

EMERGENCY DECLARATIONS

Not Government policy

The Select Committee reported back on the Emergency Management Bill (No 2) to Parliament on 5 June 2026 and made recommendations to amend the Bill as introduced to Parliament in December 2025. Please refer to the information section on the [Emergency Management Bill \(No 2\)](#) on Parliament's website for complete information about the Select Committee's recommendations.

The Select Committee's recommendations are not Government policy. Parliament has not yet considered or agreed to the Select Committee's recommendations and will do so when the Bill is read for a second time for which a date has not been set. The reported-back version of the Bill can, however, be treated as the current version. When the Bill is read for a second time, Parliament may agree to all, some or none of the Select Committee's recommendations. There may also be further amendments to the Bill not in the Select Committee's recommendations.

This information sheet summarises key provisions in the Bill as reported back by Select Committee which are different from the Civil Defence Emergency Management Act 2002 (which the Bill would replace, if enacted). This information should not be relied on as definitive guidance on the requirements of the Bill once enacted and readers will need to consider the Bill once enacted. This information should not be relied on as legal advice.

This information sheet summarises key differences between provisions for **emergency declarations** in the Emergency Management Bill (No 2) as reported back by Select Committee (EM Bill) and the Civil Defence Emergency Management Act 2002 (CDEM Act). Many provisions in the EM Bill are the same or similar to those in the CDEM Act and these are not covered here.

Further information sheets related to other topics and roles under the EM Bill can be found at www.civildefence.govt.nz.

Information about:

- Declarations for states of emergency and transition periods
- Enhanced Mayoral role in declarations
- Declarations for concurrent emergencies
- Use of electronic signatures to sign declarations

Overview

States of emergency and transition periods enable certain people (such as the Controllers and Recovery Managers) to direct and coordinate the use of resources and use extraordinary powers to enable an effective response to, and initial recovery from, emergencies.

The purpose, framework and procedure for declaring a state of emergency and a transition period remains similar to the CDEM Act, with minor differences, such as the removal of newspaper publication requirements. However, transition periods will be made by a 'declaration' (like states of emergency), instead of by 'giving notice'.

Substantive differences related to providing for concurrent emergencies, who can declare, and amending the location and terminating a declaration, are set out below.

Enhanced mayoral role in local declarations

Many emergency management responsibilities are devolved to local government. CDEM Groups under the CDEM Act will be renamed and continue as Emergency Management Committees (EMC) to govern emergency management at the local government level under the EM Bill. EMC will continue to be required to appoint representatives to declare states of local emergency and local transition periods.

