

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

Please explain your views.

No

Issue 11.2: Strengthening lifeline utility business continuity planning

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

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

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

Yes No Not sure / no preference

Please explain your views.

Insert response

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

Please explain your views.

Preferred option: Option 3

Reasoning: Utilising regulations gives more flexibility to adapt to any future changes in essential services.

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

Please explain your views.

No

Issue 11.3: Barriers to cooperation and information sharing

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

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

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

Yes No Not sure / no preference

Please explain your views.

Insert response

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

Please explain your views.

Preferred option: Option 4, 5 and 6

Reasoning: Need stronger cross-level coordination groups in readiness and response where relationships are formed and maintained, especially with many national agencies and national lifeline utilities organisations with resources and

services working within all levels.

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

Please explain your views.

Yes

Lifeline utilities to have a requirement set that they are to be proactively involved in CDEM Group plans and regional response plans.

Having a common operating picture that spans across all levels so up-to-date situational awareness is shared.

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

Please explain your views.

No

Issue 12: Strengthening central government business continuity

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

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

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

Yes No Not sure / no preference

Please explain your views.

Insert response

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

Please explain your views.

Preferred option: Option 4 and 5

Reasoning: Coordinated business continuity planning to ensure any reliance is understood and organisations/ agencies avoid competing for resources.

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

Please explain your views.

No

Other problems relating to this objective

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

Please explain your views.

Where will the capture for essential public service entities business continuity planning be incorporated?

Interdependencies across services. Those developing business continuity plans to understand the business continuity plans, and levels of services or resources available from other organisations or agencies they will rely on to meet their business continuity plans.

Replacement parts for restoration and the timeframe to get them to site for implementation. Will they need to be imported? Could there be an option for manufacturing/ storing parts identified as likely to be required to repair and restore critical infrastructure in New Zealand?

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

Issue 13: Managing access to restricted areas

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

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

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

Yes No Not sure / no preference

Please explain your views.

Insert response

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

Please explain your views.

Preferred option: Option 2

Reasoning: Consistency from national identification of organisations and operational level guidance/training keeps the ability to adapt to various responses. Option 2 can include nationally consistent guidance for Groups on the issuing of ID passes.

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

Please explain your views.

No

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

Insert response

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

Please explain your views.

Preferred option: Option 2

Reasoning: Removal of ambiguity should assist coordination in response/recovery.

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

Please explain your views.

No

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

Insert response

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

Please explain your views.

Preferred option: Option 2 and 3

Reasoning: Having electronic as the first option and in situations where that is unavailable to be actioned (technology issues), having the option to verbally declare gives the flexibility needed whilst keeping requirement for due consideration.

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

Please explain your views.

Yes

Amendment to Option 3; Verbal declaration must be followed up in a timely manner with a signed (electronic or paper) declaration.

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

Insert response

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

Please explain your views.

Preferred option: Option 2

Reasoning: Recognise that Mayors have the local knowledge required and should have the primary responsibility, with flexibility of backup options retained.

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

Please explain your views.

No

Other problems relating to this objective

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

Please explain your views.

Yes

When the response is within the mandate of the CDEM Group (and its members) and the three thresholds for declaring SOE is not met and powers are required e.g., to restrict access by the public.

Important that Mayors hold the primary responsibility of declaration, with no change to structure where Group plans identifying others that can undertake declaration, if required.

Other comments

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

- 1. Lack of Proposed Funding Structures:** The absence of clear funding structures at national, regional, and local levels raises concerns about the effective delivery and implementation of emergency management.
- 2. Impact on Ratepayers:** Without clarity on the funding structure, the potential impact on ratepayers remains uncertain. If there is significant impact this necessitates council consultation with communities to address these concerns.
- 3. Resource Allocation and National Support:** Many options are currently under-resourced, and additional spending proposals require clarification on whether there will be national support to ensure these initiatives are feasible.
- 4. Bill Timeline and Budget Alignment:** The proposed Bill timeline does not align with the local authority budget setting (late 2026) for long term plans (2027-2037), which could complicate financial planning and implementation.

- 5. Nationally Consistent Long-Term Plan Measures:** Establishing nationally consistent long-term plan measures across the 4Rs (Reduction, Readiness, Response, Recovery) and integrating them with the Local Government Act can provide better assurance on delivery and avoid siloed emergency management.
- 6. Clarity on Powers Outside of Declaration:** There is a need for clear guidelines on the powers that can be exercised outside of a formal declaration to ensure proper governance and accountability.
- 7. Consultation with CDEM Groups:** Any emergency management secondary legislation and rules should mandate consultation with Civil Defence Emergency Management Groups before being set, ensuring that local insights and needs are considered.
- 8. Issuance of a Roadmap Post-NDRS Review:** A roadmap following the National Disaster Recovery Strategy (NDRS) review would provide a clear plan for future actions and support coordinated recovery efforts. Will a roadmap be issued?



Submission: Strengthening New Zealand's emergency management legislation

Submitter information

Any information you provide will be stored securely.

Your name, email address, and organisation

Name: Mark Constable

Email address: s9(2)(a)

Organisation:
(if applicable) Maelstrom Consulting

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Use of information

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

Consultation questions

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

You do not need to answer all questions.

Objectives for reform

The Government's proposed objectives for reform are to:

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

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

1. Have we identified the right objectives for reform?

Yes No Not sure / no preference

Please explain your views.

The objectives identified are broadly appropriate and necessary. They align well with internationally recognised good practice in emergency management, including community engagement, clear governance, minimum performance standards, essential services continuity, and fit-for-purpose emergency powers.

However, while the objectives are sound in principle, there are serious concerns about the depth and commitment evident in how they are developed through the document:

- **Risk Reduction Gap:** Despite acknowledging risk reduction as part of the '4Rs,' the document avoids embedding strong, enforceable mechanisms to prioritise and drive reduction activities. Risk reduction delivers the highest benefit-to-cost ratio across the emergency management spectrum, yet it remains weakly actioned in the proposed framework. Regardless of resource and building management legislation, risk-reduction must still feature heavily in emergency management legislation to ensure that that emergency management remains truly holistic and end-to-end.
- **Essential Services Continuity:** The objective to minimise disruption to essential services is undermined by a failure to engage meaningfully with systemic supply chain risk, sector capability gaps, and the public-private tension around infrastructure resilience obligations. Current proposals focus too heavily on individual business continuity rather than system-wide supply continuity.
- **Clarity of Roles:** While improving accountability is the right goal, proposals to address this are tentative. Clear lines of operational control and escalation in

emergencies, beyond the coordination-only model, are needed but not adequately described.

- Community Participation: The focus on strengthening iwi Māori and community participation is strongly supported, but must be matched by resourcing and formalising participation within governance structures - not left to variable local implementation.

In Summary:

The objectives are appropriate at a high level, but there is a gap between the stated intent and the operational delivery mechanisms outlined. Without strong supporting legislation, funding, and enforcement provisions, the objectives risk becoming aspirational rather than transformational.

Objective 1: Strengthening community and iwi Māori participation

Issue 1: Meeting the diverse needs of people and communities

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

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

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

Yes No Not sure / no preference

Please explain your views.

Yes – with some qualifications.

The discussion document correctly identifies that certain communities are disproportionately affected during emergencies due to systemic vulnerabilities. However, the framing risks being too general. It would be strengthened by explicitly acknowledging historical underinvestment, lack of infrastructure resilience in lower socioeconomic areas, and the cumulative impact of pre-existing societal inequalities. This context is critical to appropriately targeting solutions across the 4Rs - including the timing and type of interventions required.

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

Please explain your views.

Yes. In addition to the factors identified, other reasons include:

- Infrastructure fragility disproportionately affecting rural and remote areas (e.g., single access roads, weaker telecommunications coverage, limited water fuel, and other essential infrastructure supply).
- Economic precarity, where individuals lack the means to prepare, evacuate, or recover without external support.
- Institutional trust deficits, impacting compliance with emergency instructions.

- Digitally driven response models, which can unintentionally exclude communities without reliable internet access or digital literacy.

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

Please explain your views.

Supporting stronger engagement and inclusion is essential and will deliver tangible resilience benefits. However, costs and risks are understated. There is a significant risk that without resourcing and capability development, new obligations on CDEM Groups will be inconsistently applied.

Preferred approach:

- Option 3: Mandating engagement with diverse communities.
- Supplemented by (option 2) clear minimum expectations, centralised support, and consistent monitoring. Without these, equity in outcomes cannot be reliably achieved.

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

Please explain your views.

At the local level, planning would embed tailored readiness, response, and recovery arrangements for priority populations - developed through ongoing engagement, not just consultation during plan review cycles. Plans would address both access to services and continuity of care during disruption, recognising that many disproportionately affected groups already face service shortfalls in day-to-day conditions.

Risk communication strategies would be adapted for linguistic, cultural, and access needs, and response planning would integrate trusted local organisations and community leaders as active delivery partners. Plans would move toward consequence-based design, focusing on likely service and access failures regardless of the hazard trigger.

