



EMERGENCY MANAGEMENT POWERS

Persons exercising powers in states of emergency

What's changing?

The Civil Defence Emergency Management Act 2002 (CDEM Act) sets out CDEM Group emergency powers. Some of these powers are also held by Recovery Managers. Controllers can only exercise these powers if the CDEM Group delegates them.

In the Emergency Management Bill (No 2) 2025 (EM Bill), some emergency powers previously exercised by CDEM Groups (renamed Emergency Management Committees) will be exercised by Regional and District Controllers. These powers are:

- Power to carry out or require to be carried out:
 - works
 - clearing roads and other public places
 - removing, disposing of, securing, or otherwise making safe, dangerous structures and materials.
- Power to provide for the conservation and supply of food, water, fuel, and other essential supplies.

Why the changes?

The changes codify current practice of CDEM Groups to delegate these specific powers to Regional and District Controllers to exercise in a state of emergency. This change is administratively more straightforward and transparent.

When is this happening?

The new use of emergency powers will come into force the day after Royal assent.

New power of entry to respond to the suffering of animals

What's changing?

There is a new power to enter premises and places to mitigate unreasonable or unnecessary pain or distress of an animal. 'Animals' include pets, working animals, livestock, and wildlife. However, the power cannot be used to enter marae.

The power can be exercised by National, Regional, or District Controllers; National, Regional, or District Recovery Managers; or constables (and any persons acting under delegated authority).

The EM Bill also includes a definition of "property" for state of emergency and transition period powers.

Why the changes?

The loss of animals during emergencies can cause distress and trauma for individuals and negatively impact communities. Animals can get trapped in emergencies, but the CDEM Act doesn't provide the power to enter premises to access them.

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This information sheet contains information about:

- Changes to emergency powers
- New emergency powers
- Reporting on the use of powers
- Protection from civil liability

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Property is not defined in the CDEM Act, which has led to confusion about what is included. Having a definition of “property” alongside new powers of entry for animal response makes the intent of the legislation clearer.

When is this happening?

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

New power to prohibit or restrict access to roads or public places

What’s changing?

The EM Bill contains a new power to prohibit or restrict classes or groups of persons and vehicles from accessing a road or public place.

By specifically limiting a class of persons (eg. anyone who does not hold appropriate identification) from accessing a road or public place, anyone who falls outside of that class will have access.

This new power can be exercised by:

- Regional or District Controllers
- National, Regional, or District Recovery Managers
- Constables, and
- any persons acting under delegated authority.

Why the changes?

Limiting access to roads or public places in an emergency helps protect public safety by keeping people away from hazardous areas and keeps routes clear for emergency services and response crews.

When is this happening?

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

Reporting on the use of powers

What’s changing?

The EM Bill establishes a more robust reporting regime, given the significant powers that are available once a declaration of a state of emergency or transition period has been made.