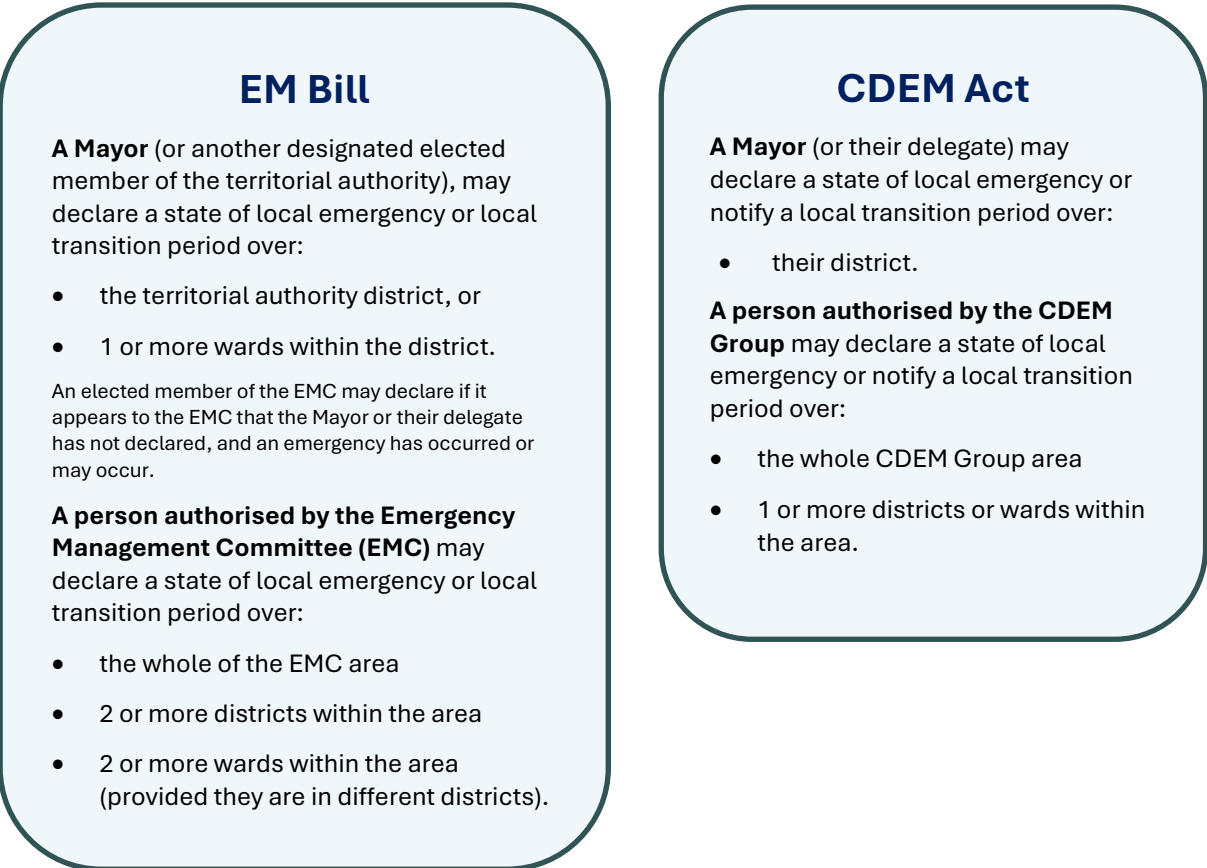
Emergency Management Bill (No 2) as reported back from Select Committee
TOPIC INFORMATION SHEET 4

What will be different if the Emergency Management Bill (No 2) as reported back (the EM Bill) is enacted?

The Mayor of a territorial authority will be primarily responsible for declarations over their district and the wards within it. An elected representative of the EMC is still able to declare as a contingency if the Mayor cannot declare.

The EM Bill also requires that before an EMC’s authorised representative declares a state of local emergency, they must, if practicable, consult the Mayor of any affected local authority. This ensures mayors are involved and aware of declarations covering their districts.

The diagram below shows the changes to who makes declarations between the EM Bill and the CDEM Act.



Why does the EM Bill provide for this?

Currently, both a person authorised by the CDEM Group and a Mayor can declare a state of local emergency or give notice of a local transition period over a district or ward. This creates uncertainty for those with responsibility to act, and for those responsible for advising decision makers.

Making the Mayor responsible for declarations over their territorial district and the wards within it clearly identifies the Mayor as the primary decision maker to declare in an emergency. It also reflects current practice.

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Emergency Management Bill (No 2) as reported back from Select Committee

TOPIC INFORMATION SHEET 4

When is this happening?

These provisions will come into force the day after Royal assent.

Mayor-elect authorised to make local emergency declarations

What will be different if the EM Bill is enacted?

If needed, a mayor-elect can be sworn in temporarily (via a written and oral declaration in a similar form to that required under the Local Government Act 2002) to declare, extend, or terminate a state of local emergency or a local transition period. A mayor-elect is a person who has been elected but not yet been sworn in at the first meeting of the local authority following a local body election. Before declaring over another district, they must first consult the Mayor and chief executive of any affected local authority. The Mayor-elect would temporarily hold powers for 21 days, or until they are officially sworn in.

Why does the EM Bill provide for this?