Local plans would also identify opportunities for community-led risk reduction - such as local mitigation projects, hazard awareness campaigns, or structural resilience upgrades - backed by councils and agencies through funding, coordination, and technical expertise.

Critically, engagement would inform improvements to district plans, infrastructure strategies, and regional policy statements - ensuring that the needs of disproportionately affected communities are reflected in land use decisions, zoning, and long-term investment. This includes addressing historic exposure and underinvestment, and shaping long-term hazard resilience across the whole community.

At the national level, planning frameworks would require:

- Standardised tools for assessing social vulnerability and capability gaps,
- Shared accountability for delivery outcomes between government and communities,

- And embedded mechanisms for funding and sustaining community capacity (e.g. trusted NGO partners, marae preparedness, disability advocacy networks).

Institutional relationships with iwi, hapū, and community-based organisations would be normalised and resourced - not ad hoc or dependent on individual local relationships. Central investment and operational decisions would be guided by community consequence modelling, not just infrastructure or hazard mapping.

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

Please explain your views.

Yes. Consider:

- Embedding obligations for pre-event partnership agreements with iwi and trusted community organisations - moving beyond one-off consultation toward shared planning and decision-making.
- Requiring vulnerability and impact assessments, both pre- and post-event, to measure how different communities are affected and to identify persistent service or access gaps.
- Developing community surge capacity frameworks, recognising that local communities are often the de facto first responders, and should be resourced and integrated accordingly.

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

Yes – broadly.

The problem has been described reasonably accurately. It is appropriate to recognise that iwi Māori have long played vital roles before, during, and after emergencies, often providing leadership, resources, and trusted community support where state-led efforts struggled to meet needs. However, the problem framing could be sharpened by more directly acknowledging the systemic underutilisation and under-recognition of iwi Māori capability within formal emergency structures - and by reflecting on the challenges the national system, including NEMA, has faced in consistently meeting its Treaty obligations to iwi and hapū.

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

Yes No Not sure / no preference

Please explain your views.

The description is incomplete.

The document captures key aspects of iwi Māori roles, particularly their leadership in supporting affected communities during response and recovery. However, it understates the strategic capability iwi Māori bring to risk reduction, resilience building, and governance planning before emergencies occur. Their contributions are broader than operational support and must be recognised at the strategic and policy-setting levels, not just operational response.

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

Please explain your views.

The benefits of strengthening iwi Māori participation are clear: improved resilience, greater trust, faster mobilisation during emergencies, and more culturally grounded response and recovery efforts.

However, the rationale for inclusion is not only functional - it is also Treaty-based. The Crown, through local authorities and CDEM Groups, must ensure that Tangata Whenua are recognised as Treaty partners within emergency management governance, including through formal representation at the CDEM Group level. Anything less falls short of Te Tiriti o Waitangi and the principles of partnership, participation, and protection.

Risks arise if new structures are inadequately resourced, or if engagement mechanisms are superficial - where Māori are consulted about decisions rather than participating in them.

Preferred approach:

- Mandate the formal inclusion of iwi Māori within CDEM Group governance, with shared decision-making rights, not just advisory roles.
- Ensure engagement and planning processes are co-designed with and for iwi and hapū, not imposed or retrospective.
- Provide dedicated capability funding to support Māori-led emergency management roles and planning capacity, including at marae and iwi organisational levels.
- Require regular engagement by NEMA with iwi Māori at the national level, as part of its core strategic and operational functions.

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

Please explain your views.

Recognition must be structural, not discretionary.

- Iwi Māori should be formally recognised as governance and operational partners within CDEM Groups.
- Participation should be embedded within statutory decision-making roles, not limited to advisory or consultative positions.

- Recognition must also respect and support iwi Māori capability to act autonomously where appropriate.

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

Please explain your views.

The relationship must be one of **partnership**, consistent with Te Tiriti o Waitangi principles.

- Iwi Māori should be standing members of CDEM Group governance bodies.
- There should be structured, resourced engagement in planning, exercising, and operational decision-making.
- Partnerships must be maintained pre-event, not activated only during emergencies.

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

Please explain your views.

Iwi Māori must be recognised as strategic partners within Coordinating Executive Groups (CEGs), with equal standing alongside agency representatives.

- Participation must include genuine co-development of plans and operational arrangements, not mere consultation.
- CEGs must allocate sufficient resources to support sustained iwi engagement at both strategic and operational levels.

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

Please explain your views.

While the question of how iwi Māori experiences and mātauranga should be provided to the Director is ultimately best answered by tangata whenua themselves, some structural options that may assist include:

- Establishing an Iwi Māori Advisory Rōpū formally recognised in legislation, providing direct advice to the Director of Civil Defence Emergency Management.
- Requiring CDEM Groups to report annually to NEMA on iwi Māori participation, contributions, and lessons learned.
- Providing opportunities for iwi Māori-led hui and wānanga to feed directly into national resilience strategies and doctrine development.

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

Please explain your views.

Additional options that should be considered include:

- Embedding iwi Māori perspectives into post-event debriefs, reviews, and inquiries as a formal requirement - ensuring that lessons learned reflect the experiences, contributions, and priorities of iwi and hapū.
- Enabling iwi and hapū to access resilience-building grants directly, supporting risk reduction, preparedness, and emergency capability development, including for marae-based readiness initiatives.

Issue 3: Strengthening and enabling community participation in emergency management

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

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

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

Yes No Not sure / no preference

Please explain your views.

The issue is far more systemic than the discussion document implies. While it correctly notes that community offers of help are sometimes under-utilised during emergencies, this framing reduces community participation to a response-stage logistical coordination problem. In reality, the emergency management system has consistently failed to recognise and enable community capability across all four Rs - reduction, readiness, response, and recovery.

One of the most critical gaps lies in community participation in risk reduction and readiness planning. For example, there is limited support or expectation for communities to engage with district plan reviews, regional policy development, or infrastructure investment decisions - all of which directly influence hazard exposure and vulnerability.

Beyond comms campaigns and social media messaging, there are few mechanisms for CDEM Groups to actively support or facilitate public participation in upstream resilience decisions. This cannot be dismissed as "not a CDEM issue" when the downstream consequences directly affect emergency management outcomes - and are often shaped by the effectiveness of CDEM-led response and recovery.

Furthermore, risk reduction within a holistic, system-wide framework must extend beyond buildings and land use. It includes domains such as health, security, infrastructure, environmental stability, and community cohesion. This must be a consideration of EM legislation.

Communities will always respond - often with extraordinary effectiveness. The challenge is to build structures that recognise, enable, and align that capability before the emergency begins, not simply during or after.

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

Please explain your views.

The options presented in the discussion document are too narrowly focused on coordinating offers of assistance during response. This framing treats community participation as a logistical issue, rather than a structural feature of a resilient system.

In reality, the emergency management system needs to invest in deliberate, pre-event integration of community organisations, networks, and capabilities - across reduction, readiness, response, and recovery. The problem is not simply how to "accept help"; it is that many communities have no recognised pathway into CDEM planning, training, exercising, or investment processes until a crisis is underway.

Improving this requires more than a tasking protocol. I recommend:

- Embedding formal pathways for community-based organisations to participate in CDEM Group planning, particularly in readiness and reduction activities.
- Establishing funded roles or partnerships for NGOs, marae, and trusted community providers to build and maintain local readiness capability.
- Providing shared training and exercising frameworks that familiarise both agencies and community partners with each other's ways of working, expectations, and limitations.
- Creating pre-agreed protocols for delegated response functions - recognising that in some communities, trusted local actors are the de facto first response mechanism.

The benefits of this approach - stronger trust, faster mobilisation, reduced duplication - are well documented. But they will only be realised if community participation is treated as a core function of emergency management, not an emergency-time workaround.

This also requires capability-building within the CDEM sector itself - including training, guidance, and tools to support community-led risk reduction, enable partnership-based planning, and engage meaningfully with under-served or marginalised groups. Without investment in this internal capability, the sector will remain poorly equipped to facilitate the participation it claims to welcome.

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

Please explain your views.

Yes. Community participation must be enabled at a governance, planning, and capability-building level, not just in operational support roles.

Other options that should be considered include:

- Establishing a national community participation framework for emergency management - setting expectations for engagement, co-design, and shared decision-making across all 4Rs.

- Requiring CDEM Groups to identify and maintain formal partnerships with community-based organisations as part of their Group Plans - including clear roles in planning, readiness, and recovery.
- Developing shared funding models that allow trusted community organisations to access emergency management capability-building grants, particularly for readiness, local planning input, and hazard risk reduction.
- Supporting the development of regional community resilience networks - connecting local actors to one another and to official systems well before an event.
- Embedding community engagement requirements into Controller and Recovery Manager training - ensuring that local leaders are prepared to work alongside, not above, community-led responses.

