

CONTROLLERS

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 **Controllers**. 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.

Overview

Controllers under the EM Bill direct and coordinate resources made available for emergency management during a state of emergency. Controllers may also use extraordinary emergency powers, for example to carry out works, require evacuations, close roads, enter private premises, requisition private property, and stop people doing things that could make the emergency worse.

At the national level, the EM Bill provides for the Director-General of Emergency Management (Director-General) to delegate certain functions and powers to a suitably qualified and experienced person who is then deemed to be the National Controller.

At the local level, many emergency management responsibilities are devolved to local government which is governed by **Emergency Management Committees (EMC)**. An EMC is either a:

- Multi-member EMC made up of more than one local authority in a region, each represented by a mayor or regional council chairperson, 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.

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A Multi-member EMC must have a Regional Controller and a District Controller for each district in the region.

A Unitary Authority EMC must have a Regional Controller, and may also have Local Controllers.

All Controllers must be 'suitably qualified and experienced' which includes the knowledge, judgement, and skills necessary to direct and coordinate resources made available in a state of emergency, and to exercise emergency powers appropriately.

Regional Controllers would generally play a greater role when an emergency affects multiple districts, or where a district-level emergency is particularly serious. However, the EM Bill provides EMC and local authority members with flexibility in how Controllers work together in their area.

Regional and District Controllers only have statutory responsibilities during a state of emergency, unless wider functions, duties, or powers have been delegated to them by their EMC or another person.

See **Role Information Sheet C: Multi-member Emergency Management Committees** and **Role Information Sheet D: Unitary Authority Emergency Management Committees**.

The National Controller

Also see general provisions relating to Controllers below.

Who is the National Controller?

The role of National Controller is, by default, held by the Director-General who is the Chief Executive of the National Emergency Management Agency (NEMA). However, if the Director-General delegates specified 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.

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

What does the National Controller do?

Function to direct and control available resources in a state of national emergency

The function of the National Controller is to, during a state of national emergency, direct and control the resources available for emergency management. This function is delegated by the Director-General.

Co-ordinate the use of, and use, available resources in a state of national emergency

The National Controller, in a state of national emergency, has the power to co-ordinate the use of, and use, 'specified resources'. 'Specified resources' are 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.

The National Controller may coordinate these resources for the purpose of the EM Bill, including for:

- providing transport
- removing endangered people 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

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- providing other services necessary to restore community services and provide for the welfare of the public.

The Director-General's delegations only provide for the National Controller to direct, control and coordinate resources (including people) that **are made available to them** to deal with a state of national emergency. This includes available public resources, and private resources purchased from or voluntarily provided by non-governmental organisations, businesses and individuals.

Use available resources in concurrent states of national and local emergency

If a state of national emergency is in force over a ward, district, or area that is subject to a concurrent state of local emergency or local transition period, the National Controller may also use specified resources for the purposes of dealing with the state of local emergency or local transition period. This ensures resources across both emergencies can be prioritised appropriately.

Emergency powers

When a state of national emergency is in force, the National Controller may independently exercise extraordinary emergency powers in Part 4 (Subpart 2) to take actions to preserve life or otherwise manage the consequences of an emergency. The National Controller must consider exercising these powers on a case-by-case basis and meet legal requirements which balance usual civil liberties with what is necessary to manage an emergency.

Refer to '**Emergency powers of all Controllers**' below for emergency powers under Part 4 (Subpart 2) of the EM Bill.

Other potential delegated functions, duties and powers

The Director-General may also delegate any of their functions, duties, and powers to any public service employee, which may include the National Controller. These other functions or powers could be, for example, to.

- coordinate the use of resources made available **outside** a state of national emergency, and
- issue or direct the issue of hazard warnings and notifications.

Authorise another person to undertake functions or powers

The National Controller may also authorise a suitably qualified and experienced person to perform or exercise their functions or powers. The National Controller remains responsible and accountable for that person's performance or exercise of the functions or powers.

Reporting on a state of national emergency

Following the expiry or termination of a state of national emergency, the National Controller, in consultation with any other Controller, must produce a written report to the Director-General within 14 days that sets out certain information, including if any emergency powers were exercised by a Controller and the reason. The report is provided to the Minister for Emergency Management and Recovery (the Minister) who presents it to the House of Representatives as soon as practicable. The report is also published on NEMA's website.

The Regional Controller

Also see general provisions relating to Controllers below.

Who is the Regional Controller?

Both Multi-member EMC and Unitary Authority EMC must have a suitably qualified and experienced Regional Controller for their area.

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In a Multi-member Emergency Management Committee

A Multi-member EMC must appoint a suitably qualified and experienced person as Regional Controller and at least one suitably qualified and experienced person to act as alternate Regional Controller.

In a Unitary Authority Emergency Management Committee

If the Unitary Authority EMC considers the chief executive is suitably qualified and experienced to hold the role, the EMC may appoint the chief executive as Regional Controller.

