**Comparison Table – Emergency Management Bill and Civil Defence Emergency Management Act 2002**

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| **EM Bill Clause** | **CDEM Act Provisions** | **CDEM Act Provisions** | **EM Bill New/ Replacement Provisions**  **(note: replacement provisions with a significant impact are bolded)** |
| **Lift and Shift (Unchanged/Minor Changes)** | **Lift and Shift (Significant Changes)** |
| 1. Title |  |  | Replacement for section 1 |
| 1. Commencement |  |  | **Replacement for section 2** |
| *Part 1: Preliminary provisions* |  |  |  |
| 1. Purpose |  | See section 3 |  |
| 1. Tiriti o Waitangi / Treaty of Waitangi |  |  | New |
| 1. Interpretation |  | See section 4 |  |
| 1. Transitional, savings, and related provisions |  |  | Replacement for section 4A |
| 1. Act binds the Crown | See section 5 |  |  |
| 1. Act not to affect functions, duties, and powers under other Acts or general law | See section 6 |  |  |
| 1. Precautionary approach | See section 7 |  |  |
| 1. Overview |  |  | New |
| *Part 2: Emergency management system* |  |  |  |
| *Subpart 1 – Roles and responsibilities: national level* |  |  |  |
| *Director of Emergency Management* |  |  |  |
| 1. Role of Director of Emergency Management |  | See section 8 |  |
| 1. Powers of Director |  | See section 9 |  |
| 1. Statements by Director | See section 74 |  |  |
| 1. Director must not act inconsistently with national disaster resilience strategy | See section 37(2) |  |  |
| 1. Power of Director to act on default by others | See section 75 |  |  |
| 1. Power of Director to require information | See section 76(1) and (2) |  |  |
| 1. Delegation of powers of Director | See section 105(1), (2), (4), and (7) |  |  |
| *National Controller* |  |  |  |
| 1. Role of National Controller | See sections 10 and 11(1) |  |  |
| *National Recovery Manager* |  |  |  |
| 1. Role of National Recovery Manager | See sections 11A, 11B(1), 94I, and 76(1) and (2) |  |  |
| *National Māori Emergency Management Advisory Group* |  |  |  |
| 1. National Māori Emergency Management Advisory Group |  |  | New |
| 1. Membership of National Māori Emergency Management Advisory Group |  |  | New |
| *Approved providers of warnings and notifications* |  |  |  |
| 1. Approved providers of warnings and notifications |  |  | New |
| 1. Role of approved providers of warnings and notifications |  |  | New |
| *Subpart 2 – Roles and responsibilities: area level* |  |  |  |
| *Emergency Management Committees* |  |  |  |
| 1. Emergency Management Committees | See section 12 |  |  |
| 1. Membership of Emergency Management Committees |  | See section 13 |  |
| 1. Appointment of Māori members of Emergency Management Committees |  |  | New |
| 1. Appointment of chairperson | See section 15 |  |  |
| 1. Powers and duties of members of Emergency Management Committees | See section 16 |  |  |
| 1. Role of Emergency Management Committees |  | See section 17 |  |
| 1. General powers of Emergency Management Committees | See sections 18 and 76(1) and (2) |  |  |
| 1. Emergency Management Committee must not act inconsistently with national disaster resilience strategy | See section 37(1) |  |  |
| 1. Emergency Management Committees not PCBUs under Health and Safety at Work Act 2015 |  |  | New |
| *Emergency Management Co-ordinating Executive* |  |  |  |
| 1. Appointment of Emergency Management Co-ordinating Executive |  | See section 20(1) |  |
| 1. Role of Emergency Management Co-ordinating Executive | See section 20(2) |  |  |
| *Administering authorities* |  |  |  |
| 1. Administering authorities |  | See section 23 |  |
| 1. Role of administering authorities and chief executives of administering authorities | See section 24(1) and (2) |  |  |
| *Functions and duties of local authorities* |  |  |  |
| 1. Functions and duties of local authorities members of Emergency Management Committees in emergency management |  |  | New (however, functions and duties are based on section 17) |
| 1. Duty of local authorities to continue to function during and after emergency | See section 64(2) |  |  |
| 1. Emergency management functions and duties for offshore islands |  |  | New |
| *Persons authorised to make local emergency designations* |  |  |  |
| 1. Persons appointed or authorised to make local emergency declarations: whole area, region, multiple districts, or multiple wards from within different districts | See section 25(1) to (4) |  |  |
| 1. Persons authorised to make local emergency designations: individual districts and wards within districts | See section 25(4) and (5) |  |  |
