the Bill, in the interests of a shared voice for Canterbury and efficiency of the submissions process.
3. We note that individual councils within the region will be submitting on the Bill reflecting more specific viewpoints on its provisions from a constituent local authority perspective and we ask that the Committee carefully considers these.
4. This letter and the attached comments on the Bill make up our joint submission.
5. We wish to be heard in support of this submission.

### ***Mayors standing together for Canterbury.***

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Ashburton District Council • Canterbury Regional Council • Christchurch City Council • Hurunui District Council  
Kaikōura District Council • Mackenzie District Council • Selwyn District Council • Timaru District Council  
Waimakariri District Council • Waimate District Council • Waitaki District Council

## **Canterbury Civil Defence Emergency Management Joint Committee**

6. The Canterbury Civil Defence Emergency Management Group Joint Committee comprises elected representatives of local authorities within the region and was formed under the Local Government Act 2002 (LGA) pursuant to S.12 of the CDEM Act 2002 (the Act).
7. Members of the CDEM Group Joint Committee are the mayor or chairperson (or delegated councillor) from Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate District Councils, Christchurch City Council and Canterbury Regional Council (Environment Canterbury). In February 2019, it was agreed that Te Rūnanga o Ngāi Tahu would be invited to a guardianship role – Kai Mataara – and is treated as a full voting member during meetings.
8. The CDEM Group exercises governance, sets regional funding, and determines CDEM policy for member authorities in relation to risk analysis, reduction, readiness, response, and recovery from emergencies. The Canterbury CDEM Group operates a devolved model where, apart from the Group Office, all Emergency Management staff are employed by their respective Local Territorial Authorities.
9. The CDEM Group is supported by the Canterbury CDEM Coordinating Executive Group (CEG) established and maintained under s.20 of the Act. Apart from statutory appointments of CEs from councils and representatives from emergency and health services, a range of representatives from partner agencies and sub-groups with roles and responsibilities in emergency management also sit on CEG. Several operational subcommittees operate below CEG.

## **Canterbury Mayoral Forum**

10. The Canterbury Mayoral Forum (Mayoral Forum) comprises the mayors of the ten territorial authorities in Canterbury and the Chair of the Canterbury Regional Council (Environment Canterbury), supported by our chief executives. The purpose of the Forum is to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.
11. The eleven local authorities are: Kaikōura, Hurunui, Waimakariri, Selwyn, Ashburton, Timaru, Mackenzie, Waimate and Waitaki District Councils, the Christchurch City Council and Environment Canterbury.
12. All Canterbury councils actively participate in the Forum to promote collaboration across the region and increase the effectiveness of local government in meeting the needs of Canterbury's communities.

## **Context**

13. Canterbury is the largest region in New Zealand by land area, extending from north of the Clarence River to south of the Waitaki, and from the main divide of the Southern Alps to the

South Pacific Ocean. We comprise some of the largest and fastest-growing urban areas in New Zealand. Greater Christchurch is New Zealand's second most populous urban area.

14. The low-lying Canterbury Plains and the Southern Alps are iconic natural features but are also significant factors in the wide range of natural hazards and risks the region faces, including fire, flood, wind, earthquakes, and tsunamis. As a region we have significant experience in recorded history of all of these hazards resulting in natural disaster events and giving rise to preparedness for and activation of emergency response and recovery activities.
15. Additionally, as widely reported, we face the prospect of a 75 percent probability of a vast Alpine Fault earthquake within the next 50 years with an 82 percent probability it will be above 8.0 in magnitude.
16. The devastating Canterbury earthquake sequence of 2010-2012, the Hurunui/Kaikōura earthquakes of 2016, the Port Hills fires of 2017, the mosque attacks of 2019 and the Canterbury floods of 2021 are but several recent examples. Through the CDEM Group, regional capability, and capacity to regionally coordinate larger events and support local Councils in delivery of emergency management response is well established, as are emergency management resources at local levels.
17. Like other CDEM Groups with regional and territorial councils, CDEM Group resourcing for emergency management relies on the funding that constituent local authorities agree to contribute through a targeted rate by the regional council as administering authority. This also funds the CDEM Group office that includes a range of professional emergency management staff and delivers a programme of work to an agreed budget. Local council rates fund local councils' emergency management activities, including employing their own professional Emergency Management staff, among many other activities.

## **Our Overview of the Bill**

18. We support the intent of the Bill to strengthen and modernise New Zealand's emergency management system. In particular, we support the strengthening of regional (and local) emergency management, stronger national leadership and direction, and the intent to formalise and support the role of iwi Māori in emergency management. We also endorse the move towards greater consistency, coordination and accountability. In these respects, the Bill addresses some long standing weaknesses in the current system.
19. However, the Bill does not deliver the level of transformational reform that is required. Instead, it largely retains the existing framework, providing only modest and incremental enhancements that do not address the underlying deficiencies of the current emergency management system. It does not fully address critical challenges such as building long-term disaster resilience, or establishing a comprehensive and intentionally structured recovery framework. As a result, although the Bill will improve system performance, further legislative and policy development will be required to deliver a fit-for-purpose emergency management system capable of meeting the significant and increasingly complex demands anticipated over the next 25 years to 2050.
20. We also see the legislative context of the Bill, and its relationship to other proposals for local government reforms, as key issues. There is a lack of cohesion and clarity in the

interrelationship of this Bill with other current legislative changes. Further, the local government structures that are required to deliver emergency management are themselves subject to significant uncertainty.

