

# MINISTER FOR EMERGENCY MANAGEMENT AND RECOVERY

## 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. 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 functions, powers and duties in the Emergency Management Bill (No 2) as reported back by Select Committee (EM Bill) relating to the **Minister for Emergency Management and Recovery** (the Minister). This includes provisions carried over from the Civil Defence Emergency Management Act 2002 (CDEM Act) which the EM Bill will replace, if enacted, as well as new provisions introduced by the Bill. This information may not cover all relevant information related to this role. Readers should refer to the [Emergency Management Bill \(No 2\)](#) as reported back for complete information about what the Bill provides for and requires.

Further information sheets related to other roles under the EM Bill and key differences with the CDEM Act can be found at [www.civildefence.govt.nz](http://www.civildefence.govt.nz).

## Overview

Under the EM Bill, the Minister has:

- powers related to states of emergency and transition periods for recovery
- responsibility for national level emergency management strategy and planning
- regulatory and standard-setting functions, and
- system oversight and assurance functions.

Many of the Minister's functions and powers interrelate with **Emergency Management Committees (EMC)** of elected representatives who govern emergency management at the local government level in each region.

## The Minister's powers in an emergency

### State of national emergency declaration

The Minister may declare a state of national emergency, that applies to all or parts of New Zealand, if the Minister considers that:

- an emergency has occurred or may occur, and

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- the emergency is, or is likely to be, of such extent, magnitude, or severity that the emergency management necessary or desirable for it is, or is likely to be, beyond the resources of the EMC whose areas may be affected by the emergency.

An 'emergency' is a situation that:

- is the result of any happening, whether natural or otherwise, and
- causes or may cause the loss of human life or injury, illness, or distress to people and/or a threat to the safety of the public or property, and
- requires a significant and co-ordinated response under the EM Bill (for example, because emergency services are unable to adequately address it).

Key considerations for the Minister in deciding to declare a state of national emergency are:

- whether an emergency exceeds local capacity and capability to manage the emergency, and
- the size and scale of its likely impacts across New Zealand.

The Minister must inform the House of Representatives as soon as practicable of the declaration. The EM Bill provides for the House to meet if it is not operating when a state of national emergency is declared.

The Minister may extend the location over which the state of national emergency applies (if it has not been declared over the whole of New Zealand) to one or more further areas or districts, whether or not any of those further areas or districts overlaps or is contiguous with the affected location.

A state of national emergency expires after seven days unless the Minister decides to extend its duration or terminates the declaration earlier.

### ***Extension and termination***

The Minister may terminate a state of national emergency before it expires or may extend the duration of the state of national emergency for a further seven days (subject to the relevant legal tests continuing to be met) any number of times over the same, or a smaller, location. The Minister must inform the House of Representatives as soon as practicable after extending or terminating a state of national emergency.

## **State of local emergency declaration**

### ***Reserve power to declare a local transition period***

Representatives authorised by the EMC to declare (authorised person) and mayors have primary responsibility for declaring a state of local emergency. However, the Minister has a reserve power to also declare a state of local emergency over the whole area of an EMC or any districts or wards in that area, if the Minister considers that an emergency has occurred or may occur in the area, and the relevant authorised person or mayor has not declared.

If the Minister considers that the resources of a location that is not affected by an emergency are needed to assist another location which is under a state of emergency, then the Minister may declare a state of local emergency for the unaffected location.

A state of local emergency declaration made by the Minister expires after seven days unless the Minister decides to extend its duration or terminate the declaration earlier.

### ***Extension and termination***

The Minister may terminate a state of emergency (whether or not the Minister declared it originally) before it expires or extend the duration of the state of local emergency for a further seven days (subject to the relevant legal tests continuing to be met) any number of times over the same, or a smaller, location.

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A state of local emergency may also be terminated if the Minister declares a state of national emergency for the same emergency over that area, or an authorised person or the Minister declares another state of local emergency for the same emergency over that area.

#### Minister's emergency powers

If a state of emergency is in force, or the Minister considers that an imminent threat of an emergency exists and it is expedient in the circumstances, the Minister may direct the Director-General of Emergency Management (Director-General), an EMC or any other person to perform or exercise, or to cease to perform or exercise, any of their functions, duties, or powers under the EM Bill.

The Minister may also direct a Controller who has certain powers under the Building Act 2004 to exercise or stop exercising those powers. Those powers relate to, for example, post-event building assessments, evacuation, keeping people at safe distance, and urgent works.