| *Area Controllers and Local Controllers* |  |  |  |
| 1. Appointment of Area Controllers | See section 26 |  |  |
| 1. Appointment of Local Controllers | See section 27 |  |  |
| 1. Role of Area Controllers and Local Controllers | See section 28 |  |  |
| *Area Recovery Managers and Local Recovery Managers* |  |  |  |
| 1. Appointment of Area Recovery Managers | See section 29 |  |  |
| 1. Appointment of Local Recovery Managers | See section 30 |  |  |
| 1. Role of Area and Local Recovery Managers | See sections 30A, 94I, and 76(1) and (2) |  |  |
| *Subpart 3 – Roles and Responsibilities: other parties* |  |  |  |
| *General duties of public service agencies and others* |  |  |  |
| 1. Public service agencies to prepare plans to continue functioning during and after emergency | See section 58 |  |  |
| 1. Public service agencies and others to undertake emergency management functions | See section 59 |  |  |
| *Critical infrastructure entities* |  |  |  |
| 1. Recognition of critical infrastructure entities and critical infrastructure sectors |  |  | **Replacement for section 61 and Schedule 1** |
| 1. Requirements for recognition of critical infrastructure entities and critical infrastructure sectors |  |  | New |
| 1. Minister may remove recognition of critical infrastructure entity |  |  | New |
| 1. Minister may exempt critical infrastructure entity |  | See section 62 |  |
| 1. Duties of critical infrastructure entities |  | See section 60 |  |
| 1. Information-sharing obligations of critical infrastructure entities |  |  | New |
| 1. Disclosure by critical infrastructure entities of information relevant to buildings affected by emergency | See section 83 |  |  |
| 1. Obligation to establish, review, and publish planning emergency levels of service |  |  | New |
| 1. Obligation to report annually to Director and relevant regulatory departments or agencies |  |  | New |
| *Duties of emergency services* |  |  |  |
| 1. Duties of emergency services | See section 63 |  |  |
| *Subpart 4 – Emergency management planning* |  |  |  |
| *National disaster resilience strategy* |  |  |  |
| 1. National Disaster Resilience Strategy | See section 31 |  |  |
| 1. Review of national disaster resilience strategy | See sections 34(1)(b) and 36 |  |  |
| 1. Procedure for amending or replacing national disaster resilience strategy | See section 32 |  |  |
| 1. Currency of national disaster resilience strategy | See section 34 |  |  |
| 1. Presentation of national disaster resilience strategy to House of Representatives | See section 35 |  |  |
| *Emergency management plans: matters relevant to development* |  |  |  |
| 1. Matters relevant to development of emergency management plans | See section 38 |  |  |
| *National emergency management plan* |  |  |  |
| 1. National emergency management plan  * Note: clause 66(2) is based on clause 4 of the National Civil Defence Emergency Management Plan Order 2015 |  | See sections 39(1) and 42 |  |
| 1. Content of national emergency management plan |  | See section 39(2) and (3) |  |
| 1. Review of national emergency management plan | See section 46 |  |  |
| 1. Preparation of new or revised national emergency management plan | See section 41 |  |  |
| 1. Publication of national emergency management plan |  |  | New |
| 1. Currency of national emergency management plan | See section 45 |  |  |
| *Emergency management committee plans* |  |  |  |
| 1. Emergency management committee plans | See sections 48 and 53 |  |  |
| 1. Content of emergency management committee plan |  | See section 49(2) and (4) |  |
| 1. Director’s guidelines for emergency management committee plans | See section 49(3) |  |  |
| 1. Review of emergency management committee plans | See section 56 |  |  |
| 1. Procedure for making proposed new or revised emergency management committee plan |  | See sections 49(1) and (1A), and 52 |  |
| 1. Currency of emergency management committee plan | See section 55 |  |  |
| *Part 3: Emergency designations and powers* |  |  |  |
| *Emergency designations and powers* |  |  |  |
| *Subpart 1 – General and interpretative provisions* |  |  |  |
| 1. Outline of Part |  |  | New |
| 1. Definitions for Part 3 |  |  | New |
| 1. Procedural provisions in Schedule 3 |  |  | New |
| *Subpart 2- States of emergency and transition periods* |  |  |  |
| *Declaration of state of national emergency* |  |  |  |
| 1. Minister may declare state of national emergency | See section 66(1) and (2) |  |  |
