



Proactive Release

The following documents have been proactively released by the Department of the Prime Minister and Cabinet (DPMC), and National Emergency Management Agency (NEMA), on behalf of Hon Mark Mitchell, Minister for Emergency Management and Recovery:

Documents relating to the Government's decision to not proceed with the Emergency Management Bill

The following documents have been included in this release:

Title of paper: Discharging the Emergency Management Bill (LEG-24-SUB-0039 refers)

Title of minute: Report of the Cabinet Legislation Committee Minute (CAB-24-MIN-0099 refers)

Title of minute: Discharging the Emergency Management Bill (LEG-24-SUB-0039 refers)

Title of briefing: Emergency Management Bill: overview and next steps

Annex One: Timeline of emergency management primary legislation

Annex Two: Subsidiary instruments made under the CDEM Act 2002

Annex Three: The 4Rs of emergency management

Annex Four: Structural arrangements under CDEM Act and EM Bill

Annex Five: Planning arrangements under CDEM Act and EM Bill

Main changes made through the Emergency Management Bill

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction codes:

- section 9(2)(a), to protect the privacy of individuals
- section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials

~~In Confidence~~

Office of the Minister for Emergency Management and Recovery
Cabinet Legislation Committee

Discharging the Emergency Management Bill

Proposal

- 1 This paper seeks approval to take steps to discharge the Emergency Management Bill (the Bill).

Policy

- 2 Over 2018 – 2022, the previous Government made policy decisions to replace the Civil Defence Emergency Management (CDEM) Act 2002 with the Bill to implement that Government’s response in 2017 to the Ministerial Review ‘Better Responses to Natural Disasters and other Emergencies in New Zealand’¹ (Ministerial Review) [CAB-18-MIN-0169; GOV-19-MIN-0017; GOV-20-MIN-0035; GOV-21-MIN-0043; GOV-22-MIN-0031; LEG-22-MIN-0239; GOV-22-MIN-0339; GOV-22-MIN-0339.1; CAB-22-MIN-0601.01 refers].
- 3 The Bill was introduced in June 2023 and referred to the Governance and Administration Committee (GAC). Submissions on the Bill closed in November 2023 and 312 submissions were received. On 4 December 2023, the Emergency Management Bill was reinstated. The Committee is due to report back to the House on 19 December 2024. The Committee has not yet received an initial briefing from officials or held oral hearings of submissions.
- 4 The Bill does not make fundamental changes to the emergency management system. If the Bill is discharged, the current civil defence emergency management structures, officers and powers under the CDEM Act would remain. This includes that emergency management (risk reduction, readiness, response and recovery) is largely devolved to local authorities through regionally-based CDEM Groups to manage most emergencies. Control of an emergency response can be escalated to the national level if necessary.
- 5 The Bill primarily implements the previous Government’s policy intent to clarify and improve how local government undertakes emergency management (with a focus on response and readiness), and to recognise the role of Māori in emergency management.
- 6 The Bill therefore:
 - 6.1 sets out roles and functions of CDEM Groups and their constituent local authorities intended to improve commitment of local authorities to collaborate as CDEM Groups;

¹ <https://www.dPMC.govt.nz/sites/default/files/2018-08/natural-disasters-emergencies-government-response-tag-report.pdf>

- 6.2 provides for the Director CDEM to make rules to improve consistency in emergency management planning and interoperable delivery within and between regions, and improve workforce capability and capacity;
 - 6.3 requires CDEM Groups to engage with Māori, disproportionately impacted communities, and ambulance services in planning and readiness activity; and to appoint Māori members to the Group and their Executive Committee.
- 7 The Bill also provides for:
- 7.1 obligations on critical infrastructure entities to plan for and report on emergency levels of service;
 - 7.2 regulations to prescribe lead and support agencies for managing particular hazards or risks;
 - 7.3 a National Māori Emergency Management Advisory Group;
 - 7.4 reimbursement of response costs incurred by iwi and Māori organisations from the Crown rather than through local authorities;
 - 7.5 concurrent national and local states of emergency and transition periods over the same geographic area for different emergency events;
 - 7.6 civil liability protection for volunteers and approved providers of warnings; and
 - 7.7 increased penalties, and new infringement offences (specified through regulations).
- 8 Based on submissions the following aspects of the Bill are contentious:
- 8.1 lack of fundamental changes to structural or funding arrangements to address systemic issues, particularly in relation to risk reduction, building community resilience and enabling effective recovery;
 - 8.2 the Bill being introduced in advance of the report of the Government Inquiry into the Response to the North Island Severe Weather Events (the Severe Weather Inquiry);
 - 8.3 providing Māori with formal roles and responsibilities in emergency management, and not providing this for community groups and businesses;
 - 8.4 lack of provisions relating to animal welfare during emergencies;
 - 8.5 new planning, reporting, and information-sharing requirements for critical infrastructure entities; and
 - 8.6 level of prescription relating to local authority and CDEM Group responsibilities, and lack of additional funding to undertake these.

Discharge of the Emergency Management Bill

- 9 I seek approval to take steps to discharge the Bill. I am concerned that much of the Bill is bureaucratic rather than practical and will not make much difference on the ground. I am also concerned that some provisions treat certain groups in our community differently from others.
- 10 Many of the new provisions in the Bill can be achieved (at least to some extent) by existing mechanisms in the CDEM Act such as regulations, amending the national CDEM Plan or Director's Guidelines, or by non-legislative means such as supporting CDEM Groups to improve planning and interoperability.
- 11 Many of the Bill's intended outcomes for critical infrastructure entities can be progressed by work led by the Minister for Infrastructure to enhance the resilience of New Zealand's critical infrastructure system, with a Bill likely to be introduced in late 2025.
- 12 Reflecting the scope of the 2017 Ministerial Review, the Bill is largely focused on improving response (and readiness for response). Many submitters to the Bill are concerned that it does not make the fundamental changes required to address systemic issues and deliver an integrated emergency management framework. s9(2)(f)(iv)
- 13 I will shortly receive the report from the Severe Weather Inquiry. The Royal Commission of Inquiry into COVID-19 Lessons Learned is due to report in September 2024. The Cyclone Recovery Unit will be advising me on future recovery settings for enhancing our emergency management and recovery system, ahead of my Cabinet report back in October 2024 [100-24-MIN-0008 refers]. Other Ministers are working on legislative reform and investment for risk reduction and resilience, for example in the areas of resource management, climate change adaptation, and water infrastructure.
- 14 New context from this work, and from submissions on the Bill, means a more fundamental look at our emergency management policy and legislative settings to address risk reduction, readiness, response, and recovery is needed. We need to deliver an integrated, fit-for-purpose emergency management framework, including recovery from emergency events. The Bill does not achieve that.
- 15 I therefore consider the Bill should not proceed. While we could amend the Bill as it progresses through its parliamentary stages, this would not allow for the thorough policy development, drafting and stakeholder engagement needed to ensure any fundamental changes will achieve their intended effect. Instead, I intend to introduce a new Bill later this term.
- 16 Some stakeholders will be concerned about the continued delay in addressing issues from the 2017 Ministerial Review. I will consider making improvements to emergency readiness and response using regulation-making powers in the current CDEM Act and non-legislative levers. I expect that many stakeholders will be concerned about the slow pace on transformative change but will appreciate the opportunity to be involved in policy development.

Consultation

- 17 I have consulted Ministers with relevant portfolios on my proposal to discharge the Bill, who agree with the Bill being discharged.
- 18 The Minister for Māori Crown Relations and Minister for Māori Development notes that the proposal to discharge the Bill will have implications for iwi and hapū and their marae. I agree with the Minister that, in developing a new Bill, we will need to engage with iwi and Māori and draw on the information and input already provided by them through the work of the Ministerial Review, policy work on the current Bill, and submissions to the GAC.
- 19 All coalition parties were consulted and agree with the Bill being discharged.

Timelines for progress

- 20 If Cabinet agrees that the Bill should not proceed, I will take steps to have the Bill discharged.
- 21 I would initially write to the GAC Chair informing the Committee that I do not plan to progress the Bill through its remaining legislative stages and encourage the Committee to report the Bill back early, without forming a view on the Bill. Once the Bill is reported back, I would initiate a motion to discharge it.
- 22 I consider that the most appropriate time to write to the GAC Chair is when the Severe Weather Inquiry report is publicly released. This is likely to be in late April, to be confirmed once I receive the final Inquiry report. Until then, I do not propose to make any public announcements about the future of the Emergency Management Bill.
- 23 If this Bill is discharged, I intend to introduce a new Bill later this term. I would anticipate seeking final policy decisions in mid-2025.

Proactive Release

- 24 I will proactively release this Cabinet paper in conjunction with writing to the GAC Chair. Any information that may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Publicity

- 25 I will communicate the Government's decision and rationale for not proceeding with the Bill as part of communications associated with the release of the Severe Weather Inquiry report. This will include communications with CDEM Groups and key stakeholders as well as a public announcement.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that the Emergency Management Bill is intended to replace the Civil Defence Emergency Management Act 2002 to improve how the emergency management

framework works in the areas of readiness and response, and to recognise the role of Māori in emergency management;

- 2 **note** that recent emergency events have made it clear that there needs to be a more fundamental review of our emergency management policy and legislative settings to address risk reduction, readiness, response, and recovery;
- 3 **agree** that I should take steps to have the Emergency Management Bill discharged from the House; and
- 4 **note** my intention to introduce a new bill later this term that would deliver a fit-for-purpose emergency management legislative framework.

