

ESSENTIAL INFRASTRUCTURE PROVIDERS

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 essential infrastructure providers 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:

- Essential infrastructure providers (EIP) formerly known as 'lifeline utilities'
- Duties of EIP
- Disclosure and use of information

Recognition of new essential infrastructure providers

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

Entities that were known as 'lifeline utilities' under the CDEM Act will be renamed as 'essential infrastructure providers' (EIP) and listed in Schedule 3 of the EM Bill. EIP are entities whose infrastructure provides services that support basic human needs and is necessary for the normal functioning of society.

The Bill introduces a principles-based approach to recognising additional essential infrastructure providers in Schedule 3.

Under this process, before recommending the recognition of an entity (or class of entities) as EIP, the Minister must:

- be satisfied that the entity provides or is responsible for providing essential infrastructure
- consider any potential negative implications, effects, or costs of recognising or removing the recognition of an entity, and
- consider New Zealand's international obligations.

Before making a recommendation regarding the recognition (or amending or removing recognition) of EIP, the Minister must also consult the Director-General of Emergency Management (Director-General) and the persons, or their representatives, that are substantially affected by the recommendation. The Minister must also include a statement of reasons for the recognition of (or amendment to the recognition) an entity or class of entities.

Essential infrastructure providers can be exempt from certain duties

Similar to the CDEM Act, the Minister may exempt an EIP in whole or in part from provisions relating to EIP if they are satisfied the applications of those provisions is not appropriate.

The EM Bill will also require the Minister to state the reason(s) why the exemption was granted alongside some additional considerations (such as the exemption not being broader than reasonably necessary and the exemption being consistent with the purposes of the EM Bill).

The Minister may also exempt an EIP from needing to comply with an emergency management rule.

Why does the EM Bill provide for this?

Increasing digital connectivity and other technological changes mean more types of infrastructure are now essential to keep society running, but the CDEM Act does not enable some of these sectors to be recognised as lifeline utilities. Infrastructure is also increasingly interconnected, so disruptions can cascade across systems.

The more expansive term ‘essential infrastructure providers’ enables a broader range of infrastructure providers to be recognised in Schedule 3 over time, including to reflect future technology changes.

When is this happening?

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

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Duties of essential infrastructure providers

The following diagram outlines the duties of EIP under the EM Bill.

Overview – Duties of essential infrastructure providers

- Ensure their essential infrastructure can function to the fullest possible extent, even though this may be at a reduced level, during and after an emergency.
- ❖ **Develop and maintain a plan to carry out the above duty to function during and after an emergency.**
- Make available to the Director-General in writing, on request, their plan for functioning during and after an emergency.
- **Contribute to developing sector response plans if required by the Director-General.**
- Participate in the development of the National Emergency Management Strategy and Emergency Management Plans.
- Provide, free of charge, any technical advice to the Director-General or any Emergency Management Committee (EMC), that may be reasonably required.
- Ensure that any information that is disclosed to them for the purposes of this EM Bill is only used or disclosed for the purposes of the EM Bill.

KEY

- Unchanged from CDEM Act
- ❖ Changed from CDEM Act
- New

Duty to maintain and develop business continuity plans

What will be different if the EM Bill is enacted?

The CDEM Act placed a duty on lifeline utilities to provide the Director of CDEM with a written plan for functioning during and after an emergency, on request. The EM Bill makes explicit the existing requirement for EIP to develop and maintain these plans. It also enables regulations to be made for more detailed planning requirements to apply to all or specific classes of EIP. Any new regulations would be drafted in consultation with the affected EIP.

Why does the EM Bill provide for this?

Effective planning is critical to enabling timely restoration of essential services when infrastructure is disrupted. Enabling specific planning requirements to be prescribed through regulations provides a backstop to address systemic issues.

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When is this happening?

The duties on EIP will apply to all EIP named in Schedule 3 the day after Royal assent.

Duty to contribute to the development of a sector response plan

What will be different if the EM Bill is enacted?

The EM Bill enables the Director-General to develop sector response plans if the Director-General thinks it would be desirable for EIP to coordinate on the timely restoration of essential infrastructure resulting from disruptions of national significance.

A sector response plan may address the response to and recovery from the potential disruption to that class/classes of EIP. The EIP affected by a sector response plan (or their representatives) will be consulted before the sector response plan is approved. The Director-General may require relevant EIP to contribute to the development of the plan. The Director-General will consult the relevant government agencies, local authorities and any person who would have responsibilities or duties under the plan.

A sector response plan may include content that covers roles and responsibilities, default information sharing arrangements, and any other matters required to deal with a major disruption to essential infrastructure. However, they will not create mandatory requirements on any person.

Why does the EM Bill provide for this?

Sector response plans support stronger relationships between EIP and other agencies, clearer expectations about default coordination arrangements, and sector-specific planning. Requiring EIP to contribute to their development will support more effective and joined up planning.

When is this happening?

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

This means from that date, if requested, EIP will need to contribute to the development of sector response plans initiated by the Director-General.

Restrictions on disclosure and use of information

What will be different if the EM Bill is enacted?

Similar to the CDEM Act, the EM Bill will require that any information an EIP receives for the purposes of the EM Bill is only used by that entity, or disclosed to another person, for the purposes of the EM Bill.

The EM Bill further restricts the use of that information – if a person receives information from an EIP in meeting it's the duties to provide information under clause 74, then that person must not use the information provided by an EIP to enforce obligations under the EM Bill. The obligation on the EIP to provide the information is still able to be enforced.

The EM Bill also clarifies that duties on EIP to provide information does not require medical or legally privileged information to be disclosed.

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Why does the EM Bill provide for this?

Preventing information provided by an EIP under their duties from being used to enforce obligations outside of those duties, will increase trust and incentivise free and frank information sharing between essential infrastructure providers, the Director-General, EMC and other parties, thereby reducing barriers to cooperation and situational awareness. The protections for medical and legally privileged information are consistent with the EM Bill's other requirements to disclose information.

When is this happening?

This provision will take effect the day after Royal assent.

Essential infrastructure providers are subject compliance orders

What will be different if the EM Bill is enacted?

See **Topic Information Sheet 6: System Oversight and Assurance**

The Director-General may issue compliance orders to EIP to enforce compliance with requirements in the EM Bill.

Why does the EM Bill provide for this?

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.

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