

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

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
2. Commencement			Replacement for section 2
<i>Part 1: Preliminary provisions</i>			
3. Purpose		See section 3	
4. Tiriti o Waitangi / Treaty of Waitangi			New
5. Interpretation		See section 4	
6. Transitional, savings, and related provisions			Replacement for section 4A
7. Act binds the Crown	See section 5		
8. Act not to affect functions, duties, and powers under other Acts or general law	See section 6		
9. Precautionary approach	See section 7		
10. Overview			New
<i>Part 2: Emergency management system</i>			
<i>Subpart 1 – Roles and responsibilities: national level</i>			
<i>Director of Emergency Management</i>			
11. Role of Director of Emergency Management		See section 8	
12. Powers of Director		See section 9	
13. Statements by Director	See section 74		
14. Director must not act inconsistently with national disaster resilience strategy	See section 37(2)		
15. Power of Director to act on default by others	See section 75		
16. Power of Director to require information	See section 76(1) and (2)		
17. Delegation of powers of Director	See section 105(1), (2), (4), and (7)		
<i>National Controller</i>			
18. Role of National Controller	See sections 10 and 11(1)		
<i>National Recovery Manager</i>			
19. Role of National Recovery Manager	See sections 11A, 11B(1), 94I, and 76(1) and (2)		
<i>National Māori Emergency Management Advisory Group</i>			
20. National Māori Emergency Management Advisory Group			New
21. Membership of National Māori Emergency Management Advisory Group			New
<i>Approved providers of warnings and notifications</i>			

22. Approved providers of warnings and notifications			New
23. Role of approved providers of warnings and notifications			New
<i>Subpart 2 – Roles and responsibilities: area level</i>			
<i>Emergency Management Committees</i>			
24. Emergency Management Committees	See section 12		
25. Membership of Emergency Management Committees		See section 13	
26. Appointment of Māori members of Emergency Management Committees			New
27. Appointment of chairperson	See section 15		
28. Powers and duties of members of Emergency Management Committees	See section 16		
29. Role of Emergency Management Committees		See section 17	
30. General powers of Emergency Management Committees	See sections 18 and 76(1) and (2)		
31. Emergency Management Committee must not act inconsistently with national disaster resilience strategy	See section 37(1)		
32. Emergency Management Committees not PCBUs under Health and Safety at Work Act 2015			New
<i>Emergency Management Co-ordinating Executive</i>			
33. Appointment of Emergency Management Co-ordinating Executive		See section 20(1)	
34. Role of Emergency Management Co-ordinating Executive	See section 20(2)		
<i>Administering authorities</i>			
35. Administering authorities		See section 23	
36. Role of administering authorities and chief executives of administering authorities	See section 24(1) and (2)		
<i>Functions and duties of local authorities</i>			
37. Functions and duties of local authorities members of Emergency Management Committees in emergency management			New (however, functions and duties are based on section 17)
38. Duty of local authorities to continue to function during and after emergency	See section 64(2)		
39. Emergency management functions and duties for offshore islands			New
<i>Persons authorised to make local emergency designations</i>			
40. Persons appointed or authorised to make local emergency declarations: whole area, region,	See section 25(1) to (4)		