The Minister may direct an EMC or a person (other than the Director-General) to perform or exercise any function, duty, or power referred to above to the satisfaction of the Director-General.

#### The Minister's powers in recovery

##### National transition period declaration

The Minister may declare a national transition period that applies to all or parts of New Zealand where a state of emergency has been declared and is in force, or an emergency arises but no state of emergency has been declared for that area for that emergency.

The Minister must be satisfied that enabling the use of the powers for recovery is in the public interest and necessary or desirable to ensure a timely and effective recovery. The Minister must also have regard to:

- the areas or districts affected by the emergency
- whether the focus of activities is moving from response to recovery, including whether a state of emergency is about to expire or be terminated, and
- the capacity of any EMC and any local authority affected by the emergency to carry out recovery activities.

The Minister may also extend the location over which the national transition period applies (if it is not the whole of New Zealand) to one or more further areas or districts, after applying the above considerations, whether or not any of those further areas or districts overlaps or is contiguous with the affected location.

A national transition period expires after 90 days unless the Minister decides to extend its duration or terminate the declaration earlier.

##### Extension and termination

The Minister may terminate a national transition period before it expires or if the Minister considers that an extension to the duration of the national transition period is required, the Minister may extend the duration of the national transition period for a further 90 days, any number of times (subject to the relevant legal tests continuing to be met) over the same, or a smaller, location. The Minister must:

- be satisfied that extending the use of the transition period powers is in the public interest, and necessary or desirable to ensure a timely and effective recovery, and
- have regard to the areas or districts affected by the emergency, and the capacity of any EMC and any local authority affected by the emergency to carry out recovery activities.

The Minister must inform the House of Representatives as soon as practicable after extending or terminating a national transition period.

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### Local transition period declaration

#### ***Approving a local transition period where there is no state of emergency***

If no state of emergency has been declared for an area but a mayor or other authorised person considers that a local transition period is required, the Minister may approve the Mayor or authorised person declaring a local transition period for that area. This enables local authorities to have powers to effectively manage recovery from emergencies where a state of emergency was not required.

#### ***Reserve power to declare a local transition period***

Authorised persons and mayors have primary responsibility for declaring a local transition period. However, if the Minister considers that a local transition period is required, and the relevant authorised person or mayor has not declared one, the Minister has a reserve power to declare a local transition period over the whole area of an EMC or any districts or wards in that area.

The Minister may declare a local transition period for a district or ward within the area of an EMC that is unaffected by the emergency if the Minister considers that their resources are needed to assist an area or ward that has a local transition period in force in the EMC area.

In declaring or extending a local transition period, the Minister must:

- be satisfied that enabling recovery powers is in the public interest and necessary or desirable to ensure a timely and effective recovery
- have regard to the areas, districts, or wards affected by the emergency, and whether the focus of activities in an area, district, or ward is moving from response to recovery, including whether a state of emergency is about to expire or be terminated, and
- must consult all EMC affected by the emergency and the Mayor of any affected local authority.

A local transition period declaration made by the Minister expires after 28 days unless the Minister decides to extend its duration or terminate the declaration earlier.

#### ***Extension and termination***

The Minister may terminate the declaration before it expires or may extend the duration of the local transition period for a further 28 days (subject to the relevant legal tests continuing to be met) any number of times over the same, or a smaller, location.

If a local transition period is extended a third or further time, the Minister must notify the public of the extension and must inform the House of Representatives of the extension as soon as practicable.

The local transition period may also be terminated if the Minister declares a national transition period for the same emergency over the area, or an authorised person or the Minister declares another local transition period for the same emergency over the area.

Before terminating a local transition period, the Minister must, as they consider appropriate, consult any EMC and mayors of any affected a local authority where the local transition period was in force, unless the Minister considers that this is impracticable or termination is urgently needed.

### Minister's transition period powers

If a transition period is in force, and the Minister considers it is expedient in the circumstances, the Minister may direct the Director-General, an EMC or any other person to perform or exercise, or to cease to perform or exercise, any of their functions, duties, or powers under the EM Bill.

The Minister may also direct Recovery Managers who have certain powers under the Building Act 2004 to exercise or stop exercising those powers. Those powers relate to, for example, post-event building assessments, evacuation, keeping people at safe distance, and urgent works.

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The Minister may direct an EMC or a person (other than the Director-General) to perform or exercise any function, duty, or power referred to above to the satisfaction of the Director-General.

### National Strategy and Planning

See **Information Sheet 8: Planning**

The Minister is responsible for making a national emergency management strategy (National Strategy) and recommending regulations providing for a national emergency management plan (National Plan).