| 1. When Parliament must be made to meet for state of national emergency | See section 67 |  |  |
| *Declaration of state of local emergency* |  |  |  |
| 1. Declaration of state of local emergency | See sections 68(1), (2) and (3), and 69(1) |  |  |
| *General provisions applying to states of emergency* |  |  |  |
| 1. Commencement and duration of state of emergency | See section 70 |  |  |
| 1. Extension of duration of state of emergency | See section 71 |  |  |
| 1. Termination of state of emergency | See section 72 |  |  |
| *Notice of national transition period* |  |  |  |
| 1. Minister may give notice of national transition period | See section 94A(1) and (4)(a) |  |  |
| *Notice of local transition period* |  |  |  |
| 1. Notice of local transition period | See section 94B(1) to (3) and (9) |  |  |
| *General provisions applying to transition periods* |  |  |  |
| 1. Commencement and duration of transition periods | See section 94C |  |  |
| 1. Extension of duration of transition period | See section 94D(1) and (2), and (6) to (9) |  |  |
| 1. Considerations when giving notice of, or giving notice extending, transition period | See sections 94A(2) to (3), 94B(4) to (7), and 94D(3) to (5) |  |  |
| 1. Termination of transition periods | See section 94E |  |  |
| *Concurrent emergency designations* |  |  |  |
| 1. Concurrent emergency designations: states of emergency and transition periods |  |  | New |
| *Subpart 3 – Emergency powers* |  |  |  |
| *When emergency powers apply* |  |  |  |
| 1. Emergency powers: overview |  |  | New |
| 1. Emergency powers in states of emergency: application |  |  | New approach to Part 5 |
| 1. Emergency powers in transition periods: application | See section 94G |  |  |
| 1. Emergency power if imminent threat of emergency: application | See sections 78(2) and 84(1)(a) |  |  |
| *Emergency Powers* |  |  |  |
| 1. Minister’s general power of direction | See sections 84(1)(b), (2) and (3), and 94J(1), (2) and (3) |  |  |
| 1. Minister’s power of direction relating to earthquake-affected buildings | See sections 84(2A) to (3), and 94J(2A) to (3) |  |  |
| 1. Emergency powers of Emergency Management Committees and Recovery Managers | See sections 85 and 94H |  |  |
| 1. Evacuation of premises and places | See sections 86 and 94K |  |  |
| 1. Entry on premises | See sections 87 and 94L |  |  |
| 1. Closing roads and public places | See sections 88 and 94M |  |  |
| 1. Removal of vehicles and craft | See section 89 |  |  |
| 1. Requisitioning power | See section 90 |  |  |
| 1. Power to give direction | See sections 91 and 94N |  |  |
| 1. Power to carry out inspections and other activities in relation to property and things | See section 92 |  |  |
| 1. Power to make contracts in urgent cases | See section 94 |  |  |
| *Subpart 4 – Emergency powers: related provisions* |  |  |  |
| *Reporting obligation when exercising emergency powers in transition period* |  |  |  |
| 1. Reporting obligation for Recovery Managers | See section 94P(1) to (5) and (10) |  |  |
| 1. Presentation and publication of reports | See section 94P(6) to (9) |  |  |
| *Warrant for entry to obtain information in urgent cases during state of emergency* |  |  |  |
| 1. Warrant for entry to obtain information | See section 78 |  |  |
| 1. Form and content of warrant under section 111 | See section 79 |  |  |
| 1. Powers conferred by warrant | See sections 80 and 82(2) |  |  |
| 1. Disposal of information | See section 81 |  |  |
| *Restriction on disclosure of information obtained under powers* |  |  |  |
| 1. Disclosure of information relevant to buildings affected by emergency obtained under powers | See section 83 |  |  |
| *Part 4: Rights, liabilities, and administrative matters* |  |  |  |
| *Subpart 1- Rights and liabilities* |  |  |  |
| *Compensation and liabilities* |  |  |  |
| 1. Compensation if property requestioned during state of emergency | See section 107 |  |  |
| 1. Compensation for loss or damage to personal property | See section 108 |  |  |
| 1. Court may hear dispute relating to compensation under section 116 or 177 | See sections 107(6) and 108(6) |  |  |
| 1. Compensation for loss or damage due to exercise of other powers during emergency designations | See section 109(1) to (4) |  |  |
| 1. Liability for compensation payable under section 119 | See section 109(7) to (10) |  |  |
| 1. Considerations for court if claim brought under section 119 | See section 109(5), (6), and (10) |  |  |
| 1. Protection from liability |  | See section 110 |  |
| 1. Recovery of costs by Emergency Management Committees | See section 113 |  |  |
