



Proactive Release

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

Strengthening Emergency Management: Legislative Reform

The following documents have been included in this release:

Title of paper: Strengthening emergency management: decisions on legislative reform (ECO-25-SUB-0117 refers)

Annex 1: Indicative Detailed Legislative Proposals

Annex 2: Proposals exempt from regulatory impact analysis – increased penalties and limitation of civil liability for issuance of warnings

Annex 3: Proposed functions of CDEM Groups and local authorities

Regulatory Impact Statement: Strengthening New Zealand's emergency management legislation

Title of minute: Report of the Cabinet Economic Policy Committee: Period Ended 25 July 2025 (CAB-25-MIN-0249 refers)

Title of minute: Strengthening Emergency Management: Legislative Reform (ECO-25-MIN-0117 refers)

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 code:

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

Office of the Minister for Emergency Management and Recovery
Cabinet Economic Policy Committee

Strengthening emergency management: decisions on legislative reform

Proposal

- 1 This paper seeks agreement to policies to be included in a bill to replace the Civil Defence Emergency Management Act 2002 (the CDEM Act).

Relation to government priorities

- 2 New emergency management legislation will support the 2025 Budget Policy Statement priority to build a stronger economy, by reducing impacts of emergencies on businesses and communities and helping them get back on their feet faster.

Executive summary

- 3 The legislative proposals in this paper ensure we deliver on commitments made in response to the Government Inquiry into the Response to the North Island Severe Weather Events (the NISWE Inquiry). Operational improvements are also key to meeting those commitments and will be driven through the Roadmap for Investment and Implementation (the Roadmap)¹ I announced on 27 June [CAB-25-MIN-0130].
- 4 To inform policy decisions for new legislation, in April 2025 Cabinet agreed to release a discussion document on issues with the CDEM Act and the options to address them [CAB-25-MIN-0125]. Submitter feedback, the NISWE Inquiry, other reviews and stakeholder engagement have informed the bill proposals set out in this paper.
- 5 These proposals will make the emergency management system² stronger by ensuring critical roles are clearer, clarifying obligations for key players, and enabling stronger consequences for non-compliance. The most significant proposals are:
 - 5.1 clarifying who is in control during emergencies (particularly when undeclared) and clarifying accountabilities at the local level
 - 5.2 improving how Civil Defence Emergency Management (CDEM) Group³ plans are developed and with whose input, given they drive change on the ground
 - 5.3 representation of iwi Māori, rural communities and the wider community on Coordinating Executive Groups (CEG)⁴
 - 5.4 expanding the tools available to improve assurance of the system, e.g. through rules or Compliance Orders
 - 5.5 expanding the lifeline utilities/essential infrastructure providers that can be recognised under the legislation (e.g. certain digital services and solid waste management) and improving their coordination and information sharing.

¹ [Strengthening-Emergency-Management-Roadmap.pdf](#)

² The system includes the National Emergency Management Agency, local government, other government agencies, emergency services, lifeline utilities, community and iwi Māori organisations, and households and businesses.

³ CDEM Groups are a joint committee of the mayors and chairperson from the local authorities in a region (or a committee of a unitary authority) with responsibility for emergency management.

⁴ CEGs are the local authority chief executives and emergency service representatives responsible for advising a CDEM Group and implementing their decisions.

- 6 This paper provides a short description of the bill proposals. **Annex 1** sets out the indicative detail for these proposals and the rationale, to support Parliamentary Counsel Office (PCO) in drafting the bill. I intend to seek approval to introduce the bill in s9(2)(f)(iv) .

Background

- 7 In November 2024, Cabinet noted that the intent of the CDEM Act generally remains sound, but legislative reform is required to fully deliver on the Government Response to the NISWE Inquiry and address other known issues [CAB-24-MIN-0458]. Cabinet also agreed in-principle to the following reform objectives:
- 7.1 Strengthen the participation of communities and iwi Māori in emergency management
 - 7.2 Provide for clear responsibilities at the national, regional, and local levels
 - 7.3 Enable a higher minimum standard of emergency management
 - 7.4 Minimise disruption to essential services
 - 7.5 Ensure agencies have the tools to do their jobs effectively when an emergency happens [CAB-24-MIN-0458].
- 8 In April 2025 Cabinet agreed to release a discussion document seeking feedback on the reform objectives, issues with the status quo, and options to address them. Public consultation was open from 15 April to 20 May and 324 submissions were received, the majority of which were substantive. The public consultation was supported by targeted engagement with stakeholders and iwi Māori.
- 9 231 of the submissions were from organisations ranging from councils, CDEM Groups, iwi Māori, volunteer organisations, businesses (including primary industries, lifeline utilities and insurers), interest groups such as animal welfare, and groups representing parts of the community such as disabled people, older people, and rural communities. More information on submitter feedback is provided in the Regulatory Impact Statement (RIS) supporting this paper.

Links to other initiatives

- 10 Legislation on its own will not fully strengthen the emergency management system. It needs to be backed up by assurance and by increasing the capacity and capability of the system, including for local government and the National Emergency Management Agency (NEMA). These operational improvements will be driven through the Roadmap and work NEMA has commenced to build its assurance function.
- 11 There is also related work underway across government, including but not limited to:
- 11.1 delivery of the National Risk and Resilience Framework and work to clarify and strengthen roles and responsibilities across the broader National Resilience System, led by Department of Prime Minister and Cabinet (DPMC)
 - 11.2 local government reform, led by the Department of Internal Affairs (DIA)
 - 11.3 resource management reform, national direction on natural hazards, and adaptation, led by the Ministry for the Environment (MfE).

- 12 Agencies are working closely together to maximise coherence between these pieces of work. s9(2)(f)(iv)

Proposals

Reform objectives

- 13 Seventy-four per cent of submitters who commented on the reform objectives in paragraph 7 either supported them or provided conditional support. For the latter, many comments noted that achieving the objectives will require adequate resourcing for the system. Some of those concerns are expected to be addressed over time through investments signalled in the Roadmap.
- 14 Where submitters suggested changes to the objectives, this was generally to see more prominence for a particular facet of emergency management (such as risk reduction or recovery) or greater recognition of a part of society. Some submitters considered the objectives should signal more transformational change to the system.
- 15 The NISWE Inquiry did not find that transformational legislative change is required. Instead, significant improvements can be achieved through proposals in this paper which will clarify expectations and strengthen assurance of the system, and by supporting better implementation across the system through the Roadmap.
- 16 The emergency management system takes an end-to-end risk management approach across the "4 Rs" framework of reduction, readiness, response, and recovery. Thus where the reform objectives and proposals in this paper refer to 'emergency management', this is referring to all 4 Rs unless otherwise specified. Likewise, emergency management involves all of society, and several proposals address submitters' concerns in relation to specific parts of society.
- 17 Thus I consider the reform objectives are fit-for-purpose and recommend they are confirmed by Cabinet, with one adjustment to Objective 1. Submitters raised concerns with the term 'participation', so I propose this Objective is revised to be: 'strengthen the role of communities and iwi Māori in emergency management'.

Legislative proposals

- 18 This section provides a high-level description of the bill proposals. **Annex 1** sets out the indicative detail for these proposals and the rationale. The RIS provides more detail on the issues, the analysis of options (including against the reform objectives), and the feedback received on the discussion document. In general, most submitters felt the right issues had been identified and supported one or more options to address each issue.
- 19 Several proposals would strengthen the role of emergency management plans and the role of CEGs (who oversee the development, implementation, monitoring and evaluation of CDEM Group plans). Each CDEM Group is required to develop a plan that states the hazards and risks to be managed by the Group, and the emergency management necessary to manage them across the 4 Rs (potentially including mandatory requirements). Similarly, the National CDEM Plan states the hazards and risks to be managed at the national level, and the emergency management necessary to manage those hazards and risks.
- 20 Many of the proposals below will need to be supported by clear guidance or may be implemented through secondary legislation (such as the National CDEM Plan).

Legislative Proposals	Objective and RIS Reference
1. Require engagement with communities that may be disproportionately affected by emergencies (for example, disabled people or ethnic communities), to inform CDEM Group plans and the National CDEM Plan.	Objective 1 RIS section 2.1
2. Strengthen the role of iwi Māori⁵ in emergency management , by requiring CDEM Groups to appoint to the CEG at least one member with knowledge of the interests and values of local Māori communities, requiring engagement with iwi Māori when developing CDEM Group plans, and requiring the Director ⁶ to seek advice on Māori interests and knowledge to inform the development of the National CDEM Plan.	Objective 1 RIS section 2.2
3. Strengthen the role of the community in emergency management , by requiring CDEM Groups to appoint to the CEG at least one member with knowledge, experience or expertise in the interests and needs of rural communities, require CDEM Groups to consider co-opting to the CEG one or more members who have connections with communities, and requiring CDEM Group plans to state how offers of assistance from people and communities will be managed in an emergency.	Objective 1 RIS section 2.3
4. Clarify direction and control during an emergency , by clarifying lead agencies manage responses to emergencies ⁷ arising from the hazards and threats they are responsible for as set out in the National CDEM Plan, enabling a lead agency's responsibilities to be transferred to another agency, and introducing requirements to improve situational awareness.	Objective 2 RIS section 2.4
5. Resolve overlapping CDEM Group and local authority roles and responsibilities , by providing a distinct list of functions for CDEM Groups and local authorities.	Objective 2 RIS section 2.5
6. Clarify local lines of accountability for emergency management , by making the chief executive of each territorial authority responsible for coordinating resources made available for emergency management within their own district, and stating they must delegate their functions and powers to a Controller and Recovery Manager unless the CDEM Group considers they are suitably qualified and experienced to fill the role.	Objective 2 RIS section 2.5
7. Enable roles and responsibilities and other matters to be updated in plans via targeted amendments rather than a full review process.	Objective 2 RIS section 2.6
8. Strengthen the mandate to set expectations , by enabling the Minister to set rules on technical, operational, procedural, and administrative matters.	Objective 3 RIS section 2.8
9. Strengthen the mandate to intervene and address performance issues , by providing a new power for the Director to issue Compliance Orders requiring parties to remedy inadequate or non-performance.	Objective 3 RIS section 2.8
10. Strengthen local hazard risk management via CDEM Group plans , by enabling national standards which can set requirements (such as risk assessment processes) for CDEM Group plans, and enabling the Minister to intervene in the development of CDEM Group plans.	Objective 3 RIS section 2.9
11. Clarify CDEM Group recovery planning expectations , to ensure CDEM Groups and local authorities plan to mitigate and address the full range of consequences from emergencies, including measures across	Objective 3 RIS sections 2.5 and 2.10

⁵ Here the term iwi Māori encompasses iwi, hapū, taiwhenua, taura here and entities such as marae trusts, Māori land trusts and incorporations, Māori Associations, post settlement governance entities and protected customary rights groups

⁶ The Director is a statutory officer who holds various emergency management functions and powers at the national level, currently appointed by the chief executive of the National Emergency Management Agency.

⁷ "Emergency" has a specific meaning in the CDEM Act, with a higher threshold than the everyday use of the term. An adverse event is only an emergency if it both: causes (or may cause) loss of life, injury, illness, or distress; or in any way endangers the safety of the public or property in New Zealand, **AND** cannot be dealt with by emergency services, or otherwise requires a significant and coordinated response under the CDEM Act.

Legislative Proposals	Objective and RIS Reference
the built, natural, social and economic domains, as well as the cultural and physical wellbeing of people and communities.	
12. Provide for consideration of animals before, during and after emergencies , by requiring CDEM Group plans to state how animals ⁸ will be managed during an emergency and provide a new power to enter premises to mitigate unnecessary pain or distress to animals.	Objective 3 RIS section 2.11
13. Widen and future-proof the definition of lifeline utility , by replacing the lifeline utilities framework with an expanded, principles-based definition of infrastructure that provides essential services (essential infrastructure).	Objective 4 RIS section 2.12
14. Strengthen essential infrastructure providers' planning for service continuity by incentivising essential infrastructure providers to meet emergency planning obligations, by strengthening requirements to develop and maintain plans for functioning during and after an emergency, and enable Compliance Orders to be issued for noncompliance.	Objective 4 RIS section 2.12
15. Remove barriers to cooperation and information sharing between essential infrastructure providers , by requiring essential infrastructure providers to contribute to the development of plans for responding to and recovering from infrastructure disruptions of national significance, and clarifying that technical advice provided by essential infrastructure providers may not be used for enforcement purposes.	Objective 4 RIS section 2.12
16. Improve how access to restricted areas is managed , by stating the power to restrict access to a road or public place includes allowing access by any class or group of persons (e.g. who have appropriate identification).	Objective 5 RIS section 2.13
17. Modernise the process to declare a state of emergency or give notice of a transition period , by enabling declarations of states of emergency and notification of transition periods (i.e. the initial recovery period) to be signed with either a physical or electronic signature.	Objective 5 RIS section 2.14
18. Clarify mayors' role in declaring local states of emergency and giving notice of local transition periods , by assigning mayors the primary responsibility for declaring or giving notice (with appropriate contingency arrangements), and maintaining that elected representative(s) appointed by a CDEM Group may declare or give notice for an emergency covering more than one district.	Objective 5 RIS section 2.15
19. Strengthen oversight of states of emergency and transition periods , by requiring a written report to be provided following the end of local and national states of emergency or transition periods, requiring reports to be published as soon as practicable (and in cases where the Minister receives the report, presented to the House), and enabling the setting of additional reporting requirements if a state of emergency or transition period has been extended multiple times.	Objective 5 RIS section 2.16
20. Limit civil liability in relation to warnings , by providing protection from liability in civil proceedings relating to any loss or damage that is due (directly or indirectly) to the issue of, or failure to issue, a warning.	Objective 5 Annex 2 (RIS exemption)
21. Increase penalties of existing prosecutable offences , to match maximum penalties under similar provisions in other Acts, and review defences across offence provisions.	Objective 3 Annex 2 (RIS exemption)

⁸ As defined in the Animal Welfare Act 1999: includes pets, working animals, livestock, and wildlife.

- 21 I am also considering the following additional proposals, which I will bring to Cabinet ahead of seeking introduction of the bill if I am satisfied they should be progressed:
- 21.1 introducing an infringement offence regime, to enable a proportionate response to low-level offending while reducing compliance administration costs. NEMA is working with the Offence and Penalty Vetting team at Ministry of Justice (MOJ) on this and the changes to existing penalties noted above.
 - 21.2 protection from civil liability for loss or damage caused while undertaking emergency management actions in good faith (an issue canvassed in the discussion document). Crown Law advice is being sought to clarify whether a specific protection is required.
- 22 The discussion document also sought feedback on how best to strengthen central government business continuity planning requirements. This matter will now be progressed through the Public Service Amendment Bill, which will transfer business continuity management requirements for public service departments from the CDEM Act to the Public Service Act 2020 and extend these to cover other types of disruptions (in addition to emergencies).
- 23 The above change regarding central government business continuity is being led by DPMC and the Public Service Commission (PSC). DPMC, as lead on national risk and resilience and in consultation with NEMA and the PSC is also considering appropriate non-statutory mechanisms to extend expectations for business continuity management to other central government entities (including non-public service departments and Crown entities).

Next steps

- 24 As noted in paragraph 21 I may return to Cabinet seeking further policy decisions if required. I intend to report back to Cabinet in s9(2)(f)(iv) seeking approval to introduce the bill. At that time, I will provide an update on any decisions made under delegated authority.

Cost-of-living implications

- 25 The proposals will incur costs for local authorities and some private providers of essential infrastructure which may impact rates or customers and have some impact on cost of living. This is offset by the cost to communities of not improving emergency management. For every dollar spent on disaster preparedness, evidence suggests at least four dollars can be saved in response and recovery costs. However, these savings would not be recognised until an emergency event occurs, so there may be additional costs of living in the short term.

Financial implications

- 26 There may be some financial implications on government agencies and Crown owned entities, depending on which activities are prescribed through regulations and the timeframes of these.
- 27 Financial implications for government agencies are expected to be managed within existing baseline. Commencement of certain provisions may be staggered to help ensure this. Implementation may be accelerated if funding is received through the Roadmap.

- 28 Crown owned entities that are essential infrastructure providers may also incur costs to comply with any new requirements prescribed through regulations. While costs are not yet quantifiable, in most cases these are expected to be relatively minor particularly as activities are likely already underway. Where activity is not already underway, costs are expected to be offset by long-term savings to Crown owned entities following an emergency event occurring.

Legislative implications

- 29 The bill holds a category s9(2)(f)(iv) on the 2025 Legislation Programme. As the CDEM Act is binding on the Crown, I propose the bill also binds the Crown. Secondary legislation enabled or impacted by the bill will be progressed in a staged manner after the bill is passed.

Population implications

- 30 Proposals in this paper seek to improve outcomes for all New Zealanders, in particular communities that are often disproportionately affected by emergencies (including but not limited to rural, some iwi Māori, disabled, elderly, ethnic, youth and older people).

Human rights

- 31 The bill will be assessed for consistency with the New Zealand Bill of Rights Act 1990 ahead of being proposed for introduction.

Use of external resources

- 32 NEMA engaged the National Iwi Chairs Forum to provide input and advice from an iwi Māori perspective on policy development for the new bill.

Impact analysis

Regulatory Impact Statement

- 33 Cabinet's impact analysis requirements apply to this paper and a RIS has been prepared and provided alongside this paper. A panel led by DIA with a member from MfE assessed the RIS as partially meeting the quality assurance criteria and noted:
- 33.1 "the RIS provides a clear account of the background to the package of legislative proposals covered, including previous Cabinet decisions which have provided the direction for the package of proposals. The RIS acknowledges that this context, coupled with urgency accorded by Ministers and the nature of the proposals, has significantly limited the evidence available to evidential support for the analysis and particularly the identification of the costs and potential benefits. As a result, NEMA has only moderate confidence in this analysis. The panel found the assessment of options for some issues to be unconvincing, and the RIS to be overly long and disjointed in places. However, we believe that, despite some deficiencies in the information and analysis provided, the RIS informs Ministers about those and attendant risks such that they might still be able to make a reasonably informed decision."⁹

⁹ Note the panel statement has been abridged for space reasons and the full statement is included in the RIS.

- 34 The Ministry for Regulation (MfR) has determined that a number of proposals relating to penalties for existing offences are exempt from the requirement to provide a RIS on the grounds that the economic, social or environmental impacts are limited and easy to assess. One additional proposal is exempt on the grounds that the relevant issues have already been addressed by existing impact analysis. (**See Annex 2**).

Climate Implications of Policy Assessment

- 35 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to these policy proposals, as the threshold for significance is not met.

Consultation

- 36 Aside from the consultation period noted in paragraph 8 above, NEMA is conducting targeted consultation with DIA, local authorities, and iwi Māori who have rights and interests in offshore islands that may be affected by emergency events. I am seeking approval to make final decisions on this matter with the Minister of Local Government, in his role as the territorial authority for certain offshore islands.
- 37 The following agencies were consulted: Department of Corrections, DIA, DPMC, Fire and Emergency NZ, Government Communications Security Bureau, Land Information NZ, Maritime NZ, Ministry for Culture and Heritage, MfE, Ministry for Ethnic Communities, Ministry for Primary Industries, MfR, Ministry of Business, Innovation and Employment, Ministry of Defence, Ministry of Education, Ministry of Health, Ministry of Housing and Urban Development, MOJ, Ministry of Social Development, Ministry of Transport, Natural Hazards Commission Toka Tū Ake, NZ Customs Service, NZ Defence Force, NZ Police, NZ Security Intelligence Service, NZ Transport Agency, PSC, Reserve Bank of NZ, Taumata Arowai, Te Tari Whakatau, Te Puni Kōkiri, Te Waihanga NZ Infrastructure Commission, Te Whatu Ora, the Treasury, and Whaikaha.
- 38 PCO has also been consulted and notes: the timeframe for developing the bill, iterative drafting, resolving detailed policy and legal questions, settling and consulting on the bill is very tight given its expected size and complexity. The timeframe will only be achievable if the necessary full and detailed instructions are received before the s9(2)(f)(iv) and if no complex issues arise during the drafting process.

Communications

- 39 I will issue a press release following Cabinet approval, to update the public on the development of the bill and acknowledge the contribution from submitters on the discussion document. The submissions will also be published (with appropriate redactions where requested by submitters).

Proactive release

- 40 I will proactively release this paper with appropriate redactions within 30 business days of Cabinet's decisions. The RIS will also be published.