### National Emergency Management Strategy

The Minister must make a National Strategy for one or more of the following purposes:

- providing for the Crown's goals in relation to emergency management in New Zealand
- identifying the objectives to be pursued to achieve those goals, and
- specifying the measurable targets to be met to achieve those objectives.

The Minister must publicly notify the proposed National Strategy. The Minister must also consult representatives of any community that the Director-General considers to be a disproportionately affected community, iwi and Māori, and rural communities. In practice, the Director-General develops the proposed National Strategy and undertakes consultation on behalf of the Minister.

While the Minister approves and signs the National Strategy, they must also present the final Strategy to the House of Representatives who may, within 15 days, resolve not to approve the Strategy. If that happens, the Minister will revise the National Strategy and present it the House again. Once the National Strategy comes into force the Minister must review the Strategy within 10 years.

### National Emergency Management Plan

The Minister must consider and approve a proposed National Plan developed by the Director General, and recommend the Governor-General make regulations to provide for the National Plan. The Minister must be satisfied that the National Plan is consistent with the National Strategy.

The Minister must initiate a review of the current National Civil Defence Emergency Management Plan within two years after the EM Bill being passed. The Minister must then review the Plan every five years and may recommend amending, replacing or retaining the current Plan.

### ***Purpose of the National Plan***

The National Plan must state and provide for:

- the hazards and risks to be managed at the national level
- the emergency management necessary at the national level to manage the hazards and risks
- the objectives of the plan and the relationship of each objective to the National Strategy
- the co-ordination of emergency management during a state of national emergency or a national transition period, and
- the period for which the plan remains in force.

In order to provide for the matters above, the National Plan may also impose duties on any person, including in relation to the obligations on public service agencies, EMC, local authorities, emergency services, and essential infrastructure providers to undertake emergency management functions and responsibilities.

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The National Plan may also:

- identify a government agency as the lead agency for emergencies caused or contributed to by a particular hazard; and may specify the arrangements identifying the lead agency or agencies in the case of an emergency that has been caused or contributed to by multiple hazards, and
- authorise a person to exercise the power to close roads and public places during a state of national emergency.

#### ***Developing the National Plan***

The Director-General has a specified role to develop the proposed National Plan for the Minister's consideration and approval. When doing this, the Director-General must:

- identify any community that the Director-General considers to be a disproportionately affected community and engage with representatives of those communities who operate at a national level
- seek advice on Māori interests and knowledge to inform the development of the proposal by engaging with representatives of appropriate national-level Māori organisations, and
- consult persons and agencies who would have roles and responsibilities under the proposed National Plan.

On behalf of the Minister, the Director-General will also ensure that other considerations and requirements for the Minister, set out below, are met before the Minister recommends a National Plan for the Governor-General's approval.

In making the National Plan, the Minister must have regard to:

- the responsibility of people and communities to provide for their own well-being and the well-being of future generations
- the benefits to be derived for people and communities from the management of hazards and risks, and
- New Zealand's international obligations (to the extent relevant).

The National Plan is made by regulations. Because it may impose duties on any person, the Minister must also consider alternatives, benefits and costs, and appropriateness before recommending the Plan. This requires the Minister to:

- have regard to the extent to which the provisions in the Plan are necessary to achieve the purpose of the EM Bill and other means that could be used, including providing information, services, or incentives
- evaluate the likely benefits and costs of making and implementing the provisions in the Plan and taking no action, and
- be satisfied that the provisions in the Plan are necessary or desirable, and the most appropriate for efficiency and effectiveness.

The Minister must consult with other relevant Ministers before approving the proposed National Plan or refer the Plan back to the Director-General for reconsideration (with reasons). If the proposal is referred back, the Director-General must submit a revised proposed National Plan to the Minister.

#### ***Public consultation***

The Minister must then publicly notify the proposed National Plan and allow 40 working days for people to make submissions. The Minister must also present the proposed National Plan to the House of Representatives at least 90 days before recommending the Plan.

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After consulting with anyone who may be affected, the Minister may recommend that the Governor-General by order in council make targeted amendments to the National Plan that are limited in scope and impact.

### Oversight of local emergency management planning

#### The Minister may direct amendments to a proposed Regional Plan

All EMC must have a regional emergency management plan (Regional Plan) which, amongst other things, sets out how they will manage hazards and risks in their area. An EMC must send their proposed Regional Plan to the Minister which the Minister must provide comments on.