| *Effect on employment rights of absence due to emergency management duties* |  |  |  |
| 1. Absence on duty not to affect employment rights | See section 112 |  |  |
| *Offences and penalties* |  |  |  |
| 1. Offence involving obstruction | For the offence, see section 98 | For the penalty, see section 104 |  |
| 1. Offence involving failure to comply with direction to evacuate premises or place | For the offence, see section 99 | For the penalty, see section 104 |  |
| 1. Offence involving failure to comply with prohibition or restriction on access to road or public place | For the offence, see section 100 | For the penalty, see section 104 |  |
| 1. Offence involving requisitioning | For the offence, see section 101 | For the penalty, see section 104 |  |
| 1. Offence involving failure to comply with direction or request | For the offence, see section 102 | For the penalty, see section 104 |  |
| 1. Offence involving withholding information or giving false or misleading information | For the offence, see section 96 | For the penalty, section 104 |  |
| 1. Offence involving disclosing information | For the offence, see section 97. For the penalty, see section 104 |  |  |
| 1. Offence involving personation | For the offence, see section 103 | For the penalty, see section 104 |  |
| *Infringement offences* |  |  |  |
| 1. Interpretation |  |  | New |
| 1. Infringement offences |  |  | New |
| 1. Who may issue infringement notices |  |  | New |
| 1. When infringement notice may be issued |  |  | New |
| 1. Revocation of infringement notice before payment made |  |  | New |
| 1. What infringement notice must contain |  |  | New |
| 1. How infringement notice may be served |  |  | New |
| 1. Payment of infringement fees |  |  | New |
| 1. Reminder notices |  |  | New |
| *Appeals* |  |  |  |
| 1. Right of appeal against exercise of certain powers | See sections 77 and 91(7) and (8) |  |  |
| *Subpart 2 – Administration* |  |  |  |
| *Regulations* |  |  |  |
| 1. General regulations |  | See section 115 |  |
| 1. Regulations relating to Māori representation on Emergency Management Committees and Emergency Management Co-ordinating Executives |  |  | New |
| 1. Regulations relating to critical infrastructure entities |  |  | New |
| 1. Regulations relating to roles of lead and support agencies |  |  | New |
| *Emergency management rules* |  |  |  |
| 1. Director’s power to make rules |  |  | New |
| *Service of documents* |  |  |  |
| 1. Service of documents | See section 114 |  |  |
| *Authority for payment of expenses* |  |  |  |
| 1. Permanent legislative authority for payment of certain expenses |  | See section 115A |  |
| *Interaction with other legislation* |  |  |  |
| 1. Restricted application of Resource Management Act 1991 | See section 111 |  |  |
| *Repeals and amendments* |  |  |  |
| 1. Repeal of Civil Defence Emergency Management Act 2002 |  |  | Replacement for section 116 |
| 1. Amendments to other legislation |  |  | Replacement for section 117 |
| *Schedule 1: Transitional, savings, and related provisions* |  |  | Replacement for sections 118 to 121 and Schedule 1AA |
| *Contents: Part 1 – Provisions relating to this Act as enacted* |  |  |  |
| *Part 1: Provisions relating to this Act as enacted* |  |  |  |
| *General transitional provisions* |  |  |  |
| 1. Interpretation |  |  | New |
| 1. Matters initiated under Civil Defence Emergency Management Act 2002 |  |  | New  Note: clause 2 includes proceedings (see section 121) |
| 1. References to Civil Defence Emergency Management Act 2002 |  |  | New |
| *Emergency Management officers* |  |  |  |
| 1. Officers under 2002 Act continued under this Act |  |  | New |
| *Emergency management bodies* |  |  |  |
| 1. Bodies and their members under 2002 Act continued under this Act |  |  | New |
| 1. Form of Civil Defence Emergency Management Group to continue |  |  | Replacement for Schedule 1AA, Part 1, clause 2 |
| 1. Emergency Management co-ordinating Executive membership to meet new requirements within reasonable time |  |  | New |
| *Documents* |  |  |  |
| 1. Documents under 2002 Act continued under this Act |  |  | New  *Note 1*: clause 8(1)(c) replaces Schedule 1AA, Part 2, clause 8.  *Note 2*: clause 8(1)(d) and 8(1)(e) replace section 118 |
| *Emergency designations and powers* |  |  |  |
| 1. Emergency designations remain in force |  |  | New |
| *Lifeline Utilities* |  |  |  |
| 1. Lifeline utilities saved for 2 years and renamed critical infrastructure entities |  |  | New |