Authorised for lodgement

Hon Mark Mitchell

Minister for Emergency Management and Recovery

[Redacted]

LEG-24-MIN-0039 **Discharging the Emergency Management Bill**
Portfolio: Emergency Management and Recovery

CONFIRMED

[Redacted]

Rachel Hayward
Secretary of the Cabinet



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Discharging the Emergency Management Bill

Portfolio **Emergency Management and Recovery**

On 21 March 2024, the Cabinet Legislation Committee:

- 1 **noted** that the Emergency Management Bill is intended to replace the Civil Defence Emergency Management Act 2002 to improve how the emergency management framework works in the areas of readiness and response, and to recognise the role of Māori in emergency management;
- 2 **noted** that recent emergency events have made it clear that there needs to be a more fundamental review of New Zealand's emergency management policy and legislative settings, to address risk reduction, readiness, response, and recovery;
- 3 **agreed** that the Minister for Emergency Management and Recovery (the Minister) work with the Leader of the House to have the Emergency Management Bill discharged from the House;
- 4 **noted** that the Minister intends to introduce a new bill later during the current term of government to deliver a fit-for-purpose emergency management legislative framework.

Sam Moffett
Committee Secretary

Present:

Rt Hon Winston Peters (Chair)
Hon Brooke van Velden
Hon Dr Shane Reti
Hon Paul Goldsmith
Hon Mark Mitchell
Hon Todd McClay
Hon Tama Potaka
Hon Melissa Lee
Hon Nicole McKeen
Hon Simon Watts
Hon Penny Simmonds
Hon Scott Simpson
Todd Stevenson, MP
Jamie Arbuckle, MP

Officials present from:

Officials Committee for LEG
Office of the Leader of the House



Briefing

Emergency Management Bill: overview and next steps

Date:	28/11/2023	Priority level:	High
Security classification:	IN CONFIDENCE	Report number:	NEMA-2023/24-25

	Action sought	Deadline
Hon Mark Mitchell Minister for Emergency Management and Recovery	consider implications of reinstating / not reinstating the Emergency Management Bill	4/12/23

Contact for telephone discussion (if required):

Name	Position	Telephone	1 st Contact
Jenna Rogers	Deputy Chief Executive, Strategic Enablement	s9(2)(a)	✓
Sonia Wansbrough	EM Bill Project Lead	s9(2)(a)	

Minister's Office

Status:

Signed

Withdrawn

Comment for agency

Attachments: Yes



Briefing

Emergency Management Bill: overview and next steps

To: Hon Mark Mitchell
Minister for Emergency Management and Recovery

Date	28/11/2023	Security classification	IN CONFIDENCE
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Purpose

This paper provides information about the Emergency Management Bill to help you decide whether to propose reinstating the bill. We're providing this to you now as you may be asked for your view as early as next week. It recommends that you meet with officials to discuss any concerns you have with the bill and how we might address these to achieve your priorities for the portfolio.

Executive Summary

All parliamentary business lapsed following the dissolution of the last Parliament. You are responsible for advising the Government whether to propose reinstating the Emergency Management Bill, which was introduced to the House and referred to the Governance and Administration Committee in June 2023. The existing bill can be reinstated at any point during the first session of the new Parliament. If reinstated, the bill would resume at select committee.

The Emergency Management Bill was not intended to be a vehicle for fundamental system or sector reform. The main civil defence emergency management structures, officers and powers carry over from the Civil Defence Emergency Management Act 2002.

The bill addresses issues and gaps identified through reviews of past responses to emergency events. The main changes:

- address confusion about the respective roles and responsibilities of Civil Defence Emergency Management Groups (which are committees of elected representatives of all local authorities in each area) and the individual local authorities
- enable stronger national direction to ensure a more consistent approach to preparing for, responding to, and recovering from emergencies
- recognise the existing role of Māori in emergency management

- introduce new planning and information sharing obligations for critical infrastructure entities (currently known as lifeline utilities).

The bill also makes some operational changes and restructures the legislation to improve transparency and accessibility.

Alongside the bill we are scoping the associated implementation work programme, which includes developing secondary legislation and preparing to implement the other changes introduced by the bill. This will be a significant programme of work for NEMA to deliver.

We understand that you are likely to want to make changes to the bill to reflect the Government's policy priorities. s9(2)(f)(iv)

If the bill is reinstated, there are opportunities for the Government to propose changes during the select committee stage and/or once the bill has been reported back to the House. Any policy changes would require Cabinet decisions.

It may be preferable not to reinstate the bill if you wish to make major policy changes (including in response to the Government Inquiry into the North Island Severe Weather Events). This would provide the additional time required to develop policy and consult affected stakeholders before introducing a revised bill. Many submitters have proposed major changes to the bill with some expressing concern that the bill does not make the fundamental changes required to address systemic issues and deliver an integrated, fit-for-purpose emergency management framework.

If the bill is not reinstated, some issues that pose a risk to the effective functioning of the emergency management system will continue until addressed through a revised bill. NEMA considers it important but not urgent to address these risks. Some risks can be partially mitigated without changing emergency management legislation.

If the bill is not reinstated, there will also be consequences for work being led within the National Security and Intelligence portfolio by the Department of the Prime Minister and Cabinet (DPMC) to enhance the resilience of the critical infrastructure system. DPMC would need to progress separate work on the definition of critical infrastructure rather than rely on the bill to provide this.


Recommendations

The National Emergency Management Agency (NEMA) recommends you:

- Note** that you are responsible for advising the Government whether to propose reinstating the Emergency Management Bill during the first session of Parliament. You may be asked for your view as early as next week.
- Note** that, if the bill is reinstated, there are opportunities for the Government to make changes to it:

1. during the select committee stage
 2. once the bill has been reported back to the House.
- c. **Note** that if major policy changes are desirable (for example, in response to the Government Inquiry into the North Island Severe Weather Events) they may be better done through a revised bill to provide time to develop policy and consult affected stakeholders.
- d. **Note** that if the Government does not reinstate the bill some issues that pose a risk to the effective functioning of the emergency management system, and to the resilience of the critical infrastructure system, will continue.
- e. **Agree** to meet with officials to discuss any concerns you have with the bill and how we might address these to achieve your priorities for the portfolio.

Agree / Disagree / Discuss



Jenna Rogers
**Deputy Chief Executive, Strategic Enablement
National Emergency Management Agency**

28/11/2023

**Hon Mark Mitchell
Minister for Emergency Management and Recovery**

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Background

- 1 All parliamentary business, including the Emergency Management Bill, lapsed on 8 September 2023 when the previous Parliament was dissolved.
- 2 Following the election, the Cabinet Office, assisted by the Office of the Clerk, will provide the Leader of the House with a schedule of business that has lapsed and is available for reinstatement. It has become the practice for the House to reinstate all the business it wishes to resume in a single motion, but it can be done piecemeal provided it is within the first session of the term of Parliament.
- 3 You are responsible for advising the Government whether to propose reinstating the existing Emergency Management Bill.
- 4 The bill was introduced to Parliament on 7 June 2023 and referred to the Governance and Administration Committee after the bill's first reading on 28 June. The Committee called for submissions by 3 November 2023. The Committee has forwarded 300 submissions to NEMA as at 24 November; we expect to receive more in the next week or so. The Committee has not yet received an initial briefing from us or heard oral submissions.
- 5 The Governance and Administration Committee's report back is currently due to the House by 28 December 2023. However, the report back date will need to be reset by Parliament if the bill is reinstated. Following previous elections, report back dates for nearly all reinstated legislation were moved to March or later in the subsequent year.

Overview of the Emergency Management Bill

Emergency management legislative framework

- 6 New Zealand's emergency management system is enabled through the Civil Defence Emergency Management (CDEM) Act 2002. Emergency management functions, duties and powers are highly devolved to local government, emergency services and others. The Act provides the legal framework for ensuring a coordinated approach to emergency management at the regional and local level supported by central government; whilst also providing for emergency management to be escalated to and controlled at a national level if the situation necessitates this. The Act specifies the functions and powers of key system roles (e.g. Minister for Emergency Management, Director of CDEM and CDEM Groups) and prescribes emergency management and business continuity obligations for:
 - government departments
 - local authorities
 - emergency services
 - lifeline utilities (certain entities within the energy, water services, telecommunications, broadcasting, and transport sectors).