Recommendations

The Minister for Emergency Management and Recovery recommends that the Committee:

- 1 **note** that in November 2024 Cabinet noted the intent of the Civil Defence Emergency Management Act 2002 (CDEM Act) remains sound but legislative reform is required;

- 2 **agree** to the following objectives for reform of the CDEM Act:
 - 2.1 strengthen the role of communities and iwi Māori in emergency management;
 - 2.2 provide for clear responsibilities at the national, regional, and local levels;
 - 2.3 enable a higher minimum standard of emergency management;
 - 2.4 minimise disruption to essential services; and
 - 2.5 ensure agencies have the tools to do their jobs effectively when an emergency happens;
- 3 **note** that public consultation on the *Discussion document: Strengthening New Zealand's emergency management legislation* was open from 15 April to 20 May 2025 and that 324 submissions were received, mostly substantive in nature;
- 4 **note** the proposals in this paper have been informed by submissions on the discussion document as well as engagement, inquiries and reviews;
- 5 **agree** to the following policy proposals, whose indicative detail is set out in Annex 1:
 - 5.1 require engagement with communities that may be disproportionately affected by emergencies;
 - 5.2 strengthen the role of iwi Māori in emergency management;
 - 5.3 strengthen the role of the community in emergency management;
 - 5.4 clarify direction and control during an emergency;
 - 5.5 resolve overlapping CDEM Group and local authority roles and responsibilities;
 - 5.6 clarify local lines of accountability for emergency management;
 - 5.7 enable roles and responsibilities and other matters to be updated in plans via targeted amendments;
 - 5.8 strengthen the mandate to set expectations;
 - 5.9 strengthen the mandate to intervene and address performance issues;
 - 5.10 strengthen local hazard risk management via CDEM Group plans;
 - 5.11 clarify CDEM Group recovery planning expectations;
 - 5.12 provide for consideration of animals before, during and after emergencies;
 - 5.13 widen and future-proof the definition of lifeline utility;
 - 5.14 strengthen essential infrastructure providers' planning for service continuity;
 - 5.15 remove barriers to cooperation and information sharing between essential infrastructure providers;
 - 5.16 improve how access to restricted areas is managed;

- 5.17 modernise the process to declare a state of emergency or give notice of a transition period;
- 5.18 clarify mayors' role in declaring local states of emergency and giving notice of local transition periods;
- 5.19 strengthen oversight of states of emergency and transition periods;
- 5.20 limit civil liability in relation to warnings;
- 5.21 increase penalties of existing prosecutable offences;
- 6 **invite** the Minister for Emergency Management and Recovery to issue drafting instructions to the Parliamentary Counsel Office to give effect to the recommendations in this paper, including any necessary consequential amendments, and savings and transitional provisions;
- 7 **authorise** the Minister for Emergency Management and Recovery to make decisions on any matters arising from legislative drafting that align with the overall policy intent of this paper, in consultation with relevant Ministers as required;
- 8 **authorise** the Minister for Emergency Management and Recovery and the Minister of Local Government to make decisions on the emergency management functions of the Minister of Local Government as territorial authority for certain offshore islands;
- 9 **note** that relevant decisions arising from related work across government, and in particular the following matters, will be incorporated into the bill as appropriate:
 - 9.1 decisions on accountabilities across the National Resilience System;
 - 9.2 s9(2)(f)(iv)
- 10 **note** the Minister for Emergency Management and Recovery intends to return to Cabinet ahead of introduction with additional bill proposals if required;
- 11 **agree** that the bill will bind the Crown;
- 12 **invite** the Minister for Emergency Management and Recovery to report back to the Cabinet Legislation Committee to seek approval to introduce the bill;

Authorised for lodgement.

Hon Mark Mitchell

Minister for Emergency Management and Recovery

Annex 1: Indicative Detailed Legislative Proposals

1. Meeting the needs of disproportionately affected communities	RIS section 2.1
<ul style="list-style-type: none"> Require CDEM Groups to identify, engage with, and plan for the needs of communities that the Group considers may be disproportionately affected by emergencies and to set out how this will be done in CDEM Group Plans. Such communities may include, for example, those who: <ul style="list-style-type: none"> are less able to prepare for and look after themselves and their families in an emergency (e.g. people in aged residential care, children, people with health issues, disabled people, and people with low incomes) have different needs in response and recovery that cannot be met through a 'one size fits all' approach (e.g. ethnic communities, rural communities, people with accessibility needs), or live in places that are more exposed to hazards (e.g. flood prone areas). Require the Director CDEM¹ to identify representatives at the national level of communities that the Director considers may be disproportionately affected by emergencies and engage with them to inform the development of the National CDEM Plan. <p>Rationale</p> <ul style="list-style-type: none"> Some people and communities are disproportionately affected by emergencies for a range of reasons. There is variability across the country in the extent to which the needs of disproportionately affected communities are planned for in emergency management. 	
2. Strengthen the role of iwi Māori ² in emergency management	RIS section 2.2
<ul style="list-style-type: none"> Require CDEM Groups to appoint to the Coordinating Executive Group (CEG) at least one member with knowledge of Māori land governance and the interests and values of local Māori communities, relevant to emergency management in the Group's area. <ul style="list-style-type: none"> The member is in addition to the existing statutory members (i.e. requirement cannot be fulfilled by the local authority chief executives, and representatives from Police, FENZ, Health and Ambulance, even if those members may meet the requirements). Arrangements for the appointment of the member(s) under this provision would be determined by the CDEM Group but the CDEM Group must ensure that the member has the resources, information and administrative support necessary to enable the member to function on the CEG. Require CDEM Groups to engage with and involve iwi Māori when developing CDEM Group plans. Require the Director CDEM to seek advice on Māori interests and knowledge to inform the development of the National CDEM Plan. <p>Rationale</p> <ul style="list-style-type: none"> Iwi Māori have unique knowledge, skills, and resources to contribute to emergency management. How and to what extent CDEM Groups are expected to involve iwi Māori in emergency management is not explicitly legislated and there is little guidance. This means the expertise and capability of iwi Māori in emergency management is not fully acknowledged and drawn on to make the system more effective for all New Zealanders. 	
3. Strengthen the role of the community in emergency management	RIS section 2.3
<ul style="list-style-type: none"> Require a CDEM Group to appoint to the CEG at least one member with knowledge, experience or expertise in the interests and needs of rural communities in the Group's area, relevant to emergency management in the Group's area. <ul style="list-style-type: none"> The member is in addition to the existing statutory members (i.e. requirement cannot be fulfilled by the local authority chief executives, and representatives from Police, FENZ, Health and Ambulance, even if those members may meet the requirements). Arrangements for the appointment of the member(s) would be determined by the CDEM Group but must ensure that the member has the resources, information and administrative support necessary to enable the member to function on the CEG. Require a CDEM Group to consider co-opting to the CEG one or more members who have connections with communities in the Group's area relevant to emergency management in the Group's area. 	

¹ The Director is a statutory officer who holds various emergency management functions and powers at the national level, currently appointed by the chief executive of NEMA.

² Here the term iwi Māori encompasses iwi, hapū, taiwhenua, taura here and entities such as marae trusts, Māori land trusts and incorporations, Māori Associations, post settlement governance entities and protected customary rights groups.

<ul style="list-style-type: none"> - If CDEM Groups co-opt additional member(s), arrangements would be determined by the CDEM Group but the CDEM Group must ensure that the member has the resources, information and administrative support necessary to enable the member to function on the CEG. • Require CDEM Groups to include in CDEM Group plans how offers of assistance from people and communities will be managed in an emergency. <p>Rationale</p> <ul style="list-style-type: none"> • Many people and community groups have skills, information, and other resources that they often can and want to offer to emergency management. In particular, rural communities have strong local networks, people and equipment to support relief efforts. However, sometimes community groups want to connect with the formal emergency management system but are not accommodated, meaning those resources are under-utilised before, during and after an emergency. 	
4. Clarify direction and control during an emergency	RIS section 2.4
<ul style="list-style-type: none"> • Clarify that lead agencies manage responses to emergencies³ arising from specified hazards. This includes co-ordinating and managing the response to an emergency, planning for responses to those hazards they are a lead agency for, participating in CDEM Group planning, and any other functions outlined in secondary legislation. • Include a requirement for lead agencies to inform the Director of situations arising that may become emergencies. • Enable the lead agency to be transferred to another agency in agreement with the other agency. • Include in the Director's functions the provision of advice to the Minister regarding situational awareness, which is informed by agencies.⁴ <p>Rationale</p> <ul style="list-style-type: none"> • Clarity on how emergencies (across all hazards and threats) will be led, and any particular functions in relation to this, creates better accountability before and during emergencies. It supports planning before an emergency happens and reduces ambiguity during a response to an emergency. However, there also needs to be flexibility for this to change if needed. 	
5. Resolve overlapping CDEM Group and local authority roles and responsibilities	RIS section 2.5
<ul style="list-style-type: none"> • Replace s17(1) of the CDEM Act with a distinct list of functions for CDEM Groups and local authorities, setting out that: <ul style="list-style-type: none"> - CDEM Groups are responsible for regional coordination, governance, and planning for emergency management in their geographic area, including coordinating the response to and recovery from emergencies that cover more than one district or go beyond the resources of the affected district, and - regional council and territorial authority members of the Group are responsible for carrying out emergency management activities in their own geographic and functional areas of responsibility, and for implementing the CDEM Group plan. • Create a separate, combined list of functions for the CDEM Groups with a single local authority member. • Annex 3 provides the full list of functions. • The Minister of Local Government (as the territorial authority for offshore islands) would not have the local authority functions that relate to membership of a CDEM Group. <p>Rationale</p> <ul style="list-style-type: none"> • CDEM Groups currently have the same functions as their local authority members, creating ambiguity about their respective responsibilities. This proposal ensures all local authorities contribute to the activities of the Group, as currently intended in the CDEM Act. 	
6. Clarify local lines of accountability for emergency management	RIS section 2.5
<p><i>Arrangements for CDEM Groups that are joint committees</i></p> <ul style="list-style-type: none"> • The chief executive of each territorial authority has the function of directing and coordinating resources made available during a state of emergency or 	

³ "Emergency" has a specific meaning in the CDEM Act, with a higher threshold than the everyday use of the term. An adverse event is only an emergency if it both:

a. causes (or may cause) loss of life, injury, illness, or distress; or in any way endangers the safety of the public or property in New Zealand, **AND**
b. cannot be dealt with by emergency services, or otherwise requires a significant and coordinated response under the CDEM Act.

⁴ Note that this does not override existing and ongoing responsibilities of lead agencies to advise their relevant Ministers on situations and events.

<p>transition period. Create a new general power for chief executives to coordinate the use of resources made available for the purposes of the Act.</p> <ul style="list-style-type: none"> • Chief executives may delegate these functions and powers to any suitably qualified and experienced person for the purposes of dealing with a state of emergency. While the delegation is in force, the person subject to the delegation is the Local Controller. The Local Controller has all the powers of a Group Controller within their own district. • Chief executives may delegate these functions and powers to any suitably qualified and experienced person for the purposes of dealing with a transition period. While the delegation is in force, the person subject to the delegation is the Local Recovery Manager. The Local Recovery Manager has all the powers of a Group Recovery Manager within their own district. • If no delegation is in place, the chief executive holds the role of Local Controller and/or Local Recovery Manager for their district. • Each CDEM Group must appoint suitably qualified and experienced persons as the Group Controller and Group Recovery Manager (as under the status quo). <p><i>Arrangements for CDEM Groups with a single unitary authority member</i></p> <ul style="list-style-type: none"> • The chief executive of the unitary authority has the function of directing and coordinating resources made available during a state of emergency or transition period. Create a new general power for the chief executive to coordinate the use of resources made available for the purposes of the Act. • The chief executive may delegate these functions and powers to any suitably qualified and experienced person for the purposes of dealing with a state of emergency. While the delegation is in force, the person subject to the delegation is the Group Controller. • The chief executive may delegate these functions and powers to any suitably qualified and experienced person for the purposes of dealing with a transition period. While the delegation is in force, the person subject to the delegation is the Group Recovery Manager. • If no delegation is in place, the chief executive holds the role of Group Controller and/or Group Recovery Manager. • The CDEM Group may also appoint 1 or more suitably qualified and experienced persons to be Local Controllers or Local Recovery Managers, and direct them to carry out any of the functions and duties of, or delegated to, the Group Controller or Recovery Manager (respectively). <p><i>Arrangements for all CDEM Groups</i></p> <ul style="list-style-type: none"> • Chief executives must delegate the Controller and Recovery Manager roles to suitably qualified and experienced persons, unless the CDEM Group considers the chief executive is suitably qualified and experienced to fill the role. • A Local Controller must follow any directions given by the Group Controller for their area during a state of emergency. • A Local Recovery Manager must follow any directions given by the Group Recovery Manager for their area during a transition period. • Each CDEM Group must ensure that there is at least 1 suitably qualified and experienced person who can exercise the functions and powers of the Group Controller and Group Recovery Manager when they are absent from duty. <p>Rationale</p> <ul style="list-style-type: none"> • Ensures each territorial authority has a statutory officer who can exercise powers during a state of emergency or transition period. • Creates clear lines of accountability between those with overall responsibility for responding to and recovering from emergencies, and those who exercise emergency powers. • Creates an explicit mandate for chief executives (or their delegates) to coordinate resources made available by agencies outside a declared emergency or a notice of a transition period. 	
7. Keep emergency management plans up to date	RIS section 2.6
<ul style="list-style-type: none"> • Enable roles and responsibilities and other matters to be updated in plans via targeted amendments rather than a full review process. • Allow for a CDEM Group to review and update any part or part(s) of a CDEM Group plan made by it without needing to undertake the full procedure set out for making CDEM Group plans under section 52. • A CDEM Group must still undertake appropriate consultation of proposed changes with interested parties, in line with the Local Government Act 2002 principles for consultation. • Allow for the Minister to review and update any part or part(s) of the National CDEM Plan without undertaking the full procedure set out for reviewing the National CDEM Plan under section 41. 	

<ul style="list-style-type: none"> The Minister must still consult parties affected by any proposed changes before recommending changes to any part or part(s) of the National CDEM Plan. Any review of part(s) of the Group plan or National CDEM Plan would not reset the full five-year review cycle. <p>Rationale</p> <ul style="list-style-type: none"> The changing hazard context for emergencies means that new risks and hazards or issues/opportunities may arise frequently and before the five yearly cycle review of a plan. It is important that emergency management plans do not remain out of date until the next review cycle. This change makes it easier to update parts of plans to ensure arrangements are not left out of date. For example, if a new hazard is identified, or risk profile changes, a targeted amendment would enable this hazard or risk (and who is responsible for managing it) to be added to the relevant plan. 	
8. Strengthen the mandate to set expectations	RIS section 2.8
<ul style="list-style-type: none"> Enable the Minister to set rules as secondary legislation administered by NEMA. Rules would be limited to technical, operational, procedural, and administrative matters that relate to the implementation and operation of the CDEM Act and subordinate instruments, with the following safeguards: <ul style="list-style-type: none"> public notification of the intention to develop a rule and reasonable time for submissions requirement to consult with relevant persons or organisations (as per s8(2)(e) of the CDEM Act) rules to be publicly available. Minister may make minor or technical changes to a rule. Certain changes are anticipated to the list of purposes for which 'regulations' can be made, because of the introduction of new rule-making powers. <p>Rationale</p> <p>Currently the CDEM Act enables the Director to issue guidelines, codes, or technical standards. To date these tools have been used to set expectations about administrative, operational, or other detailed matters. Whilst there is a requirement to have regard to the guidelines, codes or standards, they are not binding, leading to an inconsistent standard of emergency management across New Zealand.</p>	
9. Strengthen the mandate to intervene and address performance issues	RIS section 2.8
<ul style="list-style-type: none"> Provide a new power for the Director to issue Compliance Orders requiring a person/entity to remedy inadequate or non-performance of requirements under the Act, or under secondary legislation such as regulations or rules made under the Act. Compliance Orders to be a new tool in an escalating compliance framework stepping from education, to warning, to Compliance Orders, to Director acting on default, to civil proceedings for a court order to compel compliance. Scheme to be established in primary legislation, including power to issue/vary/revoke Compliance Orders, general matters that may be subject to a Compliance Order, process and form requirements for issuing compliance orders, provision for civil proceedings for non-compliance with a Compliance Order, penalty for noncompliance with a Court order. Regulations may specify requirements applicable to specified parties that may be subject to a Compliance Order. <p>Rationale</p> <ul style="list-style-type: none"> Reliance on goodwill and informal pressure, without a clear framework for the escalation of consequences when statutory responsibilities are not met, leaves the emergency management system vulnerable to underperformance or failure – despite the high-consequence nature of emergencies. A power to issue Compliance Orders would allow the Director (and NEMA) to adopt a stronger national leadership role, linking standard setting and compliance action to the Director, and would promote accountability for parties with responsibilities under CDEM legislation. 	
10. Strengthen local hazard risk management via CDEM Group plans	RIS section 2.9
<ul style="list-style-type: none"> Enable mandatory national standards for CDEM Group plans to be prescribed through secondary legislation made by the Minister. Standards may set requirements for the structure, format, or content (such as risk assessment processes) of CDEM Group plans. Minister may prepare and approve national standards to address any matter that in the Minister's view requires national consistency. When preparing a standard, the Minister must have regard to: 	

<ul style="list-style-type: none"> - whether it is desirable to have national consistency - whether the standard should allow for local variation and, if so, to what extent - whether it is appropriate for the national planning standard to apply to a specified CDEM Group or Groups (rather than nationally), and - existing requirements in other legislation relevant to the purpose of the Act. <ul style="list-style-type: none"> • The Minister must consult, with persons that the Minister considers relevant, on the draft standard. • Enable the Minister to intervene in the development of CDEM Group plans, by giving the Minister the power to: <ul style="list-style-type: none"> - direct a CDEM Group to commence a full or partial review of its CDEM Group plan within a period of time specified by the Minister, and/or - require amendments to a proposed CDEM Group plan if, in the Minister's view, the plan would not meet the requirements of the Act or would be inconsistent with the National CDEM Plan. <p>Rationale</p> <ul style="list-style-type: none"> • Enables plans to be nationally consistent (where appropriate) and provide for clearer expectations about how existing legal requirements should be met. • Introduces a mechanism to ensure compliance issues are addressed before plans have been approved; and provides for national intervention where a CDEM Group's hazard risk management arrangements are insufficient (e.g. where issues are identified in a post-disaster review). • Better ensures alignment with hazard risk management arrangements at the national level, consistent with the purpose of the Act. 	
11. Clarify CDEM Group recovery planning expectations	RIS sections 2.5 and 2.10
<ul style="list-style-type: none"> • Clarify that the existing function of CDEM Groups and their members to "plan and carry out recovery activities" includes pre-emergency planning. <p>Rationale</p> <ul style="list-style-type: none"> • Ensures CDEM Groups and local authorities plan to mitigate or otherwise address the full range of consequences from emergencies. This includes measures across the built, natural, social and economic domains, as well as the cultural and physical wellbeing of people and communities. • Provides a clear mandate for national planning standards (proposal 10 above) to require CDEM Groups to plan for the impact of emergencies on taonga Māori and other cultural heritage. 	
12. Consider animals before, during and after emergencies	RIS section 2.11
<ul style="list-style-type: none"> • Require CDEM Group plans to state and provide for how animals will be managed during an emergency. "Animal" includes but is not limited to pets, working animals, livestock, and wildlife. • Provide a new power to enter premises (i.e. a residential dwelling or any building) to mitigate pain or distress to animals. This expands an existing power to enter premises if necessary to protect the safety of, or relieve the suffering or distress of, people. This power may be exercised during a state of emergency or a transition period. • A person authorised to exercise this power may enter on, and if necessary break into, any premises or place if they believe on reasonable grounds that the action is necessary for urgent measures to mitigate unnecessary pain or distress to an animal. • These powers also expand on the powers in the Animal Welfare Act which enable entry onto property but not into residential dwelling or Marae (unless they have a search warrant to do so). <p>Rationale</p> <ul style="list-style-type: none"> • More than half of the select committee submissions on the previous bill sought a more animal-inclusive approach to emergency management. The CDEM Act does not explicitly consider how animals contribute to the wellbeing of people during and after emergencies. 	
13. Widen and future-proof the definition of "lifeline utility"	RIS section 2.12
<ul style="list-style-type: none"> • Replace the CDEM Act's lifeline utilities framework with an expanded, principles-based definition of infrastructure that provides essential services (essential infrastructure). "Essential infrastructure providers" will have the same duties as previous lifeline utilities. • A named entity, or class of entities, may be recognised as an "essential infrastructure provider" if the Minister is satisfied that the entity is responsible for essential infrastructure. 	