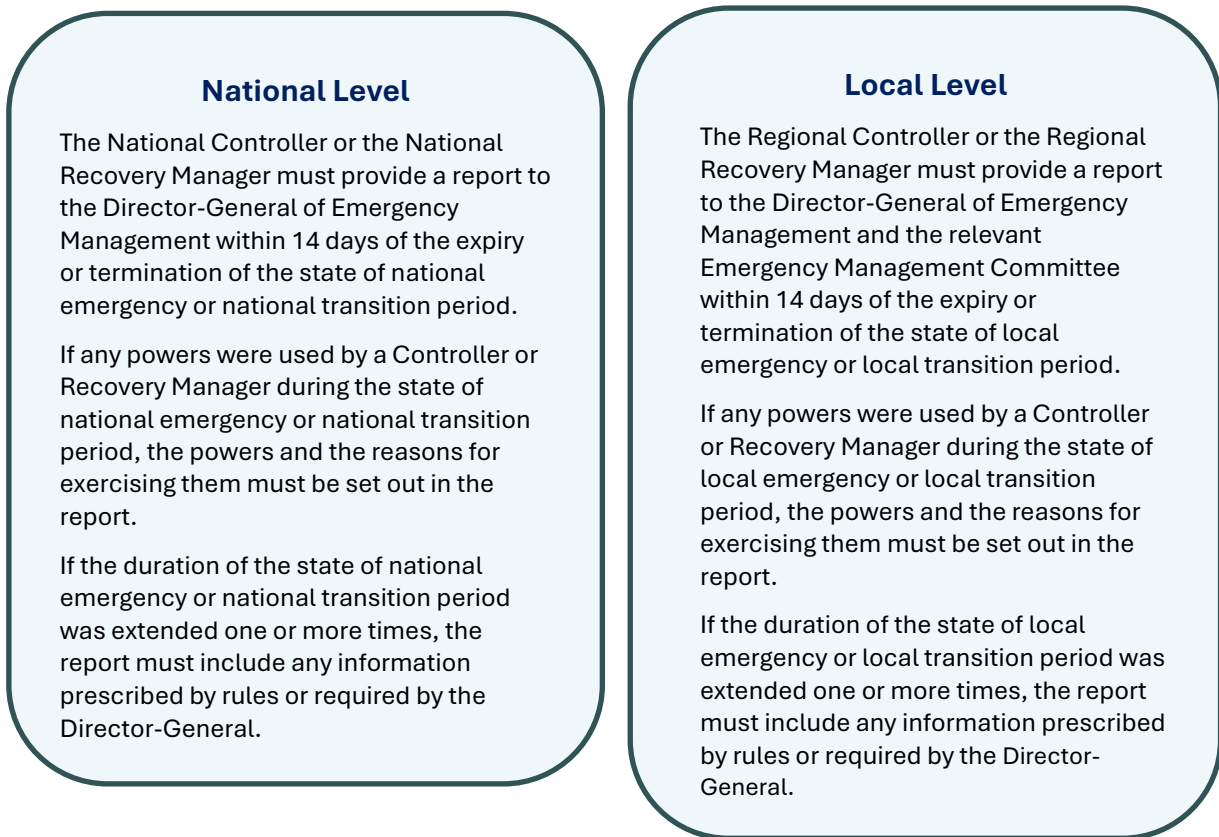
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The following diagram shows what is now required under the EM Bill for reporting on the use of powers.

Note: Existing CDEM Act procedural requirements for presentation and publication continue under the EM Bill.



Why the changes?

Under the CDEM Act, the reporting requirements for states of emergency and transition periods are inconsistent and incomplete. There are only formal reporting requirements for transition periods (either upon expiry or termination). There are no formal reporting requirements for states of emergency or for transition periods that are extended more often and for longer durations.

States of emergency and transition periods enable access to extraordinary powers and the current reporting regime gives limited visibility of how states of emergency and transition periods are being implemented and limited ability to identify regulatory barriers to response and recovery.

When is this happening?

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

Protection from liability in civil proceedings

What's changing?

The EM Bill revises existing protections from liability in civil proceedings to:

- make it clear that persons acting under the direction of a person performing functions, duties, or powers under the Act (for example, volunteers), where the loss or damage is due directly or indirectly to a state of emergency or transition period, are protected, and

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- extend protection to persons who issue, or fails to issue, a warning about a hazard, regardless of whether this is connected to a state of emergency or a transition period, and where loss or damage has occurred that is due, directly or indirectly to the issue of, or failure to issue, the warning.

Why the changes?

The CDEM Act provides any person with protection from civil liability for loss or damage caused when acting under official direction in relation to a state of emergency or transition period. However, some people (such as volunteers) can be deterred from acting during an emergency unless this protection is made more explicit.

The CDEM Act only provides civil liability protection for actions taken in relation to a state or emergency or transition period. Providing protection from liability in civil proceedings for persons who issue warnings removes a potential barrier to the issuing of timely warnings. Early warnings can save lives and reduce risk to property by providing valuable time for evacuation or to take actions to reduce risk.

When is this happening?

Both protections come into force the day after Royal assent.

Who is affected by the changes?

The following people or groups are affected by the changes outlined in this information sheet:

- Emergency Management Committees
- National, Regional, District and Local Controllers
- National, Regional, District and Local Recovery Managers
- Anyone with delegated authority from a Regional or District Controller to exercise the emergency powers
- Constables
- Animal owners/guardians
- Those needing authorisation to access closed roads or public places

Key terms | Ngā kupu hira

Royal assent	The date when a Bill is signed by the Governor-General and becomes law (typically the next working day after it receives Royal assent).
Emergency Management Committee	A group of local authority elected representatives who lead emergency management in their areas, including making declarations.

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