

# DIRECTOR-GENERAL OF EMERGENCY MANAGEMENT

## 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 **Director-General of Emergency Management (Director-General)**. 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).

## Who is the Director-General of Emergency Management?

The EM Bill establishes the role of Director-General who is the Chief Executive of the National Emergency Management Agency (NEMA), as the agency that will administer the Act.

The Director-General has a key role in managing emergency management at the national level. However, many emergency management responsibilities are devolved to local government. The Director General's functions and powers therefore interrelate with **Emergency Management Committees (EMC)** of elected representatives who govern emergency management at the local government level in each region.

## The role of the National Controller and National Recovery Manager

See **Role Information Sheet H: Controllers** and **Role Information Sheet I: Recovery Managers** for information on the functions and powers of those roles.

The Director-General, by default, also holds the roles of National Controller and National Recovery Manager. However, if the Director-General delegates specific functions and powers to a suitably qualified and experienced person, then that person holds the statutory role of the:

- National Controller to deal with a state of national emergency, and/or
- National Recovery Manager to deal with a national transition period.

The Director-General may revoke the delegations at any time, but is prohibited from performing or exercising those functions or powers or delegating those functions or powers to anyone else, while the delegation is in force.

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The Director-General may also appoint any suitably qualified and experienced person to act as an alternate National Controller and alternate National Recovery Manager.

### Delegation of Director-General's functions, duties, and powers

The Director-General may delegate any of their functions, duties, and powers to any public service employee as defined by the Public Service Act 2020 (except this power to delegate and their separate powers, as above, to delegate functions and powers to a National Controller and a National Recovery Manager).

### Functions of the Director-General

The Director-General's functions are to:

- identify hazards and risks that the Director-General considers may be of national significance
- monitor and evaluate the National Emergency Management Strategy (National Strategy)
- develop, monitor, and evaluate the National Emergency Management Plan (National Plan)
- develop, in consultation with those who have responsibilities under the EM Bill, any guidelines, codes, or technical standards that may be required for the purposes of the Bill
- monitor the performance of EMC and people who have responsibilities under the EM Bill
- promote emergency management that is consistent with the purpose of the EM Bill
- keep the Minister for Emergency Management and Recovery (the Minister) informed, and provide advice, about any situation in which there is an imminent threat of an emergency
- during a state of national emergency or a national transition period, direct and control for the purposes of the EM Bill the resources available for emergency management
- monitor and enforce compliance with the EM Bill, and
- perform any other functions that the Director-General has under the EM Bill or any other enactment, or incidental and related to, or consequential on, the Director-General's functions.

### Powers of the Director-General

#### General Powers

The Director-General has all the powers that are reasonably necessary or expedient to enable the Director-General to perform the functions of the role.

At any time (whether or not in a state of emergency) the Director-General may co-ordinate the use of 'specified resources' for the purposes of the EM Bill, including for:

- providing transport
- removing endangered persons and casualties from any area affected by an emergency to areas of safety or to hospitals or other medical care providers
- providing medical care and attention to casualties
- relieving human distress and suffering
- providing people with accommodation, food, care, and protection, and
- providing other services necessary to restore community services and provide for the welfare of the public.

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'Specified resources' means personnel, materials, information, services, and any other resources made available by public service agencies, EMC, emergency services, the New Zealand Defence Force (as provided for under the Defence Act 1990), and other persons.

At any time, the Director-General may also:

- devise, promote, and carry out, or cause to be carried out, research and investigations into matters relating to emergency management
- issue or direct the issue of hazard warnings and notifications
- co-ordinate the planning of emergency management between EMC
- give advice in relation to, and assist in, the planning, preparation, coordination, and carrying out of emergency management, and
- issue guidelines, codes, or technical standards to any person or organisation with responsibilities under the EM Bill, including for any matters that the Director-General considers are necessary or desirable, and consistent with the purpose of the EM Bill, and the:
  - establishment and operation of EMC and emergency management co-ordinating executive groups (CEG)
  - development of regional emergency management plans (regional plans) and operational plans for responding to, and recovery from, specific emergencies
  - development of strategic recovery planning for emergencies
  - development by the Crown, local authorities, emergency services, and essential infrastructure providers of plans required under the EM Bill, and
  - operational role of Controllers, Recovery Managers, and others with responsibilities under the EM Bill.