multiple districts, or multiple wards from within different districts			
41. Persons authorised to make local emergency designations: individual districts and wards within districts	See section 25(4) and (5)		
<i>Area Controllers and Local Controllers</i>			
42. Appointment of Area Controllers	See section 26		
43. Appointment of Local Controllers	See section 27		
44. Role of Area Controllers and Local Controllers	See section 28		
<i>Area Recovery Managers and Local Recovery Managers</i>			
45. Appointment of Area Recovery Managers	See section 29		
46. Appointment of Local Recovery Managers	See section 30		
47. Role of Area and Local Recovery Managers	See sections 30A, 94I, and 76(1) and (2)		
<i>Subpart 3 – Roles and Responsibilities: other parties</i>			
<i>General duties of public service agencies and others</i>			
48. Public service agencies to prepare plans to continue functioning during and after emergency	See section 58		
49. Public service agencies and others to undertake emergency management functions	See section 59		
<i>Critical infrastructure entities</i>			
50. Recognition of critical infrastructure entities and critical infrastructure sectors			Replacement for section 61 and Schedule 1
51. Requirements for recognition of critical infrastructure entities and critical infrastructure sectors			New
52. Minister may remove recognition of critical infrastructure entity			New
53. Minister may exempt critical infrastructure entity		See section 62	
54. Duties of critical infrastructure entities		See section 60	
55. Information-sharing obligations of critical infrastructure entities			New
56. Disclosure by critical infrastructure entities of information relevant to buildings affected by emergency	See section 83		
57. Obligation to establish, review, and publish planning emergency levels of service			New
58. Obligation to report annually to Director and relevant regulatory departments or agencies			New
<i>Duties of emergency services</i>			
59. Duties of emergency services	See section 63		
<i>Subpart 4 – Emergency management planning</i>			
<i>National disaster resilience strategy</i>			

60. National Disaster Resilience Strategy	See section 31		
61. Review of national disaster resilience strategy	See sections 34(1)(b) and 36		
62. Procedure for amending or replacing national disaster resilience strategy	See section 32		
63. Currency of national disaster resilience strategy	See section 34		
64. Presentation of national disaster resilience strategy to House of Representatives	See section 35		
<i>Emergency management plans: matters relevant to development</i>			
65. Matters relevant to development of emergency management plans	See section 38		
<i>National emergency management plan</i>			
66. 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	
67. Content of national emergency management plan		See section 39(2) and (3)	
68. Review of national emergency management plan	See section 46		
69. Preparation of new or revised national emergency management plan	See section 41		
70. Publication of national emergency management plan			New
71. Currency of national emergency management plan	See section 45		
<i>Emergency management committee plans</i>			
72. Emergency management committee plans	See sections 48 and 53		
73. Content of emergency management committee plan		See section 49(2) and (4)	
74. Director's guidelines for emergency management committee plans	See section 49(3)		
75. Review of emergency management committee plans	See section 56		
76. Procedure for making proposed new or revised emergency management committee plan		See sections 49(1) and (1A), and 52	
77. Currency of emergency management committee plan	See section 55		
<i>Part 3: Emergency designations and powers</i>			
<i>Emergency designations and powers</i>			
<i>Subpart 1 – General and interpretative provisions</i>			
78. Outline of Part			New
79. Definitions for Part 3			New
80. Procedural provisions in Schedule 3			New

<i>Subpart 2- States of emergency and transition periods</i>			
<i>Declaration of state of national emergency</i>			
81. Minister may declare state of national emergency	See section 66(1) and (2)		
82. When Parliament must be made to meet for state of national emergency	See section 67		
<i>Declaration of state of local emergency</i>			
83. Declaration of state of local emergency	See sections 68(1), (2) and (3), and 69(1)		
<i>General provisions applying to states of emergency</i>			
84. Commencement and duration of state of emergency	See section 70		
85. Extension of duration of state of emergency	See section 71		
86. Termination of state of emergency	See section 72		
<i>Notice of national transition period</i>			
87. Minister may give notice of national transition period	See section 94A(1) and (4)(a)		
<i>Notice of local transition period</i>			
88. Notice of local transition period	See section 94B(1) to (3) and (9)		
<i>General provisions applying to transition periods</i>			
89. Commencement and duration of transition periods	See section 94C		
90. Extension of duration of transition period	See section 94D(1) and (2), and (6) to (9)		
91. 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)		
92. Termination of transition periods	See section 94E		
<i>Concurrent emergency designations</i>			
93. Concurrent emergency designations: states of emergency and transition periods			New
<i>Subpart 3 – Emergency powers</i>			
<i>When emergency powers apply</i>			
94. Emergency powers: overview			New
95. Emergency powers in states of emergency: application			New approach to Part 5
96. Emergency powers in transition periods: application	See section 94G		
97. Emergency power if imminent threat of emergency: application	See sections 78(2) and 84(1)(a)		
<i>Emergency Powers</i>			
98. Minister's general power of direction	See sections 84(1)(b), (2) and (3), and 94J(1), (2) and (3)		
99. Minister's power of direction relating to earthquake-affected buildings	See sections 84(2A) to (3), and 94J(2A) to (3)		