- 7 Annex 1 shows the evolution of New Zealand's primary emergency management legislation.
- 8 A wide range of legislation in other portfolios is also relevant to emergency management. For example, the Biosecurity Act 1993 provides specific powers to manage biosecurity emergencies, and the Epidemic Preparedness Act 2006 and Health Act 1956 provide specific powers in relation to infectious diseases.
- 9 The powers available under the CDEM Act override many personal and property rights, and have few checks and balances when compared to other statutory processes (for life safety reasons). For this reason, the CDEM Act is used to fill gaps where other legislative processes do not enable an effective and swift response to the emergency at hand.
- 10 The CDEM Act does not limit, is not a substitute for, and does not affect the functions, duties or powers under other legislation. Where there is other specific emergency legislation (for example, Health Act or Biosecurity Act), that legislation also continues to apply.
- 11 Beneath the CDEM Act, further expectations and arrangements are outlined in subsidiary instruments, including:
 - regulations
 - the National CDEM Strategy
 - the National CDEM Plan and CDEM Group Plans
 - Director's guidelines, codes and technical standards.
- 12 Annex 2 provides an overview of these subsidiary instruments.
- 13 The CDEM Act and subsidiary instruments reflect the '4Rs' (risk reduction, readiness, response and recovery) concept of emergency management and apply to all situations resulting from any happening, whether natural or otherwise (such as earthquakes, tsunamis, storms, technological failures, pandemics, or failures of or disruption to critical infrastructure). Annex 3 provides an overview of the 4Rs of emergency management.

Drivers for legislative reform

- 14 The genesis of the bill was addressing some of the issues identified in the 2017 Technical Advisory Group's (TAG's) report *Better Responses to Natural Disasters and Other Emergencies*¹.
- 15 This ministerial review (often referred to as the TAG review) was initiated in April 2017 because of concerns about how the emergency response system operated in the November 2016 Kaikōura earthquake and February 2017 Port Hills fires. The review found that although

¹ [Ministerial Review: Better Responses to Natural Disasters and Other Emergencies in New Zealand - Technical Advisory Group - 18 January 2018 \(dpmc.govt.nz\)](#)

the system has worked, there were issues that needed to be addressed to provide confidence that the system would continue to be effective, namely:

- inconsistent approaches to emergency management planning and delivery across the country, within regions, and between central government agencies, which affected interoperability, making it harder to support one another, and for information to flow across the system
- inexperienced people (in some cases) leading responses resulting in poor decision making, agencies and other groups being excluded (e.g. ambulance and iwi), confusion, and siloed working
- lack of clarity about who was responsible for what, leading to duplication of effort, gaps in the response, poor/slow decision-making, and agencies working in isolation
- inadequate information to inform decision making meaning that emergency managers and the public did not always have the information they needed to make timely, good decisions that protected people and property
- inadequate (in some cases) engagement with communities, which led to a slow response, gaps in the response, and loss of trust and confidence in the system. The review specifically noted that the resources, capability, and social capital of iwi to assist in emergency responses were not recognised in legislation, and specific needs of Māori, whanau, hapū, and iwi were often not recognised in CDEM Group plans.

16 The TAG review made 42 recommendations to address these issues. Many of these relate to operational or investment matters and do not require changes to legislation or regulations to implement them. Of those recommendations that would require legislative change or regulation, most relate to how local government is expected to provide for emergency management. This includes strengthening the regional approach to governance and planning, clarifying authority to declare a state of local emergency and coordinate an emergency response, ensuring capability of the emergency management workforce, and engaging with iwi/Māori.

17 The previous Government released its response to TAG review's findings and recommendations in 2018 (see the 2018 *Government response to the Technical Advisory Group's recommendations*²). The Government later changed its view on some of these matters. The Emergency Management Bill is the vehicle for progressing many of the actions agreed by the previous Government in response to the review.

18 The TAG review's terms of reference and recommendations were primarily about improving emergency response and readiness for response; not risk reduction and recovery. The changes proposed through the bill are therefore also largely focused on improving response

² [natural-disasters-emergencies-government-response-tag-report.pdf \(dPMC.govt.nz\)](https://www.dPMC.govt.nz/natural-disasters-emergencies-government-response-tag-report.pdf)

(and readiness for response). Specifically, the bill seeks to address the following problems that are impacting on the effectiveness of the emergency response system:

- inconsistent collaboration and commitment of local authorities within CDEM Groups, affecting coordination and funding of emergency management
- inconsistent emergency response operating practices and systems, affecting interoperability between CDEM Groups
- insufficient emergency management workforce capability and capacity
- unclear and/or overlapping roles and authority of key people in the emergency management system
- a lack of appropriate engagement of iwi/Māori in emergency management.

19 The bill also contributes to achieving the objectives of the 2019 *National Disaster Resilience Strategy*³, which outlines the vision and long-term goals for emergency management in New Zealand. The strategy has three priorities, each containing several objectives:

- managing risks
- effective response to and recovery from emergencies
- enabling, empowering, and supporting community resilience.

20 The bill contributes to achieving the following objectives listed in the strategy:

- build the relationship between emergency management organisations and iwi/groups representing Māori, to ensure greater recognition, understanding, and integration of iwi/Māori perspectives and tikanga in emergency management
- strengthen the national leadership of the emergency management system to provide clearer direction and more consistent response to and recovery from emergencies
- ensure it is clear who is responsible for what, nationally, regionally, and locally, in response and recovery; enable and empower community-level response, and ensure it is connected into wider coordinated responses, when and where necessary
- address the capacity and adequacy of critical infrastructure systems, and upgrade them as practicable, according to risks identified.

³ [National Disaster Resilience Strategy » National Emergency Management Agency \(civildefence.govt.nz\)](#)

What the bill does

- 21 The Emergency Management Bill is not intended to be a vehicle for fundamental system or sector reform; the main civil defence emergency management structures, officers and powers from the CDEM Act remain in place.
- 22 Because the bill is a full rewrite of the CDEM Act (including restructuring to improve transparency and accessibility), it gives the impression of making more change than it does.
- 23 The major changes in the bill:
- address confusion about the respective roles and responsibilities of Civil Defence Emergency Management Groups (which comprise elected representatives of all local authorities in each region, renamed Emergency Management Committees) and the individual local authorities
 - enable stronger national direction to ensure a more consistent approach to preparing for, responding to, and recovering from emergencies (including through new regulation and rule-making powers)
 - recognise the existing role of Māori in emergency management, including:
 - i. a new national level body, the National Māori Emergency Management Advisory Group (NMEMAG), to advise the Director on Māori interests and knowledge, as they relate to emergency management
 - ii. a new requirement for Emergency Management Committees (EMCs) and Emergency Management Co-ordinating Executive Groups (the chief executives of local authorities and emergency services in the region, previously known as CEGs) to have Māori members
 - iii. requiring EMCs to engage with Māori on the development of EMC plans
 - iv. enabling iwi and Māori organisations to be reimbursed directly by the Crown for welfare expenses incurred in connection with an emergency
 - introduce new planning and information sharing obligations for critical infrastructure entities (currently known as lifeline utilities), including:
 - i. introducing a principles-based definition of 'critical infrastructure' and a more flexible mechanism for recognising critical infrastructure entities and sectors
 - ii. requiring critical infrastructure entities to establish and publish their planned emergency levels of service
 - iii. requiring critical infrastructure entities to develop or contribute to sector-wide response plans

- iv. requiring critical infrastructure entities to proactively share information which is relevant for the purposes of emergency planning and monitoring, and report annually to the Director and their regulator on their compliance with the new Act.

- 24 The bill also makes changes to improve the operation of emergency management, including:
- ensuring that ambulance services are included in emergency management structures
 - providing for civil liability protection for persons acting under direction of a person with responsibilities under the new Act (e.g. volunteers)
 - requiring engagement with communities likely to be disproportionately impacted by emergencies when plans are being developed
 - enabling better management of concurrent local and national emergencies
 - enabling EMC members to meet via audio-visual link for the purpose of quorum and to make decisions.
- 25 The bill also restructures the legislation to improve transparency and accessibility.
- 26 Annex 4 shows the changes the bill makes to CDEM structural arrangements.
- 27 Annex 5 shows the changes the bill makes to emergency management strategy and planning requirements.

The Bill is one component of a wider law reform programme

- 28 Many system performance improvements will be enabled by work outside of the bill. This includes a significant piece of work to build Māori capability and capacity to engage in the substantive new roles envisaged by the bill at all levels of the system.
- 29 Although the bill introduces some new roles and obligations and clarifies others, most of the detail will be in secondary legislation and guidance.
- 30 We are scoping a large programme of work to develop the secondary legislation and guidance, and to implement the other changes introduced by the bill (e.g. appointing the NMEMAG and establishing its secretariat). Some of this work must be completed before the related provisions in the bill commence. Because of the amount of work required on particular aspects, certain bill provisions have delayed commencement dates. We anticipate that it will be necessary to delay commencement of some additional provisions and make other amendments to the bill to ensure that implementation achieves the policy intent. We will provide separate advice on this.

31 Changing and clarifying roles and obligations in primary legislation and subsidiary instruments will not be sufficient to drive the behaviour of system players in the direction that will achieve the policy intent of the reforms. The implementation work programme is therefore also identifying other levers that are necessary for the success of the reforms.