### Powers in a state of national emergency or national transition period

#### ***Power to direct performance of others***

During a state of national emergency or national transition period, the Director-General may direct the performance or exercise of the functions, duties, and powers of EMC, Regional Controllers, District Controllers, Local Controllers, Regional Recovery Managers, District Recovery Managers, and Local Recovery Managers.

#### ***Concurrent emergencies***

During a state of national emergency or national transition period, the Director-General may also use the specified resources for any state of local emergency or local transition period when a state of national emergency or a national transition period is in force concurrently for a ward, district, or area.

#### **Power to publish statements**

The Director-General may, to protect the public, publish statements relating to any emergency or the performance or non-performance of any duty imposed on anyone under the EM Bill. This statement is protected by qualified privilege (which is a legal defence against claims of defamation when statements are made in good faith, for a legitimate purpose, and without malice).

#### **Power to act on default by others**

If an EMC or person (other than the Minister) fails to commence or to complete the performance of a function or duty under the EM Bill within the time that the Director-General considers reasonable, the Director-General may perform that function or duty.

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The Director-General may employ anyone necessary to do this. The Crown can recover expenses from whoever was responsible for performing the function or duty.

#### Power to require information for emergency management

At all times the Director-General may require any person to provide them with information free of charge that is reasonably necessary for the Director-General to carry out emergency management.

The person asked to provide the information must already have the information and be able to provide it without unreasonable difficulty or expense. The person may appeal to the District Court if the requirement to provide information is unreasonable. People cannot be required to provide information about the medical condition or history of any person or information that is protected by legal professional privilege.

The Director-General may disclose or use that information only for the purposes of the EM Bill. However, the Director-General may disclose the information to the Minister, a territorial authority, a Controller or a Recovery Manager, if it is relevant and to be used to exercise their powers for buildings affected by an emergency under subpart 6B of Part 2 of the Building Act 2004, in an area where a state of emergency or transition period has been declared.

The Director-General must not use information provided by an essential infrastructure provider under clause 74 to enforce obligations under the EM Bill, regulations, or rules.

#### The Director-General and lead agencies

The EM Bill enables a government agency to be identified as a lead agency in the National Plan for emergencies caused or contributed to by a particular hazard who then has the primary responsibility for managing the response to those emergencies. A lead agency that is not NEMA must keep the Director-General informed when there is the imminent threat of an emergency caused by a hazard that is the responsibility of the lead agency.

If there is no lead agency identified for the hazard that caused an emergency, the Director-General has primary responsibility for managing the response. The Director-General is not automatically the lead agency in this situation, and the National Plan may prescribe additional national coordination arrangements.

#### Minister's power to direct the Director-General

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 to perform or exercise, or to cease to perform or exercise, any of their functions, duties, or powers under the EM Bill.

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

Others who are subject to this power such as EMC must, if directed by the Minister, perform or exercise their functions, duties, or powers to the satisfaction of the Director-General.

#### National Strategy and Planning

See **Role Information Sheet A: Minister for Emergency Management and Recovery**.

#### National Emergency Management Strategy

The Minister must make a National Strategy to:

- provide for the Crown's goals in relation to emergency management in New Zealand

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- identify the objectives to be pursued to achieve those goals, and
- specify the measurable targets to be met to achieve those objectives.

The Director-General is responsible for monitoring and evaluating the National Strategy. In practice, the Director-General would also develop the proposed National Strategy and undertake consultation on behalf of the Minister. 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 performing or exercising their functions, duties, and powers the Director-General must act consistently with the National Strategy.

### National Emergency Management Plan

The Director-General is responsible for developing, monitoring, and evaluating the National 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 undertake an initial review of the current National Emergency Management Plan Order 2015 within two years after the EM Bill being passed. The Minister must then review the Plan every five years and may amend, replace or retain 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.

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.

The National Plan may also authorise a person to exercise the power to close roads and public places during a state of national emergency.

#### *Developing the National Plan*

When developing the National Plan, 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.

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On behalf of the Minister, the Director-General should also ensure that other considerations and requirements 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 be satisfied that the National Plan is consistent with the National Strategy.

The Minister must also 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.

After consulting with other relevant Ministers, the Minister may approve the proposal or refer it back to the Director-General (with reasons) for reconsideration. If the proposal is referred back, the Director-General must reconsider the proposal and, as soon as is reasonably practicable, submit a revised proposal to the Minister for consideration.