100. Emergency powers of Emergency Management Committees and Recovery Managers	See sections 85 and 94H		
101. Evacuation of premises and places	See sections 86 and 94K		
102. Entry on premises	See sections 87 and 94L		
103. Closing roads and public places	See sections 88 and 94M		
104. Removal of vehicles and craft	See section 89		
105. Requisitioning power	See section 90		
106. Power to give direction	See sections 91 and 94N		
107. Power to carry out inspections and other activities in relation to property and things	See section 92		
108. Power to make contracts in urgent cases	See section 94		
<i>Subpart 4 – Emergency powers: related provisions</i>			
<i>Reporting obligation when exercising emergency powers in transition period</i>			
109. Reporting obligation for Recovery Managers	See section 94P(1) to (5) and (10)		
110. Presentation and publication of reports	See section 94P(6) to (9)		
<i>Warrant for entry to obtain information in urgent cases during state of emergency</i>			
111. Warrant for entry to obtain information	See section 78		
112. Form and content of warrant under section 111	See section 79		
113. Powers conferred by warrant	See sections 80 and 82(2)		
114. Disposal of information	See section 81		
<i>Restriction on disclosure of information obtained under powers</i>			
115. Disclosure of information relevant to buildings affected by emergency obtained under powers	See section 83		
<i>Part 4: Rights, liabilities, and administrative matters</i>			
<i>Subpart 1- Rights and liabilities</i>			
<i>Compensation and liabilities</i>			
116. Compensation if property questioned during state of emergency	See section 107		
117. Compensation for loss or damage to personal property	See section 108		
118. Court may hear dispute relating to compensation under section 116 or 177	See sections 107(6) and 108(6)		
119. Compensation for loss or damage due to exercise of other powers during emergency designations	See section 109(1) to (4)		
120. Liability for compensation payable under section 119	See section 109(7) to (10)		

121. Considerations for court if claim brought under section 119	See section 109(5), (6), and (10)		
122. Protection from liability		See section 110	
123. Recovery of costs by Emergency Management Committees	See section 113		
<i>Effect on employment rights of absence due to emergency management duties</i>			
124. Absence on duty not to affect employment rights	See section 112		
<i>Offences and penalties</i>			
125. Offence involving obstruction	For the offence, see section 98	For the penalty, see section 104	
126. Offence involving failure to comply with direction to evacuate premises or place	For the offence, see section 99	For the penalty, see section 104	
127. 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	
128. Offence involving requisitioning	For the offence, see section 101	For the penalty, see section 104	
129. Offence involving failure to comply with direction or request	For the offence, see section 102	For the penalty, see section 104	
130. Offence involving withholding information or giving false or misleading information	For the offence, see section 96	For the penalty, section 104	
131. Offence involving disclosing information	For the offence, see section 97. For the penalty, see section 104		
132. Offence involving personation	For the offence, see section 103	For the penalty, see section 104	
<i>Infringement offences</i>			
133. Interpretation			New
134. Infringement offences			New
135. Who may issue infringement notices			New
136. When infringement notice may be issued			New
137. Revocation of infringement notice before payment made			New
138. What infringement notice must contain			New
139. How infringement notice may be served			New
140. Payment of infringement fees			New
141. Reminder notices			New
<i>Appeals</i>			
142. Right of appeal against exercise of certain powers	See sections 77 and 91(7) and (8)		
<i>Subpart 2 – Administration</i>			
<i>Regulations</i>			
143. General regulations		See section 115	
144. Regulations relating to Māori representation on Emergency Management Committees and Emergency Management Coordinating Executives			New
145. Regulations relating to critical infrastructure entities			New