Main themes from written submissions

- 32 Submissions closed on 3 November. As at 24 November the Committee has forwarded 300 submissions to NEMA and said it will provide the remaining handful of submissions with the next week or so.
- 33 Submitters include some of the main entities for which the bill prescribes functions, powers and/or obligations as well as individuals, non-government organisations, Māori organisations, other community groups and businesses.
- 34 Of the submissions we have received:
- 2 support the entire bill
 - 6 are against the entire bill
 - 282 suggest major changes (6 of these consider the bill should be delayed until after the Government Inquiry)
 - 4 suggest minor changes
 - 4 raise only wider policy or operational matters related to emergency management
 - 2 raise only matters entirely unrelated to the bill.
- 35 The majority of submissions (192 of 300) are about protecting animals in emergencies. Most of these submissions are supporting either of two campaigns. The Ministry for Primary Industries (as the policy lead for animal welfare and steward of the Animal Welfare Act) is working with us to analyse the proposals in these submissions.
- 36 In relation to the functions and powers of core CDEM sector players (Director, local authorities, EMCs, Emergency Management Co-ordinating Executive Groups, Controllers and Recovery Managers), there is general support for the changes and clarifications proposed in the bill. However, submitters expressed a range of concerns including:
- the bill needs to make fundamental changes to structural and funding arrangements to address systemic issues, particularly in relation to building community resilience and enabling effective recovery
 - there is a need for greater alignment between the bill and related reforms (such as resource management)

- some aspects are still ambiguous or inconsistent
 - there is insufficient detail regarding the regulations and rules that are enabled by the bill
 - additional obligations on local authorities do not come with certainty of central government funding.
- 37 The bill presently focuses engagement on participation of communities that are or may be disproportionately affected by an emergency. Several submissions from CDEM Groups have highlighted that greater clarity is required as to how to define disproportionately affected communities. Other submitters also noted that disproportionately affected communities are likely to be different depending on the context of the locality (e.g. rural communities may be considered disproportionately affected).
- 38 There is general support for the bill to do more to recognise and enable participation of non-government organisations, community groups and businesses (e.g. civil contractors) in the development of emergency management plans and approaches and delivery of response. This desire comes with a recognition that participation comes at a cost and as such funding support is crucial. Many submitters looked to central government as the source of this funding support while others simply recognised that funding is critical to support effective participation.
- 39 There is general support amongst local government, community groups and Māori for the bill's provisions relating to Māori participation on EMCs and Emergency Management Co-ordinating Executive Groups and for recognising the important role that Māori play in bringing resources and networks to support emergency management responses to the benefit of the whole community (e.g. marae, Māori Wardens, iwi, hapū and whānau networks, etc). However, several CDEM Groups have noted that many local authorities already have engagement arrangements with relevant iwi/hapū and that provision should be made to leverage these to reflect that, while participation of Māori on EMCs and Emergency Management Co-ordinating Executive Groups may be appropriate in some localities, alternative arrangements may better suit others.
- 40 We have also received several submissions from individuals opposing the bill's Māori participation provisions.
- 41 As with broader community group and business participation, there is recognition of the need for Māori participation to be effectively funded. While current policy is that Māori attendance at EMC and Emergency Management Co-ordinating Executive Group meetings will be Crown funded, submitters recognised that costs associated with Māori participation run much broader than attending meetings and that funding certainty for these additional costs is required.
- 42 There is general support for the policy intent of the changes relating to critical infrastructure but concern about how some of the planning and information-sharing changes will work in

practice, whether there is sufficient alignment with related regulatory regimes, and whether the benefits outweigh the costs. Some submitters consider that critical infrastructure changes should apply differently to different sectors (e.g. there is concern that information-sharing obligations could conflict with broadcasters' editorial independence).

43 s9(2)(f)(iv) [Redacted]

44 If the bill is reinstated, we will provide you with further updates on our analysis of written submissions and any additional issues raised through hearings. We will work with your office to determine how best to do this and to provide copies of any specific written submissions that you might want to see.

Potential changes to the bill

45 We anticipate that the Government may wish to make changes to the bill. In particular, we note the commitment in the Coalition Agreement between the New Zealand National Party and New Zealand First relating to not advancing policies that seek to ascribe different rights and responsibilities to New Zealanders on the basis of their race or ancestry. As outlined in paragraph 23, the bill ascribes certain rights to Māori.

46 You may also wish to make changes to the bill in response to the Government Inquiry into the Response to the North Island Severe Weather Events, which is due to provide its final report to you by 26 March 2024 (with interim recommendations due to you by 7 December 2023).

47 s9(2)(f)(iv) [Redacted]

- | [Redacted]
- | [Redacted]
- | [Redacted]

48 We will provide advice s9(2)(f)(iv) [Redacted] and other areas of potential change that you indicate to us.

49 We would appreciate an early discussion with you to ensure we understand your concerns with the current bill and how we might address these to achieve the Government's priorities.

Pathways for changing the bill

50 The Government can either:

- reinstate the existing bill and make changes to it as it proceeds through the parliamentary stages; or
- set aside the current bill and introduce a different bill.

51 These options are outlined below.

Change the bill as it proceeds through the House

52 If the existing bill is reinstated, there are opportunities for the Government to propose changes during the select committee stage and/or once the bill has been reported back to the House.

53 During the select committee stage, changes that relate to matters raised in submissions can be proposed to the Committee by the appointed NEMA advisors via the departmental report. NEMA officials can only recommend significant policy changes to the Committee if these have been approved by Cabinet.

54 Timing for the departmental report is uncertain until Parliament resets the Committee's report back date and the Committee determines its timetable for meeting that deadline. We are anticipating that the departmental report would not be due until late March or early April at the earliest. Based on this timeframe, Cabinet decisions on any policy changes would be required by mid-March. Allowing time for drafting, and ministerial and departmental consultation, we would require your direction on matters to propose to Cabinet no later than mid-January.

55 The Government can also propose changes to the bill through a Supplementary Order Paper (SOP). Once the new 2023 Standing Orders commence, these will be called Amending Papers. SOPs are usually a feature of Committee of the Whole House stage of a bill but can be introduced at any point until the end of that stage, including while a bill is in front of a select committee.

56 A recent practice has been for officials to present a Government SOP to the select committee considering the bill, either before submissions are called for or after providing the departmental report to the committee. This enables the Government's changes to be incorporated in the version of the bill that is reported back to the House. SOPs introduced at this point generally reflect a change in Government priorities or address a new but related issue that has arisen since the bill's introduction. If a Government SOP is presented after the departmental report, the select committee can decide to call for submissions. This usually means that the timeline for reporting the bill back to the House would be extended.

- 57 If a significant Government SOP is introduced once the bill is back in the House, the House may refer the SOP to a select committee for consideration and the committee may decide to seek submissions on it.
- 58 Cabinet decisions are required twice for non-minor Government SOPs: initially on the significant policy additions or changes to be made to the bill and then, once the SOP has been drafted, Cabinet's approval for the SOP to be introduced. The time required to do this is likely to limit how swiftly the bill can progress through the House.

Set aside the current bill and introduce a different bill

- 59 If the Government wishes to make major policy changes, it may prefer not to reinstate the current bill and instead introduce an alternative bill.
- 60 This approach would provide the Government with more time to develop policy (including its response to the Government Inquiry into the North Island Severe Weather Events) and to consult affected stakeholders ahead of introducing a new bill.
- 61 However, it would also delay action on the issues and gaps that the current bill addresses (see paragraphs 18, 20 and 23-25).
- 62 NEMA considers it important but not urgent to address the risks posed by these issues. Some risks can be partially mitigated without changing emergency management legislation. For example:
- Following the 2023 North Island severe weather events, temporary changes were made to the CDEM Act to enable the declaration of a state of local emergency whilst a state of national emergency is in force for another emergency event in the same area. This enables immediate access to the Act's emergency powers to respond to a local emergency. Once those changes expire on 1 October 2024, there is a risk that if a state of national emergency is in force (for example, following a major earthquake) and a local area also faced a flooding event, the local CDEM Group would need to request the Minister amend the national declaration to include the new emergency (flood) in order to access the powers to respond to the flood event. This could result in delays in accessing the powers required to respond to the new emergency event (e.g. evacuation powers), increasing life safety risks. This risk could be mitigated, to some extent, through the enactment of bespoke legislation, to reapply the temporary provisions to enable concurrent declarations (should a state of national emergency be declared).
 - The same severe weather legislation made temporary changes to enable CDEM Groups to meet via audio/visual link for the purposes of quorum and decision making. Changes occurring to the Local Government Act on 1 October 2024 will enable this in future provided that CDEM Groups take the additional administrative step of amending their standing orders.

- The Director’s Guidelines for CDEM Group Planning could be updated to emphasise the importance of CDEM Groups working with communities to understand and plan to meet the diversity of needs in their area, including the needs of Māori/iwi and the needs of groups in the community that are likely to be disproportionately affected by emergencies. These Guidelines are not binding but would provide some degree of influence.

63 Not reinstating the current bill would also have implications for work being led by DPMC to develop a new regulatory framework to enhance the resilience of the critical infrastructure system. These new resilience requirements were intended to apply to entities recognised as critical infrastructure through the implementation of the Emergency Management Bill. If the bill is not reinstated, DPMC expects that it will have to take forward separate work on the definition of critical infrastructure.

Next steps

- 64 You will need to advise the Government on whether to propose reinstating the Emergency Management Bill.
- 65 We would appreciate a discussion with you as soon as possible to ensure we understand your concerns with the current bill and how we might address these to achieve the Government’s priorities.
- 66 If the bill is reinstated, we will:
- provide advice on the potential improvements we have identified (including from submissions to the select committee) and other areas of potential change that you indicate to us. Your decisions on these matters will form the basis of a Cabinet paper seeking approval to policy changes that will then be included in the departmental report to the select committee;
 - provide regular updates on any areas of concern for the select committee and copies of any information we provide to the committee.

