

# EMERGENCY MANAGEMENT POWERS

## 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 management powers** 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](http://www.civildefence.govt.nz).

States of emergency and transition periods enable certain people under the EM Bill to direct and coordinate the use of resources and use extraordinary powers to enable an effective response to, and recovery from, emergencies.

### Information about:

- Emergency powers
- Reporting on the use of powers
- Protection from civil liability
- Compensation
- Warrants

## Persons exercising powers in states of emergency

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

Under the CDEM Act, some powers held by CDEM Groups are, in practice, usually delegated to Controllers. The EM Bill enables these powers to be held directly and exercised by authorised Controllers during a state of emergency. These are powers to:

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

### Why does the EM Bill provide for this?

This aligns with current practice and makes the provision of powers for Controllers consistent with Recovery Managers (who already hold these powers directly in a transition period under the CDEM Act).

### When is this happening?

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

## New power of entry to mitigate animal suffering

### What will be different if the EM Bill is enacted?

The EM Bill introduces new powers to mitigate pain or distress of an animal. It does this by expanding the pre-existing powers of entry in the CDEM Act.

The new power enables Controllers, Recovery Managers, and constables, or any person acting under their authority, to enter on or into, and if necessary break into, a place or premises other than a marae if they believe on reasonable grounds that it is necessary to mitigate unreasonable or unnecessary pain or distress of an animal.

Upon entry, reasonable steps may be taken to mitigate animal pain or distress including to:

- examine, mark, take a sample from, treat, secure, relocate, disinfect, or destroy an animal
- pass an animal to a suitable person, who can address the animal's needs, or
- do anything else, in relation to the animal, that is reasonable in the circumstances.

The Bill also includes safeguards for the exercise of this power, including a requirement:

- that before entering a premises or place, the person must make efforts that are reasonable in the circumstances to contact the owner/occupier of the place or premises (if the owner/occupier **can** be contacted, then the power should not be relied upon)
- to make efforts that are reasonable in the circumstances to leave the premises or place secured, and
- to contact the owner/occupier of the place or premises to inform them of the actions taken.

### Why does the EM Bill provide for this?

The suffering of animals during emergencies can cause distress and trauma for individuals and negatively impact communities. The EM Bill introduces this power to provide a way for emergency management responders to enter premises to mitigate animal suffering where they would not otherwise be legally able to do so.

### When is this happening?

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

## **Clarifying the power to prohibit or restrict access to roads or public places**

### **What will be different if the EM Bill is enacted?**

The EM Bill carries over the CDEM Act power to prohibit or restrict access to roads or public places but clarifies that access could be restricted to a class or group of persons. This means that, for example, the public may be prohibited from accessing a road or public place, but that a class or group of people could still access the road or public place.

### **Why does the EM Bill provide for this?**

This provision makes it clearer that for example, an essential infrastructure provider or other first responder could still have access to the restricted road or public places where appropriate.

### **When is this happening?**

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

## **Reporting on the use of powers**

### **What will be different if the EM Bill is enacted?**

The EM Bill establishes a more robust reporting regime for the use of powers once a state of emergency or transition period has been declared. The EM Bill continues the CDEM Act's requirements to report on the use of powers during a transition period. It expands on this and introduces similar requirements for reporting on the use of powers during a state of emergency.

The following diagrams show what is now required under the EM Bill.

### **National Level**

The National Controller or the National Recovery Manager must provide a report to the Director-General of Emergency Management within **14** days of the expiry or termination of the state of national emergency or national transition period.

The National Controller or National Recovery Manager must consult any person who exercised powers of a Controller or Recovery Manager, and set out the powers exercised, and the reasons for exercising them in the report.

If the duration of the state of national emergency or national transition period was extended one or more times, the report must include any information prescribed by rules or required by the Director-General.

These reporting requirements are not triggered when:

- a state of emergency is terminated by the declaration of a subsequent state of emergency, or
- a transition period is terminated by the declaration of a subsequent state of emergency or transition period.

In those cases, the matters that would have been addressed in the report on the first declaration must be included in the report on the subsequent declaration.