- “Essential infrastructure” is the components that are essential or important for the delivery of an essential service. An “essential service” is a service that underpins, public order or safety, public health, national security, or the functioning of the economy or society.
- “Components” include assets, information, networks, systems, suppliers, people, and processes.
- Before an entity or class of entities is recognised as an essential infrastructure provider, the Minister must consult that entity, or representatives of the class of entities.
- When determining whether an entity or class of entities should be recognised as an essential infrastructure provider, the Minister must have regard to:
 - the likely potential for and degree of any negative effect of recognising the entity or class of entities, and
 - New Zealand’s international obligations.
- The Minister may exempt an entity (or class of entities) in whole or in part from the provisions of the Act relating to essential infrastructure providers if the Minister is satisfied that the application of the provisions is not appropriate in the case of that entity.

Rationale

- Technological changes have expanded the range of services that underpin the normal functioning of society. Some providers of these services are not recognised as lifeline utilities under the CDEM Act, which means they are not required to keep functioning during and after an emergency and do not need to participate in planning at the regional or national levels.

14. Strengthen essential infrastructure providers’ planning for service continuity	RIS section 2.12
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- Provide for regulations to prescribe matters that must be addressed in essential infrastructure providers’ plans for functioning during and after an emergency. Requirements may be limited to certain classes of essential infrastructure provider.
- Require the Minister to consult before recommending regulations, and to have regard to essential infrastructure providers’ existing legislative obligations relating to continuity of services.
- Power for Director to issue Compliance Orders (**proposal 9 above**) for failure to meet a planning requirement specified in legislation.

Rationale

- There can be wide social and economic costs felt by households, businesses, and communities when essential infrastructure services are disrupted. There are few levers to set expectations or address issues where lifeline utilities are not meeting their existing duty to plan for continuity of services.

15. Remove barriers to cooperation and information sharing between essential infrastructure providers	RIS section 2.12
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- Require essential infrastructure providers to contribute to the development of plans for the response to and initial recovery from infrastructure disruptions of national significance (sector response plans).
- The Director may initiate the development of a sector response plan if they are satisfied that coordination across 1 or more classes of essential infrastructure providers would be desirable to enable timely restoration of essential services.
- Sector response plans may address:
 - roles and responsibilities of the relevant essential infrastructure providers, CDEM Groups, the Director, and other agencies
 - default information sharing and coordination arrangements for the relevant classes of essential infrastructure provider, and/or
 - any other matters that may be necessary to deal with a major disruption to essential infrastructure.
- The Director must not approve a sector response plan unless they have consulted the essential infrastructure providers, agencies, and other persons (or their representatives) who would have responsibilities in the plan.
- The Director may amend, replace, or revoke a sector response plan at any time. Before approving a new or amended plan, the Director must consult those with responsibilities in the plan.
- Sector response plans do not place mandatory requirements on any person.
- Clarify that technical advice provided by essential infrastructure providers (under s60(d) of the current Act) may not be used for enforcement purposes. Information provided under the Act’s general power to require information, or by other means, may still be used for enforcement purposes.

Rationale

<ul style="list-style-type: none"> The interdependencies between essential infrastructure, CDEM Groups, emergency services, and government agencies mean one organisation's investment in resilience may be ineffective if the infrastructure they depend on is not resilient. Emergencies have shown the risks to essential infrastructure are not always understood or planned for, e.g. due to limited pre-existing relationships or barriers to information sharing. 	
16. Manage access to restricted areas	RIS section 2.13
<ul style="list-style-type: none"> Provide in the Bill that the powers to partially prohibit or restrict public access to a road or public place includes allowing access by any class or group of persons to that road or public place. <p>Rationale</p> <ul style="list-style-type: none"> The persons authorised to exercise this power in a state of emergency or transition period can restrict access to roads or public places (totally or partially). There is a lack of consistent, preplanned identification and accreditation of first responders and lifeline utility workers who respond and restore services during and after an emergency. This has sometimes restricted the ability of those workers to do their work as soon as is safely possible, which impacts on community wellbeing and recovery. This proposal would strengthen legislative mandate for the use of an accreditation system and identification passes issued before an emergency. This would not change the current discretion to allow access to any person where the public is partially restricted from accessing a road or public place. 	
17. Modernise the process to declare a state of emergency or a transition period	RIS section 2.14
<ul style="list-style-type: none"> Enable declarations of states of emergency and notices of transition periods to be signed with either a physical or electronic signature. <p>Rationale</p> <ul style="list-style-type: none"> The current process to declare a state of emergency or give notice of a transition period is outdated as it relies on physical signatures which may be impractical, could cause delays in declarations or notices or, at worse, put people at risk during an emergency. 	
18. Clarify Mayors' role in declaring local states of emergency and local transition periods	RIS section 2.15
<ul style="list-style-type: none"> Assign primary responsibility for declaring a state of local emergency or giving notice of a local transition period for one or more wards within the district of their territorial authority to the mayor (or their designate). Elected representative(s) appointed by a CDEM Group may declare a local state of emergency or give notice of a transition period for an area covering more than 1 district within the Group area (status quo). Enable a state of local emergency to be terminated when a person authorised to give notice of a transition period does so for a local transition period. <p>Backup / contingency arrangements:</p> <ul style="list-style-type: none"> If an emergency has occurred within a single district but a mayor (or another elected representative designated to act for the mayor) has not declared a state of local emergency or given notice of a local transition period, a CDEM Group appointee may make the declaration. If an emergency has occurred across more than 1 district within a CDEM Group area but no CDEM Group appointee is able or likely to be able to declare a state of local emergency or give notice of a local transition period, any other elected representative of the Group may make the declaration. <p>Rationale</p> <ul style="list-style-type: none"> Provides for greater certainty about who makes key statutory decisions during an emergency. Better reflects actual practice and aligns with mayors' existing accountability to their own communities. Enabling a transition period to terminate a state of emergency makes the process more administratively straightforward for elected officials (one statutory form required instead of two). 	
19. Strengthen oversight of states of emergency and transition periods	RIS section 2.16
<ul style="list-style-type: none"> Require a written report to be provided to the Director following the end of a state of national emergency or national transition period. If the National Controller or National Recovery Manager exercises a power under the declaration or notice, the report must also identify the power or power(s) exercised and the reasons for the exercise of that power or those powers. The Director must publish the report on an internet site as soon as practicable and give a copy of the report to the Minister. The Minister must present the report to the House of Representatives as soon as practicable. Require a written report to be provided to the Director following the end of a state of local emergency or local transition period. The report must identify 	

<p>the power or power(s) exercised and the reasons for the exercise of that power or those powers. A copy of the report must also be given to the Civil Defence Emergency Management Group, who must publish it on the Group's internet site as soon as practicable. The Director may give a copy of the report to the Minister. If the Minister receives a copy of the report, the Minister must present the report to the House of Representatives as soon as practicable.</p> <ul style="list-style-type: none"> • The report (and copy) must be given within 14 days after the date on which the state of emergency or transition period ends. • When preparing the report, the Controller or Recovery Manager must consult any other Controller or Recovery Manager (or persons acting under their authority) who have exercised powers during the state of emergency or transition period. • Enable the Director to set additional reporting requirements, provided the information requested is reasonably necessary, if a state of emergency or transition period has been extended multiple times. <p>Rationale</p> <ul style="list-style-type: none"> • States of emergency and transition periods unlock access to extraordinary powers, such as powers of entry on premises, mandatory evacuation and closure of roads and public places. Only transition periods require formal reporting requirements upon termination or expiry and there is no formal reporting mechanism for states of emergency or transition periods that are retained for extended periods. This limits the visibility of how transition periods and states of emergency are being implemented and the ability to identify broader regulatory barriers to response and recovery. • This change addresses the need for formal oversight and transparency over the access to and use of emergency powers, proportionate to their extraordinary nature. It will support greater understanding of challenges in response and recovery, in the context of states of emergency and transition periods being activated more often, and for longer durations. 	
20. Limit civil liability in relation to warnings	RIS exemption – see Annex 2
<ul style="list-style-type: none"> • Provide limitation of civil liability for the Director of CDEM and CDEM Groups for the issuance (or failure to issue) warnings (regardless of whether a state of emergency or transition period is in force or not). • The Director of CDEM, a CDEM Group, or a person or entity authorised to act on their behalf is protected from liability in civil proceedings relating to any loss or damage that is due, directly or indirectly, to the issue of, or failure to issue, a warning in accordance with the Act. • The protection applies only to warnings issued or not issued in good faith and applies whether or not a state of emergency or transition period is in force. <p>Rationale</p> <ul style="list-style-type: none"> • Early warnings can save lives and reduce the risk to property by providing valuable time for evacuation or to take actions to reduce risk (e.g. sandbags for riverbanks). However, the CDEM Act currently provides civil liability protection only for actions taken in relation to a state of emergency or transition period. This lack of protections can cause barriers to issuing timely warnings. • Ensures hazard warnings can be issued, where appropriate, before a state of emergency is declared – including in situations where uncertainty about the extent of risk warrants a precautionary approach. 	
21. Increase penalties of existing prosecutable offences	RIS exemption – see Annex 2
<ul style="list-style-type: none"> • Raise most (with one exclusion noted below) maximum penalty levels to match maximum penalties under similar provisions in other Acts. • Individual penalties will increase from the current level of \$5,000 to between \$10,000 and \$50,000. • Penalties for body corporates will increase from \$50,000 to \$150,000. • Increase maximum penalties under the following sections: <ul style="list-style-type: none"> - 95 Failure to comply with a requirement in a CDEM Plan. - 96(1)(b) Giving false or misleading information. - 97 Disclosing information. - 98 Obstruction. - 99 Failure to comply with a direction to evacuate premises or place. 	

- 100 Failure to comply with prohibition or restriction on access to road or public place.
- 101 Offences in relation to requisitioning property.
- 102 Failure to comply with a direction.
- 103 Personation.
- Penalty under section 96(1)(a) Withholding information, to remain at \$5,000/\$50,000, commensurate with similar provision in the Building Act.
- Review the defences across offence provisions.

Rationale

- Maximum penalties for prosecutable offences under the CDEM Act were established in 2002 and are inconsistent with penalties under similar legislative provisions. Similar types/degrees of offending should be punishable by similar penalties.

Proactively Released

Annex 2: Proposals exempt from regulatory impact analysis – increased penalties and limitation of civil liability for issuance of warnings

Proposal	Description	Exemption sought from RIA requirements	Rationale for exemption
<p>Section 96 (1)(b) Giving false or misleading information</p> <p>As it relates to the requirement to provide an assessment of the effect of the emergency on structure(s) under ss91(2) and 94N(2)</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$20,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$60,000 fine. 	Reflects the serious implications that could follow from people providing false information that is acted on during an emergency.	The economic, social or environmental impacts are limited and easy to assess	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. Aligns with the penalties for an equivalent offence in the Building Act 2004 - Section 369 Offence to make false or misleading statement.
<p>Section 96 (1)(b) Giving false or misleading information</p> <p>As it relates to give information reasonably considered necessary for CDEM purposes under ss76 and 94I(1)</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$30,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$100,000 fine. 	Reflects the serious implications that could follow from people providing false information that is acted on during an emergency.	The economic, social or environmental impacts are limited and easy to assess	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. Aligns with the penalties for an equivalent offence in the Civil Aviation Act 2023 - Section 362 Communicating false or misleading information.

<p>Section 98 Obstruction In relation to a person who, during a state of emergency/transition period, threatens, assaults, or intentionally obstructs or hinders any person performing functions and powers under the Act</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$50,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$150,000 fine. 	<p>Potential significant risk to life safety or property if a person performing functions or exercising powers during a state of emergency or transition period is obstructed from doing so.</p>	<p>The economic, social or environmental impacts are limited and easy to assess</p>	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. Aligns with the penalties for an equivalent offence in the Building ACT 2004 - Section 367 Offence to obstruct execution of powers under this Act.
<p>Section 99 - Failure to comply with a direction to evacuate premises or place (this includes a public place)</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$10,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$100,000 fine. 	<p>While a decision not to comply with the direction does not give rise to the same level of risk for the wider community (as above), the behaviour could have a serious impact on resources, detracting from the response.</p>	<p>The economic, social or environmental impacts are limited and easy to assess</p>	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. Aligns with the penalties for equivalent offences in the Maritime Transport Act 1994 – e.g. Section 70 Failure to comply with inspection or audit request.
<p>Section 100 - Failure to comply with prohibition or restriction on access to road or public place</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$10,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$100,000 fine. 	<p>While a decision not to comply with a prohibition does not give rise to the same level of risk for the wider community (as above), the behaviour could have a serious impact on resources, detracting from the response.</p>	<p>The economic, social or environmental impacts are limited and easy to assess</p>	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. Aligns with the penalties for equivalent offences in the Maritime Transport Act 1994 – e.g. Section 70 Failure to comply with inspection or audit request.

<p>Section 101 - Offences in relation to requisitioning property For example, failure to comply with a direction which requisitions any building, vehicle, equipment, materials or supplies etc; or fails to provide the assistance required to enable effective and safe use of that property</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$10,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$100,000 fine. 	<p>While a decision not to comply with a requisition request does not give rise to the same level of risk for the wider community (as above), the behaviour could have a serious impact on resources, detracting from the response.</p>	<p>The economic, social or environmental impacts are limited and easy to assess</p>	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. Aligns with the penalties for equivalent offences in the Maritime Transport Act 1994 – e.g. Section 70 Failure to comply with inspection or audit request.
<p>Section 102 Failure to comply with a direction As it relates to a direction to stop any activity that may cause or substantially contribute to the consequences of an emergency or hinder recovery pursuant to ss91(1) and 94N(1)</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$50,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$150,000 fine. 	<p>Reflects potential for significant risk to life safety or property from failure to comply with a direction to stop any activity that may cause or substantially contribute to the consequences of an emergency, or hinder recovery.</p>	<p>The economic, social or environmental impacts are limited and easy to assess</p>	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. Aligns with the penalties for an equivalent offence under the Water Services Act 2021 - Section 185 Offence involving failure to comply with emergency directions or conditions and the Maritime Transport Act 1994 – e.g. Section 316 Failure to comply with prohibition, restriction, or direction

<p>Section 103 Personation</p> <p>Where a person intentionally personates or falsely represents themselves as the Director, a Controller, Recovery Manager, a CDEM Group (or a person acting under one of these persons authority)</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$50,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$150,000 fine. 	<p>Personation carries a significant risk in the context of emergency management, particularly where the impersonation relates to a person with significant statutory powers and the potential for misuse of the powers. It could also significantly undermine trust and confidence in the response to an emergency.</p>	<p>The economic, social or environmental impacts are limited and easy to assess</p>	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. Aligns with the equivalent offence in the Building Act 2004 – Section 366(2) Offence to impersonate building consent authority or regional authority.
<p>Section 95 Failure to comply with a requirement in a CDEM Plan</p> <p>CDEM Plans are the National CDEM Plan and any CDEM Group Plan</p> <p>Increase the penalty:</p> <ul style="list-style-type: none"> for individuals: <ul style="list-style-type: none"> from: \$5,000 fine to: \$50,000 fine. body corporates: <ul style="list-style-type: none"> from: \$50,000 fine to: \$150,000 fine. 	<p>Roles and responsibilities under the National Plan are wide ranging in nature and the degree of risks to life safety but failure to comply could have serious consequences so a higher maximum penalty threshold is justified.</p>	<p>The economic, social or environmental impacts are limited and easy to assess</p>	<ul style="list-style-type: none"> There have been no previous prosecutions for this offence and future prosecutions are expected to be low. Proposed penalty change will only impact people who commit the offence. No exact equivalent to section 95 in other legislation but partial equivalency with provisions in the Fair Trading Act 1986, Credit Contracts and Consumer Finance Act 2003, and Health and Safety at Work Act 2015, e.g. – Section 49 Offence of failing to comply with duty.

<p>Section 97 – Disclosing information Intentional disclosure or use of information in breach of section 83 as it relates to information:</p> <ul style="list-style-type: none"> • requested by the Director or a CDEM Group for CDEM purposes (s76) • provided by lifeline utilities (s60) • on the effects of the emergency on a structure(s) (s91(2) and 94N (2)) • obtained under the execution of a warrant issued under s78. <p>Increase the penalty:</p> <ul style="list-style-type: none"> • for individuals: <ul style="list-style-type: none"> - from: \$5,000 fine - to: \$50,000 fine. • body corporates: <ul style="list-style-type: none"> - from: \$50,000 fine - to: \$150,000 fine. 	<p>Unauthorised disclosure of information could undermine the integrity of the emergency management regulatory regime and hinder the supply of similar information in the future.</p> <p>Need to ensure information is not disclosed beyond the purpose it was provided for, particularly if intentional disclosing such information may create a commercial or personal advantage.</p>	<p>The economic, social or environmental impacts are limited and easy to assess</p>	<ul style="list-style-type: none"> • There have been no previous prosecutions for this offence and future prosecutions are expected to be low. • Proposed penalty change will only impact people who commit the offence. • Aligns with the equivalent offence in the Financial Market Infrastructures Act 2024 – Section 143 Offence for unauthorised disclosure.
<p>Provide limitation of civil liability for the Director of CDEM and CDEM Groups for the issuance (or failure to issue) warnings (regardless of whether or not a state of emergency or transition period is in force)</p>	<p>Early warning systems can save lives and reduce the risk to property by providing valuable time for evacuation or to take actions to reduce risk (e.g. sandbags for riverbanks). However, the Act currently provides civil liability protection only for actions taken in relation to a state of emergency or transition period. This lack of protections can cause barriers to issuing timely warnings.</p>	<p>This issue has been addressed through existing impact analysis</p>	<ul style="list-style-type: none"> • The scope of who would be eligible for protected civil liability is a subset of an issue included in previous impact analysis. The options explored sought to widen civil liability protections to other approved warning providers, in addition to the Director CDEM and CDEM Group. • This proposal seeks to narrow the scope of who would fall under civil liability protections (i.e. only to Director CDEM and CDEM Groups or those acting on their behalf) as they have

	<p>This proposal seeks to provide the Director of CDEM, a CDEM Group or a person acting on their behalf protection from liability in civil proceedings relating to any loss or damage that is due, directly or indirectly, to the issue of, or failure to issue, a warning in accordance with the Act.</p> <p>The protection would apply only to warnings issued or not issued in good faith and whether or not a state of emergency or transition period is in force.</p>		<p>existing functions and duties under the Act to provide warnings.</p> <p>GOV-20-MIN-0035; RIS (issue 2, page 16): Regulatory Impact Statement: Updating the legislative framework to strengthen New Zealand's response to emergencies – tranche one - 23 July 2020 - Regulatory Impact Statement - National Emergency Management Agency</p>
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Proactively Released