Annexes:	Title	Security classification
Annex One	Timeline of emergency management primary legislation	Unclassified
Annex Two	Subsidiary instruments made under the CDEM Act 2002	Unclassified
Annex Three	The 4Rs of emergency management	Unclassified
Annex Four	Structural arrangements under CDEM Act and EM Bill	Unclassified
Annex Five	Planning arrangements under CDEM Act and EM Bill	Unclassified

Annex One: Timeline of emergency management primary legislation

Proactively Released

Annex Two: Subsidiary instruments made under the CDEM Act 2002

Proactively Released

Annex Three: The 4Rs of emergency management

Proactively Released

Annex Four: Structural arrangements under CDEM Act and EM Bill

Proactively Released

Annex Five: Planning arrangements under CDEM Act and EM Bill

Proactively Released

Timeline of Emergency Management Primary Legislation

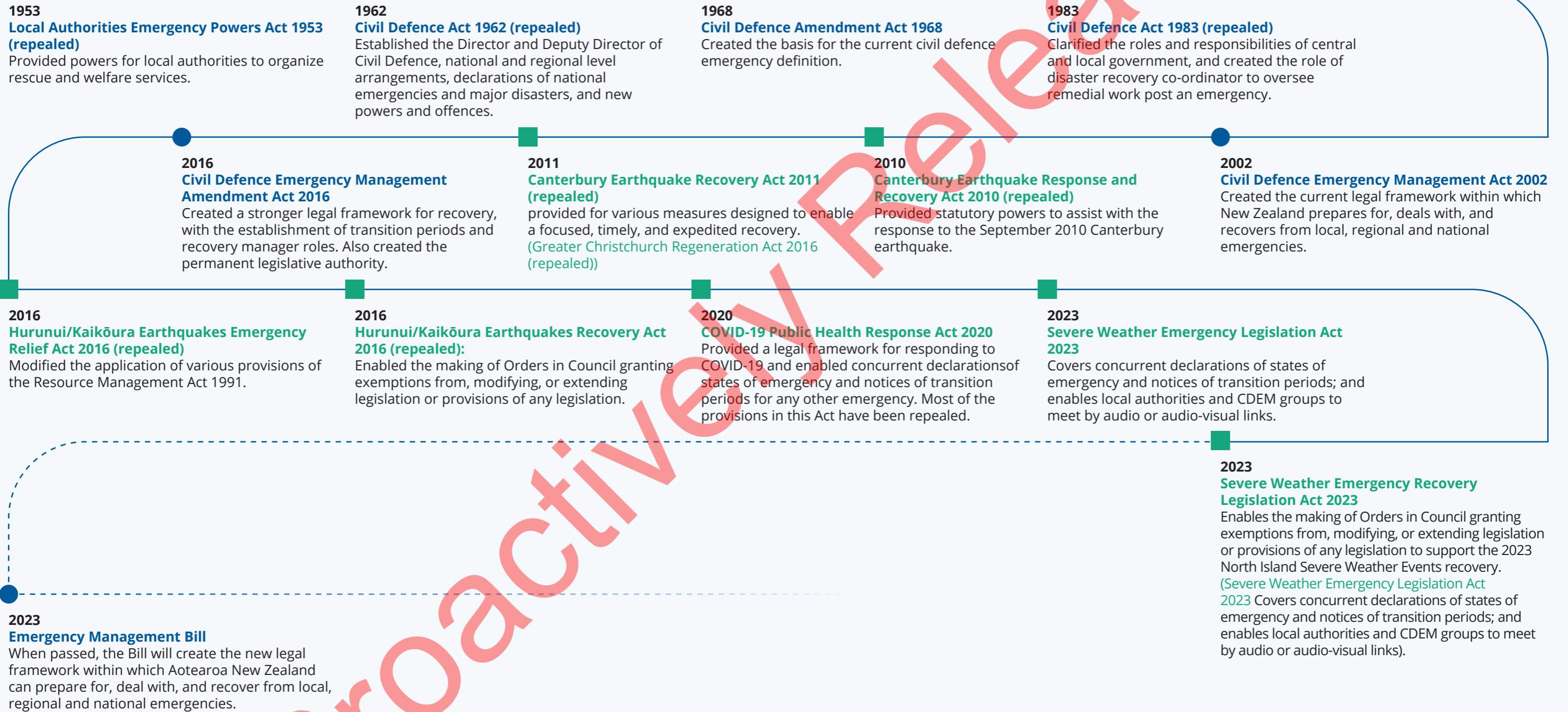
This timeline shows the main points of change in the evolution of Aotearoa New Zealand's emergency management primary legislation.



National Emergency Management Agency
Te Rākau Whakamarumarū

Key:

- Core Emergency Management Legislation
- Events Based Bespoke Legislation



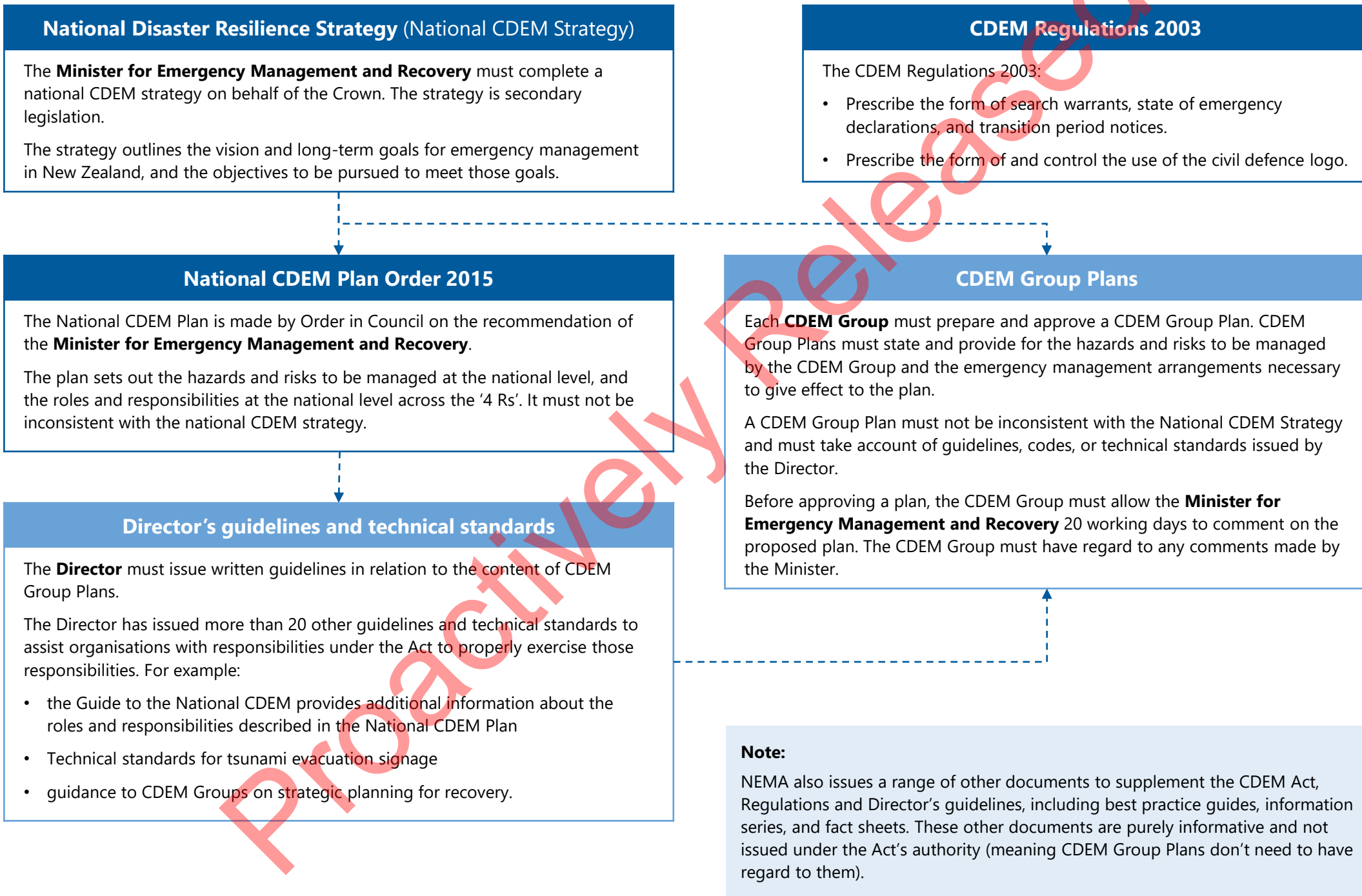
A number of other Acts also play a role in emergency management by, for example, regulating activities of particular emergency management participants, assisting in land use planning, hazard identification and management, and emergency response. **They include (but are not limited to) the:**

Biosecurity Act 1993
Building Act 2004
Climate Change Response Act 2002
Defence Act 1990
Earthquake Commission Act 1993

Epidemic Preparedness Act 2006
Fire and Emergency New Zealand Act 2017
Hazardous Substances and New Organisms Act 1996
Health Act 1956
Health and Safety at Work Act 2015

Local Government Act 2002
Maritime Transport Act 1994
Public Works Act 1981
Resource Management Act 1991

Subsidiary instruments made under the CDEM Act 2002



RISK REDUCTION

READINESS

RESPONSE

RECOVERY

Risk Reduction

Identifying and analysing long-term risks to human life and property from hazards; taking steps to eliminate these risks if practicable and, if not, reducing the magnitude of their impact and the likelihood of their occurring.