The CDEM Act does not provide for declarations to be made locally in the period between final election results and the swearing-in of new mayors. Decisions about a state of local emergency or a local transition period must instead be referred to the Minister for Emergency Management and Recovery (the Minister). The change enables declarations to be made by local decision-makers.

When is this happening?

This provision will come into force the day after Royal assent.

Use of electronic signatures to sign declarations

What will be different if the EM Bill is enacted?

The EM Bill enables the Minister to prescribe the form and manner in which declarations are made through rules. This can include the use of both a physical or electronic signature.

Why does the EM Bill provide for this?

Under the CDEM Act, declarations and transition period notices can only be signed with a physical signature. Allowing only physical signatures to be used for signing forms is outdated and can also:

- be impractical in certain circumstances
- cause delays in the commencement of a state of emergency or transition period, and
- put people at risk during an emergency if they travel to obtain a physical signature.

When is this happening?

The provision for a rule to be made to enable the use of electronic signatures to sign declarations will come into force the day after Royal assent.

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Concurrent national and local emergencies

What will be different if the EM Bill is enacted?

The EM Bill enables a state of local emergency or local transition period and a state of national emergency or national transition period to exist over the same location, at the same time, if they are for different emergencies (concurrent emergency).

A state of local emergency or a local transition period will remain in force if a state of national emergency or a national transition period is subsequently declared for another emergency, even if both emergencies affect the same location. Conversely, if a state of national emergency or national transition period is in place, a concurrent state of local emergency or a local transition period may be declared for a different emergency.

The Director-General of Emergency Management (Director-General) may use resources for any state of local emergency or local transition period when a state of national emergency or a national transitional period is in force concurrently for the same area, district, or ward.

Where there are concurrent emergencies, the Regional, District, and Local Controllers, Recovery Managers, and persons acting under delegated authority must exercise their powers consistently with the priorities for the use of resources and services determined by the Director-General, the National Controller, or the National Recovery Manager.

Why does the EM Bill provide for this?

This provision will enable local authorities to have appropriate access to the response and recovery powers needed to manage local emergencies when a national level response or recovery is happening.

National and local level emergencies can happen in the same location over the same or overlapping time periods (concurrent emergencies). The CDEM Act only allows for either a state of local emergency or a local transition period or a state of national emergency or national transition period over the same location at any given time.

Currently, if a state of local emergency is in place and a state of national emergency is declared to manage another emergency, then the state of national emergency will automatically terminate the state of local emergency. Similarly, if a local transition period is in place and a national transition period is subsequently declared, the national transition period will automatically terminate the local transition period. Also, if a local or national transition period is in place and a state of emergency is declared (whether at the national or local level), the transition period will be automatically terminated.

When is this happening?

The ability to declare concurrent emergencies will come into force the day after Royal assent.

For Regional Controllers and Regional Recovery Managers, the duty to act consistently with national priorities will come into force the day after Royal assent.

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Reducing the geographic area when a state of emergency or transition period is extended

What will be different if the EM Bill is enacted?

The EM Bill makes it explicit that when the duration of a state of emergency or transition period is extended, the geographic scope of the declaration can be reduced to exclude certain areas, districts, or wards.

Why does the EM Bill provide for this?

States of emergency and transition periods provide access to powers that limit normal rights and freedoms. These powers should only remain available in areas where they are still needed.

When is this happening?

These provisions come into force the day after Royal assent.

Simplifying the administrative process to move from a state of emergency to a transition period

Under the EM Bill, if the Minister or an authorised person declares a transition period over a location where a state of local emergency is in force for the same emergency, the state of emergency will end. If the declared transition period covers only part of the area under a state of emergency, the Minister or authorised person must specify in the declaration whether the state of emergency continues or ends for the remainder of the location.

This differs from the CDEM Act where a CDEM Group's authorised person, a Mayor, or the Mayor's designated person would need to make a separate declaration terminating the state of local emergency.

Why does the EM Bill provide for this?

This change makes the process more administratively straightforward.

When is this happening?

These provisions will come into force the day after Royal assent.

[06/26 v1]

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