Annex 3: Proposed functions of CDEM Groups and local authorities

Proposed functions of CDEM Groups with more than 1 member (joint committees)		Proposed functions of CDEM Groups with a single unitary authority member
Functions of CDEM Groups	Functions of the local authority members of a CDEM Group	
<p>The role of a CDEM Group with more than 1 member is to,—</p> <p>(a) in relation to hazards and risks across the Group's area,—</p> <p>(i) take the lead in identifying and assessing those hazards and risks:</p> <p>(ii) co-ordinate the management of those hazards and risks:</p> <p>(iii) identify and implement cost-effective risk reduction:</p> <p>(iv) assist each local authority represented in the Group to,—</p> <p>A. identify and assess those hazards and risks relevant to that local authority:</p> <p>B. consult and communicate with the communities within that local authority about those hazards and risks:</p> <p>(b) ensure that suitably trained and competent personnel, including volunteers, are available and there is an appropriate organisational structure for those personnel for effective emergency management in its area:</p> <p>(c) respond to and manage the adverse effects of emergencies in its area:</p> <p>(d) plan for (in advance of an emergency) and carry out recovery activities in its area:</p> <p>(e) when requested, assist other Groups in the implementation of emergency management in their areas (having regard to the competing emergency management demands within the Group's own area and any other requests for assistance from other Groups):</p> <p>(f) within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act:</p> <p>(g) monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act:</p> <p>(h) develop, approve, implement and monitor a CDEM Group plan and regularly review the plan:</p> <p>(i) participate in the development of the national CDEM strategy and the national CDEM plan:</p> <p>(j) promote emergency management in its area that is consistent with the purpose of this Act.</p>	<p>1. Each local authority member of a CDEM Group must plan and provide for emergency management within its own region or district.</p> <p>2. The role of each local authority member of a CDEM Group is to,—</p> <p>(a) do, in relation to hazards and risks within its region or district, the following:</p> <p>(i) identify and assess those hazards and risks:</p> <p>(ii) report to the Group on its identification and assessment of hazards and risks:</p> <p>(iii) manage those hazards and risks:</p> <p>(iv) identify how to reduce risks and implement cost-effective risk reduction:</p> <p>(v) consult and communicate with the communities within that region or district about those hazards and risks:</p> <p>(b) arrange for the provision of suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel for effective emergency management:</p> <p>(c) take all steps necessary to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective emergency management:</p> <p>(d) respond to and manage the adverse effects of emergencies in its region or district:</p> <p>(e) plan for (in advance of an emergency) and carry out recovery activities in its region or district:</p> <p>(f) assist, when requested, other local authorities in the implementation of emergency management in their regions or districts as appropriate (having regard to the competing emergency management demands within the authority's own region or district and any other requests for assistance from other local authorities):</p> <p>(g) promote and raise public awareness of, and compliance with, this Act, and legislative provisions relevant to the purpose of this Act, within its region or district:</p> <p>(h) monitor and report to the Group on compliance within its region or district with this Act and legislative provisions relevant to the purpose of this Act:</p> <p>(i) do, in relation to CDEM Group plan of the Group, the following:</p> <p>(i) provide input in the development or review of the plan:</p> <p>(ii) implement the relevant aspects of the plan:</p> <p>(j) participate in the development of the national CDEM strategy and the national CDEM plan:</p> <p>(k) promote emergency management in its region or district that is consistent with the purpose of this Act.</p>	<p>The role of a CDEM Group with 1 member is to,—</p> <p>(a) in relation to hazards and risks within the Group's area,—</p> <p>(i) identify and assess those hazards and risks:</p> <p>(ii) manage those hazards and risks:</p> <p>(iii) identify and implement cost-effective risk reduction:</p> <p>(iv) consult and communicate with the communities within its area about those hazards and risks:</p> <p>(b) ensure that suitably trained and competent personnel, including volunteers, are available and there is an appropriate organisational structure for those personnel for effective emergency management in its area:</p> <p>(c) take all steps necessary to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective emergency management:</p> <p>(d) respond to and manage the adverse effects of emergencies in its area:</p> <p>(e) plan for (in advance of an emergency) and carry out recovery activities in its area:</p> <p>(f) when requested, assist other Groups in the implementation of emergency management in their areas (having regard to the competing emergency management demands within the Group's own area and any other requests for assistance from other Groups):</p> <p>(g) within its area, promote and raise public awareness of, and compliance with, this Act and legislative provisions relevant to the purpose of this Act:</p> <p>(h) monitor and report on compliance within its area with this Act and legislative provisions relevant to the purpose of this Act:</p> <p>(i) develop, approve, implement and monitor a CDEM Group plan and regularly review the plan:</p> <p>(j) participate in the development of the national CDEM strategy and the national CDEM plan:</p> <p>(k) promote emergency management in its area that is consistent with the purpose of this Act.</p>

Regulatory Impact Statement: Strengthening New Zealand's emergency management legislation

Decision sought	<i>Agreement to final policy proposals for the Emergency Management Bill</i>
Agency responsible	<i>National Emergency Management Agency</i>
Proposing Ministers	<i>Minister for Emergency Management and Recovery</i>
Date finalised	<i>15 July 2025</i>

- The Minister for Emergency Management and Recovery seeks Cabinet agreement to policies to be implemented in legislation to replace the Civil Defence Emergency Management Act 2002. The key legislative changes seek to improve community engagement at local and central government levels and clarify emergency management roles and responsibilities.
- The key legislative change proposals in the package of preferred options would:
 - Establish processes for better engagement at the local and central government levels with iwi Māori, rural and other communities, and disproportionately affected communities in emergency management.
 - Clarify and strengthen roles and responsibilities for emergency management at all levels, including who is ultimately in control in an emergency.
 - Provide NEMA with better regulatory levers to set standards for emergency management planning and other requirements, and ensure performance of key actors in the system, including local government and essential infrastructure providers.

Summary: Problem definition and options

What is the policy problem?

- The current CDEM Act is not enabling New Zealand to meet the growing disaster risk it faces because it has poor incentives for local authorities to plan for and resource emergency management activity across the 4 Rs to meet the purpose of the Act. This is primarily because roles, responsibilities and expectations are unclear and government assurance levers are lacking or ineffective.
- The system enables local government to apply cognitive biases to decision-making in the present about emergency management activities and resourcing that in some areas may underestimate the future likelihood and impact of emergencies on their communities. This has impacts on future life safety and economic, social and cultural wellbeing of those communities without accountability back to those decision makers.
- Proposals in relation to essential infrastructure providers which may have an indirect impact on the use of private property are justified because failure of essential infrastructure can endanger lives or property and impede response efforts. Therefore, the proposals are aimed at the problem of ensuring that essential infrastructure will continue

operating in an emergency to the extent possible, which is already a requirement under the CDEM Act.

- Feedback from stakeholders (including regulated parties such as local government) on a discussion document and other engagement was that, in general, the right problem had been identified. However, many thought the problem was also adequate resourcing for the system. Some resourcing concerns are expected to be addressed over time through improvements signalled in the emergency management investment and implementation roadmap¹ (further discussion on stakeholder views can be found in section 1).

What is the policy objective?

- The outcome of changes to the CDEM Act is an emergency management system that is able to respond and recover more effectively and efficiently from the growing risk of large-scale emergencies that New Zealand faces.
- Policy objectives were agreed in principle by Cabinet in 2024 and were largely endorsed by stakeholders during consultation. The objectives are to:
 - strengthen the role of community and iwi Māori in emergency management
 - provide for clear responsibilities and accountabilities at the national, regional and local levels
 - enable a higher minimum standard of emergency management
 - minimise disruption to essential services, and
 - ensure agencies have the right powers available when an emergency happens.
- These reforms will be successful if they deliver improved response and recovery to emergency events. This will have benefits for all New Zealanders through:
 - reducing the risk of loss of life and injury to people, including communities disproportionately affected by emergencies,
 - improving economic, cultural and social outcomes through improved iwi Māori and community involvement in emergency management planning, and faster, less costly economic and community recovery after an emergency.
- Detail on expected outcomes and benefits of proposals is included in section 2.
- NEMA has established an assurance function which will monitor, evaluate and report on progress with implementation of the reforms at the national and local levels.

What policy options have been considered, including any alternatives to regulation?

- Proposals focus on addressing issues identified by previous reviews, inquiries and feedback from stakeholders that could be addressed by legislative means.
- Sixteen issues are discussed in the RIS. For each issue both legislative (primary or secondary) and non-legislative options were considered.
- Options are not mutually exclusive, and the preferred legislative option is often supported by the intention to undertake non-legislative work, such as guidance, subject to resourcing.
- **Appendix A** provides an overview of the package of preferred options.

¹ <https://www.civildefence.govt.nz/cdem-sector/emergency-management-system-improvement-programme>

- The key legislative change proposals in the package of preferred options are to:
 - Require CDEM Groups and the Director CDEM to engage with iwi Māori and disproportionately affected communities when developing local and national emergency management plans.
 - Require CDEM Group Plans to state how offers of resources from the public will be managed.
 - Require CDEM Groups to have members on their Coordinating Executive Groups (CEG) who represent local Māori and rural community interests; and consider co-opting community representatives on Coordinating Executive Groups.
 - Specify that the agency dealing with the hazard causing the emergency is the lead agency responsible for managing the response to the emergency
 - Provide distinct responsibilities for CDEM Groups and their local authority members and make local authority chief executives hold and delegate Controller and Recovery Manager roles to ensure there is accountability.
 - Enable mandatory standards to be set through rules and enable the Director CDEM to issue compliance orders.
 - Enable the form and content of CDEM Group Plans to be prescribed through regulations and strengthen the Minister's role in the CDEM Group planning process.
 - Enable secondary legislation to support improved recovery planning for taonga Māori and other cultural heritage.
 - Require CDEM Group Plans to consider animals in response and recovery and expand emergency powers to enable mitigation of pain or distress to animals.
 - Have a principles-based definition of “essential infrastructure”, enable business continuity planning requirements to be set in regulations, and require essential infrastructure providers to contribute to national sector response plans.
- Operational improvements to the emergency management system are being identified and will be implemented separately, subject to resourcing.

What consultation has been undertaken?

- The National Emergency Management Agency (NEMA) undertook public consultation on a discussion document from 15 April to 20 May 2025. NEMA received 324 (mostly substantive) submissions.
- Submitters included councils, CDEM Groups, iwi Māori, volunteer organisations, businesses (including primary industries, lifeline utilities and insurers), interest groups such as animal welfare, and groups representing communities such as for people with disabilities, older people, and rural communities.
- NEMA also held online engagement with key stakeholders, including Joint Committee Chairs, CEG, local government Chief Executives, CDEM Groups and their local networks, and iwi Māori.
- This feedback helped to refine the options in the discussion document and informed analysis where this was relevant to legislative reform rather than purely operational matters. Most submitters support the proposed objectives. Themes arising from submissions and engagements are discussed in **Appendix D**.

- A summary of feedback for each issue is included in section 2, including where submitters did not support the preferred option
- Consultation identified a new Issue 16 to provide greater oversight of states of emergency and transition periods, and two new options in Issue 3 to provide for rural and community representation on Coordinating Executive Groups.
- NEMA consulted with a wide range of government agencies on draft policy documents and this RIS, including facilitating several workshops.
- Problem identification was also informed by submissions to Select Committee on the discharged Emergency Management Bill in 2023.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

The Minister's preferred option package in the Cabinet paper and NEMA's preferred option package are the same.

Summary: Minister and Agency preferred option in the Cabinet paper and RIS

The Minister's preferred option package in the Cabinet paper and NEMA's preferred option package are the same.

Costs (Core information)

It has not been possible to monetise all of the costs.² The following describes some monetised impacts. Further detail on how some costs were calculated is in **Appendix A**.

Additional costs of the preferred option package compared to taking no action

Affected group	Impact	
	Initial costs (monetised over approx. 4 years)	Ongoing costs (non-monetised)
CDEM Groups (local authority members)	<p>\$82.8 million</p> <ul style="list-style-type: none"> Implement new requirements and associated guidance. Updating CDEM plans. Engagement with disproportionately affected communities and iwi Māori. 	<p>low – medium</p> <ul style="list-style-type: none"> 5-yearly reviews of CDEM Group plans and ongoing engagement with iwi Māori and communities to maintain plans.
NEMA	<p>\$11.6 million</p> <ul style="list-style-type: none"> Develop/update guidance, regulations, and assurance processes. 	<p>low – medium</p> <ul style="list-style-type: none"> Stewardship of guidance and regulations; implementation support; assurance and enforcement.
Central government agencies	<p>\$7.8 million</p> <ul style="list-style-type: none"> Input to guidance, regulations, and assurance processes. Adjustment to operational practice and lead agency response plans. 	<p>low – medium</p> <ul style="list-style-type: none"> Input to reviews of guidance and regulations.
	Initial costs (non-monetised)	Ongoing costs (non-monetised)
Iwi Māori	<p>medium</p> <ul style="list-style-type: none"> Input to guidance and CDEM Group Plans; engagement with CDEM Groups. Representing iwi Māori interests on CEG. 	<p>low</p> <ul style="list-style-type: none"> Input to review of guidance and CDEM Group Plans; engagement with CDEM Groups. Representing iwi Māori interests on CEG.
Communities (incl. rural and businesses)	<p>medium</p> <ul style="list-style-type: none"> Input to guidance and CDEM Group Plans; engagement with CDEM Groups. 	<p>low</p> <ul style="list-style-type: none"> Input to review of guidance and CDEM Group Plans;

² Given the number and breadth of the proposals and the many different actors they may impact (NEMA and other government agencies, 16 CDEM Groups (made up of 78 local authorities), iwi Māori, many communities, lifeline utilities) the impact of each proposal will vary considerably and depend on the particular circumstances of each of those actors and the region they are operating in.

	<ul style="list-style-type: none"> Representing rural and other community interests on CEG. 	engagement with CDEM Groups. <ul style="list-style-type: none"> Representing rural and other community interests on CEG.
Lifeline utilities (essential infrastructure providers)	medium-high <ul style="list-style-type: none"> Implement new requirements for improved business continuity planning; implementation and training. 	low <ul style="list-style-type: none"> Maintain business continuity plans and training.

Benefits (Core information)

Overall, there are likely to be positive impacts from clearer expectations for emergency management delivery, clarification of roles and responsibilities, and consistent application of requirements and guidance which will increase efficiency and reduce overall costs during and after emergencies. Most identified benefits will be realised only when an emergency happens (response and recovery) and are expected to accrue ongoing.

Ultimately benefits are about saving lives and preventing serious injury, decreasing damage to property and mitigating economic and social consequences of emergencies. The 2024 value of statistical life (fatality) calculated by the Ministry of Transport, Waka Kotahi, is approximately \$15 million, and the 2024 value of statistical life (serious injury) is 0.776 million.³ For every dollar spent on disaster preparedness, international evidence suggests at least \$4 can be saved in disaster response and recovery costs.⁴

Assessing the future benefits of more effective emergency management is always uncertain because it is dependent on the unpredictable frequency and nature of future adverse events (and because of the difficulty of establishing a counter-factual benchmark). It has not been possible to monetise specific benefits of the proposals. The following describes non-monetised benefits in terms of being High, Medium or Low compared to the status quo.

Affected group	Benefits
Central government/NEMA	High <ul style="list-style-type: none"> Improved emergency management system and better ability to assure system is fit for purpose. Improved readiness and response over time to significant emergencies will save lives, property and mitigate economic and social consequences of large-scale emergencies.
CDEM Groups (local authority members)	High <ul style="list-style-type: none"> Improved emergency management system resulting in improved life safety and improved economic, social and cultural outcomes for their local communities from a better planned, accountable and responsive emergency management system. Clarity of roles and responsibilities and better guidance can improve efficiency and reduce costs in the long-term.
Iwi Māori	High <ul style="list-style-type: none"> Improved ability to engage with the emergency management system, particularly in CDEM Group planning and other

³ [Social cost of road crashes and injuries | Ministry of Transport](#)

⁴ Multi-Hazard Mitigation Council 2019. Natural Hazard Mitigation Saves: 2019 Report. National Institute of Building Sciences. Washington, DC.

	decision-making on CEG, leading to better outcomes when emergencies happen.
Communities (incl. rural and businesses)	High <ul style="list-style-type: none">Improved ability to engage with the emergency management system, particularly in CDEM Group Plans and other decision-making on CEG, leading to better outcomes when emergencies happen.
Lifeline utilities (essential infrastructure providers)	High <ul style="list-style-type: none">Clarity of responsibilities and better guidance can improve efficiency in business continuity planning and reduce costs after an emergency.

Balance of benefits and costs (Core information)

This analysis compares monetarised estimates of some implementation costs with non-monetarised and largely contingent benefits which accrue only if emergencies eventuate of a significant nature and scale, which is unpredictable.

Taking into account the limitations relating to evidence of cost and benefits and inability to quantify all of them in a meaningful way, this analysis indicates that the benefits of the package of preferred options is likely to outweigh the costs.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

Who	What	Risk	Mitigation
NEMA/Government agencies/Parliament	Development and enactment of the legislation.	Risk of delay in development and enactment of legislation will delay realisation of expected benefits of improved system.	No mitigation proposed. Costs will fall on agencies as part of normal baseline government business.
Local government (CDEM Groups)	Implement new requirements and associated guidance, including updating CDEM plans, engagement with disproportionately affected communities and iwi Māori.	Lack of resource, capacity and capability to implement all requirements fully and/or in a timely manner will delay realisation of expected benefits of improved system.	No mitigation proposed. Costs will fall on local government.
NEMA	Develop guidance and support. Develop regulations for new requirements. Develop assurance processes.	Lack of resource, capacity and capability to implement requirements fully and/or in a timely manner will delay realisation of expected benefits of improved system. Timeliness will depend on whether there is	Adequate resourcing to develop guidance, regulation and assurance processes will be sought through relevant Budget processes.

		existing guidance to update or new guidance is needed. Prioritisation may be necessary depending on available resource, which could result in delays in issuing and socialising new guidance or to step up assurance work.	
Other government agencies	Input to guidance, regulations, and assurance processes. Adjustment to operational practice and lead agency response plans.	Lack of resource, capacity and capability to engage.	No mitigation proposed. Costs will fall on agencies as part of normal baseline government business.
Iwi Māori	Engage with CDEM Groups and input to planning	Lack of resource, capacity and capability to engage.	No mitigation proposed. Costs will fall on iwi Māori.
Communities (incl. rural and businesses)	Consider new guidance and engage with CDEM Groups.	Lack of resource, capacity and capability to engage.	No mitigation proposed. Costs will fall on communities/local government.
Lifeline utilities (essential infrastructure providers)	Implement new requirements (e.g. business continuity plans).	Lack of resource, capacity and capability for implementation will delay realisation of expected benefits of improved system.	No mitigation proposed. Costs will fall on lifeline utilities.

Limitations and Constraints on Analysis

Scope - The scope of the issues has been limited by Cabinet's in-principle agreement in 2024 to the objectives of legislative reform and Cabinet approval in 2025 to the scope of issues in the Discussion Document.

A **key assumption** is that achieving the objectives as described above will enable New Zealand to meet the growing disaster risk it faces and incentivise local authorities to plan for and resource emergency management activity across the 4 Rs to meet the purpose of the Act by clarifying roles, responsibilities and expectations at the national and local level and strengthening government assurance of the system.

Evidence base – Evidence certainty is generally low to medium. There are major evidence limitations. Many insights into problems are anecdotal and limited to places where emergencies and reviews have taken place. Previous reviews and inquiries have focused predominantly on readiness and response, so there is limited evidence available about recovery and risk reduction. There is limited data on the scale of problems, and affected populations will vary across regions.

Due to the limitations, it has not been possible to identify and monetise all of the costs or any benefits of the proposals. Given the number and breadth of the proposals the impact of each proposal will vary considerably on the different actors in the system, and will depend on the particular circumstances of each of those actors and the characteristics of the region they are operating in. As such, NEMA has moderate confidence in the analysis of costs and benefits.

Timeframes – Cabinet made decisions in September 2024 on the government’s response to the Inquiry into the North Island Severe Weather Events which set the parameters for this legislative reform. This timeframe and the complexity of the issues and options has limited the extent to which the evidence base for options development and analysis, and cost/benefit analysis could be further developed.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:



Jenna Rogers
Deputy Chief Executive, Strategic Enablement
National Emergency Management Agency
15 July 2025

Quality Assurance Statement

Reviewing Agency: Department of Internal Affairs with a panel member from the Ministry for the Environment

QA rating: Partially meets

Panel Comment:

The panel felt the RIS provided a clear account of the background to the package of legislative proposals covered, including previous Cabinet decisions which have provided the direction for the package of proposals. The RIS acknowledges that this context, coupled with urgency accorded by Ministers and the nature of the proposals, has significantly limited the evidence available to support the analysis and particularly the identification of the costs and potential benefits. As a result, NEMA has only moderate confidence in this analysis.

Options to address each of 20 issues are separately assessed and compared in the RIS, which has resulted in a very long and somewhat inaccessible document. Separate analysis coupled with diversity in the nature, scale and identified causes of issues has also resulted in unevenness in the extent to which panel found the analysis convincing.

The size of the overall document heightens the importance of the Cover Sheet in making key information available to Ministers. While a less compressed timeframe may have allowed the Cover Sheet to be further edited and focused, the panel felt it does provide a useful and clear summary of the analysis of the proposal and a reasonable identification of the attendant limitations and risks.

On this basis we believe that, despite some deficiencies in the information and analysis provided, the RIS informs Ministers about those and attendant risks such that they might still be able to make a reasonably informed decision.