True resilience is not built by better messaging. It's built by sharing power, capability, and accountability - and that must be reflected in both legislative settings and planning practice.

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

Clarifying and, where appropriate, extending legal protections for good-faith emergency actions - particularly where those actions align with public safety objectives - is worth serious consideration. However, this should be accompanied by clear guidance on scope and limits, to avoid creating ambiguity or unintended consequences.

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

Please explain your views.

Options 2 and 3 are both appropriate and should be progressed.

The benefits of improving how community actions are integrated into formal emergency responses include faster mobilisation, reduced pressure on official services, and stronger local resilience. However, these benefits can only be realised if there are clear frameworks to support safe, coordinated, and legally protected community involvement.

Preferred approach:

- Strengthen legal protections for good faith emergency actions by individuals and businesses - for example, a civil defence equivalent of "Good Samaritan" protections, where actions align with public safety objectives.

- Establish pre-agreed frameworks for recognising and integrating community-led actions into the formal response - including triggers for coordination, expectations around record-keeping, and shared information protocols.

There is also a clear risk of post-event financial or legal claims from organisations or individuals for work that was well-intentioned but not officially authorised. This could expose CDEM Groups or local authorities to unanticipated liabilities.

To manage this, appropriate documentation, approvals, and accountability mechanisms must be established to ensure legitimate participation is supported - without creating avenues for fraudulent or opportunistic claims.

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

Please explain your views.

No.

Other problems relating to this objective

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

Please explain your views.

No.

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

Issue 5: Clearer direction and control during an emergency

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

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

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

- Yes No Not sure / no preference

Please explain your views.

The problem is well identified.

But in practice, the ambiguity is not just legal - it's cultural and procedural. Even where legal authority exists, it is often misunderstood, contested, or inconsistently applied during live events.

The confusion between "governance" and "control" continues to undermine clear direction and decision-making in emergencies.

A key part of the problem is the absence of clearly defined separation of responsibilities and escalation protocols between levels particularly when an incident scales beyond local capacity.

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

Please explain your views.

Option 3 is the most workable and pragmatic of the options presented. It provides a consistent lead agency for overall coordination, while allowing operational control of specific aspects to be delegated or assigned to agencies with appropriate technical expertise. This is particularly important in complex emergencies with multiple impact zones or functional areas (e.g., aviation, public health, evacuation, infrastructure disruption).

However, Option 3 alone will not fully resolve operational ambiguity in events involving less-defined hazard leads, such as widespread flooding, volcanic ashfall, or secondary cascading effects. Finessing this option further may tease out better mechanics of how this option could function appropriately.

I do not support Options 2 or 4, which risk introducing significant ambiguity. Option 2 opens the door to disputes over agency primacy, especially in emerging or politically sensitive scenarios. Option 4 could lead to fragmented command, inconsistent messaging, and unclear accountability - particularly where agencies or sectors disagree on priorities or tactics. In a high-stakes emergency, these uncertainties could result in confusion, delays, and erosion of public trust.

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

Please explain your views.

N/A

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

Yes No Not sure / no preference

Please explain your views.

More fundamental changes are absolutely required.

The current framework struggles to manage the escalation of response across local, regional, and national levels, particularly during large-scale or multi-region emergencies. There are no clear, consistently applied thresholds or protocols for escalation; nor are there reliable mechanisms to guide handover or shared control during complex events.

Additionally, the system continues to replicate CIMS structures at each level rather than scaling them in a coordinated way. Instead of higher levels “lifting load” from lower levels by providing resources, surge support, or specialised capability, escalation too often results in increased reporting demands, scrutiny, and process overhead. This reduces efficiency, adds stress, and undermines trust across levels of coordination.

There is also poorly defined separation of roles and responsibilities between local, regional, and national levels. Terms like “support” and “lead” are inconsistently understood and applied, which leads to either unnecessary deference or unwelcome intervention depending on personalities and context. The framework needs to clearly establish who does what, when, and why, with consistent doctrine and decision triggers.

National-level involvement should be better defined around functional value-add (e.g. surge logistics, information systems, specialist support), not simply governance visibility or central oversight.

Issue 6: Strengthening the regional tier of emergency management

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

Elements of the problem described are accurate. There is a persistent lack of clarity between the responsibilities of CDEM Groups and their constituent local authorities, particularly outside of declared emergency periods.

This ambiguity leads to inconsistent practice, confusion about who owns readiness and recovery functions, and tension over resource commitment and delivery expectations - especially where Group Offices are hosted within a single council but expected to serve a wider collective. In some regions, the split between Group-wide strategy and local delivery is functional; in others, it creates conflict, duplication, or disengagement.

The lack of clear definition also creates uncertainty around who holds residual risk, which can have material consequences during complex or contested responses.

However, the problem definition fails to address an equally significant issues:

- CDEM Groups operate as a joint committee of member councils and rely on those councils for funding decisions, especially for CAPEX.
- Even if a CDEM Group governance forum is in full agreement, nothing is funded unless each council commits through its Long-Term Plan (LTP) or Annual Plan.
- Timing is a major barrier. If a risk reduction proposal arises outside the LTP cycle, it may be deferred for up to three years, unless extraordinary measures are taken.
- Mayors do not control their councils. Even a supportive mayor must gain full council agreement to progress costed measures. CDEM decisions carry moral weight, but limited formal authority.

In summary, the discussion document omits a critical fourth problem:

d. Lack of integration between CDEM Group governance and local authority planning, budgeting, and delivery mechanisms.

This structural disconnection continues to hinder the delivery of regionally agreed priorities and limits the system's ability to turn strategy into action.

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

Please explain your views.

Option 3 is the strongest of the options provided.

Each member council needs sufficient autonomy to deliver what it believes is appropriate and within its means, particularly in alignment with its own community priorities and related initiatives. However, aligning those actions under a shared regional strategy - the CDEM Group Plan - is the right approach. A clear strategy should guide local action, not override it.

Critically, for this approach to succeed, the CDEM Group Plan must be developed in a way that both supports, and is supported by, Long-Term Plans (LTPs). Without that alignment, even a well-crafted Group Plan risks becoming aspirational rather than actionable - reinforcing the status quo where priorities are agreed regionally but left unfunded or undelivered locally.

This means the Group Plan process must anticipate funding cycles, align with council planning processes, and be developed with a realistic view of local implementation constraints.

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

Please explain your views.

Yes. One overlooked but impactful issue is the need for clarity around the use of the term "CDEM Group." Currently, the term is used interchangeably to refer to:

- The formal joint committee of elected members (typically mayors or their delegates),
- The collective of member local authorities,
- The CDEM Group Office (regional coordination staff), and
- The "members" of the Group, sometimes meaning local authorities, sometimes agencies.

This ambiguity creates confusion in communication, governance, and implementation - especially when attempting to assign accountability or understand obligations under legislation or national guidance.

Clear and consistent terminology would greatly support the broader effort to clarify roles and responsibilities, and improve day-to-day communication between CDEM entities, partner agencies, and the public.

Even a simple definitional clarification in legislation would represent a significant improvement.

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

Yes No Not sure / no preference

Please explain your views.

No – but the role and focus of the CDEM Group should be reframed.

I do not support abandoning the CDEM Group-based model; but I do believe the purpose and strategic focus of the CDEM Group governance level needs to be redefined.

Rather than being drawn into operational matters or delivery oversight, CDEM Groups (as governance forums) should focus on the long-term risk horizon - informed by hazard, vulnerability, and resilience intelligence. Their primary function should be to drive risk reduction:

- identifying strategic regional risks,
- coordinating cross-council approaches to reduce exposure and vulnerability, and
- ensuring that existing local and central government mechanisms (e.g. planning instruments, infrastructure funding, building policy) are leveraged to reduce systemic risk.

This role must also include genuine governance partnership with iwi Māori, who bring critical perspective, whakapapa-based risk understanding, and practical leadership into regional resilience planning.

Reframing the governance level in this way would also enable Coordinating Executive Groups and subgroups to focus on implementation, operational planning, and capability development - where their influence and expertise are best applied.

This change is not about discarding the CDEM Group model - it's about elevating its role to where it can be most effective.

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

The description is accurate. CDEM Group governance and operational structures vary widely across regions, contributing to inconsistent delivery and blurred lines of accountability. The tension between collective Group responsibility and the autonomy of individual local authorities often weakens decision-making, particularly during emergencies.

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

Please explain your views.

I support Option 2 as the most balanced and flexible of the options provided.

While legislative change is necessary to clarify roles and responsibilities, many of the details around how a broader emergency management group should function will require local-level discretion and ongoing guidance. These arrangements need to be sensitive to each region's size, structure, and available resources - and cannot be dictated through regulation alone.

Option 2 allows for locally driven decision-making, enabling each Group to establish an appropriate risk management and service delivery model, while still providing for legislative clarity at the foundational level.