Risk reduction includes measures taken to further reduce risk when carrying out readiness, response and recovery activities.

s 3(b)(iii) CDEM Act 2002

cl 3(b)(iii) Emergency Management Bill

Part 6 of National CDEM Plan*

The Government has signed the declaration adopting the Sendai Framework for Disaster Risk Reduction 2015-2030.

Readiness

Developing operational systems and capabilities before an emergency happens including self-help and response programmes for the general public, and specific programmes for emergency services, lifeline utilities, and other agencies.

The objective of readiness is to build capacity and capability, and to enable an effective response to, and recovery from, emergencies.

s 3(c) CDEM Act 2002

Part 3 of the CDEM Act 2002: Civil defence emergency management planning and civil defence emergency management duties

cl 3(c) Emergency Management Bill

Part 2 Subpart 4 of Emergency Management Bill: Emergency management planning

Part 7 of National CDEM Plan

Response

Actions taken immediately before, during, or directly after an emergency to save lives and protect property, and to help communities recover.

Response objectives include the putting into place of effective arrangements for the transition to recovery.

Part 4 of CDEM Act 2002: Declaration of state of emergency and Part 5: Powers in relation to civil defence emergency management

Part 5A of CDEM Act 2002: Transition periods and Part 5B: Powers in relation to transition periods

Part 3 of Emergency Management Bill: Emergency designations and powers

Part 8 of National CDEM Plan

Recovery

The coordinated efforts and processes to bring about the immediate, medium-term, and long-term holistic regeneration of a community following an emergency.

Recovery measures should be pre-planned and implemented from the first day of the response (or as soon as practicable) and should be co-ordinated and integrated with response actions.

Part 5A of CDEM Act 2002: Transition periods and Part 5B: Powers in relation to transition periods

Part 3 of Emergency Management Bill: Emergency designations and powers

Part 9 of National CDEM Plan

A number of other Acts also play a role across the four Rs of emergency management. They include but are not limited to:

Biosecurity Act 1993
Building Act 2004
Climate Change Response Act 2002
Defence Act 1990
Earthquake Commission Act 1993
Epidemic Preparedness Act 2006

Fire and Emergency New Zealand Act 2017
Hazardous Substances and New Organisms Act 1996
Health Act 1956
Health and Safety at Work Act 2015
Local Government Act 2002

Maritime Transport Act 1994
Public Works Act 1981
Resource Management Act 1991
Water Services Act 2021

Structural arrangements under the CDEM Act 2002

November 2023

Key:

Statutory
role/entity

Change proposed to
existing role/entity

Proposed new
membership/entity

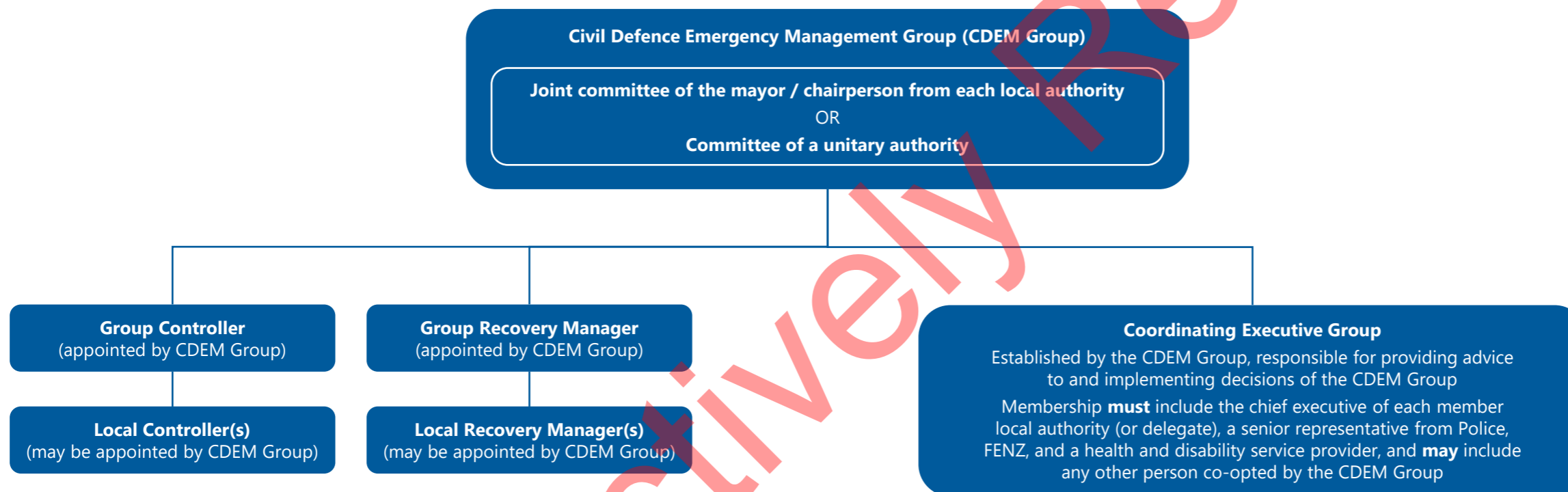
National level



The National Emergency Management Agency (NEMA) is the Government lead for emergency management. NEMA provides strategic leadership and works across the '4 Rs'. NEMA also works to ensure there is coordination at local, regional, and national levels during emergencies (whether a state of emergency is in place or not).

At the national level, NEMA works with central and local government, national organisations, NGOs such as Red Cross, communities, iwi, and business.

Regional level



At the regional level, **CDEM Groups** provide leadership in the delivery of coordinated arrangements for emergency management within their group area.

The CDEM Group **joint committee** is responsible for governance, while the **Coordinating Executive Group** has an operational management role.

The CDEM Group's administrative and other services are provided by the **administering authority**, which is a regional council or unitary authority that is a member of the CDEM Group.

As CDEM Groups, local authorities work with each other and with emergency services, iwi and other agencies to reduce risks, be ready for emergencies, respond when needed, and lead the recovery afterwards.

There are 16 CDEM Groups in total. Each group's area aligns with local authority boundaries.

Local level



Most emergencies are managed at the local level. This means the **local council** (or potentially other agencies, such as Police for an armed offender emergency) are in charge.

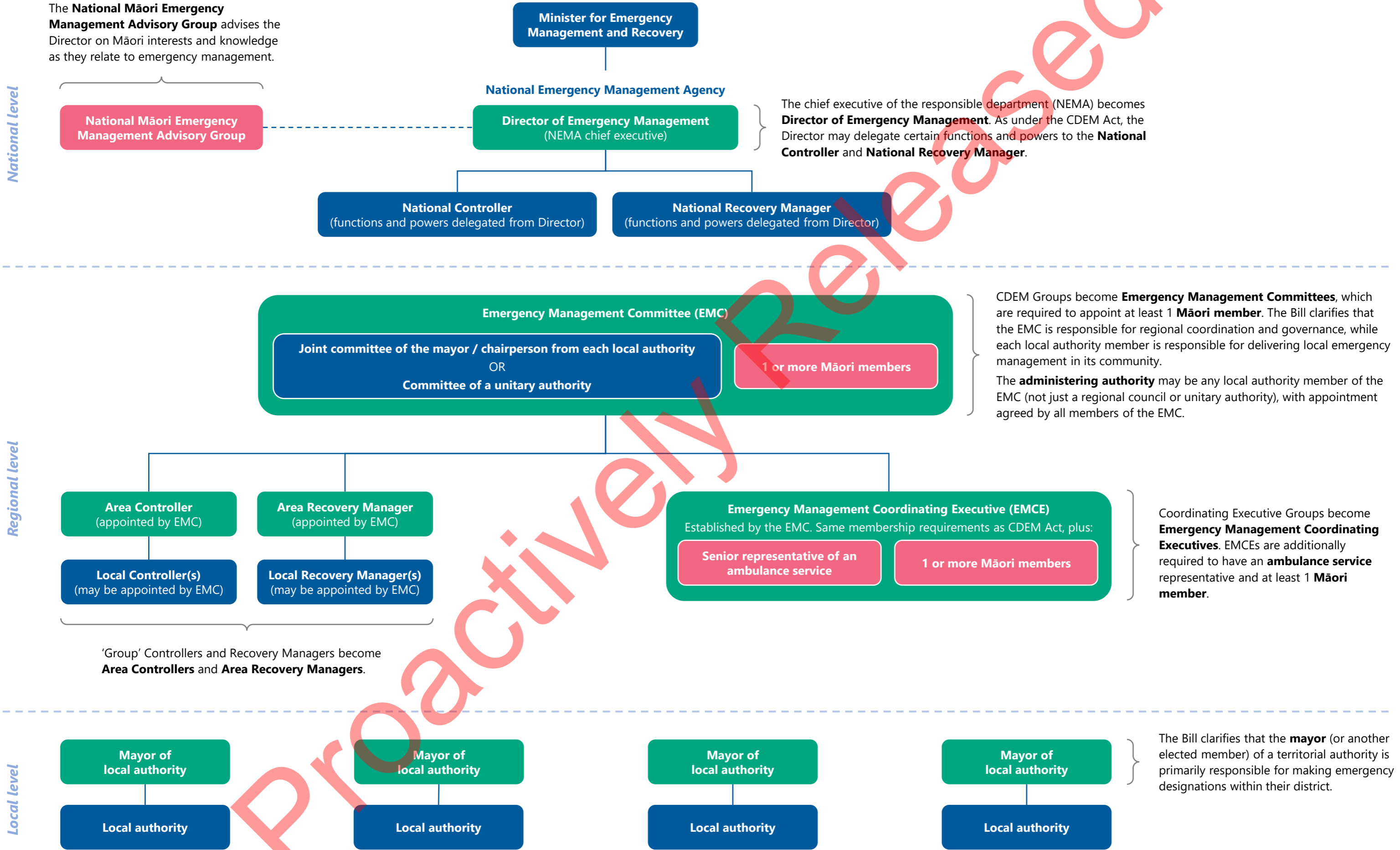
Marae, community organisations, volunteers, and the local community all play a key role at the local level, particularly in getting ready for and responding to emergencies.

