



ASSURANCE

The Emergency Management Bill (No 2) 2025 (EM Bill) provides for the making of emergency management rules and mechanisms for compliance. The EM Bill also increases the maximum penalties for prosecutable offences.

See **Information Sheet No 8** for Regional Emergency Management Planning Standards.

This information sheet contains information about:

- Regulations
- Rules
- Compliance orders
- Offences and penalties

Emergency management regulations

Provisions for the Governor-General to make regulations by Order in Council, currently in the Civil Defence Emergency Management Act 2002 (CDEM Act), are retained in the EM Bill. Regulations will continue to be used for more significant legislative requirements, including matters that might have relevance to the public or wider parts of the economy.

What's changing?

Many of the matters that could be regulations under the CDEM Act will be matters addressed by rules under the EM Bill as they are technical, operational, procedural, and administrative matters that sit better in rules.

The following diagram compares the provisions for regulations and for rules in the EM Bill.

When is this happening?

The regulation-making provisions will come into force the day after Royal assent.

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Comparison of regulation and rules provisions in the EM Bill

EM Bill Regulations

- Prescribing the form of distinguishing warrants, badges, or other insignia for emergency management personnel, and regulating the use and wearing of those warrants, badges, or other insignia.
- Prohibiting or regulating any activity or class of activities that may impede or adversely affect measures taken for the purpose of implementing an emergency management plan.
 - Prescribing matters that an essential infrastructure provider, or a class of essential infrastructure providers, must address in a plan.
- Prescribing fines not exceeding \$500 for the breach of any regulation.
 - Prescribing fines not exceeding \$500 for the breach of any rule.
 - Specifying how access to restricted areas is to be managed.
 - Providing for anything that this Act says may or must be provided for by regulations.
- Providing for anything incidental that is necessary for carrying out, or giving full effect to, the EM Bill.

KEY

- Unchanged from CDEM Act
- ❖ Same or similar - moved from regulations to rules
- New

EM Bill Rules

- ❖ Prescribing forms for the purposes of this Act, regulations or rules.
- ❖ Prescribing technical and data standards, performance standards, operating practices, procedures, and systems, organisational arrangements, training and training requirements, and qualifications for the purposes of the EM Bill.
- ❖ Prescribing other reporting requirements for the purposes of the EM Bill.
- ❖ Prescribing the form of identification passes for emergency management purposes, and regulating their use.
- ❖ Prescribing the level of competence or standard to be met by persons carrying out specified emergency management functions.
- ❖ Prescribing matters relating to the provision, maintenance, control, and operation of warning systems.
- ❖ Providing for identifying and promoting emergency management services.
 - Providing for anything the EM Bill says may or must be provided for by rules.
- ❖ Providing for anything incidental that is necessary for carrying out, or giving full effect to, the EM Bill.

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Emergency management rules

What's changing?

The EM Bill provides for a greater level of national direction by empowering the Minister for Emergency Management and Recovery to make rules prescribing technical, procedural, or operational matters.

Rules are intended to enable a more flexible regulatory framework for technical matters that may need to change over time.

Why the changes?

The emergency management sector needs a clear understanding of its obligations. The ability to set rules allows an efficient means of making mandatory requirements, particularly for technical or operational matters, compared to making regulations.

What can rules be made for?

The scope of rules under the EM Bill is limited to technical, operational, procedural, and administrative matters related to the Bill. Examples include setting:

- required levels of competence or standards to be met by those carrying out specified emergency management roles
- the prescribed forms for anything under the EM Bill, rules or regulations
- minimum standards or requirements to enable national consistency, interoperability, or improved performance, and
- mandatory reporting obligations.

There is a prescribed framework and process to follow to make rules

The EM Bill sets out the following framework to ensure there are appropriate safeguards for making rules:

- The Minister is required to consider the purpose of the legislation, the costs of implementation, and any other appropriate matters before making or amending a rule.
- The Minister must publicly notify their intention to make a rule and the objective of that rule, consult persons and groups as the Minister thinks fit, and give interested persons reasonable time to make submissions on the proposed rule.
- The Minister may make only minor or technical amendments to a rule without prior notification and consultation.
- Rules must adhere to standard secondary legislation requirements around publication, presentation, and disallowance.
- The Director-General of Emergency Management (Director-General) may, if appropriate, authorise a time-bound exemption from any requirement in a rule (no broader than necessary) and determine any terms and conditions.

Who is affected?

This will depend on what the rule is made for and its specificity.

When is this happening?

The Minister will be able to make rules from the day after Royal assent.

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Compliance orders

What's changing?

The EM Bill empowers the Director-General to issue compliance orders to address non-compliance with legislative requirements under the EM Bill.

There may be financial penalties for not addressing matters in a compliance order.

What is a compliance order?

A compliance order is a formal instruction the Director-General can give a person or organisation when they believe that a legal requirement under the EM Bill (or related rules/regulations/plans) is not being met.

When can a compliance order be issued?

The Director-General may serve a compliance order on a person or organisation to:

- require them to do something to comply with a legislative requirement
- require them to stop anything being done which is or is likely to contravene a legislative requirement, or
- prohibit them from starting anything which is or is likely to contravene a legislative requirement.

The order can also include reasonable conditions based on the situation.

What counts as a “legislative requirement”?

A compliance order can only relate to a requirement that:

- comes from the Act, regulations, rules, the National Emergency Management Plan, or regional emergency management planning standards, and
- has been in place for at least 6 months.

What must the person do when served with a compliance order?

If someone receives a compliance order, they must:

- do what the order says within the timeframe given, and
- pay the costs of complying, unless the order says otherwise.

They also have the right to appeal to the District Court.

What must be included in a compliance order?

A valid compliance order must clearly state:

- who it applies to
- why it is being issued
- what actions must be taken, stopped, or avoided
- the deadline for compliance, and
- information about the right to appeal.

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Why the changes?

Compliance orders are intended to provide an escalating framework for intervention when statutory responsibilities are not being met.

The emergency management system currently relies on goodwill and informal pressure, with few levers to intervene when statutory responsibilities are not being met, despite the potentially serious consequences of emergencies.

Who is affected?

Director-General of Emergency Management

A person or organisation with legal requirements under the EM Bill (or related rules/regulations/plans).

When is this happening?

Compliance order provisions come into effect 6 months after Royal assent.

Increased penalties

What's changing?

The EM Bill increases the maximum penalties for prosecutable offences (which are carried forward from the CDEM Act) to align with the penalties for similar types of offending in other comparable legislation.

Why the changes?

Maximum penalties for prosecutable offences under the CDEM Act were established in 2002. Penalties have become outdated and are inconsistent with penalties under similar legislative provisions.

Who is affected?

People or entities who are successfully prosecuted for an offence under the EM Bill.

When is this happening?

Increased penalties come into force the day after Royal assent.

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.
Order in Council	A formal legal instrument made by the Governor-General on the advice of the Executive Council to implement government decisions or regulations.
Minister	Minister for Emergency Management and Recovery.

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