21. Perhaps most vitally, the Bill imposes heightened expectations on local government in relation to preparedness, response and recovery at the same time as other reforms – particularly the introduction of rates caps – will significantly and materially reduce the financial capacity of Councils to deliver these. There is a clear misalignment between the policy objectives of the Bill and the imposition of rates caps, which will actively limit Councils' ability to fund the requirements set out in the Bill. Without mechanisms to address the investment required by local and central government, we will struggle to deliver desired and equitable outcomes to New Zealand communities.
22. Thank you for your consideration of our joint Group and Forum regional submission.
23. Key contacts in relation to this submission are: James Thompson, Regional Manager/ Group Controller Canterbury CDEM Group, [James.Thompson@cdemcanterbury.govt.nz](mailto:James.Thompson@cdemcanterbury.govt.nz) (phone 027 277 1505), or Maree McNeilly, Canterbury Mayoral Forum Secretariat [secretariat@canterburymayors.org.nz](mailto:secretariat@canterburymayors.org.nz) (Phone 027 381 8924).

Nāku, iti noa, nā

*Marie A Black.*

Marie Black  
Chair Canterbury Civil Defence Emergency  
Management Group Joint Committee  
Mayor, Hurunui District Council



Nigel Bowen  
Chair Canterbury Mayoral Forum  
Mayor, Timaru District Council

# Canterbury Civil Defence Emergency Management Group Joint Committee and Canterbury Mayoral Forum:

## Combined Submission on the Emergency Management Bill 2023

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### General Comments

1. The Bill is supported as a positive step forward in a number of areas. In particular we support the intention to:
  - Strengthen the regional and local emergency management framework
  - Formalise and support the role of iwi Māori in emergency management
  - Provide clearer direction for both response and recovery
  - Introduce processes for stronger national direction and guidance
  - Provide for community representation
  - Formalise the role of lead agencies
  - Enable a higher minimum standard of emergency management
  - Recognise and provide for essential infrastructure and essential services
  - Introduce stronger compliance measures.
2. However there remain a number of important aspects that must be addressed, if the purpose of the legislation is to be achieved.

### Role of iwi Māori

3. Te Rūnanga O Ngāi Tahu, Papatipu Rūnanga and hapū have made, and continue to make, a significant contribution in readiness and activation in emergency management in Waitaha Canterbury. While the Bill does provide for some recognition of the importance of iwi Māori in the emergency management framework, there are other opportunities to strengthen and support the role of iwi Māori that should be included in the Bill. These are further addressed in the sections below.

### Local Government Reform proposals

#### Simplifying Local Government

4. The current proposals for local government reform create uncertainty and the potential for significant impacts on how the functions in the Bill will be carried out, including on the ability to mount responses and coordinate recovery, and on the capacity to meet additional standards. If local government reform results in staff losses this will directly impact on the ability to staff emergency operations during a response. It may also impact on the retention of technical staff such as hazards and river management staff, who perform essential roles supporting emergency management from within Councils.

## **Rates caps and costs – inconsistent drivers**

5. Given that emergency management is dependent on rates, it is clear that the introduction of rates caps will have the potential to significantly impact emergency management functions (noting that the proposed exclusions relate only to natural disaster in extreme circumstances and not to BAU). The Bill provides for the development of rules which may include prescribed standards, training requirements, qualifications, and additional reporting, all of which will require additional rates resourcing. The timing of the proposal to implement rates caps is clearly at odds with Councils' need to comply with such rules.
6. The Regulatory Impact Statement (RIS) for the Bill identifies initial costs of \$82.8m to local authority members of CDEM groups over the first 4-year period, with potentially 'medium' level costs on an ongoing basis thereafter. In this regard, we are not aware of any government proposals to review funding sources or address the rising costs identified. Indeed, there is likely to be downward pressure on rates funding, which will impact the implementation of the Bill.

## **Inconsistency with the Government's Roadmap for Strengthening Emergency Management**

7. In June 2025 the Government released 'Strengthening Emergency Management: A Roadmap for Investment and Implementation', which identifies the initiatives and investments that Cabinet has agreed are needed to change the emergency management system. The Bill provides a platform for some of these changes, but it is not clear why some have been omitted from the Bill. The Roadmap clearly links the delivery of actions for supporting local government to a stated acknowledgement that local government needs more investment to deliver emergency management to desired standards<sup>1</sup>. The RIS for the Bill acknowledges the risk that lack of resources, capacity and capability to implement all requirements fully or in a timely manner will '*delay realisation of expected benefits of improved system [sic]*'<sup>2</sup>. However, it proposes no mitigation, simply stating that costs will fall on local government.
8. It is clear that while the lack of support and investment in local government to deliver emergency management remains unaddressed, the outcomes set out in the Roadmap will not be achieved.

## **Relationship with other legislative reforms**

9. Given the number of overlapping areas of reform affecting local government, across both form and functions, there is a risk of misalignment and a lack of coherence across regimes. With the number of Bills currently before the House that are focused on risk, hazards, reduction and resilience we believe that an integrated approach across these Bills would provide a more coherent and systematic framework to address these issues, which ultimately will provide better outcomes for our communities.
10. For example, there are inconsistencies in the wording of definitions and in planning requirements relating to natural hazard management across a number of pieces of legislation.

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<sup>1</sup> New Zealand Government, June 2025 *Strengthening Emergency Management: A Roadmap for Investment and Implementation*

<sup>2</sup> National Emergency Management Agency, July 2025 *Regulatory Impact Statement: Strengthening New Zealand's emergency management legislation*

The purpose, functions and definitions across this Bill, the Planning Bill and other applicable local government legislation should be aligned, with a view to avoiding duplication, overlap, and gaps.