#### ***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 Plan to the House of Representatives at least 90 days before recommending the Plan.

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.

#### **Essential infrastructure sector response plans**

The Director-General may develop sector response plans with essential infrastructure providers to coordinate restoration after a nationally significant disruption to their provision of that essential infrastructure.

The Director-General may develop and approve a sector response plan that addresses the response to, and recovery from, potential disruptions in an emergency, and require the relevant essential infrastructure providers to contribute to the development of the sector response plan.

Before approving the sector response plan, the Director-General must consult with the essential infrastructure providers affected by the plan, relevant government agencies and local authorities, and any other person (or their representative) who would have roles or responsibilities or duties under the plan

A sector response plan may address

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- the roles and responsibilities of the essential infrastructure providers, EMC, the Director General, and other agencies
- default information sharing and co-ordination arrangements, and
- any other matters that may be necessary to deal with a major disruption to essential infrastructure.

A sector response plan does not impose duties or mandatory requirements or duties on anyone.

The Director-General may amend, replace, or revoke a sector response plan at any time, after undertaking consultation with people as above on any amendments relevant to them.

### System oversight, compliance and assurance

In a state of emergency, an EMC or a person who they have delegated functions, duties, or powers to must act consistently with any directions given by the Director-General.

#### Compliance orders

The Director-General has a statutory function to monitor and enforce compliance with the EM Bill.

To implement this the Director-General can issue a compliance order to a person or organisation if they consider that a 'legislative requirement' under the EM Bill is not being met or may not be met. A legislative requirement can be in the EM Bill, rules or regulation made under the EM Bill, or the National Plan.

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 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.

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. 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. There is a right of appeal against a compliance order to the District Court and the High Court.

#### Support the Minister's oversight of local emergency management planning

The Director-General will support the Minister's oversight of local emergency management planning, including to comment on Regional Plans and direct a review of a Regional Plan.

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.

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## Granting exemptions from rules

The Minister may make rules prescribing technical, procedural, or operational matters.

The Director-General may grant exemptions to named people or classes of people, organisations or things (with any terms or conditions) from having to comply with a rule for up to three years, unless the relevant rule provides that no exemptions may be granted. The exemption must be no broader than is reasonably necessary, and consistent with the purpose of the EM Bill. The Director-General must notify the number and nature of exemptions granted to named persons at least every three months, and publish class exemptions and reasons for granting them.

## Warrant for entry to obtain information

The Director-General may, when a state of emergency is in force or if they consider an imminent threat of an emergency exists, apply to the District Court for a warrant authorising a constable to enter and search premises, other than a private dwelling or marae, to obtain information required to prevent or limit the extent of an emergency.

## Reporting on states of emergency and transition periods

When a state of national emergency or national transition period expires or is terminated, the Director-General will receive a report from the relevant National Controller and National Recovery Manager, respectively. This report sets out the powers that were exercised in that emergency or transition period and reasons why. If the duration of the state of national emergency or national transition period was extended, the Director-General may also require other relevant information in the report. The Director-General must provide this report to the Minister to present to the House of Representatives, and publish the report on NEMA's internet site.

When a state of local emergency or local transition period expires or is terminated, the Director-General will also receive reports from the relevant Regional Controller and Regional Recovery Manager, respectively. If the duration of the state of local emergency or local transition period was extended, the Director-General may also require the Regional Controller or Regional Recovery Manager to include other relevant information in their report.

## Civil liability protection

The Director-General is protected from liability in civil proceedings for any act they do or omit to do when performing or exercising in good faith their functions, duties or powers under the EM Bill, if:

- they are acting directly or indirectly in relation to a state of emergency or transition period; or
- they consider that an imminent threat of an emergency exists and intend their actions to be precautionary or preventive to lessen the impact of the emergency.

This includes situations where:

- the Director-General may be acting under the direction of someone else who is performing or exercising a function, duty, or power under the Act, for example the Minister, and
- a person is acting under the direction of the Director-General who is performing or exercising a function, duty, or power under the Act.

A person who issues or fails to issue a warning under the EM Bill (whether or not in connection with a state of emergency or transition period) is protected from civil liability for loss or damage relating to the warning.

The above protections do not apply to actions taken or not taken in bad faith or gross negligence.

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