| 1. Alternative definitions relating to critical infrastructure entities for first 2 years |  |  | New |
| *Warrants* |  |  |  |
| 1. Warrants continue |  |  | New |
| *References in documents* |  |  |  |
| 1. Amendments to references in documents to civil defence emergency management personnel and entities |  |  | Replacement for section 120 |
| *Schedule 2: Matters of detail relating to Part 2* |  |  |  |
| *Contents* |  |  |  |
| *Provisions relating to Director’s role* |  |  |  |
| 1. Provisions relating to delegation of Director’s functions to National Controller, National Recovery Manager, or State employee | See sections 11(2) to (5), 11B(2) to (5), and 105(3), (5), and (6) |  |  |
| *Emergency Management Committee details and procedures* |  |  |  |
| 1. Certain powers of local authorities in Local Government Act 2002 not to apply to Emergency Management Committee | See section 12(2) |  |  |
| 1. Relevant legislation for Emergency Management Committees to monitor and report on compliance | See section 17(3) |  |  |
| 1. Emergency Management Committee to follow model standing orders | See section 19 |  |  |
| 1. Attendance at Emergency Management Committee meetings by audio link or audiovisual link during state of emergency |  |  | New |
| 1. Mergers of Emergency Management Committees | See section 21 |  |  |
| 1. Membership rules in event of local government reorganisation | See section 22 |  |  |
| *Administering authorities* |  |  |  |
| 1. Costs relating to administering authorities | See section 24(3) and (4) |  |  |
| *Power of Director, Emergency Management Committees, and Recovery Manager to require information* |  |  |  |
| 1. Form of information | See sections 76 and 94I |  |  |
| 1. Medical and legally privileged information not to be disclosed | See section 82 |  |  |
| 1. Disclosure of information relevant to buildings affected by emergency | See section 83 |  |  |
| *Further obligations of critical infrastructure entities* |  |  |  |
| 1. Role of critical infrastructure entities during reduction and readiness stages of emergency management |  |  | New  Note: clause 12 is based on clause 60(1) of the National Civil Defence Emergency Management Plan Order 2015 |
| 1. Role of critical infrastructure entities during response and recovery stages of emergency management |  |  | New  Note: clause 13 is based on clause 61(1) of the National Civil Defence Emergency Management Plan Order 2015 |
| *National emergency management plan* |  |  |  |
| 1. Minor changes to national emergency management plan | See section 47 |  |  |
| *Emergency Management Committee plans* |  |  |  |
| 1. Incorporation by reference | See section 51 |  |  |
| 1. Minor changes to emergency management committee plan | See section 57 |  |  |
| *Schedule 3: Procedural matters relating to Part 3* |  |  |  |
| *Contents* |  |  |  |
| 1. Proof of authority to make emergency designation | See sections 68(4) and 94B(10) |  |  |
| 1. Content and publication of declaration of state of emergency and declaration extending or terminating state of emergency | See section 73 |  |  |
| 1. Content and publication of transition period notice or notice extending or terminating transition period | See section 94F |  |  |
| 1. Notice requirements when exercising power relating to structures | See sections 91A and 94NA |  |  |
| 1. Person exercising emergency powers to provide proof of identity | See sections 93 and 94O |  |  |
| *Schedule 4: Consequential amendments to legislation* |  |  | Replacement for Schedule 2 |
| *Part 1: Consequential amendments to Acts* |  |  | Replacement for Schedule 2 |
| *Part 2: Consequential amendments to secondary legislation* |  |  | New |

**Additional Information: Sections of the Civil Defence Emergency Management Act 2002 that are not being carried over into the Emergency Management Bill**

Section 14 Membership rules for territorial authorities

Section 33 Timing of first national civil defence emergency management strategy

Section 40 Incorporation by reference [National Civil Defence Emergency Management Plan]

Section 43 Copy of order to be presented to House of Representatives

Section 44 First national civil defence emergency management plan

Section 64(1) Duties of local authorities

Section 65 Duties to consider alternatives, assess benefits and costs, etc

Section 95 Failure to comply with requirement in civil defence emergency management plan

Section 106 Acting Director

Section 119 Provisions of Civil Defence Act 1983 that continue

Also clauses 1 and 3 to 7 of Part 1, Schedule 1AA