## **Structure of the Bill**

11. We support the Bill's objective of providing greater clarity around response and recovery arrangements and processes. However, as currently drafted, the Bill contains inconsistencies and areas of ambiguity that could create confusion and increase operational risk. For example, at separate sections of the Bill, provisions relating to the powers of controllers during emergencies variously include some controllers while excluding others. The introduction of new terms for different types of controllers further adds to this complexity, making it difficult to interpret and apply the legislation consistently. At times, local and regional roles appear to be seen as interchangeable, which they are not. It is essential that the powers, responsibilities, and interrelationships of each specified role are clearly set out in the Bill.

## **Oversight**

12. The Bill should include provision for independent, system-wide assurance or oversight by an independent party outside NEMA, such as an Inspector-General. This would support improvement across the sector, and strengthen accountability and public confidence in the emergency management system.

## **Undeclared Emergencies**

13. At present there is a significant operational gap between routine business-as-usual activities and formally declared emergencies. A statutory framework for undeclared emergencies would enable earlier more proportionate intervention and reduce reliance on informal or improvised arrangements. There is an opportunity in the Bill to include formal processes that provide appropriate mandates and protections for those working in undeclared emergency situations, such as pre-declaration situations, where immediate action may be necessary to protect life safety.

## **Recovery responsibilities**

14. The responsibilities for coordination of resources and implementation of recovery activities after a state of emergency or transition period are unclear. This lack of clarity has affected numerous recoveries in the past, including the Canterbury Earthquakes and the North Island Severe Weather Events (NISWE). The confusion has resulted in unnecessary delays in establishing recovery activities, to the detriment of the affected communities. Clearly defining these post-transition roles and responsibilities is essential for efficient and effective delivery of recovery activities. Included in our submission below are proposals and provisions to address this within the scope of this Bill, noting our overall view below that a wider inquiry is necessary. We would be pleased to provide any further information or clarification the Committee may require.

## Recovery framework

15. While outside the scope of this Bill, it is recommended that the Government consider a wider inquiry into the recovery from natural disasters and the adequacy of existing arrangements and responsibilities. The genesis of this Bill was the response and subsequent inquiries in relation to NISWE. There have been similar inquiries into responses to other events. To our knowledge, there has never been an independent inquiry regarding recovery from natural hazards. It is therefore not surprising that the shortcomings of recovery have been neglected in the emergency management framework.
16. Such an inquiry could also consider arrangements for risk reduction or resilience. Like the longer-term recovery process, building resilience is a far longer, more costly, and vastly different process than emergency management response. The inquiry could look at this as an end-to-end process, across all 4Rs including the aspects of long-term risk reduction and recovery. While risk reduction and recovery are part of the theory of emergency management, in practice they are given little consideration and are rarely prioritised in the New Zealand emergency management system.

## By provisions

### Clause 2 Commencement

17. We seek that the commencement dates associated with the following two provisions are amended so that they do not come into effect until after national guidance on each is released:
  - Clause 2(3)(a) referring to clause 44, which relates to the obligation on Chief Executives regarding the use and provision of resources
  - Clause 2(3)(e) regarding the inclusion of arrangements for disproportionately affected communities in Regional Emergency Management Plans (clause 91(k)).
18. We provide further information on the reasons for this below, in our submission on clauses 44 and 91.

### Clause 3: Purpose

19. The purpose of the Bill is supported, subject to the changes set out in paragraphs 19-22 below.
20. Clause 3(b) should include a reference to the protection of life as well as property. This aligns with national response priorities.
21. Clause 3(f) should include reference to regional emergency management planning, as follows:

*(f) providing for the integration of national, **regional** and local emergency management planning and activity through the alignment of **regional and** local planning with a national emergency management strategy and national emergency management plan.*
22. As evidenced here, throughout the Bill there is inconsistency in the use of terminology in a number of clauses, which results in a lack of clarity as to the meaning and application of provisions. Another example is in Part 3 of the Bill, where subpart 4 is headed '*Local and Sector*

*Planning'* but there is no further reference in that subpart to local plans, nor any provisions for them. There is also no definition included in the Bill for local plans.

23. The Bill should be amended to ensure there is a single set of definitions located in the Interpretation section, with those terms then being used consistently in headings and clauses throughout the Bill.

### **Clause 5: Interpretation**

24. For the sake of clarity, all interpretive provisions should be located in one place. There are a number of interpretation provisions currently located in several other parts of the Bill, such as in Parts 4 and 5. These should be relocated to this section, with reference included as to where and how they apply.
25. The definition of risk in the Bill is outdated, and should be expanded to include components of hazard, exposure, vulnerability and capacity. This would align it with the Sendai Framework for Disaster Risk Reduction 2015-2030<sup>3</sup>, the current National Disaster Resilience Strategy<sup>4</sup>, and the focus areas in the Government's Response to the Inquiry into the Response to the North Island Severe Weather Events<sup>5</sup>.

### **Clause 7: Meanings of essential infrastructure and essential infrastructure provider**

26. The move to a principles-based approach to the definition of essential service in the Bill is a significant step forward and is supported. However, the benefits of this approach are not adequately realised in the current Bill. The Discussion Document described a number of additional services that could be considered "essential", being certain digital services, distribution of groceries to retailers, cash and payments services, solid waste management services, and hazard warning systems<sup>6</sup>. However, the Bill in its current form makes no provision for these essential services.
27. Clause 7 should be amended to include an additional reference to 'essential service provider' as follows (or similar):  
**'Essential service provider' means an entity or a member of a class of entities that—**  
**(a) provides, or is responsible for providing, essential services; and**  
**(b) is named or described in Schedule 3.**
28. Schedule 3 of the Bill should then provide a list of these essential service providers, for example solid waste services, fast moving consumer goods, finance/banking and cloud computer services.
29. We are also very clear that flood protection infrastructure and telemetry systems must be included as essential infrastructure in the Bill. This is addressed in our submission on Schedule 3.