To strengthen this approach, I recommend that legislation requires:

- The agreed emergency management structure and accountability arrangements be formally documented within the CDEM Group Plan, and
- The Plan be subject to a mandatory review cycle, including independent third-party assessment and peer involvement, to ensure it remains fit for purpose and aligned with good practice.

This ensures that flexible models are not only permitted but are also transparent, reviewed, and capable of continuous improvement.

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

Please explain your views.

Issue 6.3: Strengthening the performance of Coordinating Executive Groups

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

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

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

Yes No Not sure / no preference

Please explain your views.

Yes – but the underlying causes are underexplored.

The description is accurate. Coordinating Executive Groups (CEGs) are intended to be operationally focused leadership bodies, but their performance and influence vary significantly across regions. In some cases, they provide valuable executive-level leadership; in others, they are underutilised or functionally peripheral.

However, the problem definition doesn't fully address potential root causes - several of which appear to be structural and cultural rather than procedural. These may include:

- Poorly defined roles and responsibilities, both for the CEG as a group and for individual members,
- Lack of a clear terms of reference or mandate to guide priorities and expectations,
- Weak or overly operational meeting content from CDEM Group Offices, which may not offer sufficient strategic or governance relevance to engage senior executives,
- Variable perceived value, particularly among newly appointed CEOs or in areas that experience fewer direct hazard impacts.

Understanding and addressing these drivers is essential if CEGs are to fulfil their intended leadership role across all four Rs - not just during response.

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

Please explain your views.

I support a combination of Option 2 and Option 3.

Mandating a clear terms of reference for Coordinating Executive Groups (CEGs) would help address longstanding ambiguity about their purpose, scope, and expectations - particularly for new members or groups with weaker coordination cultures.

Periodic reporting would provide a useful mechanism for transparency and continuous improvement, helping CDEM Groups and NEMA track performance and identify where

further support or adjustment is needed. Together, these options strike a workable balance between structure and flexibility.

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

Please explain your views.

One additional option worth considering is to strengthen organisational accountability for CEG participation and follow-through.

Currently, the performance of CEGs can be highly dependent on the individuals involved, with limited mechanisms to ensure that Group-level discussions translate into action within participating organisations.

I recommend requiring that:

- CEG-agreed priorities and actions be formally reviewed and integrated into each member organisation’s work programme - particularly for local authorities and emergency services.
- This expectation be reflected in the CDEM Group Plan or associated CEG terms of reference, ensuring that participation in the CEG results in clear downstream commitments and not just high-level discussion.

This would reinforce the value of the CEG and help embed emergency management priorities across business-as-usual operations.

Issue 7: Keeping emergency management plans up to date

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

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

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

Yes No Not sure / no preference

Please explain your views.

The problem is accurately described. The current process for updating the National CDEM Plan and CDEM Group Plans is overly cumbersome and time-consuming, leading to situations where operational realities outpace formal planning documents. This creates risks around clarity of roles, expectations, and interoperability.

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

Please explain your views.

I support Option 3 as the most effective approach to balancing responsiveness with appropriate oversight.

Simplifying and streamlining the update process for the National CDEM Plan and Group Plans would enable more timely adjustments to roles and responsibilities, improving alignment between planning and operational realities. However, there is a risk of

reducing transparency or consultation quality if streamlining is applied without appropriate safeguards.

To manage this, I recommend a two-tier update model:

- Administrative changes (e.g., agency names, minor procedural edits) could be fast-tracked through a lighter process, and
- Substantive changes (e.g., role assignments, major shifts in responsibilities or doctrine) should continue to require full consultation and Ministerial approval.

In addition, I strongly recommend that the supporting document known as The Guide to the National CDEM Plan be rolled into the Plan itself, so that there is a single authoritative document describing roles, functions, and expectations at the national level. The current separation between the Plan and the Guide creates persistent confusion over which document holds authority, particularly in response environments.

Finally, I support the introduction of a mandatory review cycle (e.g., every five years) for both the National Plan and Group Plans, to ensure their continued relevance and coherence.

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

Please explain your views.

Yes. CDEM Group Plans should be required to demonstrate integration with key statutory and strategic planning instruments, including:

- Local authority Long-Term Plans (LTPs),
- Infrastructure and investment strategies,
- Regional policy statements and district plans, and
- Local climate change adaptation and resilience plans.

Too often, emergency management planning occurs in parallel to - but disconnected from - the core planning and investment mechanisms that shape local and regional resilience. Requiring explicit alignment would support stronger risk reduction outcomes and help ensure that CDEM priorities are actually implementable through council action and funding.

Other problems relating to this objective

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

Please explain your views.

Monitoring and assurance

- A potential issue is the lack of effective monitoring and assurance mechanisms for Group and local authority performance against plan commitments. It is not sufficient to set clearer responsibilities without also providing for regular, independent review and public reporting of whether those responsibilities are being fulfilled. Assurance processes must be embedded to hold all levels of the system accountable, not assumed to be self-correcting.

Conflict Resolution

- Another gap is the absence of a defined mechanism for resolving conflict or misalignment between national, regional, and local emergency management actors, particularly outside of declared emergencies.
 - i. When a local authority resists implementing a Group-agreed action - or when regional action contradicts national expectations - there is currently no clear override, arbitration, or enforcement pathway. This creates uncertainty about who holds authority, how disputes should be managed, and what escalation looks like when risk is elevated but not yet emergent.
 - ii. Introducing a formal mechanism for resolving inter-tier conflict or impasse - potentially as part of the Director's assurance mandate - would significantly strengthen system accountability and cohesion.

Recognised Emergency Services:

I support the Government's decision to formally recognise ambulance services as an emergency service within the revised legislation. However, I recommend that other established emergency response entities, such as New Zealand Response Teams (NZRTs), Surf Life Saving New Zealand, Land Search and Rescue (LandSAR), and Coastguard New Zealand are also recognised in legislation as part of the broader suite of emergency services.

These organisations:

- Play consistent, formalised operational roles in major incidents and civil defence emergencies,
- Are activated via structured coordination processes (often through Controllers or RCCs),
- Frequently participate in planning, exercising, and readiness activities with CDEM Groups,
- And are relied upon to perform high-risk, frontline roles in both land and maritime environments.

Formal recognition would:

- Improve clarity of expectations for participation in readiness and response activities,
- Support integration into planning frameworks at national and regional levels,
- Strengthen funding, governance, and legal liability protections, particularly when individuals are undertaking emergency functions at the direction of a Controller or other authorised official,
- Establish a clear basis for continuity expectations during major events, including pre-event exercising and readiness coordination.

Currently, these organisations often carry operational risk without consistent legal protections or status, despite fulfilling critical emergency service functions. Recognition in the Act would align with the practical reality of their role, reduce ambiguity in legal or insurance contexts, and support a more coherent whole-of-system approach.

Objective 3: Enabling a higher minimum standard of emergency management

Issue 8: Stronger national direction and assurance

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

The problem is understated. The real issue is not just that the Director's powers are unclear or underutilised - it's that the current model relies too heavily on non-binding guidance and informal influence. Without formal levers, there is limited ability to drive consistent performance or enforce minimum expectations. The lack of consequences for non-performance weakens the legitimacy of the entire emergency management system.

In addition, the Director's current monitoring mandate is too narrowly scoped. While the CDEM Act empowers the Director to assess the performance of CDEM Groups and related entities, it does not provide clear levers to engage or hold accountable central government agencies whose policies and systems materially affect emergency management outcomes. This includes departments such as MfE, MBIE, DIA, and others whose planning, regulatory, and funding decisions shape local risk profiles and response capabilities. A more effective model would give the Director the ability to influence cross-government activity that impacts resilience, not just assess performance at the local level.

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

Please explain your views.

I support a combination of Options 2, 3, and 4, noting the following:

On Option 2 (expanded and strengthened guidance):

Much of the guidance produced by NEMA (and previously MCDEM) has been of high quality. The issue is not necessarily a lack of guidance - it's that insufficient support is provided to implement and embed it.

Guidance is often published quietly, with minimal follow-up or support for operational integration. Many documents are long and technical, and CDEM staff - particularly in smaller teams - may lack the time or capability to fully absorb and apply the content without structured support.

To be effective, guidance must be:

- Actively promoted and supported, not just published,

- Backed by targeted education and training, and
- Designed for real-world integration, not just compliance optics.

On Options 3 and 4 (monitoring and assurance):

Monitoring alone is insufficient unless it is tied to actionable levers. I support Option 3 (regular monitoring) and Option 4 (independent assessment) - but these must be accompanied by mechanisms that allow NEMA to enforce expectations and drive improvement, as proposed in Option B of the paper.

Furthermore, monitoring is only meaningful when it's conducted against agreed, objective standards. Without clear frameworks and benchmarks, performance assessments risk becoming subjective or inconsistently applied.

