

SYSTEM OVERSIGHT AND ASSURANCE

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 key **system oversight and assurance** provisions 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.

Overview

The EM Bill provides for Ministerial oversight of regional emergency management plans (Regional Plans) through powers of direction and the making of regional emergency management planning standards (Regional Planning Standards). Other system oversight and assurance mechanisms include the making of regulations and rules and issuing of compliance orders. The EM Bill also increases the maximum penalties for prosecutable offences, and the maximum fine that regulations can set for breaching a regulation or rule.

Information about:

- Ministerial oversight of Regional Plans
- Regional Planning Standards
- Regulations
- Rules
- Compliance orders
- Offences and penalties

Ministerial oversight of Regional Plans

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

Emergency Management Committees (EMC) of elected representatives govern emergency management at the local government level in each region. Each EMC must have a Regional Plan.

The EM Bill strengthens the Minister for Emergency Management and Recovery's (the Minister) ability to influence Regional Plans, including the ability to set standards for Regional Plans, and new intervention powers to ensure those Plans meet legislative requirements.

Regional Planning Standards

See **Topic Information Sheet 8: Planning**

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

TOPIC INFORMATION SHEET 6

The EM Bill provides for the Minister to make Regional Planning Standards (which are secondary legislation). A Regional Plan must meet the requirements set out in any applicable standard.

The Regional Planning Standards may prescribe the structure, format, or content of Regional Plans. The Standards may apply to one or more EMC, all EMC, a particular EMC, or a class of EMC. Among other things, the Minister must have regard to whether it is desirable to have national consistency and how much to allow for local variation. The development of the standards includes a public consultation process.

The Minister may direct a review of a Regional Plan and amendments to a proposed Plan

The Minister may direct (with reasons) an EMC to review its Regional Plan, or parts of the Plan, which the EMC then must do.

The Minister may also direct (with reasons) amendments to a proposed Regional Plan if, in the Minister's view, the Plan would otherwise fail to meet the requirements of the EM Bill or the national emergency management plan (National Plan). An EMC must make any amendments to the Plan proposal that the Minister directs.

Why does the EM Bill provide for this?

Regional Planning Standards will provide certainty of expectations related to planning, national consistency where this is beneficial, and alignment between national and local levels of planning.

The ability to direct a review of a Regional Plan and amendments to a proposed Plan will ensure compliance with requirements under the EM Bill and any secondary legislation, such as rules, regulations and Regional Planning Standards.

When is this happening?

The Minister will be able to make Regional Planning Standards from the day after Royal assent.

The Minister will be able to direct a review of a Regional Plan and amendments to a proposed Plan from the day after Royal assent.

Regulations

The EM Bill retains provisions in the CDEM Act for the Minister to recommend the Governor-General make regulations by order in council. 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.

How will things be different if the EM Bill is enacted?

Many of the matters that could only be covered by regulations under the CDEM Act will now be able to be addressed by rules under the EM Bill.

The maximum penalty for breaching a regulation has increased from \$500 to \$2,000 for an individual. For other persons, including body corporates, the maximum penalty has been set at \$10,000.

Why does the EM Bill provide for this?

The increase to penalties recognises inflation and will incentivise compliance.

When is this happening?

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

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Rules

What will be different if the EM Bill is enacted?

The EM Bill provides for a greater level of national direction by empowering the Minister to make rules prescribing technical, procedural, or operational matters. Rules enable a more flexible regulatory framework for technical matters that may need to change over time

Why does the EM Bill provide for this?

The emergency management sector needs a clear understanding of its obligations. The ability to set rules provides an efficient means of establishing 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 EM Bill. Examples include setting:

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

What is the process for making rules?

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

- the Minister must:
 - consider the purpose of the legislation, the costs of implementation, and any other appropriate matters before making or amending a rule
 - publicly notify their intention to make a rule and the objective of that rule and must consult on the rule with the Director-General of Emergency Management (Director-General) and other persons and groups as the Minister thinks fit
 - give interested persons reasonable time to make submissions on the proposed rule
- only minor or technical amendments to a rule may be made without prior notification and consultation
- rules must adhere to standard secondary legislation requirements around publication, presentation, and disallowance, and
- the 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. The Director-General is required to publish the exemption and the reasons for granting the exemption.

When is this happening?

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

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Comparison of regulation and rules provisions in the EM Bill

The following diagram compares the provisions for regulations and for rules 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 \$2,000 for an individual and \$10,000 for any other person for the breach of any regulation or rule.
 - Specifying how access to restricted areas is to be managed.
 - Providing for anything that the EM Bill 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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Compliance orders

What will be different if the EM Bill is enacted?

The Director-General has a new explicit function to monitor and enforce compliance with the EM Bill. The EM Bill provides the Director-General with the ability to issue compliance orders to enforce compliance with legislative requirements.

What is a compliance order?

A compliance order is a formal instruction the Director-General can issue to a person or organisation when they consider that a 'legislative requirement' under the EM Bill is not being met or may not be met. A legislative requirement is one that is imposed under:

- the EM Bill
- rules or regulation made under the EM Bill
- the National Plan, and
- Regional Planning Standards.

What can a compliance order be issued for?

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.

A compliance order may include conditions and may include a timeframe for the completion or cessation of the activity that is the subject of the order.

What must a 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.

There is a right of appeal against a compliance order to the District Court and the High 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
- if applicable, the deadline for compliance, and
- information about the right to appeal.

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What happens if a person fails to comply with a compliance order?

The EM Bill authorises the Director-General to instigate civil proceedings to obtain a court order to compel compliance. It is an offence to fail to comply with a compliance order.

Why does the EM Bill provide for this?

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

Compliance orders provide for intervention when statutory responsibilities are not being met.

When is this happening?

Compliance order provisions come into effect six months after Royal assent and may only be issued in relation to breaches of legislative requirements that take place six months after Royal assent.

Increased penalties for offences

What will be different if the EM Bill is enacted?

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.

As a result of this calibration, the penalties for offences are no longer the same for each type of offence (compared to the CDEM Act). There is also a new offence for failing to comply with a compliance order.

Why does the EM Bill provide for this?

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.

When is this happening?

Increased penalties come into force the day after Royal assent.

Reporting on the use of powers

See *Topic Information Sheet 5: Powers*.

What will be different if the EM Bill is enacted?

The EM Bill adds reporting requirements for states of emergency that match those for transition periods. It also expands the reporting requirements for powers used under a transition period.

Why does the EM Bill provide for this?

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.

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