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Glossary

4 Rs	The activities that increase resilience to emergencies are often broken into four areas – reduction, readiness, response and recovery
CDEM	Civil defence emergency management is the application of knowledge, measures, and practices that are necessary or desirable for the safety of the public or property, and are designed to guard against, prevent, reduce, recover from, or overcome any hazard or harm or loss that may be associated with any emergency. This includes the planning, organisation, coordination, and implementation of those measures, knowledge, and practices
CDEM Act	Civil Defence Emergency Management Act 2002
CDEM Group	A joint committee of the mayors and chairperson from the local authorities in a region (or a subcommittee of a unitary authority) with responsibility for emergency management
Controller	A statutory officer with functions and powers during a state of emergency, appointed by a CDEM Group (Group and Local Controllers) or the Director CDEM (National Controller)
CEG	Coordinating Executive Group, that is the local authority chief executives and emergency service representatives responsible for advising a CDEM Group and implementing their decisions
Director of CDEM or Director	A statutory officer who holds various emergency management functions and powers at the national level, currently appointed by the chief executive of the National Emergency Management Agency
Emergency	<p>A situation that:</p> <ul style="list-style-type: none">• is the result of any happening, whether natural or otherwise, including, without limitation, any explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, serious fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure of or disruption to an emergency service or a lifeline utility, or actual or imminent attack or warlike act; and• causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand; and• cannot be dealt with by emergency services, or otherwise requires a significant and coordinated response under the CDEM Act
Emergency services	Include the New Zealand Police, Fire and Emergency New Zealand and providers of health and disability services; they participate in the development of the National CDEM Strategy and CDEM plans
Inquiry	The Government Inquiry into the Response to the North Island Severe Weather Events (Cyclone Hale, the 2023 Auckland Anniversary weekend severe weather event, and Cyclone Gabrielle)
Group Office	The organisational structure for the local government staff who provide technical emergency management expertise to a CDEM Group
Hazard	Something that may cause, or contribute substantially to the cause of, an emergency

Lifeline utility	Operators of infrastructure that provides certain essential services
Local authorities	Territorial authorities, unitary authorities and regional councils. As members of CDEM Groups, they are collectively responsible for carrying out the Group's functions. Local authorities are individually responsible for planning and providing for emergency management within their own districts
LGA	Local Government Act 2002
Minister	Minister for Emergency Management and Recovery
National Disaster Resilience Strategy	The 10-year strategy (2019-2029) outlines the vision and long-term goals for civil defence emergency management (CDEM) in New Zealand, and the objectives to be pursued to meet those goals. It sets out expectations in respect of a resilient New Zealand
National CDEM Plan 2015	The plan sets out the roles and responsibilities of everyone involved in reducing risks and preparing for, responding to and recovering from emergencies that require national coordination. This includes central and local government, lifeline utilities, emergency services and non-government organisations
NEMA	National Emergency Management Agency
Recovery Manager	A statutory officer with functions and powers during a transition period appointed by a CDEM Group (Group and Local Recovery Managers) or the Director CDEM (National Recovery Manager)
Risk	The likelihood and consequences of a hazard

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

New Zealand has wide-ranging hazards...

1. New Zealand's unique geography exposes it to a range of hazards that have the potential to cause disaster, including earthquakes, tsunamis, flooding and volcanic activity. Some biological, technological and human hazards risk similar negative consequences for the safety and wellbeing of people and communities, as well as to New Zealand's natural and built environment.
2. Emergencies also have a high economic cost. For example, a recent report by the New Zealand Infrastructure Commission Te Waihanga found that our annual expected loss from damage to residential property, businesses and infrastructure due to natural hazard events is 0.57% of gross domestic product (GDP).⁵ This is attributed to the estimated cost of rebuilding and strengthening damaged infrastructure and the economic loss of productivity.

...and faces a growing disaster risk

3. The risk of disaster is increasing. Modelling suggests that over the next 50 years, there is a 97% probability that New Zealand will experience a natural hazard event that causes more than \$10 billion in damage (see examples at **Appendix B**).⁶ Several trends contribute to the increase in risk:
 - **Climate change and environmental degradation**, due to their effects on, for example, sea level rise, and the frequency and severity of natural hazards and extreme weather.
 - **Population trends**, including an aging and more ethnically diverse society, with changing levels of income inequality and geographic distribution of population.
 - **Global economic growth and productivity**, which have implications for the health and resilience of New Zealand's economy, and how much can be invested in emergency management and disaster resilience.
 - **Digital connectivity and technological change**, in terms of the risks they pose (e.g. potential disruptions to essential infrastructure due to cyber attack) or opportunities they provide (e.g. by enhancing our ability to collect and analyse complex data about hazards and risks).

⁵ New Zealand Infrastructure Commission (2025). [Invest or insure? Preparing infrastructure for natural hazards](#). This research covers the period between 1960 and 2022, so does not include the impact of Cyclone Gabrielle. New Zealand also ranked second out of 43 countries assessed by Lloyds in their 2018 report "[A world at risk: Closing the insurance gap](#)". This report (which covered a different period) found that our annual expected loss from natural hazard events is 0.66% of GDP.

⁶ NEMA (2023). Annex 3: New Zealand's riskscape. [Briefing to the Incoming Minister for Emergency Management and Recovery](#).

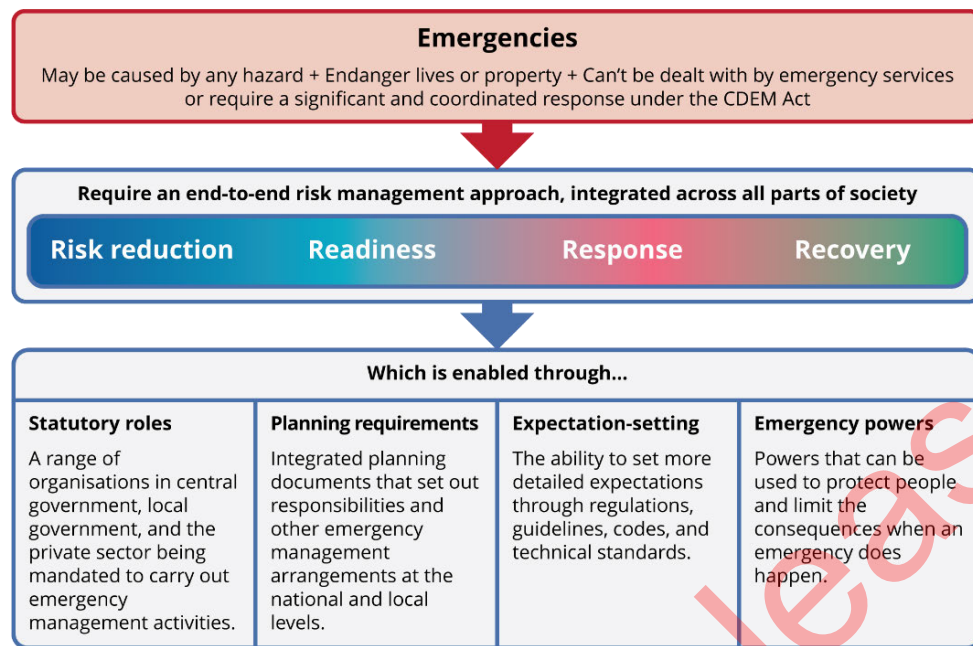
- **Challenges to international laws, agreements and arrangements**, which have the greatest effect on some of New Zealand's economic and security risks but could have further-reaching implications.

The Civil Defence Emergency Management Act 2002 is New Zealand's overarching emergency management legislation

4. The CDEM Act sets New Zealand's legal framework for managing the risk of emergencies. The CDEM Act aims to improve New Zealand's resilience to emergencies in a way that contributes to the wellbeing and safety of the public and the protection of property by taking:
 - an **all hazards approach** (things that could cause, or substantially contribute to the cause of, an emergency) – including those caused by natural processes, human activity, or a combination of both
 - an **end-to-end risk management approach**. This means managing the risk from hazards to an acceptable level requires action across the "4 Rs" of risk reduction, readiness, response and recovery, and
 - a **whole of society approach** managing hazard risks, where all parts of society are expected to play a role in managing hazard risks. Risks should be managed by those who are best placed to manage them, at the lowest appropriate level.
5. The CDEM Act enables this approach by:
 - giving **specific functions, duties, and powers** to a range of organisations and statutory officers within central government, local government, and the private sector (these responsibilities are summarised in **Appendix C**)
 - requiring **planning documents** that prescribe additional legal requirements and set out how emergency management is carried out at the local and national levels, aligned to a national strategy⁷
 - enabling **more detailed expectations** to be set through regulations, guidelines, codes, and technical standards, and
 - providing **extraordinary powers** that can be used to protect people and limit the consequences of an emergency.
6. Currently, the CDEM Act provides for a permissive and enabling approach to operational and administrative arrangements for civil defence emergency management. This has allowed for some innovation and flexibility, enabling Civil Defence Emergency Management Groups (CDEM Groups) to develop best practice arrangements to suit local circumstances.

⁷ [National Disaster Resilience Strategy](#).

Figure 1: The main features of the Civil Defence Emergency Management Act 2002



What is the policy problem or opportunity?

7. A Government Inquiry (from July 2023 to March 2024) into the response to the North Island Severe Weather Events (the Inquiry) found that New Zealand's emergency management system was not fit-for-purpose as it does not have the capacity or capability to deal with significant, widespread events that impact multiple regions at once.⁸ The Inquiry and other reviews have highlighted that New Zealand has not achieved the whole of society approach to emergency management that Parliament envisaged when the CDEM Act was passed in 2002. This means that New Zealand cannot meet the growing disaster risk it faces.
8. In March 2024, Cabinet agreed to discharge the previous Government's Emergency Management Bill as the Bill was deemed insufficient in addressing systemic issues identified by the Inquiry [LEG-24-MIN-0039 refers].
9. In October 2024, the Government released its response to the Inquiry *Strengthening disaster resilience and emergency management*,⁹ setting out a programme of change around five focus areas (with supporting actions):
 - Give effect to the whole of society approach to emergency management.
 - Support and enable local government to deliver a consistent minimum standard of emergency management across New Zealand.
 - Professionalise and build the capability and capacity of the emergency management workforce.

⁸ Cyclone Hale (8-12 January 2023), the Auckland anniversary heavy rainfall (26 January - 3 February 2023) and Cyclone Gabrielle (12-16 February 2023). [Government Inquiry into the Response to the North Island Severe Weather Events - dia.govt.nz](https://www.dia.govt.nz/government-inquiry-into-the-response-to-the-north-island-severe-weather-events)

⁹ <https://www.dpmc.govt.nz/sites/default/files/2024-10/Strengthening-disaster-resilience-and-emergency-management.pdf>

- Enable the different parts of the system to work better together.
- Drive a strategic focus on implementation and investment to ensure delivery.

What objectives are sought in relation to the policy problem?

10. In November 2024, Cabinet considered the five focus areas of the Government response to the Inquiry and concluded that legislative reform was required to fully deliver on actions relating to the statutory roles, planning arrangements, expectation-setting tools, and emergency powers [ECO-24-MIN-0269 refers]. Section 2 will detail specific issues.
11. Policy objectives were agreed in principle by Cabinet in 2024 and were largely endorsed by stakeholders during consultation. The objectives are to:
 - Strengthen the role of community and iwi Māori¹⁰ in emergency management.
 - Provide for clear responsibilities and accountabilities at the national, regional, and local levels.
 - Enable a higher minimum standard of emergency management.
 - Minimise disruption to essential services.
 - Ensure agencies have the right powers available when an emergency happens.
12. These objectives are informed by the Inquiry, other reviews, and issues raised in select committee submissions on the discharged Emergency Management Bill in 2023.

What consultation has been undertaken?

13. NEMA consulted on a public discussion document from 15 April to 20 May 2025. NEMA received 324 (mostly substantive) submissions. Approximately 231 of the submissions are from organisations ranging from councils, CDEM Groups, iwi Māori, volunteer organisations, businesses (including primary industries, lifeline utilities and insurers), interest groups such as for animal welfare, and groups representing parts of the community such as disabled people, older people, and rural communities.
14. In addition, online engagements were held with key stakeholders, including CDEM Group Joint Committee Chairs, CEG, local government Chief Executives, CDEM Group managers and their local networks, and the National Iwi Chairs Forum and other iwi Māori organisations. NEMA also attended Joint Committee and CEG meetings that fell within the consultation period.
15. Central government agencies have been consulted since October 2024 on these reform proposals. This includes Department of Internal Affairs, Department of the Prime Minister and Cabinet, Fire and Emergency NZ, Government Communications Security Bureau, Land Information NZ, Ministry for Culture and Heritage, Ministry for the Environment, Ministry for Ethnic Communities, Ministry for Primary Industries, Ministry for Regulation, Ministry of Business, Innovation and Employment, Ministry of Defence, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Social Development, Ministry of Transport, Natural Hazards Commission Toka Tū Ake, NZ

¹⁰ This RIS uses the term iwi Māori to encompass iwi, hapū, taiwhenua, taura here and entities such as marae trusts, Māori land trusts and incorporations, Māori Associations, post settlement governance entities and protected customary rights groups.

Customs Service, NZ Defence Force, NZ Police, NZ Security Intelligence Service, NZ Transport Agency, Public Service Commission, Reserve Bank of NZ, Te Tari Whakataua, Te Puni Kōkiri, Te Waihanga NZ Infrastructure Commission, the Treasury, and Whaikaha.

16. Themes arising from submissions and engagements are listed in **Appendix D**. Submitter feedback on issues is discussed in section 2.
17. Policy issues and options development, as well as the analysis has also been informed by submissions to Select Committee on the discharged Emergency Management Bill in 2023.

Section 2: Assessing options to address the policy problem

What criteria will be used to compare options to the status quo?

18. The following criteria were used to assess the options compared to the status quo:
 - **Effectiveness:** how well the option meets the policy objectives.
 - **Ease of implementation:** the ease/difficulty of implementation by the actors in the system, and the time required for implementation.
 - **Affordability:** estimated fiscal, administrative and compliance costs, and whether costs are appropriately distributed across the system.
19. The extent to which options **uphold Te Tiriti o Waitangi** and support the Crown in meeting its Treaty obligations will be assessed for a package of preferred options at section 3.
20. The effectiveness criterion is weighted double. As noted above, the discharged Bill was found insufficient in addressing all issues identified in the Inquiry. It is therefore a priority to ensure that options meet the overall objectives of the reform.
21. For some options, there may be a trade-off between effectiveness and affordability. For example, a higher investment into engagement with disproportionately affected communities will likely result in more effective planning and meeting the needs of these communities.
22. Some options will be most effective in tandem with other options (e.g. a requirement in the CDEM Act supported by guidance provided by NEMA). However, for ease of assessment, each option is assessed against the status quo. The costs and benefits for the package of preferred options are considered in section 3.
23. The following key will be used to assess each option against the status quo:

--	-	0	+	++
Much worse than the status quo	Worse than the status quo	About the same as the status quo	Better than the status quo	Much better than the status quo

24. Preferred options are highlighted in green shading in each analysis table.

What scope will options be considered within?

25. Cabinet considers that the intent of the CDEM Act is sound [ECO-24-MIN-0269 refers]. This means proposals focus on addressing systemic issues identified by the Inquiry (as outlined above) instead of a full review of the CDEM Act. As noted above, the policy objectives for legislative reform were agreed in principle by Cabinet in 2024.
26. Many of the actions in the Government Response to the Inquiry are operational in nature and will not be addressed through changes to the CDEM Act. Operational improvements are being identified and implemented separately. These include a public investment and implementation roadmap detailing the future work programme for these operational actions [ECO-24-MIN-0269 refers]. Some issues with the current CDEM Act will also be fixed through drafting by the Parliamentary Counsel Office to ensure the CDEM Act is consistent with modern legislative design and drafting practice.
27. Issues were considered in scope of this analysis if they can be addressed by changes to the CDEM Act which NEMA administers and would not involve changes to other government agencies' legislation. For each issue legislative and non-legislative options were considered within scope and were informed by stakeholders, submissions on the discharged Emergency Management Bill 2023, submissions on the discussion document, and Government responses to previous reviews and inquiries.
28. The issues considered and the analysis was undertaken within the context of Ministerial direction seeking to introduce a new Emergency Management Bill in s9(2)(f)(iv) which has contributed to the tight timeframes to develop an evidence base. Ministerial direction and Cabinet agreement that the intent of the CDEM Act is sound within the context of delivering on the Government's response to the Inquiry, has also narrowed the scope of issues [ECO-24-MIN-0269 refers].

Section 2.1: Meeting the needs of disproportionately affected communities

What is the policy problem or opportunity?

Some CDEM Groups do not effectively identify, engage with, and plan for the needs of disproportionately affected communities, leading to worse outcomes for some people in emergency response and recovery.

29. This section relates to Objective 1: Strengthening community and iwi Māori participation.
30. Some communities are disproportionately affected by emergencies and experience worse immediate life-safety outcomes and increasing vulnerabilities in the long term because they have different and specific needs such as:
 - being less able to prepare for and look after themselves and their families in an emergency (e.g. people in aged residential care, children, people with health issues, disabled people, and people with low incomes),
 - having different needs in response and recovery that cannot be met through a 'one size fits all' approach (e.g. ethnic communities, rural communities, people with accessibility needs), or
 - living in places that are more exposed to hazards (e.g. flood prone areas).
31. Population projections show vulnerable populations in New Zealand are growing (e.g. an aging population, and a growing number of people with a disability or mental health issue) which will exacerbate this problem.¹¹
32. The outcomes for disproportionately affected communities often depend on their connectedness with their wider communities or representative groups (which may include national, regional or local bodies), and whether their representative groups have information and resources to support them effectively.
33. Currently, CDEM Groups are not explicitly required to consider the needs of disproportionately affected communities and there is no guidance as to how, and the extent to which, this should be done. Also, the Director CDEM is not required to engage with representatives of disproportionately affected communities at the national level to inform national planning.

Stakeholder views

34. Submitters on this issue generally agreed that disproportionately affected communities need additional consideration. Many representative groups of disproportionately affected communities want prescribed arrangements like membership on CDEM Groups and CEG to formalise expectations and ensure engagement occurs. Some submitters wanted options equivalent to those included for iwi Māori (i.e. membership on CDEM Groups and CEG). Some noted that disproportionately affected communities cannot be defined which would make it difficult for CDEM Groups to meet their obligations.

¹¹ https://www.ehinz.ac.nz/assets/Surveillance-reports/Released_2025/SVI2023-surveillance-report-June2025.pdf

What options are being considered?

Option One – Status Quo

35. Currently, CDEM Groups choose if, and how, they identify, engage with, and plan for the needs of disproportionately affected communities in emergencies across the 4 Rs. There is limited and outdated national guidance as to how this should be done (e.g. information for the CDEM Sector on including people with disabilities). The Director CDEM is not required to seek involvement of disproportionately affected communities at the national level to inform national level planning. Planning and community engagement remains inconsistent across the country.
36. People with pre-existing vulnerabilities can be extremely resilient and have valuable experiences that the emergency management system can learn from. While some disproportionately affected communities have resourced advocacy groups, others may not have the resources, capability or capacity to engage with CDEM Groups to advocate for their needs. Likewise, CDEM Groups may not have the capabilities or resources to identify and engage with these disproportionately affected groups to plan for their needs.

Assessment against criteria

37. The status quo does not contribute to the objective to strengthen the role of communities and iwi Māori in emergency management. A limited understanding of community needs before an emergency occurs, increases the burden on the emergency management system. This is because first responders may not be aware of the vulnerabilities within a community, which means efforts are not focused on the greatest need.
38. The status quo also does not contribute to equitable outcomes because some people are not as able to look after themselves or their families compared to others and so can have disproportionately worse outcomes in an emergency.

Option Two – NEMA develops guidance for CDEM Groups and disproportionately affected communities to enable engagement and planning for the needs of disproportionately affected communities in emergencies (non-legislative)

39. Under Option 2, NEMA would develop guidance for CDEM Groups to identify, engage with and plan for the needs of disproportionately affected communities in emergencies across the 4 Rs. NEMA would also provide accessible guidance and support to disproportionately affected communities to increase their understanding of the emergency management system and capability to engage with CDEM Groups (e.g. strengthen education on community level plans).

Assessment against criteria

40. The Director CDEM may issue Director's guidelines which CDEM Groups must 'take account of' but implementation of the guidelines is not mandatory. Guidance, if implemented, would improve engagement between CDEM Groups and disproportionately affected communities and support planning for their needs. If CDEM Groups choose not to implement the guidance this option may not result in effective change where needed.
41. There are potentially many communities in each region who may consider they would be disproportionately affected in an emergency. To be feasible, implementation of this

option would need to take a pragmatic and evidence-based approach, as defining disproportionately affected communities is not feasible and would vary by region.

42. Local authorities are generally required to have regard to the views of all of their communities when making a decision.¹² As such, many local authorities should already have some existing knowledge, relationships and engagement processes with disproportionately affected communities, which they could leverage to implement the guidance and minimise cost. CDEM Groups with local authority members who already have productive relationships and engagement processes with their diverse communities, will be better placed to afford to implement guidance. Effectiveness will depend on the extent to which CDEM Groups and disproportionately affected communities have time, capability or resources to engage and plan well.
43. NEMA would need resources to develop guidance and provide education and support to CDEM Groups (to implement guidance) and to communities (to increase their understanding of emergency management and capability to engage with CDEM Groups).
44. Some disproportionately affected communities will not have the resources to engage with CDEM Groups and participate in emergency management planning and preparedness activity, without local or central government funding to support this.

Option Three – Require CDEM Groups to identify, engage with, and plan for the needs of disproportionately affected communities, and to set out how this will be done in CDEM Group Plans (primary legislation)

45. Under Option 3, CDEM Groups would be required under the CDEM Act to identify, engage with, and plan for the needs of communities that the Group considers may be disproportionately affected by emergencies, and to set out how this will be done in their CDEM Group Plan. There is growing evidence in a health-planning context that points to better engagement and involvement of communities leading to better outcomes.¹³ However, there is still an implicit assumption that greater identification, engagement and planning for disproportionately affected communities will lead to better outcomes in the emergency management context.