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<sup>3</sup> United Nations Office for Disaster Risk Reduction (UNISDR), 2015 *Sendai Framework for Disaster Risk Reduction 2015-2030*

<sup>4</sup> New Zealand Government, April 2019 *Rautaki ā-Motu Manawaroa Aituā | National Disaster Resilience Strategy*

<sup>5</sup> New Zealand Government, October 2024 *Strengthening disaster resilience and emergency management - Government response to the Report of the Government Inquiry into the Response to the North Island Severe Weather Events*

<sup>6</sup> National Emergency Management Agency, 2025, *Discussion document - Strengthening New Zealand's emergency management legislation*, NZ Government

## Clause 14: Functions of Director-General of Emergency Management

30. The Bill includes requirements for Emergency Management Committees<sup>7</sup> and local authorities<sup>8</sup> to promote, monitor and report on compliance with not only the Act but also other legislation relevant to the purpose of the Act, as listed in Schedule 2. At present the scope and standard of this monitoring and reporting that will be required of Emergency Management Committees and local authorities is not clear. Clause 14 should be amended to include the development of guidelines by the Director General on this requirement, to ensure committees and local authorities are supported to deliver what is sought.
31. We consider that the same requirement for monitoring and reporting on compliance with related legislation should also apply to the Director-General. This is important in order to demonstrate the linkages across related legislation, at national level. Clauses requiring this should be inserted in this section.
32. This section should also be amended to introduce a mandatory role for the Director General to support and assist in coordination of resources made available by government agencies. In local and regional scale events, the current Act and the Bill state that Regional Recovery Managers “must direct and coordinate” during a transition period. This includes resources made available by government departments and Councils for the purposes of recovery. It is implied in the Bill that territorial authority Chief Executives will be responsible for this function following a transition period (clause 44). However, both in transition and after transition, it is unclear how this coordination is achieved in any practical sense across government agencies. If this responsibility is given to Recovery Managers and Council Chief Executives, it must come with the resources and support to ensure it can be implemented.
33. This would be achieved by adding this to the functions of the Director General in clause 14. This would explicitly recognise the role of NEMA, through the Director General, in supporting the coordination of resources and recovery activities across all government agencies. We suggest the addition of two new clauses following 14 (h), as follows (or similar):
- (x) during a local state of emergency or a local transition period, assist Regional Controllers and Regional Recovery Managers in directing and coordinating resources made available by government agencies:**
  - (y) following the end of a national or local transition period, assist council Chief Executives or others to whom responsibility for recovery coordination and implementation is transferred, in coordinating resources made available by government agencies: ...**
34. Inclusion in this section is needed to anchor this as a core responsibility of the Director General. It could be supplemented, but should not be substituted, by a further clarification in the National Plan or other mechanisms as to how this function will be achieved.

## Clause 15: Powers of Director-General

35. We believe it would be a valuable addition to the current framework if the Director General was to be given explicit authority to authorise any suitably qualified and experienced Controller to operate in any district or region in New Zealand. The reason for this is that any Controller

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<sup>7</sup> Clauses 27(1)(g) and (h) and 28(2)(h) and (i)

<sup>8</sup> Clause 42(2)(h) and (i)

deployed 'out of region' needs to be delegated the authority to act by the Joint Committee of that region. This may be administratively challenging and may not always be operationally possible in a timely manner. We seek that a new subclause is added to this section, 15(2)(c), which provides that the Director General may authorise any suitably qualified and experienced Controller to operate in any specified district or region, for any specified period.

36. We acknowledge the introduction of new mechanisms in the Bill for increased accountability, including the ability for the Director General to issue compliance orders under clause 174 of the Bill. We consider this new statutory tool available to the Director General should be accompanied by guidance on thresholds for compliance orders and in what circumstances they will be used. Clause 15(4) should be amended to add this as a matter on which guidance will be issued.
37. The word 'strategic' in clause 15(4)(c) should be deleted, so that guidelines for recovery planning are not limited to strategic matters only. Such guidelines might usefully include operational matters. This should not be precluded.

#### **Clause 24: Members of Emergency Management Committees**

38. In general the intent to enhance iwi Māori participation in the Bill is supported, although we note the Bill does not propose to include iwi representation on Emergency Management Committees. This is in our view a significant omission and does not adequately recognise the nature of partnership, nor does it acknowledge the critical knowledge, capability, and networks that iwi bring that strengthen emergency management outcomes. Full participation in decision-making processes that affect iwi should be enabled in the Bill. The clause should be amended to provide for mana whenua representation on Emergency Management Committees, as members with full voting rights. It should also provide for and enable iwi to appoint their representative.
39. Consequential amendments would also be required to clauses 25 and 26, to provide for this.

#### **Clauses 27 & 28: Functions of multi-member Emergency Management Committees and Functions of unitary authority Emergency Management Committees**

40. Under both clauses 27(1)(a)(iii) and 28(2)(a)(iii), one of the functions of Emergency Management Committees is to identify and implement cost-effective risk reduction. While we are very supportive of risk reduction, it is unclear how this relates to the same requirement given to local authorities under s42(2)(iv). The relationship between these requirements should be made clear.
41. As outlined above, we consider that clauses 27(1)(h) and clauses 28(2)(i) requiring compliance monitoring and reporting should be the subject of guidelines issued by the Director General under clause 14.