The Director-General will advise the Minister on whether the Regional Plan is consistent with the National Strategy and meets the requirements of the EM Bill, the National Plan and any planning standards, regulations or rules.

If the Minister considers the proposed Regional Plan would otherwise fail to meet the requirements of the EM Bill or the National Plan, the Minister may direct amendments to the proposed Plan. This could include failing to meet requirements in any secondary legislation such as any planning standards, regulations or rules. The Minister must advise the EMC of any required amendments, along with the reasons for directing those amendments.

The EMC must have regard to any comments made by the Minister and must make any amendments to the proposed Regional Plan that the Minister directs before finalising the Plan.

#### The Minister may direct a review of a Regional Plan

The Minister may also, at any time, direct (with reasons) an EMC to review all or parts of its Regional Plan. An EMC must review their Regional Plan when directed to by the Minister.

### Regulatory and standard-setting functions

See **Information Sheet 6: System oversight and assurance** and **Information Sheet 8: Planning**

#### Regional Planning Standards

The Minister may make regional emergency management planning standards (Regional Planning Standards) which a Regional Plan must meet. These standards may prescribe the structure, format, or content of Regional Plans. Standards provide certainty of expectations, and national consistency where this is beneficial, and alignment between national and local levels of planning.

Regional Planning Standards may apply to all or some EMC, a particular EMC, or a class of EMC. Amongst 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 Regional Planning Standards includes consultation with the public, the Director-General, local authorities, and EMC. The Minister may make minor amendments to Regional Planning Standards without needing to do public consultation and may withdraw all or part of a standard by giving public notice of the withdrawal with reasons.

#### Regulations

The Minister may recommend to the Governor-General to, by order in council, make regulations for example to prescribe or regulate:

- emergency management insignia
- activities that may impede implementing an emergency management plan

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- essential infrastructure planning
- fines, or
- access to restricted areas.

Before recommending regulations, the Minister must:

- consult whoever the Minister thinks appropriate, and
- have regard to obligations placed on an essential infrastructure providers, under other legislation, that require continuity of service.

The Minister must also consider alternatives, benefits and costs, and appropriateness before recommending the regulations. This requires the Minister to:

- have regard to the extent to which the provisions in the regulations are necessary to achieve the purpose of the EM Bill and other means that could be used, including providing information, services, or incentives
- evaluate the likely benefits and costs of making and implementing the provisions in the regulations and taking no action, and
- be satisfied that the provisions in the regulations are necessary or desirable, and the most appropriate for efficiency and effectiveness.

### Rules

The EM Bill provides for the Minister to make rules (which are secondary legislation) prescribing technical, operational, procedural, and administrative matters. Rules are intended to enable a flexible regulatory framework for technical matters that may need to change over time.

Rules could be made, for example, to prescribe:

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

The Minister is required to consider the purpose of the EM Bill, the costs of implementation, and any other appropriate matters before making or amending a rule.

The Minister must publicly notify the proposed rule and consult on the rule with the Director-General and other persons and groups as the Minister thinks fit. The Minister must give interested persons reasonable time to make submissions on the proposed rule.

The Minister may make minor or technical amendments to a rule without prior notification and consultation.

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## **Other system functions of the Minister**

### **Identifying emergency ambulance services**

Each EMC is supported by an Emergency Management Coordinating Executive Group made up of local authority chief executives, senior personnel of emergency and health services, and other community members. The EM Bill also requires CEG (from one year after the Bill comes into force) to include a representative of any emergency ambulance services organisation identified by the Minister in the New Zealand Gazette.

### **Recognising essential infrastructure providers**

The Minister may recommend to the Governor-General to amend Schedule 3 of the EM Bill to recognise, amend or remove an entity, or a class of entities, as an essential infrastructure provider from the Schedule. The Minister must first consider potential negative implications, the effect or costs on the entity, and relevant international obligations. The Minister must consult the Director-General and representatives of the entities affected.

The Minister may also exempt essential infrastructure providers from needing to comply with provisions in the EM Bill that are not appropriate for them, on any terms or conditions that the Minister thinks fit. The Minister must specify the provisions, any terms and condition, and reasons for exemption in the New Zealand Gazette.

The Minister may also exempt essential infrastructure providers from needing to comply with a rule.

### **Emergency Management Committee formation**

The Minister may approve a proposal for a merger of two or more EMC. The Minister may also intervene to ensure:

- each territorial authority is a member of an EMC if there is local government reorganisation, and
- in the case of a Multi-member EMC with two or more regional councils or unitary authorities members, that there is an administering authority, if its members cannot agree on one.

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