Assessment against criteria

46. A legislative requirement will provide CDEM Groups with certainty about expectations, and a stronger mandate than guidelines for NEMA to undertake assurance (and enforcement) as necessary to ensure expectations are met to improve outcomes. However, effectiveness will depend on the extent to which CDEM Groups and disproportionately affected communities have time, capability or resources to engage and plan well.
47. CDEM Groups would need time and resources to implement the legislative requirements well. As noted in Option 2, many local authorities should already have some existing knowledge, relationships and engagement processes with their communities which could be leveraged by CDEM Groups to implement the requirement and minimise

¹² Local Government Act 2002, section 14 Principles relating to local authorities.

¹³ David Yeboah, 'A Framework for Place Based Health Planning,' Australian Health Review 29, no. 1 (2005): 30–36; AIFS, 'Community Engagement'; Hussey, 'Why is Community Engagement Important?'

engagement burden. However, some CDEM Groups may still consider this requirement to be an additional and unnecessary compliance burden. As with Option 2, some disproportionately affected communities will not have the resources to engage with CDEM Groups and participate in planning.

48. Over time, there will be costs for NEMA to monitor and undertake assurance.

Option Four - Require the Director CDEM to consult with representatives of disproportionately affected communities to inform national planning (primary legislation)

49. Option 4 would require the Director CDEM to engage with representatives of disproportionately affected communities at the national level to inform the development of the National CDEM Plan.

Assessment against criteria

50. This option provides an avenue for disproportionately affected communities to connect at the National emergency management level, aiming for needs to be better understood and addressed throughout National level products. On its own, national level engagement will not practically address the needs of disproportionately affected communities because most relevant emergency management activity and planning happens at the regional level.
51. If implemented with Option 3, processes would need to be connected, otherwise this option would likely cause engagement fatigue and inefficiency. Effective implementation will depend on mechanisms and resourcing for engagement that can ensure that most, if not all, relevant communities are represented (to the extent practicable). NEMA would need resources to implement this legislative requirement well.
52. The Director CDEM could take the approach to have a standing or ad hoc national advisory group depending on the status of review of the National Plan.¹⁴ However, community representatives (who are often volunteers) may have limited capacity to engage at the national level, especially if they will also be engaging at the regional level. There are potentially many communities who may consider they would be disproportionately affected in an emergency. Implementation of this option would need to take a pragmatic and evidence-based approach as to who can be engaged within resourcing constraints.

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

53. As set out in the table comparing options below, Option 3 and Option 4 (legislative change) supported by Option 2 (guidance) is likely to best address the problem and better meet the needs of disproportionately affected communities. Options 3 and 4 can be implemented separately, and when combined help to strengthen the objective at the regional and national level, considering the needs of disproportionately affected communities across all levels of the system so improvements are embedded.

¹⁴ It is not uncommon for government agencies to have national level advisory groups. For example, Waste Advisory Board (Ministry for the Environment), Public Health Advisory Committee (Ministry of Health), and New Zealand Conservation Authority (Department of Conservation).

54. A legislative requirement for CDEM Group Plans to include how people and communities that may be disproportionately affected will be planned for will better ensure its funding and priority, compared to guidance only. But guidance will be needed to support CDEM Groups.
55. Consultation with disproportionately affected communities at the national level will also support planning and guidance development.

Proactively Released

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – NEMA develops guidance for CDEM Groups and disproportionately affected communities to enable engagement and planning for the needs of disproportionately affected communities (non-legislative)	#3 - Require CDEM Groups to identify, engage with, and plan for the needs of disproportionately affected communities and set out how this will be done in CDEM Group Plans (primary legislation)	#4 – Require the Director CDEM to consult with representatives of disproportionately affected communities to inform national planning (primary legislation)
Effectiveness (weighted x2)	0	+	++	+
		Potential for improved engagement but is voluntary so will depend on whether CDEM Groups choose to implement and fund guidance.	Provides clear expectations and accountability for CDEM Groups and mandate for NEMA to undertake assurance, but effectiveness will depend on extent of engagement.	Provides clear expectations and accountability for NEMA, but effectiveness will depend on extent of engagement. Practical outcomes for disproportionately affected communities of engagement at the national level may not be as great compared to the Group level.
Ease of implementation	0	+	-	-
		Many local authorities can leverage existing engagement processes; identifying disproportionately affected communities may be challenging.	Potential compliance burden for CDEM Groups, although many can leverage existing engagement processes; identifying disproportionately affected communities may be challenging.	There may be limited capacity of representative bodies to engage. Identifying and engaging with disproportionately affected communities who do not have a visible and funded representative body could be challenging.
Affordability	0	-	-	0
		Implementation requires resource for NEMA, CDEM Groups and disproportionately affected communities.	Implementation requires resources for CDEM Groups and disproportionately affected communities (and assurance by NEMA).	NEMA would likely consult with representative bodies of disproportionately affected communities as a matter of course when developing the National CDEM Plan. Implementation requires resource for NEMA and disproportionately affected communities.
Overall assessment	0	2	2	1

Section 2.2: Strengthening the role of iwi Māori in emergency management

What is the policy problem or opportunity?

Iwi Māori are not fully acknowledged and drawn on to make the emergency management system more effective.

56. This section relates to Objective 1: Strengthening community and iwi Māori participation.
57. Iwi Māori have unique knowledge, skills, and resources to contribute to emergency management across the 4 Rs which come from their experience responding to and recovering from emergencies in New Zealand for centuries. There is also a need for stronger recognition of iwi Māori as Treaty partners in the emergency management system.
58. Currently the Treaty obligations of partnership, participation and protection are not always being met at both local and central government levels, as the CDEM Act does not set out how, and to what extent, CDEM Groups or the Director are expected to involve iwi Māori in planning and activities across the 4 Rs. There is also little guidance on this. This means the willingness, expertise, and capability of iwi Māori in emergency management is not fully acknowledged and drawn on to make the emergency management system more effective for all New Zealanders.
59. Some CDEM Groups do not have the capability or capacity to engage well with or include iwi Māori in their emergency management planning. Depending on the relationships and arrangements between iwi Māori and CDEM Groups, some iwi Māori may not have access to local authority information on hazard risk and resilience opportunities, and the ability to contribute to and influence emergency management governance and decision making. This inhibits their contribution to the emergency management system.
60. Current arrangements and relationships can change over local and central government election cycles.
61. The Government's response to the Inquiry to deliver whole-of-society emergency management included Action 1.2 to recognise and enable the significant contribution of iwi and Māori in emergency management to the benefit of all people in New Zealand, including consideration of how to formalise the role of iwi and Māori in emergency management settings, including through legislation.

Stakeholder views

62. Most submitters on this issue agreed that the status quo needed to change. While most preferred legislative options to ensure change happens, opinions were divided as to the preferred options. Submitters noted that options need to allow for flexibility in approaches across different iwi and CDEM Groups.
63. Some submitters thought, a clearer narrative was needed that change is driven by Treaty obligations, and not just that Māori have skills that are being underutilised. Some called for co-governance, to recognise Māori as equal partners, to recognise a separate emergency management system and that they will stand up regardless. There was also a strong desire for a national advisory board.

What options are being considered?

64. Iwi Māori will do emergency management in accordance with their own te ao Māori obligations and tikanga, alongside the system legislatively established under the CDEM Act. Through the CDEM Act, the Crown devolves to government agencies, CDEM Groups and statutory officers' responsibility for national and local level emergency management. The options and analysis focus on what could be done to enhance integration between the legislative and tikanga Māori emergency management systems.

Option One – Status Quo

65. Currently, CDEM Groups and the Director CDEM may establish and maintain emergency management relationships and arrangements with iwi Māori including in development of CDEM Group Plans and national level planning. CDEM Groups may choose whether to co-opt iwi Māori as a member of the CEG in an advisory capacity.

Assessment against criteria

66. The status quo is not aligned with Treaty principles of partnership, participation and protection, and does not contribute to the objective to strengthen the role of communities and iwi Māori in emergency management.
67. The recognition and inclusion of iwi Māori before, during and after emergencies depends heavily on existing relationships between CDEM groups and local iwi. Some iwi Māori may not have access to local authority information on hazard risk and resilience opportunities. Some iwi Māori do not have the ability to contribute to and influence emergency management governance and decision making, which inhibits their contribution to the emergency management system across 4 Rs. This means that in some regions, the effectiveness of the emergency management system under the CDEM Act is not as good as it could be because the contribution of iwi Māori is not maximised.
68. Current arrangements and relationships can easily change over local and central government election cycles.
69. There are indirect costs where input of knowledge and skills of iwi Māori could have led to more effective emergency management.

Option Two – Develop guidance to strengthen engagement between CDEM Groups and iwi Māori (non-legislative)

70. Under this option, NEMA would provide guidance and support for CDEM Groups to engage with and involve iwi Māori in emergency management under the CDEM Act across the 4 Rs, and iwi Māori to engage with CDEM Groups. This option does not require legislative change. Guidance would be voluntary for CDEM Groups and iwi Māori to apply.

Assessment against criteria

71. This option, if implemented, would strengthen relationships and arrangements between CDEM Groups and iwi Māori ahead of emergencies, resulting in better outcomes during and after an emergency. Would also support capability for some CDEM Groups to better engage with iwi Māori in their emergency management planning.
72. The Director CDEM may issue Director's guidelines which CDEM Groups must 'take account of' but implementation of the guidelines is not mandatory. If CDEM Groups

choose not to implement the guidance this option may not result in effective change where change is needed or consistency in approach across regions.

73. Adequate time and resourcing would be needed for CDEM Groups to implement this option well.
74. Many local authorities should already have some existing relationships and engagement processes with iwi Māori to leverage off. There are requirements under the Local Government Act 2002 (LGA)¹⁵ to ensure local authorities establish and maintain processes for Māori to contribute to decision-making processes and consider ways in which they can foster the development of Māori capacity to contribute to decision-making processes.
75. NEMA would need resources to develop guidance and provide support to CDEM Groups to engage with and involve iwi Māori in emergency management, if they choose to do so.
76. CDEM Groups would need resources to implement the guidance well. CDEM Groups with existing relationships and engagement processes with iwi Māori will be better placed to afford to implement the guidance.
77. This option would support more equitable inclusion of iwi Māori in emergency management and planning. It may also strengthen the Treaty principles of partnership, participation and protection, by guiding CDEM Groups who do not have the capability to engage with and involve Māori across the 4 Rs. NEMA would engage with iwi Māori on development of the guidance, and will utilise existing guidance and expertise where possible.

Option Three - Require CDEM Groups to engage with and involve iwi Māori during the development of CDEM Group Plans (primary legislation)

78. Option 3 would require CDEM Groups to engage with and involve iwi Māori when developing CDEM Group Plans. The CDEM Act would not further specify the how and extent of this engagement.

Assessment against criteria

79. If implemented, this option would strengthen relationships between CDEM Groups and iwi Māori in planning and readiness, resulting in better outcomes during and after emergencies. Effectiveness will depend on the extent to which CDEM Groups and iwi Māori have time, capability or resources to engage well.
80. Some CDEM Groups may consider this requirement to be an additional and unnecessary compliance burden. Other implementation considerations are the same as under Option 2. CDEM Groups who already have established relationships and engagement processes with iwi Māori will be better placed to afford to implement the requirements.
81. CDEM Groups may need resources to implement the legislative requirement well, if their current planning does not include adequate engagement with Māori. These resources may include gaining or outsourcing capability to undertake effective engagement, and time and resource spent on facilitating new engagement for a. Some iwi Māori will not have the resources to engage with CDEM Groups and participate in CDEM planning or

¹⁵ Refer Local Government Act 2002 section 81.

emergency management preparedness activity without local or central government funding to support this.

82. Requiring CDEM Groups to engage with iwi Māori during the development of CDEM Group Plans will contribute to meeting the Treaty principles of partnership, participation and protection, and drive consistency for better involvement of Māori in the emergency management system across the country.
83. There are potentially increased costs for NEMA (over time) to monitor and undertake assurance.

Option Four – Require CDEM Groups to appoint to the CEG at least one member with knowledge of mātauranga Māori and the interests and values of local Māori communities (primary legislation)

84. CEG are made up of the local authority chief executives and emergency services and health agency representatives. CEG are responsible for advising a CDEM Group and implementing their decisions, and developing the CDEM Group Plan. Option 4 would require CDEM Groups to appoint to the CEG at least one member with knowledge of mātauranga Māori and the interests and values of local Māori communities, relevant to emergency management in the Group's area.
85. This member is in addition to the existing statutory members (i.e. the requirement could not be fulfilled by the local authority chief executives, and representatives from Police, FENZ, Health and Ambulance, even if those members may meet the requirements).
86. Arrangements for the appointment of the member(s) under this provision would be determined by the CDEM Group but must ensure that the member has the resources, information and administrative support necessary to enable the member to function on the CEG.
87. Require the Director CDEM¹⁶ to seek advice on Māori interests and knowledge to inform the development of the National CDEM Plan.

Assessment against criteria

88. The Māori member(s) would have a mandated role in what emergency management advice is provided to CDEM Group Joint Committees and how emergency management is planned for, delivered and carried out at the local government level. However, effectiveness will depend on the extent to which the member(s) have time, capability or resources to participate in CEG.
89. Most CDEM Groups already co-opt Māori members onto their CEG, so for those Groups, implementation should be relatively straightforward. Requiring this for Groups where this is currently not feasible will place a legislative burden on CDEM Groups which will be difficult to meet.
90. The CDEM Group would be required to manage the appointment processes and cover costs of new members. As noted above, many CDEM Groups are already doing this in practice.

¹⁶ The Director is a statutory officer who holds various emergency management functions and powers at the national level, currently appointed by the chief executive of the National Emergency Management Agency.

91. Where there are multiple iwi in the Group's area (e.g. Bay of Plenty have approximately 40 iwi groups) processes would need to be established to decide the number of members. This may put a significant burden on CDEM Groups to establish appropriate processes for appointing members, and on Māori to participate in application processes.
92. This option would support more equitable inclusion of Māori in emergency management systems and planning. However wider equity issues arise as other groups are not given same statutory role to participate in CEG (although may still be co-opted as members). There may also be equity issues between iwi, e.g. if there are limited roles and multiple iwi in an area.
93. This option would contribute to meeting the Treaty principles of partnership, participation and protection, mandating at least one seat for Māori at the CEG level.

Option Five - Require at least one Māori member on CDEM Group Joint Committees (primary legislation)

94. Option 5 would require CDEM Group Joint Committees to have at least one Māori member, local to the CDEM Group on them.

Assessment against criteria

95. The Māori member(s) would have a mandated role in deciding how emergency management is governed and what emergency management activities are funded at the local government level. This option would contribute to meeting the Treaty principles of partnership, participation and protection, mandating at least one member for Māori at the Joint Committee level.
96. Effectiveness will depend on the extent to which proposed members have time, capability or resources to participate in CDEM Group Joint Committees.
97. There is a broad policy question which cannot be resolved through this Bill as to whether it is appropriate for a person not elected under the Local Electoral Act 2001 to make governance decisions which would significantly influence rates take through council Long-Term Plans (i.e. impact on the line of democratic accountability from elected members to voters and ratepayers).
98. The current local government legislative framework enables local authorities to appoint non-elected members on local authority committees, subcommittees and joint committees (refer LGA Schedule 7, clause 31). Requiring non-elected members (voting or non-voting) rather than enabling local authorities to make that decision would be a significant policy departure in terms of local government autonomy to make appointments and accountability back to local authority electorates for those appointments, which would set a precedent. Whether such a departure should be government policy would ideally be considered in a comprehensive way, not as a result of considering one local authority function.
99. Within this option there are multiple issues which would need to be worked through, including:
 - Appropriateness for non-elected members under the Local Electoral Act to have the same powers under the CDEM Act as local authority members – for example, the

power to declare a state of emergency and decisions which affect use of powers in a state of emergency (such as appointing controllers).

- Voting rights in general and in relation to how many non-iwi Māori members there are.
 - Number of members and how this is decided where there are multiple iwi in area.
 - Costs associated with Māori members attending CDEM Group Joint Committee meetings and questions as to who covers these costs.
 - If Māori members are required to pay one share of the administrative and related service costs and costs of undertaking activities under the CDEM Group Plan (in line with other members) or who else would pay for this (e.g. local or central government or shared).
100. NEMA and/or CDEM Groups would require additional capacity and/or capability to manage appropriate appointment processes and administration effectively. The same equity issues would arise as with Option 4.

Option Six - Require the Director CDEM to seek advice on Māori interests and knowledge to inform development of the National CDEM Plan (primary legislation)

101. Option 6 would require the Director CDEM to seek advice on Māori interests and knowledge to inform the development of the National CDEM Plan.

Assessment against criteria

102. This option would provide a formal mechanism for Māori interests and knowledge to be considered at the national level. It would support the Māori–Crown relationship and formalise government’s commitment to recognise the important role that Māori play in emergency management and addresses iwi Māori representation in emergency management system.
103. This option has a lot of flexibility with how it could be implemented. If the Director CDEM decided to establish a Ministerial Advisory Group (within or outside of legislation), this could have high and ongoing costs for appointment processes, administration, and capability to engage in the process with iwi Māori.
104. This option would have costs for iwi Māori members to participate, unless these costs are met by the Crown, and may be seen as burdensome for some iwi Māori, if they are already engaging with CDEM Groups and at other levels of the system. However, there may be ways to streamline Options 4 and 5 to reduce duplication of engagement and effort.
105. This option would contribute to meeting the Treaty principles of partnership, participation and protection, mandating better engagement at the national level and the key national planning product.

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

106. As set out in the table comparing options below, a combination of Options 3, 4 and 6 (legislative change) are likely to best address the problem and meet the objective to strengthen the role of iwi Māori in emergency management. These options can be implemented separately, and when combined help to strengthen the objective at the

regional and national level. This takes into account the issues identified related to Option 5 (iwi Māori representatives on CDEM Group Joint Committee) that would need to be resolved.

107. Membership on the CEG and involvement in development of the CDEM Groups Plan will enable iwi Māori to have a practical influence on emergency management.

Proactively Released

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Develop guidance to strengthen engagement between CDEM Groups and iwi Māori (non-legislative)	#3 - Require CDEM Groups to engage with iwi Māori during the development of CDEM Group Plans (primary legislation)	#4 – Require CDEM Groups to appoint at least one member with knowledge of mātauranga Māori and the interests and values of local Māori communities on CEG (primary legislation)	#5 – Require CDEM Groups to have at least one Māori member on CDEM Group Joint Committees (primary legislation)	#6 – Require the Director CDEM to seek advice on Māori interests and knowledge to inform national level planning (primary legislation)
Effectiveness (weighted x2)	0	+	+	+	0	+
		Could strengthen relationships and build capacity if implemented.	Could strengthen relationships and build capacity.	Mandated role, but effectiveness depends on extent to which Māori members would have time, capability or resources to participate.	Mandated role, but effectiveness depends on extent to which Māori members have time, capability or resources to participate; appropriateness of same powers as other members.	Formal mechanism at national level; support the Māori–Crown relationship; improves representation.
Ease of implementation	0	-	0	+	--	+
		Could leverage existing local government relationships and engagement processes, but adequate time and resourcing needed if implemented.	Additional compliance burden but could leverage existing local government relationship and engagement processes.	Implementation could be straight forward for CDEM Groups that already have Māori members; may be difficult to decide on representation in areas with multiple iwi.	Multiple issues affecting implementation (described in assessment above).	Director CDEM has flexibility to undertake engagement as suits both parties; feasibility depends on how option is implemented; may be additional burden for some iwi Māori.
Affordability	0	-	-	-	-	-
		Costs for NEMA to develop guidance and provide support, and CDEM Groups for implementation.	Costs for CDEM Groups of implementation and monitoring costs for NEMA.	Costs on new representatives and costs for CDEM Groups to manage appointment processes.	Costs on new representatives; costs for CDEM Groups to manage appointment processes.	Costs depend on how option is implemented (e.g. an advisory group would be a significant cost).
Overall assessment	0	0	1	2	-3	2

Section 2.3: Strengthening the role of the community in emergency management

What is the policy problem or opportunity?

Individuals and community groups are unable to connect with the formal emergency management system, meaning their skills, information and other resources are under-utilised.