Additional considerations:

- Performance assessments must be systemic, not siloed - they should consider how local delivery is shaped by the actions (or inaction) of central government agencies.
- NEMA's oversight should explicitly extend to national agencies whose policies, systems, or funding affect CDEM Group capability - not just those directly named in the CDEM Act.
- This includes oversight of agencies responsible for hazard risk reduction, even where those functions sit outside of NEMA's direct remit.

Strengthening assurance mechanisms without expanding NEMA's system-wide mandate will only reinforce the current gaps between national intent and local delivery.

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

Please explain your views.

- The following areas would benefit from stronger national standards and consistency:
- Risk reduction planning and investment frameworks, including:
- Clear expectations for how CDEM Groups integrate with land-use planning, infrastructure investment, and regional/district policy statements,
- Consistent methods for identifying and prioritising systemic risks, and
- Requirements for integration with agencies outside traditional emergency management roles (e.g., MfE, MBIE, NZTA, Waka Kotahi, Kāinga Ora).
- Capability and performance expectations for CDEM Group Offices and member councils, including staffing, core functions, and minimum deliverables across the 4Rs.
- Integration of iwi Māori and community participation into governance, strategy, and operational delivery.
- Business continuity planning standards for lifeline utilities, essential service providers, and central government departments with critical functions.
- Exercise, validation, and debriefing requirements, including how outcomes inform assurance processes and drive systemic improvement.

- Performance monitoring and assurance standards, including post-event review expectations and independent peer review models.
- Each of these areas directly contributes to national resilience. Without shared standards, performance will remain uneven and dependent on local capacity or leadership - rather than embedded in a consistent national system.

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

Please explain your views.

Yes.

- Consider embedding the Director's assurance and standard-setting role within a broader regulatory framework, supported by an independent advisory board or resilience commission with system-level oversight.
- Require NEMA to publish an annual "State of the System" report outlining strengths, systemic risks, gaps in capability, and progress against agreed national standards - covering both local and central government entities.
- Introduce a formal continuous improvement cycle to underpin assurance processes - including structured planning reviews, self-assessment, independent audit, and targeted support for improvement.
- Extend performance reporting requirements to central government agencies with enabling roles in risk reduction, infrastructure resilience, and response coordination, not just to CDEM Groups.

These measures would shift assurance from a compliance exercise to a system-strengthening function - increasing transparency, elevating expectations, and reinforcing shared ownership of outcomes.

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

The problem has been accurately described with respect to compliance and enforcement limitations outside of a declared state of emergency. The system currently relies too heavily on goodwill and informal pressure, without a clear framework for escalation or consequence when statutory responsibilities are not met.

However, the discussion document appears to overlook a critical limitation that exists even during a declared state of emergency. Paragraph 127 suggests that the Minister may "direct" any person to perform or exercise functions under the Act. In fact, section 91(1) of the CDEM Act only allows the *Controller* to "request" performance of a function

- and to “direct” only the cessation of activity. This is a significant distinction in legal terms.

A “request” is not enforceable, and there is no statutory consequence for non-compliance. As such, even under a state of emergency, there is no clear legal authority to compel a person or agency to act, unless they are otherwise bound by another provision of the Act.

This limitation significantly weakens the government’s ability to ensure compliance, even in the most serious circumstances, and should be addressed directly in any reform of the legislative powers framework.

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

Please explain your views.

I support Option 2 - introducing graduated assurance and compliance tools outside of a declared state of emergency - as the most appropriate and proportional response to the challenges identified.

However, I also support changes to the existing direction powers available during a declared state of emergency, to remove the ambiguity regarding “request” vs “direct” (under section 91) as noted in Q44.

What is notably missing from the options presented is a recognition that many emergency responses now occur without a declaration of a state of emergency - either due to the nature of the event (e.g. health, cyber, infrastructure disruption), or due to political or public sensitivity around declarations. This means the system increasingly relies on pre-event powers and informal coordination, without adequate statutory backing.

Significant work is therefore required to strengthen the powers available in non-declared response events, including:

- Pre-event information sharing and assurance mechanisms,
- Interim compliance measures (e.g. notices to remedy or improvement plans), and
- Clear escalation pathways if statutory responsibilities are ignored or obstructed.

Without these, the emergency management system remains highly vulnerable to underperformance, delay, or policy misalignment - even in high-consequence events.

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

Please explain your views.

To support a robust and scalable compliance framework, the following additional options should be considered:

- Enable the Director to initiate independent reviews or external audits of CDEM Group or agency performance where material concerns are raised - particularly following repeated non-performance, public failures, or post-event reviews.

- Require transparent public reporting on systemic performance risks, either through an expanded Director’s annual report or a stand-alone resilience assurance framework.

Issue 9: Strengthening local hazard risk management

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

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

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

- Yes No Not sure / no preference

Please explain your views.

Yes - the points raised are all valid, but the problem statement is not clearly or fully articulated. It is unclear whether the issue is poor hazard risk management, poor Group planning, or both. In practice, both are true - and both stem from the same core weakness.

There is a consistent failure to achieve holistic, coordinated hazard risk management at a strategic level within CDEM Groups. While risk reduction is embedded as one of the four Rs, it remains the least resourced, least institutionalised, and least enforced function in the emergency management system.

Hazard-specific planning and risk assessments are often disconnected from land use, infrastructure investment, or regional policy. Risk intelligence may exist, but is rarely used to drive priority-setting, capability development, or long-term resilience planning. Where it does occur, it is often fragmented, project-based, or dependent on individual champions.

This is not just a matter of inconsistent practice - it reflects a system-wide under-prioritisation of risk reduction, with consequences that compound over time.

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

Please explain your views.

Option 4 is the most appropriate and meaningful approach. Strengthening the role of CDEM Group Plans in local risk management is essential - but the value lies not just in what is included in the Plan, but in how that Plan is used.

CDEM Group Plans should not be treated as stand-alone emergency management documents. They must be positioned as strategic inputs into a range of regional and local planning instruments - especially:

- Regional policy statements,
- District and city plans, and
- Infrastructure strategies and investment programmes.

Without this integration, hazard knowledge and risk assessments remain disconnected from the very systems that shape exposure and vulnerability.

Additionally, CDEM Group Plans should be required to:

- Explicitly identify knowledge gaps in hazard, vulnerability, and risk understanding, and
- Set out a plan for how those gaps will be addressed - through research, technical assessments, or partnerships with scientific and sector agencies.

This would not only lift the quality of planning but also help prioritise national and local investment in risk modelling, geospatial tools, and resilience analysis.

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

Please explain your views.

National consistency is essential for core content, structure, terminology, and integration requirements - particularly where inter-regional coordination or agency expectations are involved.

Regional flexibility should be preserved for localised hazard contexts and specific community engagement strategies.

A templated structure with defined minimum requirements - alongside flexibility for regional detail - offers the best balance.

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

Please explain your views.

- Poor alignment between planning cycles (e.g., Group Plans vs LTPs or District Plans).
- Lack of shared language, frameworks, and data standards between emergency management, infrastructure, and land use planning functions.
- Risk reduction not treated as a core function or priority within council planning frameworks.
- Limited capacity and mandate within Group Offices to influence broader statutory or strategic planning instruments.
- Disconnect between available hazard/risk data and the decision-making processes used in regulatory or investment settings.
- Siloed governance and funding streams, with emergency management often structurally separated from planning and asset management functions.

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

Please explain your views.

Yes:

- Introduce a legislative requirement for local hazard risk assessments and Group Plan priorities to be referenced in district plans and infrastructure strategies.

- Provide national-level guidance and tools to support integration, including mapping standards, consequence modelling, and alignment frameworks for councils.
- Mandate that CDEM Groups coordinate Infrastructure Vulnerability Assessments (IVAs) in partnership with essential infrastructure providers. These assessments should identify points of failure, interdependencies, and under-served communities across lifeline sectors, using a consequence-based approach.
- Require the development of Infrastructure Disruption Plans (IDPs) as part of Group Plan annexes. These should define how continuity of service will be maintained when a critical provider fails - focusing on regional-level outcomes and cross-sector workarounds, not just individual agency BCPs.

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

Yes No Not sure / no preference

Please explain your views.

Risk reduction is fundamentally undermined by the way emergency management sits at the periphery of local government planning and investment processes.

Fundamental changes required include:

- Statutory alignment between CDEM obligations and other core local government functions (e.g. land use planning, infrastructure investment, climate adaptation).
- Funding mechanisms and incentives that reward risk reduction investments, not just response readiness.
- Formal mandates for cross-disciplinary planning between emergency management and other council departments.

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

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

The impact of emergencies on taonga Māori and cultural heritage is often overlooked in formal planning. The document appropriately recognises the need for greater

consideration and partnership with iwi, hapū, and custodians of other culturally significant assets.

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

Please explain your views.

I support Option 3. Consideration of taonga Māori must be treated as a core component of the Crown's emergency management responsibilities, not as an ancillary process during response or recovery.

Much of this planning must occur with Māori organisations well before emergencies happen. These conversations should inform risk reduction priorities, readiness planning, and recovery frameworks - not be left to incident-level improvisation.