146. Regulations relating to roles of lead and support agencies			New
<i>Emergency management rules</i>			
147. Director's power to make rules			New
<i>Service of documents</i>			
148. Service of documents	See section 114		
<i>Authority for payment of expenses</i>			
149. Permanent legislative authority for payment of certain expenses		See section 115A	
<i>Interaction with other legislation</i>			
150. Restricted application of Resource Management Act 1991	See section 111		
<i>Repeals and amendments</i>			
151. Repeal of Civil Defence Emergency Management Act 2002			Replacement for section 116
152. Amendments to other legislation			Replacement for section 117
<i>Schedule 1: Transitional, savings, and related provisions</i>			Replacement for sections 118 to 121 and Schedule 1AA
<i>Contents: Part 1 – Provisions relating to this Act as enacted</i>			
<i>Part 1: Provisions relating to this Act as enacted</i>			
<i>General transitional provisions</i>			
1. Interpretation			New
2. Matters initiated under Civil Defence Emergency Management Act 2002			New Note: clause 2 includes proceedings (see section 121)
3. References to Civil Defence Emergency Management Act 2002			New
<i>Emergency Management officers</i>			
4. Officers under 2002 Act continued under this Act			New
<i>Emergency management bodies</i>			
5. Bodies and their members under 2002 Act continued under this Act			New
6. Form of Civil Defence Emergency Management Group to continue			Replacement for Schedule 1AA, Part 1, clause 2
7. Emergency Management co-ordinating Executive membership to meet new requirements within reasonable time			New
<i>Documents</i>			
8. 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

<i>Emergency designations and powers</i>			
9. Emergency designations remain in force			New
<i>Lifeline Utilities</i>			
10. Lifeline utilities saved for 2 years and renamed critical infrastructure entities			New
11. Alternative definitions relating to critical infrastructure entities for first 2 years			New
<i>Warrants</i>			
12. Warrants continue			New
<i>References in documents</i>			
13. Amendments to references in documents to civil defence emergency management personnel and entities			Replacement for section 120
<i>Schedule 2: Matters of detail relating to Part 2</i>			
<i>Contents</i>			
<i>Provisions relating to Director's role</i>			
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)		
<i>Emergency Management Committee details and procedures</i>			
2. Certain powers of local authorities in Local Government Act 2002 not to apply to Emergency Management Committee	See section 12(2)		
3. Relevant legislation for Emergency Management Committees to monitor and report on compliance	See section 17(3)		
4. Emergency Management Committee to follow model standing orders	See section 19		
5. Attendance at Emergency Management Committee meetings by audio link or audiovisual link during state of emergency			New
6. Mergers of Emergency Management Committees	See section 21		
7. Membership rules in event of local government reorganisation	See section 22		
<i>Administering authorities</i>			
8. Costs relating to administering authorities	See section 24(3) and (4)		
<i>Power of Director, Emergency Management Committees, and Recovery Manager to require information</i>			
9. Form of information	See sections 76 and 94I		
10. Medical and legally privileged information not to be disclosed	See section 82		
11. Disclosure of information relevant to buildings affected by emergency	See section 83		

<i>Further obligations of critical infrastructure entities</i>			
12. 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
13. 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
<i>National emergency management plan</i>			
14. Minor changes to national emergency management plan	See section 47		
<i>Emergency Management Committee plans</i>			
15. Incorporation by reference	See section 51		
16. Minor changes to emergency management committee plan	See section 57		
<i>Schedule 3: Procedural matters relating to Part 3</i>			
<i>Contents</i>			
1. Proof of authority to make emergency designation	See sections 68(4) and 94B(10)		
2. Content and publication of declaration of state of emergency and declaration extending or terminating state of emergency	See section 73		
3. Content and publication of transition period notice or notice extending or terminating transition period	See section 94F		
4. Notice requirements when exercising power relating to structures	See sections 91A and 94NA		
5. Person exercising emergency powers to provide proof of identity	See sections 93 and 94O		
<i>Schedule 4: Consequential amendments to legislation</i>			Replacement for Schedule 2
<i>Part 1: Consequential amendments to Acts</i>			Replacement for Schedule 2
<i>Part 2: Consequential amendments to secondary legislation</i>			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