108. This section relates to Objective 1: Strengthening community and iwi Māori participation.
109. Emergency management in New Zealand is based on the principle that everyone plays a role in managing their own risks and helping their families, neighbours, and other people in an emergency.¹⁷ The CDEM Act notes that emergency management planning at the national and local level is based on the responsibility of people and communities to provide for their own wellbeing.
110. One of the purposes of the CDEM Act is to encourage and enable communities to achieve acceptable levels of risk, and to provide for planning and preparation for emergencies and for response and recovery to these.
111. Many people and community groups have skills, information, and other resources that they often can and want to offer during an emergency. However, sometimes they are unable to connect with the formal emergency management system, meaning those resources are under-utilised before, during and after an emergency.
112. An example of this was highlighted during Cyclone Gabrielle, where many private businesses, from helicopter companies to transport and engineering providers, offered capability, services and resources to the region, during both response and recovery, which was not responded to quickly enough. Equally, there were many in the community with relevant operational experience who could have been more systematically ‘called up’ and put to work during response and recovery, on a volunteer basis, but connections were not made.¹⁸
113. Community groups also have skills, knowledge and experience that are valuable for emergency management planning. Many CDEM Groups already have relationships with community groups and established advisory groups who represent particular interests in emergency management, including for rural support, lifelines, and welfare providers. Some CEG co-opt representative of these advisory groups on CEG or provide other formal roles for them in CDEM Group planning. However, involvement of other community groups in CDEM Group planning can be more ad hoc.
114. Rural communities in particular hold essential knowledge relevant to planning for response and recovery, and are often the first to respond to emergencies in isolated areas. Rural communities can be particularly vulnerable due to geographic isolation but also have networks, structures, skills and resources to look after their communities. The

¹⁷ Refer National Disaster Resilience Strategy:

<https://www.civildefence.govt.nz/assets/Uploads/documents/publications/ndrs/National-Disaster-Resilience-Strategy-10-April-2019.pdf>

¹⁸ <https://www.hbemergency.govt.nz/assets/Uploads/HBCDEM-Response-to-Cyclone-Gabrielle-Final-Report.pdf>, p. 41

ability for primary industries to recover quickly after an emergency is essential for economy. It is therefore important that the emergency management system ensures that rural communities are involved in planning across the 4 Rs.

Stakeholder views

115. Submitters on this issue noted that any requirements/guidance needed to be flexible enough to allow CDEM Groups to determine best arrangements for their communities. They noted that guidance should support CDEM Groups to create Memorandum of Understanding with community organisations (e.g. avenues for reimbursement, risk management, planning). Some noted that options focus too heavily on response, and not planning and relationships before a response.
116. Key rural groups sought greater recognition of rural challenges and needs, such as relative geographical isolation and the vulnerability of rural infrastructure and communities, and the unique impacts of adverse events on human wellbeing and the welfare of livestock in rural New Zealand. Some rural groups sought a rural advisory representative at the CEG level, and expressed desires for better planning with rural groups in emergency management, and collaboration with key rural representative groups, such as the Rural Advisory Groups or equivalent.
117. Based on submissions two further options have been identified in addition to those in the Discussion Document relating to representation of rural communities (Option 4) and other communities (Option 5) on CEG.
118. In relation to new Option 4, while some CDEM Groups were supportive of a rural member on CEG, some CDEM Groups highlighted the existing community and rural advisory groups that they already engage with and raised the risk of added bureaucracy and duplication if greater community engagement requirements were placed upon them. They also raised the breadth and complexity of community groups, such as the rural sector with expertise and differing needs across agriculture, horticulture, aquaculture, farming etc. They highlighted that it will be difficult to represent complex communities through an advisory member to the CEG and there needed to be flexibility.

What options are being considered?

Option One – Status Quo

119. Currently, the CDEM Act does not require CDEM Groups to plan for how they will manage offers of assistance from people and communities in an emergency response. While there is a Best Practice Guide on Donated Goods Management Planning,¹⁹ this guide is outdated and only partially advises on this issue.
120. The CDEM Act also does not specifically encourage CDEM Groups to engage with communities on the development of CDEM Group Plans prior to formally inviting submissions on a proposed plan (although consultation with communities on local authority planning is implicit under the LGA). In practice, all CDEM Groups do engage with

¹⁹ <https://www.civildefence.govt.nz/assets/Uploads/documents/publications/guidelines/best-practice-guides/05/10-development-needs-analysis/bpg-02-06-donated-goods-management-planning.pdf>

community representatives on emergency management to some extent and through various processes and forums, however this is not explicitly encouraged in the CDEM Act.

Assessment against criteria

121. The status quo can cause inefficiencies in response and recovery, and cause mismatched expectations around tasking and reimbursement for expenses incurred by people in response and recovery, eroding relationships and trust between CDEM Groups and their communities. It can lead to self-activation of community partners which can jeopardise other operations or put people in danger or exacerbate risk consequences of an event.
122. Current inefficiencies of managing community resource mean indirect loss of valuable resource, and potential for community to interfere with the formal response causing indirect loss.
123. Those with pre-existing relationships or with the skills to draw most attention will likely be supported by CDEM Groups. This could disadvantage new or novel community support, who may have information about, or provide support for, different or vulnerable communities who need support.
124. A lack of community involvement in development of the CDEM Group Plan could mean that valuable expertise and resources are not identified and utilised to be better prepared for emergency response and recovery.

Option Two – Develop and update guidance and strengthen public education for managing community offers of assistance (non-legislative)

125. Under this option NEMA would develop and update guidance for CDEM Groups for identifying and engaging with communities who are likely to be able to offer assistance, in an emergency response and how to manage offers of assistance; and strengthen public education about how people and communities can offer assistance and connect in with the formal emergency response. This option does not require legislative change. Guidance would be voluntary for CDEM Groups and communities to apply.

Assessment against criteria

126. CDEM Groups can choose whether, and to what extent, to implement guidance to manage offers of assistance from people and communities in an emergency response. The Director CDEM may issue Director's guidelines which CDEM Groups must 'take account of' but implementation of the guidelines is not mandatory. If CDEM Groups choose not to implement the guidance this option may not result in effective change where change is needed or consistency in approach across regions. If implemented, this option would strengthen relationships and trust and expectations before an emergency happens, enabling response to happen more effectively and efficiently.
127. This option may also encourage better community awareness of what to do before and after an emergency and may help to clarify when and how communities will be reimbursed for costs incurred during an emergency. CDEM Groups would be supported to engage with wider networks and groups. This could lead to more inclusive CDEM Group Plans.

128. It will take time and resources for NEMA to develop and engage on guidance. However, this option is relatively low-cost for NEMA as there is some existing guidance that could be updated.

Option Three - Require CDEM Groups to include in CDEM Group Plans how offers of assistance from people and communities will be managed in an emergency (primary legislation)

129. Option 3 would require CDEM Group Plans to state how the CDEM Group will manage offers of assistance from people and communities in an emergency response.

Assessment against criteria

130. Similar to Option 2, this option could improve efficiencies of community involvement in response and recovery. It could improve relationships, trust and expectations in readiness before an emergency happens, so that response and reimbursement can happen more effectively and efficiently.
131. Guidance in Option 2 would encourage CDEM Groups to engage with communities to understand how to best manage offers of assistance, which could incur additional costs.

Option Four- Require CDEM Groups to appoint to the Coordinating Executive Group (CEG) at least one member who has knowledge, experience or expertise in the interests and needs of rural communities in the Group's area, relevant to emergency management in the Group's area (primary legislation)

132. This option would mean that the CDEM Group must appoint at least one member on the CEG with knowledge, experience or expertise in the interests and needs of rural communities in the Group's area, relevant to emergency management in the Group's area . Being part of the CEG would mean that this person would contribute to the functions of the CEG to advise the CDEM Group and develop the CDEM Group Plan. The member would be in addition to the existing statutory members i.e. the requirement could not be fulfilled by the local authority chief executives, and representatives from Police, FENZ, Health and Ambulance (even if those members may meet the requirements).
133. Arrangements for the appointment of the member under this provision would be determined by the CDEM Group but the CDEM Group must ensure that the member has the resources, information and administrative support necessary to enable the member to function on the CEG.

Assessment against criteria

134. Rural representation at CEG would provide a stronger connection between rural communities and the formal CDEM response, allowing for stronger relationships and faster connections when it comes to needing skills, information and other resources in response.
135. Many CDEM Groups engage to varying extent with groups that represent rural interests. These may include Rural Coordination Groups, Rural Advisory Groups, Rural Clusters, Rural Advisory Panels, Rural Support Trusts, and Rural Women NZ which have organically developed over time, as well as industry bodies such as Federated Farmers of New Zealand, Beef + Lamb New Zealand, Dairy New Zealand, Horticulture New Zealand.

136. This option deliberately does not specify that the person must represent a particular group so that each CDEM Group has flexibility to appoint someone who they consider has the mandate and knowledge to represent rural interests across existing rural interest groups relevant to their area. The rural member could also include a regional representative from the Ministry for Primary Industries. This option also does not seek to create another group or layer of advice but instead seeks to utilise existing groups and relationships and act as a formal channel for input to the CEG.
137. This option would require CDEM Groups to undertake and maintain an appointment process and ensure the member is supported to undertake their function on the CEG which will incur additional costs for local authorities.

Option Five - Require CDEM Groups to consider co-opting one or more members who have connections with communities in the Group's area relevant to emergency management in the Group's area (primary legislation).

138. This option would mean that the CDEM Group must actively consider co-opting a person or persons to the CEG who represent one or more communities with knowledge, experience or expertise that the CDEM Group consider is relevant to effective emergency management in the Group area. Being part of the CEG would mean that this co-opted member would contribute to the functions of the CEG to advise the CDEM Group and develop the CDEM Group Plan.
139. Arrangements for the appointment of any co-opted member under this provision would be determined by the CDEM Group but must ensure that the member has the resources, information and administrative support necessary to enable the member to function on the CEG.

Assessment against criteria

140. Community representation at CEG would increase awareness of how the emergency management system works and provide a stronger connection between key communities and the formal CDEM response, allowing for stronger relationships and faster connections when it comes to needing skills, information and other resources in response.
141. CDEM Groups already represent and engage with their communities. CDEM Groups would still have flexibility to engage with communities in a way that is appropriate to the Group area and utilises existing forums where these are working. This option does not seek to create another group or layer of advice but instead seeks to utilise existing groups and relationships and act as a formal channel for input to the CEG.
142. This option would require CDEM Groups to undertake and maintain an appointment process and ensure the member is supported to undertake their function on the CEG which will incur additional costs for local authorities.

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

143. As set out in the table comparing options below Option 3 (primary legislation) supported by Option 2 (guidance) will likely best address the problem of ensuring that community offers of assistance are well managed. Option 4 and Option 5 will formalise rural and

other community input to CDEM Group Plan development through the CEG. These options collectively will meet the objective to strengthen the role of community and iwi Māori in emergency management. These options can be implemented separately, but when combined help to strengthen the role of the community across multiple key groups in emergency management.

Proactively Released

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Develop and update guidance and strengthen public education for managing community offers of assistance (non-legislative)	#3 - Require CDEM Group Plans to state how community offers of assistance will be managed (primary legislation)	#4 - Require CDEM Groups to appoint to the CEG at least one member with knowledge, experience or expertise in the interests and needs of rural communities (primary legislation)	#5 - Require CDEM Groups to consider co-opting to the CEG one or members with connections to communities relevant to emergency management (primary legislation)
Effectiveness (weighted x2)	0	++ If implemented, would strengthen relationships and trust and expectations; encourage better community awareness of what to do.	++ Would strengthen planning and relationships and trust and expectations; encourage better community awareness of what to do.	++ Would strengthen planning and relationships with rural communities.	++ Would strengthen planning and relationships with communities.
Ease of implementation	0	- Will take NEMA time to develop and engage on guidance and public education.	- Will take CDEM Groups time to engage and plan.	- Will take CDEM Groups time to identify and appoint suitable member/s.	- Will take CDEM Groups time to identify and co-opt suitable member/s.
Affordability	0	- Low-cost for NEMA to engage on and produce/update guidance.	- Additional costs for CDEM Groups.	- Additional costs for CDEM Groups to appoint and resource member/s.	- Additional costs for CDEM Groups to appoint and resource a co-opted member/s.
Overall assessment	0	2	2	2	2

Section 2.4: Clearer direction and control during an emergency

What is the policy problem or opportunity?

The CDEM Act is ambiguous as to who has control of the overall operational response to an emergency. Specifically, who has single point of accountability and operational leadership of an emergency (as defined in the CDEM Act).

144. This section relates to Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels.
145. Emergencies (as defined in the CDEM Act) require a significant and coordinated response that goes beyond agencies' normal powers and resources. For example, a wildfire can create wider consequences, such as wide-ranging welfare needs. These need to be managed in addition to dealing with the wildfire.
146. The intent of the CDEM Act is to provide a framework for strong and clear operational leadership and coordination during responses to events that become emergencies. Group Controllers (or the Director CDEM in the case of a national emergency) are responsible for directing and coordinating the resources made available to them.
147. Under the current National CDEM Plan, responsibility for managing the response to an emergency sits with "lead agencies" (at a national and local/regional level). The lead agency at the national level is determined by the specific hazard and its primary consequences to be managed in an emergency. For example, the lead agency for wildfires is Fire and Emergency New Zealand. While the National CDEM Plan identifies lead agencies at the local/regional level, it does not currently define their specific responsibilities.
148. The intended control of the operational response effort is ambiguous and can create confusion during responses, risking delayed decision making and ineffective responses.²⁰ This ambiguity is intensified when: there is no declared state of emergency; the hazard that caused the emergency does not have a pre-determined lead agency, and the emergency was caused by multiple hazards.
149. Several past reviews have identified this ambiguity as an issue. For example, the independent external review of the Hawke's Bay CDEM Group's response to Cyclone Gabrielle found that without an overarching command structure to which all participants subscribe – with one entity directing and leading the response – the result will always be confusion, duplication, and even conflict. "This manifested in a number of ways, including a lack of clarity about overall command and how command leadership was to be coordinated; patchy coordination and information flows; and unclear mission objectives, prioritisation, and tasking for first responders and partner agencies.

²⁰ Proposals do not seek to replace or change strategic lead roles under the Strategic Crisis Management System. Under the Coordinated Incident Management System, "control" is the authority to set objectives and direct tasks across teams and organisations (and can include control over resources) within their capability and capacity. This does not include interference with that team, unit or organisation's command authority or how its tasks are conducted. "Command" is the authority within a team, unit or organisation. Command cannot be exercised across teams, units or organisations unless specifically agreed.

Stakeholder views

150. Submitters on this issue held a range of differing views, with many acknowledging there was no obvious or 'perfect' solution. But the clear majority spoke to a desire for clarity on 'who is leading' the response, whilst retaining scope for flexibility for arrangements to be changed in light of events on the ground. Many noted that the lack of clarity over the role and responsibility of CDEM Controllers, and their ability to direct others, alongside ambiguity over escalation thresholds and protocols, were a contributing factor.
151. There was recognition that specialist expertise and experience was critical when emergencies arise, particularly with life and property at risk, but that the wider consequences of emergencies also need to be considered in the leadership of response efforts.
152. Many community groups and others 'not on the inside' are keen to have a single, stable 'docking in' point at the local level (i.e. a constant contact point for coordination of relief efforts, for all hazards) and some iwi Māori expressed a desire to lead and manage their own response efforts.

What options are being considered?

Option One – Status Quo

153. The agency dealing with the specific hazard (lead agency) is responsible for managing the response to the emergency. Controllers (in a local emergency) and the Director of CDEM (in a national emergency), where they are not the lead agency (as per the national CDEM Plan), are responsible for coordinating and, under a state of emergency, directing resources made available for emergency management.
154. This approach provides flexibility to decide who is in charge based on the situation. However, ambiguity regarding who has the single point of accountability of the overall response effort (and accountable for difficult trade-off decisions or setting response priorities) is creating confusion in practice, risking delayed decision making, and ineffective responses. This can also lead to inaction by parties because they do not see themselves as part of a response.
155. Unclear leadership can create additional costs across the system due to inefficiencies (e.g. if decisions become contradictory or cause confusion as to where resources are used).

Assessment against criteria

156. The status quo is flexible as to who is in charge, but ambiguous which causes confusion and can lead to inaction. This can also create additional costs across the system due to inefficiencies.

Stakeholder views

157. Feedback from some iwi Māori indicates a desire to be equal co-leads in response. Māori are 'leaders' in emergency management and amongst their communities in response, but

overarching responsibility for direction and coordination needs to rest with statutory role holders to support quick, clear decision making and ensure accountability.

Option Two – Clarifying the agency dealing with the specific hazard (lead agency) is responsible for managing the response to the emergency (primary legislation)

158. Option 2 makes it explicit in legislation that the lead agency is in charge of the overall operational response to an emergency, while the Controller (for a local emergency) or the Director (for a national emergency) manages the wider consequences in support of (and at the request of) the lead agency.

Assessment against criteria

159. Providing clarity upfront supports better planning and, when an emergency occurs, reduces ambiguity for immediate decision-making. This option also provides a single point of accountability.
160. However, this may not create greater clarity as to who is the lead for emergencies that arise from multiple hazards or if there are novel issues that do not have a pre-determined lead agency.
161. The lead agency would hold subject matter expertise about the hazard that caused the emergency. However, that agency would rely on CDEM to manage the broader consequences of the emergency and overall situational awareness of the response. The lead agency would also need to incorporate CDEM within their hazard specific response planning and readiness activities. This option would require strengthening the mandate of the Director CDEM to provide situational awareness to support the coordination of the overall response.
162. Would need to ensure that lead agencies have the capacity and capability to plan for and manage the overall operational response to an emergency, regardless of the scale, complexity, or changing nature of an emergency and be able to set priorities for the overall operational response.
163. This option could impose costs on lead agencies as it would:
- require upfront investment to lift agencies' capability to manage operational responses and the capacity to handle an escalating emergency with widespread, complex challenges, and
 - require planning with CDEM Groups to clarify the role of the Controller or Director CDEM when supporting the lead agency.
164. Greater certainty on who is responsible for managing an emergency response may also make it less flexible to shift that responsibility elsewhere (e.g. due to capacity or otherwise) when an emergency occurs and in response to changing circumstances. However, greater upfront certainty supports better planning and reduced flexibility during a response could be mitigated by enabling lead agency to change if required.

Option Three - Require Controllers (local emergency) or the Director CDEM (national emergency) to be the agency responsible for managing responses to emergencies for all hazards (primary legislation)

165. This option would require the Controller or Director CDEM to lead the overall operational response to an emergency, including the ability to direct the agency dealing with the specific hazard. Controllers would have the power to coordinate resources made available during the response to an undeclared emergency.

Assessment against criteria

166. Similar to Option 2, this option would support better planning, reduce ambiguity when an emergency occurs, provide a single point of accountability, and clarify who leads in a multi-hazard emergency.
167. This option creates efficiencies by building on the existing functions of the Director and CDEM Groups to plan for and respond to emergencies and requiring CDEM to be responsible for overall leadership of response, across all hazards.
168. However, CDEM may not always have capability or capacity to hold overall leadership of operational response. This option would also require an expanded mandate under the CDEM Act that would cut across other agency legislative responsibilities (for example, enabling controllers or the Director CDEM to direct others) which may not be appropriate.
169. CDEM Groups and the Director CDEM have existing functions related to managing operational responses. The Director CDEM has the function to 'direct and control', and powers to 'coordinate the use of' and 'use', resources made available under a state of emergency or transition period.²¹ This would support implementation of this option.
170. This option would require strengthening the mandate of CDEM Controllers (including Group and Local) during undeclared emergencies by providing them with powers similar to the Director CDEM of coordinating resources made available to respond to the emergency, and the ability to direct the agency dealing with the specific hazard. This could also include the mandate to convene relevant agencies if a situation is likely to become an emergency. This option would also require Controllers (many of whom are volunteers or part-time) to be capable of, and accountable for, managing the overall response to an emergency across all hazards.
171. This option may reduce costs to agencies that have previously been expected to both deal with the hazard and manage the wider operational response to an emergency.
172. However, increased investment and training may be required to ensure Controllers have the ability to lead operational responses for all types of hazards. Local authorities (and NEMA) will need to bear the costs of increased investment to lift capacity and capability.
173. Greater certainty on who is responsible for managing an emergency response may also make it less flexible to shift that responsibility elsewhere (e.g. due to capacity or otherwise) when an emergency occurs and in response to changing circumstances. However, greater upfront certainty supports better planning and reduced flexibility during

²¹ CDEM Act sections 8 and 9.

a response could be mitigated by enabling CDEM Controllers to transfer response leadership to another agency if required.

Option Four - A unified control model between the agency dealing with the hazard and the Controller or Director CDEM (primary legislation)

174. This option would establish a unified control model. This means that the Group Controller or Director CDEM manages the wider consequences of the emergency while the “Hazard Agency” deals with the hazard that caused it. Both agencies would act independently, but with coordination between them.