Otherwise, the Unitary Authority's chief executive must appoint a suitably qualified and experienced person as Regional Controller. The chief executive must also appoint at least one suitably qualified and experienced person to act as alternate Regional Controller.

What does the Regional Controller do in a state of emergency?

Direct and coordinate available resources in a state of emergency

The Regional Controller, during a state of emergency (national or local) in the EMC area, must direct and co-ordinate the use of the personnel, material, information, services, and other resources made available by government agencies, EMC, and other people for the purposes of the EM Bill.

The role of the Regional Controller is to direct and coordinate resources (including people) that **are made available to them** during a state of emergency. This means available public resources, and private resources purchased from or voluntarily provided by non-governmental organisations, businesses and individuals.

Extraordinary emergency powers in a state of emergency

When a state of emergency is in force, the Regional Controller may independently exercise extraordinary emergency powers in Part 4 (Subpart 2) to take actions to preserve life or otherwise manage the consequences of an emergency. The Regional Controller must consider exercising these powers on a case-by-case basis and meet legal requirements which balance normal civil liberties with what is necessary to manage an emergency.

Refer to '**Emergency powers of all Controllers**' below for emergency powers under Part 4 (Subpart 2) of the EM Bill.

Power to enter contracts on behalf of Emergency Management Committee

The Regional Controller may enter into a contract on behalf of an EMC for any of the purposes of the EM Bill and must report on any exercise of this power to the EMC.

A Regional Controller may be delegated other functions, duties, or powers

Regional Controllers only have statutory responsibilities and powers during a state of emergency in their area, unless they have been delegated other functions, duties, or powers. A Regional Controller must perform any functions or duties delegated by the EMC, and may exercise any power delegated to them. If the delegated functions, duties, and powers are available outside a state of emergency, the Regional Controller may also use them outside a state of emergency.

In practice, it is expected that an EMC will delegate some of its function, duties and powers to the Regional Controller – such as its function to respond to and manage the adverse effects of emergencies in its area or, in a state of emergency, its powers to:

- provide for the rescue of endangered people and their removal to areas of safety
- set up first aid posts, and provide for first aid to be given to casualties and for casualties to be moved to hospitals or to other places of treatment or safety

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- provide for the relief of human distress, including emergency food, clothing, and shelter
- undertake emergency measures for the disposal of dead people if it is satisfied that the measures are urgently necessary in the interests of public health
- undertake emergency measures for the disposal of dead animals if it is satisfied that the measures are urgently necessary in the interests of public health
- prohibit or regulate land, air, and water traffic within the area to the extent necessary to conduct emergency management
- provide equipment, accommodation, and facilities for the exercise of any of the powers conferred by this section
- provide information and advice to the public, and
- enter into contracts, including employment contracts, with any person for the purpose of carrying out emergency management.

The District Controller

Also see general provisions relating to Controllers below.

Who is the District Controller?

Every territorial authority in a Multi-member EMC must have a District Controller.

A Multi-member EMC may decide to appoint a territorial authority chief executive as a District Controller, if they are suitably qualified and experienced.

Otherwise, the chief executive must appoint a suitably qualified and experienced person as District Controller. The chief executive must also appoint at least one suitably qualified and experienced person to act as alternate District Controller.

In practice, it is expected that most chief executives will not be District Controllers. However, the EM Bill allows for chief executives to be appointed as District Controllers because this may work best for smaller councils.

District Controllers do not need to be an employee of that territorial authority. The EM Bill enables suitably qualified and experienced people from neighbouring districts (or other parts of New Zealand) as alternate Controllers.

Note: Unitary Authority EMC do not have District Controllers. Instead, the territorial authority's chief executive has discretion to appoint any number of Local Controllers, who may be granted similar functions and powers to District Controllers.

What does the District Controller do in a state of emergency?

Direct and coordinate available resources in a state of emergency

The District Controller, during a state of emergency (national or local) in the district for which they are appointed, must direct and co-ordinate the use of the personnel, material, information, services, and other resources made available for the purposes of the EM Bill.

A District Controller must follow any directions given by the area's Regional Controller during a state of emergency.

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The role of the District Controller is to direct and coordinate resources (including people) that **are made available to them** during a state of emergency. This means available public resources, and private resources purchased from or voluntarily provided by non-governmental organisations, businesses and individuals.

Extraordinary emergency powers in a state of emergency

When a state of local emergency is in force in their district, the District Controller may independently exercise extraordinary emergency powers in Part 4 (Subpart 2) to take actions to preserve life or otherwise manage the consequences of an emergency. The District Controller must consider exercising these powers on a case-by-case basis and meet legal requirements which balance normal civil liberties with what is necessary to manage an emergency.

Refer to **'Emergency powers of all Controllers'** below for emergency powers under Part 4 (Subpart 2) of the EM Bill.

A District Controller may be delegated other functions, duties, or powers

District Controllers only have statutory responsibilities during a state of emergency, unless the EMC delegates other functions, duties, or powers to them. A District Controller must perform any functions or duties delegated by the EMC, and may exercise any power delegated to them. If the delegated functions, duties, and powers are available outside a state of emergency, the District Controller may also use them outside a state of emergency.