The protection and management of taonga Māori should be explicitly embedded into:

- Group Plans and national guidance,
- Risk reduction planning,
- And pre-event engagement agreements between iwi and CDEM Groups.

This is not only consistent with Te Tiriti o Waitangi obligations but essential to building trust and resilience in emergency response relationships.

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

Please explain your views.

N/A

Issue 10.2: Considering animals during and after emergencies

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

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

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

Yes No Not sure / no preference

Please explain your views.

The issue has been described accurately. Animals - including pets, working animals, and livestock - present both welfare and logistical considerations during emergencies. While protection of human life rightly remains the top priority, public expectations around animal welfare are high and must be planned for accordingly.

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

Please explain your views.

I primarily support Option 3, which provides a clear basis for emergency services and CDEM Groups to coordinate animal welfare support through appropriate channels.

I also support Option 4, but with important caveats:

- Any powers relating to animal destruction must be exercised cautiously and under expert veterinary advice,
- Owner consent and consultation should be obtained wherever feasible,
- And safeguards must be in place to prevent unnecessary or premature euthanasia, which can compound trauma for affected communities.

Coordination with the Ministry for Primary Industries (MPI), animal welfare organisations, and veterinary professionals will be critical. Emergency legislation should focus on humane, coordinated, and considered responses, not unilateral or improvised decision-making during high-stress periods.

In situations where working animals or livestock are destroyed under emergency powers, there should be a clear pathway for compensation. This aligns with existing provisions for compensation when equipment or services are requisitioned or damaged under direction. The same principle should apply to animals that represent economic or livelihood value, such as herds or trained working animals, particularly where action is taken in the public interest.

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

Please explain your views.

N/A

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

Please explain your views.

N/A.

Other problems relating to this objective

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

Please explain your views.

Insert response

Objective 4: Minimising disruption to essential services

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

Issue 11.1: Narrow definition of “lifeline utility”

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

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

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

Yes No Not sure / no preference

Please explain your views.

Key aspects are missing. The problem has been broadly identified, but the framing remains incomplete.

I agree that the current definition of “lifeline utility” is too narrow, that business continuity planning is inconsistent, and that cooperation barriers persist. However, two critical issues have not been clearly articulated:

1. Misalignment between individual BCPs and system-level continuity needs

Current approaches rely heavily on organisation-specific business continuity planning. While necessary, this model fails to address systemic service continuity - particularly in complex or large-scale events.

The real issue in an emergency is not whether one provider can recover, but whether the community or region can still access the essential product or service - regardless of who provides it.

There is currently no strategic framework for managing cross-provider service continuity, nor mechanisms to enable coordinated workarounds when key operators are offline.

2. Uneven capacity and scale across the essential infrastructure sector

The Act assumes a level playing field, but many “lifeline utilities” operate at vastly different scales - from multinational petroleum companies to local service stations. This creates a capability and resource gap, particularly in rural or isolated areas, where small operators may be critical to continuity but lack the resources, mandate, or governance structure to participate in CDEM Group planning or resilience investments. Without acknowledging this imbalance, the system risks overlooking vulnerable points of failure and placing unrealistic expectations on low-capacity operators.

Together, these issues weaken both preparedness and restoration efforts during disruption, and they must be addressed alongside legislative changes.

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

Please explain your views.

I support a mix of Options 2 and 3 - updating the current definition and allowing for the inclusion of additional agencies or service classes based on consequence and systemic importance.

Reforming the definition is long overdue. The current list of "lifeline utilities" no longer reflects the complexity or interdependence of modern essential service systems. A more adaptive, consequence-based model would bring several benefits:

- More accurate identification of critical risks,
- Stronger alignment between emergency management obligations and real-world service continuity needs,
- Improved integration of resilience planning across sectors.

However, this expansion must be approached with care. Risks include:

- Legislative overreach, especially if small-scale operators are subject to obligations they cannot realistically meet,
- Duplication or conflict with other legislative frameworks (e.g. health, policing, defence),
- And loss of focus if the list becomes an unprioritised catch-all.

I recommend:

- Shifting to a principles-based definition - anchored in the concept of "essential enabling infrastructure" - meaning those sectors or services whose functionality is foundational to the operation or restoration of others.
- Applying a tiered model of obligations, scaled to organisational size, criticality, and consequence of disruption.
- Considering a renaming of the category (e.g. "Essential Infrastructure Providers") to better reflect modern dependencies and avoid conflation with traditional utility models.

This would enable a more flexible, risk-informed, and proportionate approach to continuity and resilience obligations across the public and private sectors.

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

Yes No Not sure / no preference

Please explain your views.

While the shift toward a principles-based definition is welcome, Appendix C would benefit from greater precision and segmentation to reflect the realities of how essential services are delivered. The current list risks being both over-broad in some areas and incomplete in others.

Clarifications and refinements recommended:

- Segmented delivery networks need clearer treatment - particularly in sectors like:
 - Fuel, where refining, shipping, storage, trucking, and retail are distinct stages with different resilience profiles,
 - LPG, where similar multi-stage delivery chains exist,
 - And FMCG, which should be broken down into its logistical components (e.g. major distribution centres or wholesalers) if considered.
- Scale matters. Emergency management obligations must reflect the capacity and criticality of operators. Small, standalone service stations or grocers should not be subject to the same requirements as large national infrastructure operators. Without clear thresholds, obligations risk becoming unrealistic or misdirected.
- Electricity sector definitions should be refined to account for the growing role of distributed generation, such as household and community solar systems. The current framing may become outdated quickly and could constrain integration with future resilience efforts.
- Aviation infrastructure should explicitly include:
 - Airways New Zealand (air traffic control), and
 - NZ-based airline operators providing regular domestic or regional services (e.g. Air New Zealand, Chatham Air, Sounds Air).
- Satellite telecommunications providers should be explicitly included as a sub-sector within telecommunications. Satellite communication systems are increasingly critical in emergencies, particularly when terrestrial networks are compromised (as seen during severe flooding and power outages). This is further reinforced by NEMA's recent emphasis on space weather hazards, where satellite resilience and redundancy are essential for continuity of communication and navigation systems.
- Emergency broadcasters should be expanded beyond RNZ and TVNZ to reflect the full media ecosystem relied on by New Zealanders during emergencies. Consideration should be given to expanding this category to include:
 - Other national or regional broadcasters with formal emergency broadcasting arrangements,
 - Satellite television services (e.g. SKY) that reach remote communities beyond standard digital terrestrial or IP networks,
 - Māori or iwi broadcasters where they play an established community leadership or communication role.
- Overly broad or ambiguous entries should be revised:
 - FMCG is too general - it should focus on supply chain infrastructure, not branding.

- “Payments” should be clearly defined - combined aspects of logistics networks (armoured transport + distribution) and ICT resilience.
- “Cloud computing services” and “Internet service providers” (ISPs) need clearer scope boundaries - for instance, focusing on providers of infrastructure critical to public services or CDEM systems.
 - Consideration could be given to certain aspects of these areas. For example, adding digital identity and authentication services (such as RealMe, Microsoft Authenticator, or enterprise access systems).
- “DNS” should be removed - it is highly abstracted, globally managed, and not realistically subject to New Zealand emergency powers or resilience planning.

These refinements would improve clarity, prevent unintended regulatory burden, and help the category of essential infrastructure remain both meaningful and enforceable.

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

Please explain your views.

Additional or clarified inclusions should include:

- Local fuel distribution nodes (e.g. strategically located service stations) - noting that not all retail fuel is critical, but some points are.
- Cash logistics infrastructure (e.g. cash transit and ATM supply) - particularly in a prolonged digital outage.
- Payment switching services - the backbone for EFTPOS and card transactions, not just banks.
- Core logistics hubs (e.g. regional freight depots) - which enable continuation of food, medical, and supply chains.

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

Please explain your views.

Yes.

It is recommended that any future list of essential services be split into two distinct categories:

- Networked enabling infrastructure - services that underpin the delivery of others (e.g., electricity, telecommunications, fuel logistics, transport corridors), and
- Essential service delivery - consequential services during emergencies that are not infrastructural in nature (e.g., health care, financial services, civil administration).

This model allows for more targeted obligations and planning expectations, without diluting or distorting the original lifeline utility concept. It also ensures that emergency management interventions remain proportionate to risk and function.

I recommend introducing a statutory requirement for essential infrastructure providers to participate in CDEM-led Infrastructure Disruption Planning. This would go beyond traditional BCP obligations by:

- Focusing on service continuity for communities rather than just organisational survival, and
- Supporting collaborative contingency planning across multiple providers, particularly in sectors with shared dependencies or overlapping responsibilities.

Finally, this categorisation has a practical benefit: it enables like-type providers to collaborate more effectively, reducing the risk that sector-specific conversations are lost in overly broad multi-sector forums. Clarity of grouping enhances the quality of planning, stakeholder engagement, and exercise design, while ensuring each provider engages with others who share common challenges and capabilities.