Structural arrangements proposed in the Emergency Management Bill

November 2023

Key:

- Statutory role/entity
- Change proposed to existing role/entity
- Proposed new membership/entity



Planning arrangements under the CDEM Act 2002

October 2023

Key:

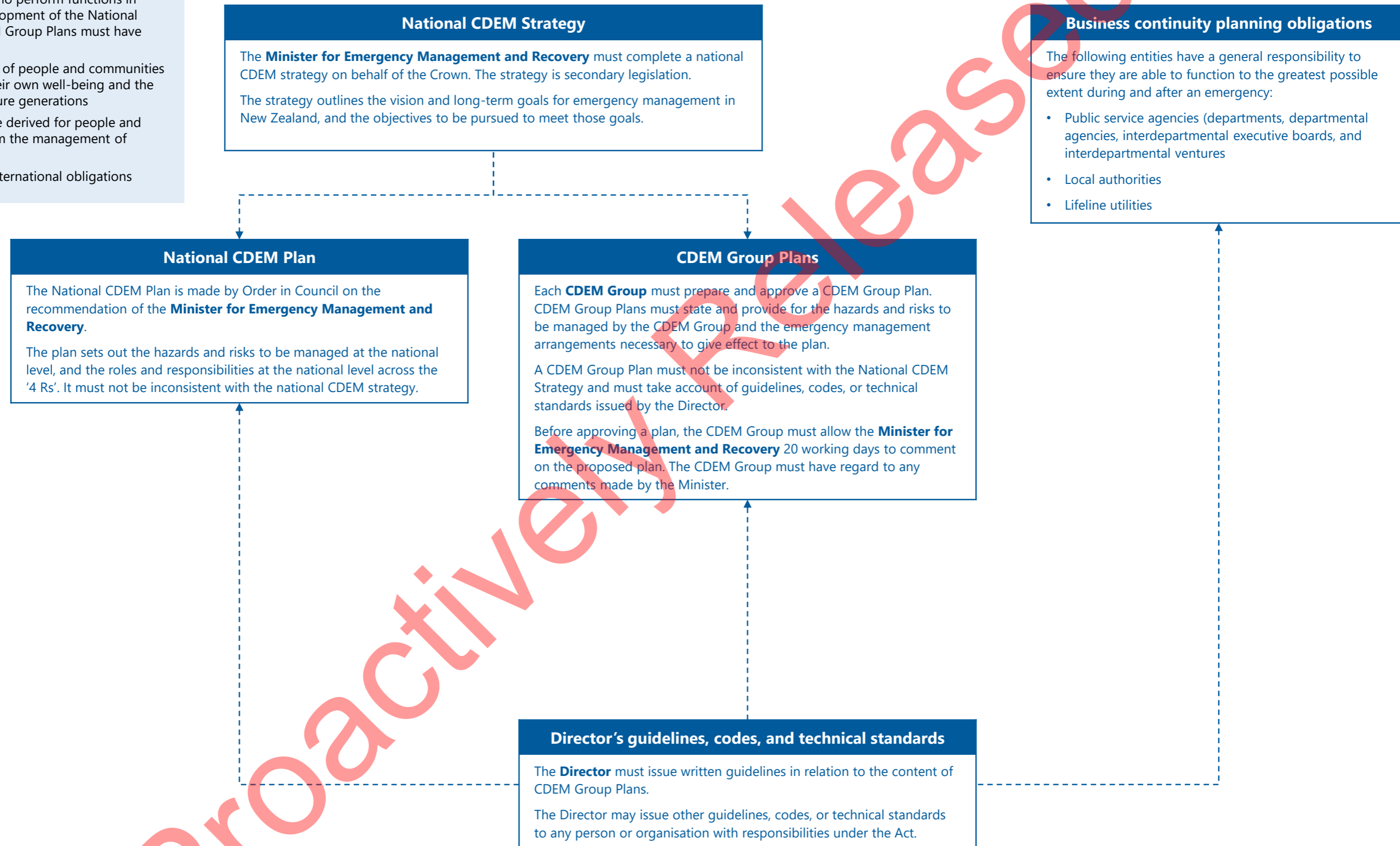
Existing planning requirement or instrument

Change proposed to existing requirement or instrument

Proposed new requirement or instrument

Note: All persons who perform functions in relation to the development of the National CDEM Plan or CDEM Group Plans must 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
- New Zealand's international obligations



Proactive

Planning arrangements proposed in the Emergency Management Bill

October 2023

Key:

Existing planning requirement or instrument

Change proposed to existing requirement or instrument

Proposed new requirement or instrument

Note: All persons who perform functions in relation to the development of the National EM Plan or EMC Plans must 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
- New Zealand's international obligations

National Disaster Resilience Strategy (new name)

The **Minister for Emergency Management and Recovery** must complete a **national disaster resilience strategy** on behalf of the Crown. The strategy is secondary legislation.

The strategy outlines the vision and long-term goals for emergency management in New Zealand, and the objectives to be pursued to meet those goals.

Business continuity planning obligations

The following entities have a general responsibility to ensure they are able to function to the greatest possible extent during and after an emergency:

- Public service agencies (departments, departmental agencies, interdepartmental executive boards, and interdepartmental ventures)
- Local authorities
- Critical infrastructure entities

National Emergency Management Plan

The **Director** must prepare and the **Minister for Emergency Management and Recovery** must approve a National Emergency Management Plan on behalf of the Crown. The plan does not have legislative status.

The plan sets out the hazards and risks to be managed at the national level, and the roles and responsibilities at the national level across the '4 Rs'. It must not be inconsistent with the national disaster resilience strategy.

New content requirement: The plan must also state and provide for the role of Māori in emergency management.

Procedural requirement removed: The Minister is no longer required to carry out a cost-benefit analysis on certain plan provisions.

Emergency Management Committee (EMC) Plans

Each **Emergency Management Committee** must prepare and approve an EMC Plan. EMC Plans must state and provide for the hazards and risks to be managed by the EMC and the emergency management arrangements necessary to give effect to the plan.

New content requirement: Plans must also state and provide for arrangements for coordination with iwi and Māori across the '4 Rs'.

Changes to procedural requirements:

- During the development of their plans, EMCs must engage representatives of communities that are likely to be disproportionately affected by emergency events, iwi, and Māori.
- EMCs are no longer required to carry out a cost-benefit analysis on certain plan provisions.

An EMC Plan must not be inconsistent with the national disaster resilience strategy and must take account of guidelines, codes, or technical standards issued by the Director.

Before approving a plan, the EMC must allow the **Minister for Emergency Management and Recovery** 20 working days to comment on the proposed plan. EMCs must have regard to any comments made by the Minister.

Planning emergency levels of service

Critical infrastructure entities must determine the level of service they will be able to provide during and after an emergency, and publish plans for these emergency levels of service.

Sector response plans

Critical infrastructure entities must develop, or contribute to the development of, plans relating to responding to and recovering from emergencies that are specific to the sector in which the entity operates.

Director's guidelines, codes, and technical standards

The **Director** must issue written guidelines in relation to the content of EMC Plans.

The Director may issue other guidelines, codes, or technical standards to any person or organisation with responsibilities under the Act.

Rules

The **Director** may make rules prescribing matters of detail and procedure in relation to the emergency management system, including to:

- prescribe the form and subject matter of emergency management plans
- specify the roles and responsibilities of participants in the emergency management system under specific conditions.

Rules are secondary legislation.

Regulations

The **Governor-General** may make regulations by Order in Council for various purposes, including to:

- prescribe the roles and responsibilities of lead and support agencies
- set out matters of detail and procedure relating to critical infrastructure entities' planning for emergency levels of service
- specify how EMCs must engage with communities that are or may be disproportionately affected by emergencies.