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### **Local Level**

The Regional Controller or the Regional Recovery Manager must provide a report to the Director-General and the relevant EMC within **14** days of the expiry or termination of the state of local emergency or local transition period. The Regional Recovery Manager must provide their report to the Minister as soon as practicable.

The Regional Controller or Regional Recovery Manager must consult any person who exercised powers of a Controller or Recovery Manager, and set out the powers exercised, and the reasons for exercising them in the report.

If the duration of the state of local emergency or local transition period was extended one or more times, the report must include any information prescribed by rules or required by the Director-General.

These reporting requirements are not triggered when:

- a state of emergency is terminated by the declaration of a subsequent state of emergency, or
- a transition period is terminated by the declaration of a subsequent state of emergency or transition period.

In those cases, the matters that would have been addressed in the report on the first declaration must be included in the report on the subsequent declaration.

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

### **Why does the EM Bill provide for this?**

Under the CDEM Act there are only formal reporting requirements for transition periods. There are no formal reporting requirements for states of emergency, or interim reporting requirements for transition periods that are extended for a prolonged period.

States of emergency and transition periods enable access to extraordinary powers. Reporting gives increased visibility of how states of emergency and transition periods are being implemented and which powers are being used.

### **When is this happening?**

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

## **Protection from liability in civil proceedings**

### **What will be different if the EM Bill is enacted?**

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 Bill (for example, volunteers), where the loss or damage is due directly or indirectly to a state of emergency or transition period, are protected, and
- extend protections to persons performing or exercising functions, duties, or powers under the Bill, who take precautionary or preventative actions to lessen the impact of an emergency where the person considers there is an imminent threat of an emergency, and

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- extend protection to persons who issue, or fail 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 does the EM Bill provide for this?

The CDEM Act provides protection from civil liability for persons who cause loss or damage in the exercise or performance of their functions, duties, or powers under the Act, providing they are acting in good faith. The EM Bill makes it clear that this protection applies to people who are acting under the direction of such persons. This removes any barriers there might be to people agreeing to assist persons performing emergency management.

The CDEM Act only provides civil liability protection for actions taken in relation to a state of emergency or transition period. This acts as a disincentive to undertaking precautionary or preventative actions before an emergency is declared, even though those actions could might lessen the impact of the emergency.

Providing protection from liability in civil proceedings for persons who issue warnings removes a potential barrier to the issuing of timely warnings due to concerns about liability if mistakes are made. Early action and warnings can save lives and reduce risk to property.

#### When is this happening?

These provisions come into force the day after Royal assent.

### Compensation

#### What will be different if the EM Bill is enacted?

The EM Bill raises the cap on the amount of compensation that can be paid to an individual who suffers damage to their personal property from people undertaking emergency management activity from \$20,000 to \$40,000. This acknowledges the inflation that has occurred since the CDEM Act came into force in 2002.

The EM Bill also expands the scope of compensation that may be paid to cover damage or loss a person suffers due to take actions taken when there is an imminent threat of an emergency but a state of emergency has not been declared.

The EM Bill clarifies various matters related to the process of applying for compensation, what type of loss or damage is eligible for compensation, the process for appealing decisions, and who must pay compensation when it is claimed.

#### Why does the EM Bill provide for this?

These provisions ensure that the compensation process is fair and transparent and to make it clearer what may be claimed and from whom.

#### When is this happening?

These provisions come into force the day after Royal assent.

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## **Warrant for entry to obtain information**

### **What will be different if the EM Bill is enacted?**

The EM Bill carries over provisions for warrants for entry to obtain information with some changes including that:

- warrants are able to be executed on more than one occasion
- warrants cannot be used to enter marae or private dwellings to obtain information (consistent with the CDEM Act's restriction on dwellinghouses)
- warrants can allow access to documents or data held in a computer system or storage device, and
- warrants must specify the information that may be searched for and seized.

### **Why does the EM Bill provide for this?**

These provisions better align warrant provisions with Part 4 of the Search and Surveillance Act 2012.

### **When is this happening?**

These provisions come into force the day after Royal assent.

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