Issue 11.2: Strengthening lifeline utility business continuity planning

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

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

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

- Yes No Not sure / no preference

Please explain your views.

The framing focuses narrowly on the existence of business continuity plans (BCPs), rather than the functionality and maturity of business continuity management systems (BCMS). Many lifeline utilities have BCPs on paper that are out of date, untested, or not integrated with actual response coordination. The problem is not the absence of documents - it is the lack of assurance that meaningful continuity capability exists.

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

Please explain your views.

Imposing minimum BCP requirements alone risks triggering a tick-box compliance mindset without genuinely improving readiness.

Preferred approach:

- Require evidence of an active BCMS - including governance, testing, exercising, review, and integration with CDEM planning.
- Encourage collaborative and regional planning exercises, not just internal business continuity arrangements.
- Develop a model for graduated expectations - recognising the difference between national infrastructure providers and small regional operators.
- Develop a framework for Infrastructure Disruption Plans that complement individual BCPs, addressing how essential services will be delivered regionally

during disruption, regardless of which provider is affected. This does not replace or diminish the value of organisational BCPs, but recognises that community continuity relies on coordinated system-level response, not isolated organisational recovery.

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

Please explain your views.

Yes:

- Government (including CDEM Groups) must be prepared to co-invest in resilience where private entities face disproportionate burdens (e.g. small fuel retailers with critical locations).
- Emergency management obligations must be aligned across regulatory agencies. Commerce Commission expectations, financial rules, or infrastructure market settings must not drive behaviours that undermine resilience.
- Government should also fund and own non-commercial resilience solutions where market logic fails - such as alternate pipelines, portable switching, or shared generator banks.

Issue 11.3: Barriers to cooperation and information sharing

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

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

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

- Yes No Not sure / no preference

Please explain your views.

The description recognises cooperation and information-sharing challenges but frames them too lightly - primarily as technical or cultural issues. In reality, barriers are often structural and regulatory, particularly in competitive or commercial environments. Providers are often disincentivised from sharing information or resources due to legal risk, market sensitivities, or unclear protections under existing laws. The problem is not just a reluctance to share - it's that the system does not make it safe or practical to do so.

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

Please explain your views.

I support a combination of Option 1 and Option 5, along with improvements to current practice. This blended approach offers the best balance of flexibility, legal clarity, and practical utility.

The benefits of improving coordination and information-sharing between essential infrastructure providers and emergency management are clear:

- Faster restoration of services,
- Improved situational awareness, and
- Better-informed prioritisation of limited resources.

However, these gains will not be realised unless legal and commercial constraints are addressed explicitly - particularly in the pre-event context.

The preferred approach includes:

- Providing clear legal protections for infrastructure providers sharing commercially sensitive or proprietary information for emergency management purposes - particularly for risk-reduction and resilience planning activities.
- Engaging the Commerce Commission to confirm that coordinated planning and non-competitive collaboration (e.g. shared supply chain workarounds or disruption planning) are lawful and encouraged in these contexts.
- Developing pre-event standardised frameworks for secure information-sharing - including templates, role clarity, and agreed boundaries for public disclosure or onward sharing.

Importantly, most providers already share information willingly during emergencies. The greater challenge arises pre-event, where fears of breaching commercial confidentiality, or of regulatory scrutiny, can delay or prevent necessary collaboration.

Another significant issue is the manner in which information is requested. Heavy-handed or poorly scoped requests in public forums - particularly those demanding commercially sensitive detail without prior context - have caused resistance and disengagement.

Therefore, any guidance or standards should be aimed not just at lifeline utilities, but also at the emergency management professionals engaging in coordination and liaison

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

Please explain your views.

Coordination across levels will continue to fail unless the structural mismatch is resolved between how CDEM and many essential infrastructure providers operate.

Infrastructure providers typically have vertically integrated command structures, where a national head office can direct regional or site-level operations. In contrast, CDEM operates on a devolved governance model, where the National Emergency Management Agency (NEMA) and the NCMC cannot direct local authorities or Controllers. This asymmetry can create confusion, duplicated effort, or coordination breakdowns - particularly during large-scale, multi-region events.

To address this, I recommend the following model:

- Sector-level coordination for restoration of essential services (e.g. electricity, telecommunications, fuel) should occur at the national level, led by sector

agencies, coordinated through NEMA, and supported by the NCMC. This ensures strategic alignment across government, industry, and infrastructure providers.

- Operational coordination and consequence management (e.g. site access, welfare, local logistics) should be managed at the regional or local level, where CDEM Groups understand context and community needs. Infrastructure providers should engage here for implementation and consequence coordination.
- The NCMC must retain its strategic role, focusing on cross-sector coordination, prioritisation, and national support - not operational micromanagement.
- A consistent escalation model is required so that infrastructure providers and CDEM actors understand when and how coordination transitions between levels. Pre-defined triggers and shared situational awareness systems would support this.

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

Please explain your views.

Yes:

- Introduce mandatory participation expectations for sector leads and key infrastructure operators in multi-agency exercises and planning.
- Develop a standing, cross-sector critical infrastructure advisory panel that can be activated for strategic coordination during nationally significant emergencies.
- Consider legislative overrides that enable resource-sharing or coordinated prioritisation during declared events, particularly for scarce technical or restoration capacity.
- Position Infrastructure Vulnerability Assessments and Disruption Plans as pre-agreed collaboration frameworks that define when and how information and resources will be shared during disruption events, reducing the need for ad hoc coordination under pressure.

Issue 12: Strengthening central government business continuity

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

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

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

Yes No Not sure / no preference

Please explain your views.

The discussion document does not clearly articulate a single, cohesive problem statement for this issue. While it outlines various observations - such as limited legislative coverage, inconsistent continuity planning across central government

organisations, and weak assurance mechanisms - these points are not tied together into a clear explanation of why this matters.

However, I agree with the implied concern: that the continuity of essential government services during emergencies is insufficiently planned, inconsistently mandated, and largely invisible to the wider emergency management system.

This is a significant gap. Many Crown entities, SOEs, and other public agencies deliver functions that are critical to emergency response or societal stability - yet they are not subject to the same planning, accountability, or oversight mechanisms as core public service departments.

I recommend the document more clearly state the systemic risk this creates, and clarify what specific gap in law, policy, or performance the proposed changes are intended to address.

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

Please explain your views.

I broadly support Option 2 - requiring central government agencies to maintain fit-for-purpose business continuity arrangements - as the most scalable and effective of the options presented.

However, I strongly recommend anchoring this requirement in internationally recognised standards, such as ISO 22301 or the Business Continuity Institute's Good Practice Guidelines (GPG). These frameworks are already widely adopted across the private sector, offer ample flexibility for scale and context, and avoid the need to develop separate, bespoke government guidance. Promoting their use would align public sector practice with industry best practice, while providing a clear, objective benchmark for assurance.

I do not support the development of new, narrowly defined or prescriptive government-specific standards. Continuity needs and organisational structures vary widely, and overly rigid requirements may result in compliance behaviour rather than meaningful capability.

In terms of scope, I consider Option 4 too narrow as currently framed. *All* government agencies provide services that are socially important - especially during disruptions. Singling out only a few entities implies others are exempt from responsibility, which is both misleading and counterproductive.

I recommend that continuity obligations be extended to all government departments and agencies, with the ability for agencies to apply to the Director for an exemption where defined criteria are met (e.g., limited operational impact, redundancy in delivery chains, or highly embedded upstream dependencies).

Additional recommendations:

- Require central agencies to maintain a business continuity management system (BCMS) - not just a static plan.
- Introduce cross-agency exercising expectations, particularly for agencies with public-facing or critical service roles.

- Assign oversight responsibility (e.g. to DPMC or NEMA) for periodic audit, peer review, or maturity assessment of continuity capability.
- Encourage lead agencies to ensure their critical outsourced providers have demonstrable continuity arrangements in place.

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

Please explain your views.

Yes:

- Require agencies to explicitly identify critical dependencies on other public and private sector entities, and develop joint continuity strategies where appropriate.
- Embed continuity planning into broader resilience and risk reporting obligations under public sector performance frameworks.
- Clarify the role of system stewards (e.g. Ministries overseeing sectors) in supporting continuity planning beyond their own agencies.

Other problems relating to this objective

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

Please explain your views.

Yes. One significant and recurring issue is the lack of alignment between emergency management objectives and the regulatory frameworks that govern essential service providers.

Many infrastructure and service sectors - including electricity, telecommunications, fuel, and transport - operate under commercial or sector-specific regulatory regimes that prioritise economic efficiency, competition, or cost control. These regimes often do not explicitly account for resilience, business continuity, or emergency coordination obligations.