### **Clause 36: Membership rules in event of local government reorganisations**

42. As outlined above in our submission on clause 24, the Bill must ensure iwi Māori representation is provided for as part of the establishment of Emergency Management Committees. This also applies following reorganisation.

### **Clause 38: Functions and costs of administering authorities and chief executives of administering authorities**

43. The arrangements relating to administrative authorities in the Bill do not reflect the reality that considerable support is required to enable Joint Committees to carry out their functions under the current CDEM Act. Given the increase in responsibilities for Emergency Management Committees under this Bill, there will be a consequent increase in workload for administrative authorities. We support the view that consideration should be given to providing for suitably resourced and dedicated offices to support Emergency Management Committees. Provision for this in the Bill would reduce an area of operational risk to the functioning of Emergency Management Committees. This is particularly so in light of the current proposals for local government reform, in that many Regional Councils are currently administering authorities but their future under the reforms is currently uncertain.

### **Clause 39: Appointment of Emergency Management Co-ordinating Executive Group**

44. The inclusion of ambulance service and rural representation on the Coordinating Executive Group is supported. Currently Canterbury's Coordinating Executive Group includes a representative from each of the Rural Advisory Group (RAG) and ambulance service, and we welcome the formalisation of this involvement.

45. We also strongly support the iwi perspective representation provision in clause 39(2)(f). In the Canterbury context, we recognise that Papatipu Rūnanga of Canterbury hold manawhenua. We submit that this clause should be amended to ensure that iwi make their own appointments to the Coordinating Executive Group.

### **Clause 41: Provision of support to certain members of Emergency Management Co-ordinating Executive**

46. This provision is supported.

### **Clause 42: Role of local authority members of multi-member Emergency Management Committees**

47. Clause s42(2)(iv) requires local authorities to identify how to reduce risks and implement cost-effective risk reduction. As outlined above, clauses 27(1)(a)(iii) and 28(2)(a)(iii) require the same of Emergency Management Committees. While we are very supportive of risk reduction, it is important that the relationship between these requirements is clarified.

**Clause 44: Role of chief executives of territorial authorities to co-ordinate use of resources**

48. As outlined above on clause 2, we have a concern with the proposed commencement date for this requirement. We do not consider that a 12-month period is sufficient given the need to work through and assess what is required, and the need for alignment with Council planning and budgeting cycles. We note this new requirement also sits in the context of the new accountability provisions in the Bill, including the compliance order regime.
49. We consider this is a matter on which the Director General should issue guidance to further define what is required. The timeframe for commencement should then be coordinated with the availability of this guidance, taking in to account local government planning cycles.

**Clause 45: Costs incurred by local authorities or water organisations in connection with emergency may be reimbursed or paid**

50. We acknowledge the significant contribution Te Rūnanga o Ngāi Tahu, Papatipu Rūnanga and hapū have made in readiness and activation of emergency response and recovery. It is noteworthy that this has relied on these groups bearing the cost of readiness of facilities, such as maintenance of marae, that may be called upon in emergencies. The present system of iwi or Māori organisations having to lodge claims for welfare expenses with local authorities, who in turn, request reimbursement from the Government, is inadequate and inefficient. This clause should be amended to include provision for reimbursement of iwi and Māori organisations directly, for welfare expenses they incur during emergency management activities.

**Clause 57: Role of District Controllers**

51. Clause 57(2) should be amended to provide powers to District Controllers to direct the use of resources, and not just coordinate. Where there may be multiple local emergencies, it would be inefficient and impractical for only the Regional Controller to have powers of direction. It is important that District Controllers are able to direct the use of resources in local emergencies.
52. We also consider that the same accountability requirements in clause 56(4) that apply to Regional Controllers when authorising other persons to undertake functions, should apply to District Controllers. District Controllers should remain responsible for the exercise of any functions or powers that they authorise another person to undertake. A parallel clause should be included in this section.

**Clause 58: Role of Local Controllers**

53. This clause establishes a new process whereby a unitary authority Chief Executive also has the ability to direct a Local Controller to exercise the powers in clauses 127-135. This falls outside the established system of emergency management hierarchy and control. It creates significant potential for confusion during emergency situations, noting that Local Controllers are also required to follow any directions given by Regional Controllers. Other parts of the Bill, such as the provisions for compensation, rely on a clear understanding of under whose direction parties are acting. We consider that only Regional Controllers should be able to direct Local Controllers

in respect of the powers in clauses 127-135, to maintain a clear line of authority and accountability.

54. Clause 58(6) allows Local Controllers to authorise any other suitable person to exercise or further delegate functions. We submit that all controllers, including Local Controllers, should remain accountable for duties they have authorised other persons to undertake. The same accountability requirements in clause 56(4) should apply to Local Controllers and should be added here.

### **Clause 65: Role of Regional Recovery Managers**

55. Regional Recovery Managers only have the ability to direct and coordinate resources during a transition period. There is currently no clarity in the Bill as to post-transition period arrangements, including who is responsible for ongoing recovery once the transition period ends and the powers are no longer available. We have submitted that such arrangements are added to the Bill – refer paragraphs 83-87.

### **Clause 66: Role of District Recovery Managers**

56. Clause 66(2) should be amended to provide powers to District Recovery Managers to direct the use of resources, and not just coordinate. It is inefficient and impractical for only the Regional Recovery Manager to have powers of direction. It is important that District Recovery Managers are able to direct the use of resources in transition periods.
57. We also consider that the same accountability requirements in clause 65(4) that apply to Regional Recovery Managers when authorising other persons to undertake functions, should apply to District Recovery Managers. District Recovery Managers should remain responsible for the exercise of any functions or powers that they authorise another person to undertake. A parallel clause should be included in this section.