Local Controllers

Also see general provisions relating to Controllers below.

Who is a Local Controller?

The chief executive of a Unitary Authority EMC may appoint one or more suitably qualified and experienced people as a Local Controller.

What does a Local Controller do?

Local Controllers appointed for Unitary Authority EMC do not automatically have access to powers during states of emergency. As part of the Local Controller's appointment, the chief executive of the unitary authority may:

- direct the Local Controller to perform any of the functions and duties of, or delegated to, the Regional Controller of the Unitary Authority EMC, and
- exercise any of the powers of Controllers in the area, including the emergency powers in Part 4 (Subpart 2).

'Direction' in this clause does not mean operational direction during an emergency. It refers to the chief executive determining which Regional Controller functions or powers should be held by a Local Controller as part of their appointment.

A Local Controller must also perform any functions or duties delegated by the EMC, and may exercise any power delegated to them. If the delegated functions, duties, and powers are available outside a state of emergency, the Local Controller may also use them outside a state of emergency.

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General provisions relating to Controllers

Minister's power of direction

A Controller is subject to the Minister's powers to, 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, direct the Controller 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 National Controller, Regional Controller, or District Controller 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.

If directed, the Controller must perform or exercise any function, duty, or power to the satisfaction of the Director-General.

The Director-General may direct Controllers in a state of national emergency or concurrent national transition period

The Director-General may, during a state of national emergency or concurrent national transition period, direct the performance or exercise of the functions, duties, and powers of Regional Controllers, District Controllers, and Local Controllers.

Controllers must act consistently with national priorities in a state of national emergency or concurrent national transition period

Regional Controllers, District Controllers, and Local Controllers (and those authorised to act for them) must exercise their powers consistently with the priorities for the use of resources and services determined by the:

- Director-General or National Controller during a state of national emergency, and
- Director-General or National Recovery Manager during a concurrent national transition period.

Situations that justify a state of national emergency or national transition period are highly likely to require difficult decisions about the optimal allocation of scarce resources. It is necessary for the Director-General, National Controller, and National Recovery Manager to be able to make these decisions in the national interest.

Emergency powers

See **Topic Information Sheet 5: Emergency management powers**.

Controllers should refer to the precise wording of Part 4 (Subpart 2) of the EM Bill to ensure they exercise powers properly and appropriately.

All Controllers may exercise the following emergency powers, according to any and all specifications and limitations as set out in the EM Bill (for example, a Local Controller may only exercise a power they have been directed to hold by their unitary authority's chief executive):

- emergency powers (to carry out works, clear roads and public places, and make safe dangerous structures and materials to preserve human life)
- power to evacuate premises and places
- power to enter premises and places
- power to close roads and public places

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- power to remove obstructing vehicles
- power to requisition property
- power to examine, seize, destroy, and undertake other activities in relation to property and things
- power to direct or request person to cease activity or take action, and
- power to direct owner of structure to obtain assessment.

Power to require information for emergency management

During a state of emergency, the National Controller, Regional Controller or District Controller, and Local Controller (who has been directed by the Regional Controller) may, in writing and in a specified form, require any person to provide them with information free of charge that is reasonably necessary for the Controller to carry out emergency management.

The person asked to provide the information must already possess 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 concerning the medical condition or history of any person or information that is protected by legal professional privilege.

The Controller may disclose or use that information only for the purposes of the EM Bill. However, the Controller 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 has been declared.

Reporting on states of emergency and transition periods

When a state of national emergency expires or is terminated, the National Controller must provide a report to the Director-General. This report sets out the powers that were exercised in that state of national emergency and reasons why. If the duration of the state of national emergency was extended, the Director-General may also require other relevant information in the report. The Minister presents this report to the House of Representatives.

When a state of local emergency expires or is terminated, the relevant Regional Controller must provide a report to the Director-General. This report sets out the powers that were exercised in that state of local emergency and reasons why. If the duration of the state of local emergency was extended, the Director-General may also require the Regional Controller to include other relevant information in their report.

Warrant for entry to obtain information

A Controller 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.

Controllers may authorise another person to undertake their functions, duties or powers, but remain accountable

A Controller may authorise any suitably qualified and experienced person to perform or exercise any of their functions, duties, or powers, including the power to authorise another person to perform or exercise that function, duty, or power. All Controllers remain responsible and accountable for the performance or exercise of a function, duty, or power by any person acting under their authority.

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Civil liability protection

A Controller 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 Controller may be acting under the direction of someone else who is performing or exercising a function, duty, or power under the EM Bill, and
- a person is acting under the direction of a Controller who is performing or exercising a function, duty, or power under the EM Bill.

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. This protection also applies to Controllers if they are issuing a warning on behalf of the Director-General or an EMC.

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

Local Government Official Information and Meetings Act

Controllers are statutory officers under the Local Government Official Information and Meetings Act 1987. This means that information held by them in that capacity is subject to requests for official information under that Act.

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