This creates three key problems:

1. Disincentives to invest in resilience - for example, continuity solutions like redundancy or physical hardening may be seen as unnecessary cost under-pricing oversight models.
2. Regulatory uncertainty - agencies may be unclear whether collaborating with competitors or making emergency-focused investments could breach their core mandates or attract audit scrutiny.
3. Missed opportunities for integration - emergency management considerations are rarely embedded in service-level agreements, funding models, or long-term infrastructure strategies.

To address this, emergency management requirements should be:

- Actively harmonised with regulatory mandates (e.g. via joint guidance, joint standards, or cross-agency engagement),

- Supported by sector regulators (e.g. Commerce Commission, MBIE, Waka Kotahi) to ensure resilience is not deprioritised during BAU or crisis planning,
- And integrated into performance expectations for regulated entities, including where services are outsourced.

Without this alignment, emergency management goals will continue to be undermined by contradictory policy levers elsewhere in government, and essential service continuity will remain vulnerable - particularly in complex or high-impact events.

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

Issue 13: Managing access to restricted areas

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

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

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

Yes No Not sure / no preference

Please explain your views.

Yes – with qualification.

The problem has been correctly identified in operational terms. Cordons are critical tools during emergencies but are often managed inconsistently, particularly where statutory authority is unclear or where multiple agencies are involved. The description would benefit from stronger emphasis on the practical coordination challenges, not just legal ambiguity.

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

Please explain your views.

I support Option 3 as the most appropriate and balanced approach.

Codifying the authority and responsibilities for establishing and managing cordons within CDEM legislation would:

- Strengthen legal clarity and interoperability between CDEM, Police, and FENZ,
- Improve public confidence and compliance, and
- Enable better consideration of health, environmental, and cultural access needs, including access to marae, wāhi tapu, and other critical community sites.

I also recommend the development of supporting operational guidance to ensure that cordons are implemented consistently and equitably, with protocols for reassessment and review as conditions change.

I am very cautious about Option 4 as currently described.

The language suggesting the ability to restrict access “by class of person” is vague and carries significant risk of misinterpretation or misuse. Without clearly defined parameters, such a provision could (intentionally or not) enable:

- Arbitrary or discriminatory exclusion,
- Unequal treatment based on group identity, or
- Exclusion of legitimate responders or support entities due to classification disputes.

If the intent is to allow targeted re-entry by specified sectors or responder categories (e.g. lifeline utility staff, animal rescue teams, contractors working on restoration), that approach is pragmatic and supported - but it must be clearly and narrowly framed to avoid unintended consequences.

I recommend this power, if pursued, be drafted with strong safeguards, clear definitional thresholds, and subject to oversight and post-event review.

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

Please explain your views.

Insert response

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

Insert response

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

Please explain your views.

I support Option 2 as the most appropriate pathway - clarifying the legal basis and practical structure for Controllers and Recovery Managers to hold and exercise emergency powers. This aligns well with operational realities and strengthens legitimacy under pressure.

However, in implementing this option, it is essential to maintain a clear distinction between “functions” and “powers.” While functions may be delegated or managed through organisational arrangements, statutory powers - particularly those exercised during a state of emergency or transition period - must remain clearly vested in the appointed individual.

This ensures:

- That Controllers and Recovery Managers retain the legal authority to make decisions (e.g. signing off emergency works or directing actions) that may not align with their standard position within a council,
- And that CDEM Group governance bodies are not inadvertently positioned as operational authorities, other than in their legitimate role to approve declarations via delegated representatives.

Codifying this distinction will reinforce the operational independence required during emergencies, while ensuring robust governance and public confidence in the chain of command.

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

Please explain your views.

No

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

The problem has been correctly identified. Requiring a physical signature to declare a state of emergency or transition period is outdated and impractical - especially during fast-moving or geographically dispersed emergencies. The system must support timely action using contemporary, secure methods.

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

Please explain your views.

Modernising the declaration process will improve responsiveness and reduce administrative barriers to timely escalation.

Preferred approach Options 2 and 3:

- Permit declarations to be made via secure electronic means (e.g. digital signature, email confirmation with audit trail).
- Ensure that any new process includes clear documentation and public notification protocols to preserve legal transparency and accountability.
- Enable verbal declarations with rapid written follow-up as a backup in situations where digital access is unavailable (e.g. comms outage, remote field response).

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

Please explain your views.

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

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

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

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

Yes No Not sure / no preference

Please explain your views.

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

Please explain your views.

I support Option 2 - clarifying the role of mayors (or chairs) in relation to emergency declarations and transition notices.

This approach maintains clarity without introducing unnecessary rigidity or politicisation. It confirms the constitutional appropriateness of mayors as the approving authority - acknowledging that a declaration of emergency is an extraordinary use of state power, and should carry a visible mandate from a democratically elected leader. It is, after all, their district and their community that will be affected.

At the same time, it preserves the essential ability for delegates to act when mayors are unavailable, ensuring operational timeliness and flexibility.

This option reinforces governance accountability without distorting operational responsibilities, and is the most balanced of those presented.

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

Please explain your views.

N/A

Other problems relating to this objective

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

Please explain your views.

N/A

Other comments

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

There are several overarching concerns that cut across the issues raised in this paper:

- Legislative alignment and coherence: Emergency management legislation must not exist in isolation. Too often, the obligations and priorities set out in CDEM legislation are undermined by contradictory drivers in other legislation - including infrastructure regulation, resource management, competitive market law, and local government planning mandates. Emergency management expectations must be actively integrated into these frameworks, not assumed to stand above or alongside them.
- Emergency management is not business-as-usual: Many of the barriers to effective coordination, resource-sharing, and cross-sector collaboration stem from BAU constraints - whether commercial, regulatory, or procedural. The reformed legislation must explicitly enable non-standard interventions, cross-boundary actions, and cooperation that may otherwise breach normal operating rules. This is particularly important in lifeline and supply chain sectors.
- Clarity about what is being prepared for: New Zealand still tends to plan around named hazards rather than *consequences*. There is an opportunity to shift the legislative frame toward a more functional, consequence-based approach to preparedness - focusing on disruptions to services, systems, and communities regardless of hazard trigger.
- A stronger social contract: Community expectations of emergency response and recovery - especially around speed of infrastructure restoration and continuity of services - increasingly exceed what service providers are funded, mandated, or structured to deliver. A clearer, transparent articulation of service expectations during crisis is needed, and government must lead in defining and resourcing this standard.
- Implementation discipline: Reforming legislation is only the first step. Without sustained investment in capability, assurance, and enforcement, the problems identified in this document will persist under new language. The Act must be backed by a credible system for delivery, not just structure.
- As referenced in responses to Questions 51, 65, 67, and 72, I support the development of mandatory Infrastructure Vulnerability Assessments and Infrastructure Disruption Plans as key planning tools to bridge the gap between individual BCPs and coordinated community-level continuity. These tools should be embedded within CDEM Group planning frameworks
- Additional comment on the consultation framework: While the structure of the submission question template broadly mirrors the discussion document, the framing often narrows the scope of response. Many questions appear designed to affirm the existing problem definitions and proposed options, rather than invite deeper challenge or systemic critique. Key areas - such as regulatory alignment, cross-sector interdependencies, and the practical barriers to risk reduction - are underdeveloped or omitted entirely. Some of the most pressing and strategic questions about resilience, accountability, and structural readiness are not explicitly asked, limiting the potential for this consultation process to drive meaningful reform. A more open,

systems-focused engagement would better reflect the scale of transformation New Zealand's emergency management framework requires.

Legal protections for emergency volunteers

A significant gap in New Zealand's emergency management framework is the absence of statutory protections for volunteers who leave paid employment to respond to emergencies. Unlike jurisdictions such as New South Wales, where volunteers (e.g. RFS or SES members) have legal protections against dismissal or disadvantage during emergency deployments, New Zealand offers no comparable safeguard.

- See NSW [State Emergency and Rescue Management Act 1989, Part 3A Employment protection for volunteer emergency workers](#).

Many critical emergency functions including search and rescue, fire response, flood relief, marine rescues, and public welfare; rely on volunteers from organisations such as LandSAR, Coastguard, Surf Life Saving, NZ Response Teams, and Fire and Emergency NZ (FENZ). The scale of reliance on these volunteers is increasing, not decreasing. As hazard events become more frequent and complex, the national system's dependency on trained, self-deploying volunteers to fill response and capability gaps is growing.

Despite this, there are no legislative protections to ensure that volunteers are not penalised for fulfilling these critical roles: either through job loss, financial hardship, or employment disadvantage. This undermines recruitment, availability, and long-term sustainability of volunteer services.

Recommendation:

- Introduce legislation that provides job protection for volunteers deployed under recognised emergency service arrangements during declared emergencies.
- Consider a model where unpaid leave is protected for certified deployments, with options for employers to seek compensation in exceptional cases.
- Define eligibility criteria (e.g. registered organisation, formal notification to employer, declared event).

These provisions would strengthen New Zealand's emergency response capability while ensuring fair treatment of those who serve their communities at personal cost.