### **Clause 67: Role of Local Recovery Managers**

58. Refer the previous point regarding Recovery Managers remaining accountable for duties they have authorised other persons to undertake. The same accountability requirements in clause 65(4) should apply to Local Recovery Managers.

### **Clause 69: Role of lead agencies**

59. We support the intent to clarify roles and accountabilities across the emergency management system, including the role of national level lead agencies for particular hazards. However, the clause lacks considerable detail on how this is to work in practice.
60. The Bill has not clarified the interaction between the role of a lead agency and the statutory powers held by controllers. We note the RIS at paragraph 163 states that it would '*...require planning with CDEM Groups to clarify the role of the Controller or Director CDEM when*

*supporting the lead agency*<sup>9</sup>. However, this has not been reflected in the wording of the Bill, nor is it supported. If the Bill is going to establish a national framework whereby lead agencies have 'primary responsibility for managing the response to the emergency' it must also make explicit their authorities and accountabilities in doing so, and any limits to those. It is also essential that the Bill specifies how those authorities relate to all other role-holders and their functions in an emergency. Not only would it be inefficient for lead agencies to have to work this out with each CDEM group individually, it also introduces a risk of variation between regions in how emergencies are led and managed.

61. It is also unclear what stages and functions of emergency management the lead agency is responsible for. For example, it is not clear in the Bill whether lead agencies are responsible for welfare needs during a state of emergency. We are also concerned that the Bill does not establish any explicit linkage between decision-making by a lead agency during a response and the implications of those decisions for subsequent recovery. Good practice is that decisions by controllers during a response are made with due regard to their effects on post-response and recovery outcomes, such as the protection of key infrastructure essential to community functioning. The Bill does not require a lead agency managing the response to undertake such an assessment.
62. The Bill also does not set out how complex multi-hazard emergencies are to be managed, or how differences of interpretation or conflicts are to be resolved.
63. As worded, there is considerable potential for operational risks including overlap, inconsistency, and delays in decision-making. A much more detailed framework is required.
64. We support the requirement in Clause 69(2)(b) for lead agency participation in developing regional emergency management plans. However, we consider it should also require lead agencies to participate in the development of local plans, where relevant, in relation to responding to particular hazards. There are a number of local plans in Canterbury where lead agency participation is important. Examples include Bottle Lake Forest in Christchurch and McHughs Forest Park Forest near Darfield, where collaborative planning is required between the territorial authority and Fire and Emergency New Zealand.

### **Clause 70: Transfer of lead agency role**

65. We support the provision for transfer to another agency or Committee, with that party's agreement. As noted above, further detail is needed around the exercise of such a transfer.

### **Clause 82: National emergency management plan**

66. Elsewhere in this submission we have sought that the Bill be amended<sup>10</sup> to provide clarity on national, regional and local responsibilities and processes for recovery<sup>10</sup>. It is also recognised however that in nationally severe or catastrophic events, the resources, level of coordination, and the legislative tools required will exceed the capacity and authority of NEMA and the emergency management framework prescribed by this Bill. For these historically rare but

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<sup>9</sup> National Emergency Management Agency, July 2025 *Regulatory Impact Statement: Strengthening New Zealand's emergency management legislation*

<sup>10</sup> Paragraphs 31ff, 54, 87ff

devastating events, unique national arrangements will be required. This should be anticipated, planned, and provided for. Clause 82 should be amended to require the National Plan to provide for alternative recovery arrangements for nationally severe or catastrophic events, including who will be responsible for putting in place alternative arrangements that may be required.

### **Clause 86: Preparation and approval of proposal relating to review of national emergency management plan**

67. The requirement for the Director General to engage with and seek advice from iwi Māori as part of developing a proposal is supported.
68. We also support the requirement for the Director General to consult those who would have roles and responsibilities under the proposed national emergency management plan. We consider that section 86(2)(c) should be amended to include a specific reference to Emergency Management Committees, to ensure this is clear. The wording '*including Emergency Management Committees*' should be added to 86(2)(c) (or similar relief).

### **Clause 91: Content of regional emergency management plan**

69. Clauses 91(k), (l) and (m) are new clauses requiring the plan to provide for arrangements for disproportionately affected communities, how offers of assistance will be managed, and arrangements for managing animals. We support the addition of these in the Bill. We do however note that Regional Emergency Management Plans should be strategic documents, and that these new matters are more operational in nature. The ability to incorporate material by reference under clause 92 of the Bill will be a useful mechanism in this regard.
70. In relation to clause 91(k) regarding the inclusion of arrangements for the needs of disproportionately affected communities, this is a matter that is likely to require significant initial assessment which may be complex, and engagement which should not be rushed. A period of time will then be required for the process of incorporating provisions into the regional plan. While there will obviously be variations between regions, we think it would be of significant benefit to have national guidance from the Minister on engagement and requirements for this process. We have submitted earlier, on clause 3 of the Bill, that the commencement of this provision should follow the release of such guidance material. We recommend an addition to clause 212 to explicitly provide for the development of such guidance.

### **Clause 94: Community engagement in developing proposal for regional emergency management plan**

71. The requirement for engagement with representatives of disproportionately affected communities as part of developing a proposal is supported, noting our submission on the time needed to work through this process.
72. We also support subclause (b) requiring the Committee to involve iwi Māori in developing a proposal. We reiterate our earlier submission that manawhenua should also have

representation at governance level in this process, as part of Emergency Management Committees.

#### **Clause 98: Targeted amendments to regional emergency management plan**

73. The provisions for flexibility in plan-making allow for a more efficient and effective process, including providing for tailored consultation. We support the provisions as outlined.

