

MAYORS

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 **mayors**. 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.

Mayors represent their territorial authority on Emergency Management Committees

Many emergency management responsibilities are devolved to local government. Under the EM Bill, **Emergency Management Committees (EMC)** govern emergency management at the local government level. An EMC is either a:

- Multi-member EMC made up of more than one local authority in a region, or
- Unitary Authority EMC made up of a single unitary authority.

This reflects the different local government organisations that may be established under the Local Government Act 2002 as set out below.

Local authority refers to both regional councils and territorial authorities.

Territorial authority refers to district councils which include unitary authorities, and city councils (but does not include regional councils).

Unitary authority refers to territorial authorities who also have regional council functions.

In a Multi-member EMC situation, mayors represent their territorial authority as a member of the EMC. They may also delegate this role to another an elected person from that local authority.

In a Unitary Authority EMC situation, the unitary authority is the EMC and must appoint a committee under Schedule 7 of the Local Government Act to perform and exercise its functions, duties, and powers as an EMC. The Mayor of the unitary authority may be appointed to that committee.

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

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For information on the role and functions of EMC and local authorities see **Role Information Sheet C: Multi-member Emergency Management Committees** and **Role Information Sheet D: Unitary Authority Emergency Management Committees**.

The following information focusses on the function of mayors to make **declarations of states of local emergency and local transition periods** under the EM Bill.

Mayors may declare a state of local emergency or local transition period

See **Information Sheet 4: Emergency declarations**.

A mayor may declare a local state of emergency or local transition period in their district

A state of local emergency enables certain statutory role holders under the EM Bill such as Controllers, or their delegates, to exercise emergency powers to respond to and manage the adverse effects of emergencies.

A local transition period enables certain statutory role holders under the EM Bill such as Recovery Managers, or their delegates, to exercise transition period powers to coordinate and manage initial recovery from emergencies.

If the Mayor of a territorial authority considers that an emergency has occurred or may occur in their district, the Mayor may declare a state of local emergency or a local transition period that covers either of the following:

- the district of the territorial authority, or
- one or more wards within that district.

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).

A mayor-elect may be temporarily sworn in to declare if needed

If needed, a mayor-elect can be sworn in temporarily (via a written and oral declaration in a similar form to that required under the Local Government Act 2022) to declare, extend, or terminate a state of local emergency or a local transition period. A mayor-elect is a person who has been elected but not yet been sworn in at the first meeting of the local authority following a local body election. Before declaring over another district, they must first consult the mayor and Chief Executive of any affected local authority. The mayor-elect would temporarily hold the powers for 21 days, or until they are officially sworn in.

A mayor may be appointed to make declarations for the Emergency Management Committee

A mayor may also be appointed to declare a local state of emergency or local transition period on behalf of the EMC. The EMC must appoint at least one elected representative to declare a state of local emergency, and at least 1 elected representative to declare a local transition period that covers one or more of:

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- the whole of the EMC's area (there must be at least one person authorised to do this at all times)
- two or more districts within the areas, or
- two or more wards within the area if those wards are within more than one district.

The appointment must state whether the representatives have equal status to make a declaration or whether they may only declare in the absence of another. If no appointed person is, or is likely to be, able to declare then any elected representative of the EMC can do so.

Duration, extension and termination of a declaration

State of local emergency declaration

A state of local emergency declaration expires after seven days unless its duration is extended or it is terminated earlier.

The mayor may terminate the declaration before it expires or extend the duration of the state of local emergency for a further seven days any number of times, over the same or a smaller area.

The state of local emergency may also be terminated if the Minister for Emergency Management and Recovery (the Minister) declares a state of national emergency for the same emergency over that area, or an EMC or the Minister declares another state of local emergency for the same emergency over that area.

Local transition period declaration

A local transition period declaration expires after 28 days unless its duration is extended or it is terminated earlier.

The Mayor may terminate the declaration before it expires or may extend the duration of local transition period for a further 28 days, any number of times, over the same or a smaller area.

If a local transition period is extended a third or further time the Mayor must notify the public of the extension and the Minister. The Minister 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 that area, or an EMC or the Minister declares another local transition period for the same emergency over that area.

Others have reserve powers if a mayor cannot, or will not, declare

Another elected member of the territorial authority who is designated to act on behalf of the Mayor if they are absent may also declare a state of local emergency or a local transition period.

Any elected representative of the EMC can declare a state of local emergency or a local transition period if it appears to the EMC that an emergency has occurred or may occur and the Mayor has not declared.

While EMC and mayors have primary responsibility for declaring a state of local emergency, the Minister has a reserve power to also declare a state of local emergency or local transition over the whole area of an EMC (region) 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 EMC or mayor has not declared. See **Role Information Sheet A: Minister for Emergency Management and Recovery**.

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 or a local transition period, then the Minister may declare a state of local emergency or a local transition period for the unaffected location.

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Civil liability protection

A mayor 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 mayor may be acting under the direction of someone else who is performing or exercising a function, duty, or power under the EM Bill, for example, the Minister.

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

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