	What the Bill does	Consequences if changes aren't made	Other ways of achieving a similar outcome to the Bill
1	Places several new planning and information-sharing obligations on critical infrastructure entities (currently known as lifeline utilities), with the details of some specific obligations set through regulations.	Lifeline utilities would not be required to develop business continuity plans and sector-wide response plans, plan for minimum service levels, or proactively share information with the Director, CDEM Groups, or other relevant agencies.	Many of the intended outcomes would be more appropriately progressed through the Minister for Infrastructure's work to improve the resilience of critical infrastructure, which intends to create enforceable minimum resilience standards and information-gathering powers. The Director could additionally encourage voluntary sector-wide planning and improved coordination through engagement and guidance to lifeline utilities and CDEM Groups.
2	Introduces an expanded definition and simpler process to recognise organisations as critical infrastructure entities .	The list of lifeline utilities could only be updated by Order in Council, making it more difficult for the emergency management system to keep pace with changes to critical infrastructure sectors. Some providers of essential services could not become lifeline utilities because they fall outside the current definition.	Some new sectors (and changes to existing lifeline utilities) could be captured by amending Schedule 1 of the CDEM Act through an Order in Council, but other new sectors still could not be captured without expanding the definition of 'lifeline utility' in the CDEM Act . However, the Minister for Infrastructure is leading work to improve the resilience of critical infrastructure, including a new legislated definition of critical infrastructure which future changes to the CDEM Act could build on (and refer to).
3	Requires the Minister to establish a National Māori Emergency Management Advisory Group to advise the Director on Māori interests and knowledge as they relate to emergency management.	There would not be a mandatory group available to provide advice to the Director on Māori emergency management matters.	The Director could still establish an advisory group or could obtain advice on Māori interests and knowledge in emergency management through other mechanisms.
4	Requires each CDEM Group to appoint at least 1 Māori member at the governance level and requires the Minister to appoint 1 or more Māori members if the CDEM Group fails to do so.	Māori would not have a decision-making role at the governance level of a CDEM Group. CDEM Groups that want to involve iwi or Māori in an advisory capacity could do so (as some do already).	The Director could issue guidelines outlining expectations that CDEM Groups should involve iwi or Māori in an advisory capacity. These guidelines would not be binding but would provide a degree of influence.
5	Requires Coordinating Executive Groups (which provide operational leadership within each CDEM Group) to appoint a senior representative from an ambulance service and at least 1 Māori member . Requires the Minister to appoint 1 or more Māori members if the CDEM Group fails to do so.	Ambulance and Māori representatives would only be able to join a Coordinating Executive Group if the relevant CDEM Group decided to co-opt them as members (as many do already).	The Director could issue guidelines outlining expectations that all CDEM Groups co-opt ambulance and Māori representatives onto their Coordinating Executive Groups. These guidelines would not be binding but would provide a degree of influence.
6	Authorises the Crown to directly reimburse iwi and Māori organisations for welfare expenses incurred in relation to emergencies.	Iwi and Māori organisations would continue to be able to seek reimbursement for welfare costs through the relevant local authority (which may in turn seek reimbursement from the Crown).	Cabinet could make policy decisions to reimburse Māori (or other groups) in specific situations, or in response to an emergency event.
7	Requires each CDEM Group to engage with and identify the needs of iwi and Māori in their area. Requires CDEM Group Plans to set out arrangements for coordination with iwi and Māori across the 4Rs . Before approving a new plan, a CDEM Group must engage with representatives of disproportionately affected communities and iwi and Māori in the Group's area.	CDEM Group Plans would not be explicitly required to address coordination with iwi and Māori across the 4Rs. CDEM Groups would not be explicitly required to engage with disproportionately affected communities, iwi, and Māori. However, local authority members of CDEM Groups would continue to be required to consult their communities under the Local Government Act's consultation requirements.	Expectations relating to engagement with specific groups could be included in Director's guidelines. These guidelines would not be binding but would provide a degree of influence.
8	Removes the legislative status of the National CDEM Plan , requires the plan to state and provide for the role of Māori in emergency management , and specifies several additional matters that the plan may address.	The National CDEM Plan would remain an Order in Council, making it administratively difficult to change. The current plan was due for review in 2020 (but continues in effect until it is reviewed). The plan would not explicitly be required to state the role of Māori in emergency management (and the current plan does not do so).	The National CDEM Plan and accompanying Guide already address some matters that are not required by the CDEM Act – as part of a future review, they could be updated to also address the role of Māori in emergency management.
9	Distinguishes between the roles of CDEM Groups and the functions and duties of each local authority member . Does not change the relationship between CDEM Groups and Group Controllers – while CDEM Groups generally delegate their emergency powers to the Group Controller, Group Controllers are appointed by and accountable to their CDEM Group.	There would still be legislative ambiguity about the respective roles of CDEM Groups and their member councils (the CDEM Act has a single list of functions for both CDEM Groups and their members).	The Director could support CDEM Groups and their member local authorities to understand and agree how they will carry out their collective responsibilities, and review guidelines on the formation, accountabilities, and organisational structure of CDEM Groups.

	What the Bill does	Consequences if changes aren't made	Other ways of achieving a similar outcome to the Bill
10	Clarifies that for offshore islands (like Whakaari / White Island), the emergency management functions and duties of local authorities must be jointly carried out by the Minister of Local Government (who is the territorial authority for offshore islands) and the relevant CDEM Group .	There would still be legislative ambiguity about where the emergency management responsibility for offshore islands sits (as the Minister of Local Government is not required to be a member of the CDEM Group).	Officials could explore non-legislative options, such as memoranda of understanding or joint planning between relevant CDEM Groups and the Department of Internal Affairs (for the Minister of Local Government).
11	Introduces a new power for the Director to make rules prescribing matters of detail, for example operating practices and procedures, training, and qualifications.	Detailed requirements could only be imposed through regulations (which are harder to change than rules), or through non-binding Director's guidelines.	Competence levels, technical standards, performance standards, and operating procedures could be prescribed through regulations, or outlined in (non-enforceable) guidelines and technical standards produced by the Director.
12	Enables the roles and responsibilities of lead and support agencies to be set through regulations.	Lead and support agencies' roles and responsibilities are currently outlined in the National CDEM Plan. In some situations, it would continue to be ambiguous which agency has the primary mandate for managing specific hazards or risks.	The National CDEM Plan and accompanying Guide could be reviewed to update the roles and responsibilities of lead and support agencies.
13	Enables CDEM Groups to meet via audio or audio-visual link .	CDEM Groups could not automatically achieve quorum or make decisions unless they met in person, including during emergencies.	The Local Government Electoral Legislation Act 2023 means CDEM Groups can meet remotely now, if they take the administrative step of amending their standing orders.
14	Enables concurrent national and local states of emergency and transition periods over the same geographic area (for different emergency events).	If a national state of emergency or transition period were in force (for example, following a major earthquake), it would not be possible for a CDEM Group to also declare locally for a second emergency (for example a flood) in the same area.	Enabling concurrent states of emergency would require change to the CDEM Act. If there was a threat of a local incident (e.g. a flash flood) while a national state of emergency was in force, the affected CDEM Group would need to ask the Minister to amend the national declaration to cover the second event. This could result in delays in accessing the powers required to respond to the new emergency event (e.g. evacuation powers), increasing life safety risks. This risk could be mitigated, to some extent, through the enactment of bespoke legislation following a national emergency (as done previously).
15	Enables the Minister to appoint approved providers of warnings and notifications . These entities have protection from civil liability relating to any loss or damage caused by a warning that is issued (or not issued) in good faith.	The Director and CDEM Groups would continue to have explicit protection from civil liability when issuing warnings or notifications about hazards. However, other organisations may be concerned that this protection does not extend to them and be unwilling to issue tsunami warnings directly, risking a delay to the public being informed.	NEMA would continue to issue tsunami warnings (informed by GNS Science's advice), but with some risk of delay. Change to the CDEM Act required to make it explicit that providers of warnings and notifications are protected from civil liability.
16	Clarifies that protection from civil liability covers any person acting under official direction in relation to a state of emergency or transition period.	Volunteers are protected from civil liability when acting under official direction. However, some volunteers may be concerned unless this is more explicit in the legislation.	Guidance could be updated to make it clearer that volunteers are protected from civil liability when acting under official direction. Change to the CDEM Act required to make it explicit that persons acting under official direction are protected from civil liability.
17	Increases the penalty for various offences from \$5,000 to \$10,000-\$50,000 (for individuals) and from \$50,000 to \$60,000-\$150,000 (for bodies corporate). Introduces infringement offences (specified through regulations), with infringement fees not exceeding \$1,000.	The penalty for committing an offence (for example, obstruction or failing to comply with directions during a state of emergency) would remain low, and offences could only be penalised through the Courts. This makes it unlikely for prosecution to occur, providing relatively little deterrence against breaches.	Change to the CDEM Act required to: <ul style="list-style-type: none"> • increase penalties • introduce new infringement offences.
18	Makes the Chief Executive of NEMA the Director of Emergency Management .	The Director would continue to be a different person from the Chief Executive. This could perpetuate confusion about which person is in charge.	The NEMA Chief Executive could be made the Director if the Prime Minister authorises another CEO (e.g. the Public Service Commissioner) to appoint the Director.