#### **Clause 99: Minor amendments to regional emergency management plan**

74. The ability to make minor amendments to the Plan is also supported.

#### **Clause 101: Preparation of regional emergency management planning standards**

75. The wording '*and any applicable Emergency Management Committee*' should be added to 101(2)(a) (or similar relief). It is essential that Emergency Management Committees that may be subject to a planning standard are consulted as part of the development of the standard/s, not just given the opportunity to submit once it is developed.

#### **Clause 104: Director-General may develop sector response plans for essential infrastructure providers**

76. This new provision, which provides for the Director General to develop sector response plans for essential infrastructure, is supported subject to the inclusion of a specific requirement to consult with Emergency Management Committees.

77. Under Clause 105, sector response plans may include responsibilities for Emergency Management Committees. It is therefore appropriate to include specific reference to Emergency Management Committees in 104(3) for completeness, to ensure they are consulted with, as follows:

*104 (3) Before approving the sector response plan, the Director-General must consult—*

*(a) ...*

*(b) relevant government agencies, **Emergency Management Committees** and local authorities; ...*

78. Similar amendment is required to clause 106(2) which sets out the process for changing sector response plans.

#### **Clause 115: State of local emergency may be concurrent with national emergency declarations**

79. This is supported as it recognises and provides for situations where there may be complex and overlapping emergencies.

## **Clause 120: Form and publication of declarations of states of emergency, extensions, and terminations**

80. The modernisation of publication and form requirements for declarations and terminations is a useful update and is supported.

## **Clause 121: Interpretation of this subpart**

81. Local controllers should be added to the definition of '*authorised Controller*' and '*specified person*' to enable them to exercise relevant powers in an emergency, at the direction of a Regional Controller. It should be clear in the Act that all controllers have this authority, when so directed (noting our submission on clause 58 that the ability of Chief Executives to direct local controllers should be removed- refer paragraph 52 above).

82. Overall, the way terminology is included in and used in Part 4 is confusing. New terms are referenced, such as '*authorised controller*', '*specified person*' and '*primary specified person*'. If these are to be retained, all such interpretive provisions should be included in Clause 5, to ensure there is a single set of definitions located in one section. Those terms should be used consistently in headings and clauses throughout the Bill.

## **Clause 124: When authorised Controllers or specified persons may exercise powers**

83. The terminology used in the Bill is not internally consistent, which creates a risk of uncertainty. This should be avoided. Clause 124 currently refers to a location for which a person is 'responsible'. This section should be amended as follows:

*An authorised Controller or a specified person may exercise the powers conferred on them by sections 127 to 135 only in respect of a location for which the person is ~~responsible~~ **authorised**.*

84. Amendments to the Bill should be made throughout, to ensure consistency and clarity in the use of these terms.

## **Clause 127: Emergency Powers of authorised Controllers**

85. It is not clear why these emergency powers are not made available to the National Controller. We think it is appropriate that national controllers are able to access these powers during a national emergency. The section should be amended to include the National Controller.

## **Clause 141: Interpretation of this subpart**

86. Further to the submission point on clause 121 above regarding confusing use of terms, another new term is introduced in this clause, '*authorised person*'. If these terms are to be retained, all such interpretive provisions should be included in Clause 5, to ensure there is a single set of definitions located in one section. Those terms should be used consistently in headings and clauses throughout the Bill.

**Clause 149: Local transition period may be concurrent with national emergency declarations**

87. This is supported. It provides for situations where there may be complex and overlapping emergencies.

**Clause 154: Form and publication of declarations of transition periods, extensions, and terminations**

88. The modernisation of publication and form requirements for declarations and terminations is supported.

**New clause to be inserted after clause 154 to provide for transfer of recovery activities**

89. The responsibilities for coordination of resources and implementation of recovery activities after a state of emergency or transition period ends are unclear at present. The Bill does not adequately address this. It is implied in the Bill that territorial authority Chief Executives are responsible for recovery activities after a transition period (clause 44). However, an amendment is sought so that the responsibilities for recovery after a transition period (or state of emergency if there is no transition period) are explicit. This will help define the boundaries of emergency management roles in relation to recovery, where recovery activities frequently continue for years after the event. It emphasises that the emergency management role after an event is to enable the transition to other arrangements, i.e. genuinely give effect to the transition period.

90. In addition, there may be circumstances where other arrangements are more suitable, such as a regional recovery agency spanning multiple districts or retention of the responsibility by a Regional Recovery Manager for a period after the transition period. These arrangements are often event-specific. An amendment is sought to enable the transfer the responsibility for post-transition recovery activities to such an agency or person, if required. The proposed mechanism for this a transfer notice.

91. It is recommended that amendments are made to the Bill to:

- make recovery responsibilities explicit; and
- include a mechanism to enable the transfer of post-transition responsibilities where this is appropriate for the event specific context.

92. Proposed wording to be included in the Bill is as follows:

***New section [154A] Provisions relating to recovery responsibilities***

*(1) Sections (2) and (3) apply unless a transition period is extended or a transfer notice is issued under section (3).*

*(2) Upon expiry or termination of a local transition period, the responsibility for the coordination of recovery resources and the implementation of recovery activities moves to the Chief Executive of the relevant territorial or unitary authority.*

*(3) The Minister or an Emergency Management Committee may transfer, through the approval of a transfer notice, the responsibility for the coordination of recovery resources and the implementation of recovery activities under section (2) to another person or authority under the control of the Emergency Management Committee, or to another authority*

*established for the purpose of coordinating the recovery or any other person that has accepted this responsibility and who may be reasonably expected to perform this function.*

*(4) An Emergency Management Committee may approve a transfer notice during a transition period (and the transfer take effect within a transition period) for the purpose of transferring the coordination and implementation functions to a person other than an appointed Recovery Manager. The transfer of the recovery powers within this Act cannot be transferred.*

*(5) The transfer notice issued under section (3) must specify:*

- a) The person or authority to whom the responsibility is transferred;*
- b) The area (districts or wards) to which the transfer applies;*
- c) When the transfer takes effect;*
- d) If specified, when the transfer expires;*
- e) Any limitations or exceptions to the transfer of this responsibility;*
- f) That the person or authority to whom responsibility is being transferred accepts the transfer.*

*(6) The Minister or an Emergency Management Committee may at any time approve the extension or termination of a transfer notice previously approved under section 3.*

*(7) [section 7 should set out notification requirements, formulated in the same manner as other EM declarations].*

93. Sections (2) and (3) ensure that responsibilities for the coordination and implementation of recovery activities are clear: it either rests with Chief Executives or is explicitly transferred to another person or authority. The intended effect of section (4) is to enable someone other than a Recovery Manager under the Act to take on the primary recovery leadership role during a transition period. The preclusion of recovery powers from this transfer recognises that if powers are included then the appointed person should be appointed as a Recovery Manager under the Act. It is envisaged that it may apply where the recovery task is substantial and the Recovery Manager is required to return to their emergency management role or is otherwise unable to fulfil this substantive leadership role to the extent required.

### **Clause 168: Reporting requirements at expiry of state of emergency or transition period**

94. The requirement to provide a report which records the emergency, dates, duration, and powers exercised, is a useful addition. We understand these would be factual reports only, to build a consistent national record of events. We note the Bill does not include a 'lessons learned' framework for evaluation and learning post-event. Further work outside the legislative process would be needed to develop such a framework.

### **Clauses 202-204: Protections from liability in civil proceedings**

95. We support the extension of protections from liability provided for in these clauses. This protection provides positive support for role holders and community members, including volunteers.
96. We do have an ongoing concern that this protection applies only to actions taken during a state of emergency or transition period. There may be instances where actions may be needed prior to a declaration, for example where it may be a matter of urgency to protect life. A framework for legal protection should be developed for actions taken in circumstances such as these. Without this, there is a risk of a dampening effect on individuals' or controllers' willingness to

take urgent actions prior to a formal declaration. Alternatively, declarations may be made early or unnecessarily.

### **Clause 210: Regulations**

97. A process is needed to ensure Schedule 2 remains current, as legislation evolves or changes. Clause 210 should explicitly include a mechanism for this.

### **Clause 211: Minister must consider alternatives, benefits and costs, and appropriateness before recommending making of regulations**

98. Clause 211(1)(c), which exempts the Minister from having to consider the impacts of proposed regulations on Emergency Management Committees, should be deleted. This will ensure there is a focus on costs and benefits, and appropriateness, of regulations that would impose requirements on Emergency Management Committees (and thereby Councils). It is appropriate that the Minister should be required to consider these matters.

### **Clause 212: Minister's power to make rules**

99. In general, we support the development of rules, but they must be developed in collaboration with the sector.

### **Clause 213: Procedure for making rules**

100. We support the procedure as outlined, but we believe it is essential that consultation with committees and local authorities is mandated in the Bill. We seek an amendment to clause 213(1)(c) as follows:

*(c) consult **Emergency Management Committees and local authorities, and any other persons and groups as the Minister thinks fit; ...** (or similar relief).*

### **Schedule 2: Legislation relevant to emergency management**

101. The following legislation should be included in Schedule 2:

- Policing Act 2008
- Defence Act 1990
- Waste Minimisation Act 2008
- Animal Welfare Act 1999

### **Schedule 3: Essential infrastructure providers**

102. It is considered essential that public entities that provide flood telemetry systems and flood protection infrastructure are specifically included in Schedule 3. These assets are not only fundamental to life safety and risk reduction, but they underpin effective emergency preparedness and response. Flood warning systems, river and rainfall monitoring networks, stopbanks and floodwalls provide early warning, enable timely decision-making, and directly reduce the severity of flood impacts. Reliable telemetry data is critical for forecasting, situational awareness, and triggering evacuations or other protective actions. We seek that they are added to Schedule 3,

as follows: ***'Any public entity that provides: telemetered river flow and rain gauge data, and/or flood protection, erosion control or land drainage infrastructure.'***

103. The Schedule identifies the New Zealand Transport Agency and local authorities as essential infrastructure providers in respect of roading services. The Department of Conservation should be added to this list, as they are responsible for sections of public roading networks in key areas where hazards are present such as Aoraki Mount Cook.
104. Further to our submission on clause 7, we seek a consequential amendment to Schedule 3 to add a new heading '***Essential Service Providers***'. A list of essential service providers should be added, including solid waste services, fast moving consumer goods, finance/banking, and cloud computer services. It should also include those services which are critical to the operation of the essential infrastructure identified earlier in the Schedule, such as air traffic control services.
105. In respect of petroleum services, it is unclear whether this would include retail or bulk fuel outlets themselves, as the wording refers to entities that distribute '***to retail outlets and bulk customers***'. It should be made clear that delivery to farms and from retail outlets are included.
106. Timaru Airport should be added to the list of airports in Schedule 3. It is considered a vital component of regional transport and lifeline infrastructure in South Canterbury.

#### **Schedule 4: Reporting requirements for states of emergency and transition periods**

107. Clause 3(2) contains a requirement for the Regional Controller to consult with any other 'Recovery Manager', but this reference is incorrect. It should read 'Controller', not 'Recovery Manager'. Recovery Managers do not have any powers under a state of emergency.

**End**