Assessment against criteria

175. This option provides flexibility to include multiple agencies as decision-makers during multi-hazard emergencies. However, there would be no single point of accountability, and it would be unclear where others dock into the response.
176. This option assumes the joint controllers would be able to make decisions and set priorities collectively (which may be occurring in practice). However, this does not necessarily ensure enhanced or fast decision-making, particularly if decisions need to be reached together. If situations arise where agreement cannot be reached, there are ambiguous escalation pathways (i.e. who is the ultimate decision maker).
177. This option risks duplication, inefficiency, and uncoordinated or conflicting decisions if tasking or resourcing is done by multiple people. (e.g. unclear who provides the common operating picture).
178. The option requires a lower effort to implement than other options as it does not require additional capability building across agencies. However, it would require clear planning across CDEM Groups, Director CDEM and relevant agencies responsible for managing particular hazards as to how agencies will work together in a unified control model.
179. There may be some duplication costs, and costs to those impacted if this option does not provide clearer or better decision making during a response.

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

180. As set out in the table comparing options below, based on submissions on the discussion document related to this issue and the analysis of options, Option 2 and Option 3 have benefits that make them better than status quo, although Option 3 may be more difficult to implement. Option 4 would not meet the intended policy objectives for this issue.
181. Based on this, the preferred option is Option 2, which seeks to make the status quo more explicit for the overall leadership of an operational response and what this means in relation to functions and accountabilities. This means updating primary legislation to:
- make explicit that lead agencies are to manage responses to emergencies arising from hazards and risks that are to be managed at a national level,
 - clarify the functions of the lead agency (including the function of managing the response to an emergency, planning for responses to those hazards and risks they are a lead agency for, participating in CDEM Group planning, inform the Director CDEM of situations arising that may become emergencies),

- allow for the lead agency to be transferred to another agency in agreement with the other agency (this allows a degree of flexibility during the response), and
- introduce a function for the Director CDEM to inform the Minister for Emergency Management and Recovery of the emergency situation, including situations that may become emergencies under the CDEM Act (to support responses to emergencies).

Proactively Released

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Require the agency dealing with the specific hazard to be the lead agency responsible for managing the response to the emergency (primary legislation)	#3 – Require Controllers (local emergency) or the Director CDEM (national emergency) to be responsible for managing all responses to emergencies (primary legislation)	#4 – A unified control model between the agency dealing with the hazard and the Group Controller or Director CDEM (primary legislation)
Effectiveness (weighted x2)	0	+	+	0
		Upfront clarity supports better planning; leadership unclear in multi-hazard emergency.	Supports better planning and reduces ambiguity, clarifies who leads in a multi-hazard emergency; creates efficiencies; capacity/ capability limitations may impact effectiveness.	Flexibility to include multiple agencies as decision-makers during multi-hazard emergencies, but risks duplication, inefficiency, and uncoordinated or conflicting decisions.
Ease of implementation	0	+	-	+
		Subject matter expertise of lead agency, but capacity and capability needs building; stronger mandate needed for Director CDEM for situational awareness for response coordination to support lead agency.	Existing functions of CDEM Groups and Director CDEM would not fully support implementation, would require broader mandate that cuts across other legislative obligations of other agencies.	Lower effort to implement than other options as it does not require additional capability building, but stronger mandate for CDEM Controllers needed.
Affordability	0	-	-	-
		Additional costs on lead agency for capability and capacity uplift.	May reduce costs to agencies previously expected to deal with response; increased investment and training to ensure Controllers have ability to be the Control Agency. Local authorities (and NEMA) will need to bear the costs of lifting capacity/ capability.	Some duplication costs.
Overall assessment	0	2	0	0

Section 2.5: Strengthening the regional tier of emergency management

Resolving overlapping CDEM Group and local authority roles and responsibilities (problem 5.A)

What is the policy problem or opportunity?

Local authorities and CDEM Groups have overlapping functions in the CDEM Act. There are inconsistencies, duplications, and gaps in carrying out these functions and how emergency management is governed, planned, and delivered regionally. Local authorities do not have to fully buy into what the CDEM Group decides jointly, and it is unclear whether certain functions need to be performed by individual councils.

182. This section relates to Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels.

Stakeholder views

183. Feedback from submitters was generally in agreement that the current overlapping roles and responsibilities are resulting in inefficient completion of emergency management activities and confusion regarding exactly who is responsible for what.

184. Submitters were of the view that distinct roles and responsibilities were needed for CDEM Groups and local authority members. However, a flexible approach is necessary given that each local authority has different resourcing and funding abilities and some may need more support than others.

What options are being considered for problem 5.A - Resolving overlapping CDEM Group and local authority roles and responsibilities?

Option One – Status Quo

185. The CDEM Group and its member local authorities have overlapping emergency management functions and duties.

186. While the status quo allows flexibility within and between CDEM Groups and local authorities to prioritise and implement emergency management activities as they see fit, the status quo is creating inconsistency, duplication, and gaps in how emergency management is governed, planned, funded and delivered in each region. For example, some local authorities choose not to contribute to CDEM Group initiatives. This is not meeting the intent of the CDEM Act – achieving coordinated governance and integrated hazard risk management between local authorities and leveraging regional economies of scale to deliver emergency management measures more efficiently.

187. Costs to deliver on responsibilities currently being completed by both local councils and CDEM Groups impacts local councils who have multiple priorities to deliver on outside of emergency management but limited capacity and capability to do so.

Assessment against criteria

188. The status quo may cause inconsistency, duplication, and gaps; and it is unclear if responsibilities are performed adequately. This allows flexibility within and between CDEM Groups and local authorities. A failure to realise potential economies of scale means costs to deliver on responsibilities are disproportionately high for some councils.

Option Two – Provide distinct responsibilities for CDEM Groups and their local authority members (primary legislation)

189. This option would create distinct functions for CDEM Groups and their local authority members.
190. CDEM Groups would be responsible for regional coordination, governance, and planning for the emergency management activities in their geographic area. This includes coordinating the response to and recovery from emergencies that cover more than one district or go beyond the resources of the affected district.
191. The regional council and territorial authority members of the Group would be responsible for carrying out emergency management activities in their own geographic and functional areas of responsibility, and for implementing the CDEM Group Plan.

Assessment against criteria

192. This option would ensure that all local authorities contribute to the activities of the CDEM Group, as currently intended in the CDEM Act. CDEM Groups and their local authority members would still have flexibility to deliver specific emergency management measures individually or jointly.
193. For activities they have not previously taken on responsibility for, local authorities may need to implement processes or mechanisms to carry these out which will take time. Some local authorities may consider there is more burden on them to deliver or conversely that governance and planning roles are being taken away from them.
194. This option could cause changes in where local authority costs fall and/or mean an increase in costs overall depending on how CDEM Groups and local authorities currently operate, and the degree to which a separation of responsibilities results in the desired change in performance. Local authorities may see an increase in cost in certain areas, but a decrease elsewhere as economies of scale are realised.

Option Three – Require CDEM Group Plans to state how each member will fund and deliver on the functions and decisions of the CDEM Group (primary legislation)

195. This option would expand the requirements of Group Plans to include details on how each member will fund delivery. This would strengthen accountability mechanisms, for example, by reporting on expenditure and performance for delivery of the Plan.

Assessment against criteria

196. This option could clarify expectations and improve accountability and performance. There may still be inconsistencies in how emergency management is governed, planned, funded and delivered in each region.

197. There may be delays in implementation due to additional time and potential costs for CDEM Group members to agree and implement delivery expectations and input this to Group Plans. There may be some pushback as Groups may feel this option is too prescriptive. Specifying how funding will be applied could require additional budgetary expertise.
198. Compliance and administrative costs of this option may appear to be high if it is seen as creating new expectations, including increased levels of reporting. There will be some additional administrative or governance considerations which may have a slightly higher impact on local authorities.
199. However, this option does not seek to create additional expectations but instead ensure existing responsibilities under the CDEM Act are being met. There are likely to also be positive flow on impacts where clearer expectations for delivery, that enhances performance, can reduce overall costs during and after emergencies.

What option, or combination of options, is likely to best address problem 5.A, meet the policy objectives, and deliver the highest net benefits?

200. As set out in the table comparing options below, Option 2 is likely to best address the problem and meet the objective to provide for clear responsibilities and accountabilities at the national, regional, and local levels. This would improve clarity of expectations and strengthen performance by reducing duplication of effort.

How do the options for problem 5.A compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Provide distinct responsibilities for CDEM Groups and their local authority members (primary legislation)	#3 - Require CDEM Group Plans to state how each member will fund and deliver on the functions and decisions of the CDEM Group (primary legislation)
Effectiveness (weighted x2)	0	++ Strengthens performance by increasing clarity and accountability, reducing duplication of effort, and enabling intent of Act to promote joint hazard risk management, planning and activities.	+ Clarifies expectations and improves accountability and performance, but inconsistencies may remain.
Ease of implementation	0	- Changing responsibilities may take time to implement in some regions.	- Implementation delays as additional requirements require resource.
Affordability	0	+ Clearer delivery expectations and less overlap may reduce overall costs.	+ Clearer delivery expectations and less overlap may reduce overall costs.
Overall assessment	0	4	2

Proactively Released

Providing for clear and consistent organisation and accountability for emergency management (problem 5.B)

What is the policy problem or opportunity?

There are unclear, and in some cases, conflicting lines of accountability between CDEM Groups, individual local authorities, and the local statutory officers appointed under the CDEM Act.

201. There is variability in the way CDEM Groups and local authorities organise emergency management in their areas. Current operating models range from being fully centralised (with all staff employed and managed by the CDEM Group) to decentralised (with all emergency management staff employed and managed by individual councils, but accountable to the CDEM Group during an emergency).
202. As a result, lines of accountability between CDEM Groups, their local authority members, council chief executives, professional emergency management staff, and statutory officers (Controllers and Recovery Managers) are sometimes unclear.
203. For example, Local Controllers are appointed by and accountable to a CDEM Group, but often have a different substantive role within a territorial authority (and are therefore accountable to the council's chief executive from an employment perspective). Managing both lines of accountability can be complex, especially where there are competing demands or differing priorities.

Stakeholder views

204. Submitters generally considered the lack of consistent organisation and accountability to be an issue in local authorities and CDEM Groups effectively conducting emergency management activities. Some considered that this might not point to a problem with organisation, rather a lack of understanding of the importance of emergency management amongst the other functions of local authorities.
205. Most submitters felt that more guidance on operating models or assigning full responsibility for organisation to CDEM Groups might resolve some of the issues.
206. Generally, submitters were concerned about the additional pressures and responsibilities placed on a chief executive if they were given the statutory roles of Local Controller and Recovery Manager. They considered this would impact the chief executive's ability to perform the strategic level role during an emergency, and would not have the operational expertise to perform the statutory roles.

What options are being considered for problem 5.B - Providing for clear and consistent organisation and accountability for emergency management?

Option One – Status Quo

207. CDEM Groups and local authorities can employ, manage and organise emergency management staff, Controllers, Recovery Managers, and resources in various ways to undertake emergency management in the area.

Assessment against criteria

208. CDEM Groups and their member local authorities have flexibility to decide, in consultation with their communities, what organisational, employment and accountability arrangements work for them. However, lines of accountability between the CDEM Group, local authority members, chief executives, emergency management staff and statutory officers (Controllers and Recovery Managers) may be unclear, overlapping, inappropriate, or inconsistent between CDEM Groups.
209. Flexibility enables different emergency management arrangements to account for the variations in regional hazards, populations and geography. However, the lack of certainty impacts on the Controller's ability to perform their functions as expected during a response.

Option Two – Update guidance and provide models for how CDEM Groups and local authorities could organise emergency management in their region (non-legislative)

210. Under this option, NEMA would provide guidance and suggest models for how CDEM Groups and local authorities employ, manage and organise staff, Controllers and Recovery Managers, and resources for flexible emergency management with appropriate lines of accountability. This could include guidance on how Controllers and Recovery Managers are employed and managed, as well as management and organisation of resources for flexible emergency management.
211. This option does not require legislative change. Guidance would be voluntary for CDEM Groups and local authorities to apply.

Assessment against criteria

212. As guidance is not mandatory, some CDEM Groups may continue to be organised in a way that creates unclear lines of accountability.
213. Implementation should not take a large amount of time or resource to implement, as it does not require amendments to expectations around roles and duties, but an extension of the required powers/removal of barriers to enact. There may be some consideration regarding accountability measures and it may take some time to adjust parties' mindsets and assumptions away from the status quo.
214. There would be administrative costs incurred by NEMA and local authorities to develop and consult on guidance. Some parties may consider costs of voluntary compliance to be high if it is seen as a significant change to their existing operating model.
215. The costs to deliver this option will likely be felt by local councils who have multiple priorities to deliver on outside of emergency management but limited capacity and capability to do so. However, the cost of underperformance will disproportionately affect those communities that are impacted by emergencies.

Option Three – Make the CDEM Group responsible for organising emergency management functions (primary legislation)

216. CDEM Groups would explicitly be made responsible for employing, managing, organising and accommodating emergency management staff, Group Controllers, Group Recovery Managers, and other resources to carry out the CDEM Group's statutory functions. In

practice, the administering authority (a regional council or unitary authority) would carry out this responsibility on the CDEM Group's behalf.

Assessment against criteria

- 217. This option would ensure that lines of accountability are clear, not overlapping, appropriate, and consistent across New Zealand. This supports better interoperability during the response to multi-region or national-level emergencies. However, a more centralised model may not work in some regions. This option reduces flexibility for CDEM Groups and local authorities to decide, in consultation with their communities, what organisational and accountability arrangements work for them.
- 218. There will be costs for changing operational models in those areas which are not currently organised in line with the mandated model. Those already utilising the approved model will not have these costs.

Option Four – Retain flexibility but make the chief executive of each territorial authority responsible for coordinating resources within their own district (primary legislation)

- 219. Under this option, the chief executives of each territorial authority would have the function of directing and coordinating resources made available during a state of emergency or a transition period. Chief executives would also have the general power to coordinate (but not direct) resources made available for the purpose of the Act, including outside a declared emergency or giving notice of a transition period.
- 220. Chief executives would be required to delegate these functions and powers to suitably qualified and experienced individuals – a Controller and Recovery Manager – unless the chief executive was suitably qualified and experienced themselves. If the functions and powers are not delegated, the chief executive would hold the roles of Controller and Recovery Manager. This broadly mirrors current arrangements at the national level.
- 221. Each CDEM Group would still be required to appoint a suitably qualified and experienced Group Controller and Group Recovery Manager.
- 222. CDEM Groups would retain the flexibility to organise their wider emergency management functions as they see fit.

Assessment against criteria

- 223. This option creates clear lines of accountability between the statutory officers exercising emergency powers, wider council functions, and local political leaders at the district level.
- 224. Emergency management functions are still organised according to what the members of each CDEM Group consider will be most effective in their area. However, by making chief executives accountable for the Local Controller and Recovery Manager roles, each territorial authority would have a person who can exercise powers during a state of emergency or transition period.
- 225. Costs to deliver on these responsibilities may be disproportionately felt by local authorities that do not currently have appointed Local Controllers or Recovery Managers. There would be minor administrative costs for CDEM Groups and local authorities to make relevant appointments and delegations; and training and capability development

costs for NEMA and those local authorities that do not currently have Local Controllers or Local Recovery Managers.

Disregarded options

226. NEMA also consulted on several related options to strengthen the performance of Coordinating Executive Groups, including the provision of good practice guidance, introducing reporting requirements, and removing the ability for members to delegate attendance. The aim of these options was to improve meaningful participation and support working relationships between members. These options have not been analysed further because we consider that the proposed structural changes would achieve the same policy objective more effectively.

What option, or combination of options, is likely to best address problem 5.B, meet the policy objectives, and deliver the highest net benefits?

227. As set out in the table comparing options below, Option 4 is likely to best address the problem and meet the objective to provide for clear responsibilities and accountabilities at the national, regional, and local levels. Based on feedback from submissions, this option has been amended to:

- require chief executives to delegate their functions and powers to a Local Controller and Local Recovery Manager, unless the chief executive is suitably qualified and experienced.
- retain existing arrangements for Group Controllers and Group Recovery Managers appointed by CDEM Groups that are joint committees.

228. This option would create clearer lines of accountability between those with overall responsibility for responding to and recovering from emergencies, and those who exercise emergency powers at a territorial authority level. It would also encourage closer integration between councils' emergency management functions and other functions. CDEM Groups retain flexibility to organise functions according to what best suits them.

How do the options for problem 5.B compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Update guidance and provide models for how CDEM Groups and local authorities could organise emergency management in their region (non-legislative)	#3 - Make the CDEM Group responsible for organising emergency management functions (primary legislation)	#4 – Retain flexibility but make the chief executive of each territorial authority responsible for coordinating resources within their own district (primary legislation)
Effectiveness (weighted x2)	0	0 Does not fully support clear and appropriate lines of accountability.	++ Lines of accountability are clear, not overlapping, appropriate, and consistent, but more centralised model may not work for all regions.	++ Clearer lines of accountability; functions are still organised according to what the members of each CDEM Group consider will be most effective.
Ease of implementation	0	++ Straightforward to update existing guidance on the formation of CDEM Groups, CDEM Groups retain flexibility to organise functions as they see fit.	- Reduces flexibility. Likely to require significant effort by CDEM Groups that are currently organised differently.	0 CDEM Groups retain flexibility to organise functions according to what best suits them. Some councils may not currently have staff with the necessary skills and experience to perform roles effectively.
Affordability	0	0 Some administrative costs, but option does not create additional expectations.	-- Costs for changing operational models in some areas.	- Minor administrative costs for CDEM Groups and local authorities; Likely additional cost to NEMA and some local authorities to support training and capability development.
Overall assessment	0	1	-1	3

Section 2.6: Keeping emergency management plans up to date

What is the policy problem or opportunity?

The administrative burden of updating statutory plans in the CDEM Act can make it difficult for plans to reflect lessons from recent emergencies, changing responsibility or address new hazards and risks.

229. This section relates to Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels.

Planning is vital for effective emergency management

230. Plans set out key roles and responsibilities at the national and local levels, set the direction of emergency management, and enable clear lines of accountability. This is essential for agencies and individuals to know what they are expected to do and how they will work together before, during, and after an emergency.
231. The CDEM Act requires two statutory planning documents to integrate national and local emergency management. The **National CDEM Plan** (secondary legislation made by Order in Council – i.e. must be approved by the Executive Council and the Governor-General and drafted and certified by the Parliamentary Council Office) states the hazards and risks to be managed at the national level, and the emergency management necessary to manage these hazards and risks. **CDEM Group Plans** (produced by each CDEM Group) do the same at the local level. A person or organisation that is given emergency management responsibilities in the National CDEM Plan or a CDEM Group Plan must take all necessary steps to carry them out.
232. National and local planning is aligned through a **National CDEM Strategy** (secondary legislation). The National CDEM Plan and CDEM Group Plans must not be inconsistent with the Strategy.

Effective planning is hindered by inflexible processes

233. The administrative burden of updating statutory plans in the CDEM Act can make it difficult for plans to reflect lessons from recent emergencies, changing responsibility or address new hazards and risks.
234. Effective planning is hindered by a requirement to undertake a full review process before targeted but 'more than minor' changes are made to the CDEM Group Plans and National CDEM Plan. The CDEM Act requires a full review of the National CDEM Plan every five years. The changing context of hazards in New Zealand, as science progresses, and as climate change makes emergencies more frequent, means that the need to update existing arrangements (like roles and responsibilities in relation to existing or new risks and hazards) may arise more frequently than every five years. However, the capacity and time required to undertake a full review may disincentivise a full review to update plans before the five yearly cycle (particularly if it is intended to update a sub-set part of the plans). This may leave arrangements out of date until the next full review cycle.
235. Effective planning is also hindered by:

- the National CDEM Plan being made by Order in Council is less flexible than some forms of secondary legislation. This can have added administration costs to pass through the formal process which may mean taking longer for the National CDEM Plan to be updated, and
- a requirement to present a draft National CDEM Plan to the House of Representatives for 90 days before the Plan is made by Order in Council.²²

Stakeholder views

236. Those who submitted on this issue agreed that the process for updating plans is an issue. More than half of submitters supported the need for a process that allowed for the more frequent update of plans to better reflect up to date roles and responsibilities that reflected evolving local risks and changes in roles and responsibilities. In particular, submitters supported the need for a change in the prescriptive consultation requirements for CDEM Group Plans. Although submitters did want greater clarity of what the scope of 'more than minor' would be.
237. A few submitters also highlighted multiple issues related to the content of plans and the need to consult a wider range of stakeholders in planning processes. This is addressed through issue 10.
238. This problem has also been identified in the review of Auckland Flood Response²³ and through NEMA's work to improve catastrophic readiness with national agencies.

What options are being considered?

Option One – Status Quo

239. Minor amendments to the National CDEM Plan and CDEM Group Plans can be made without a review. However, any larger changes would require a full review of the plan.

Assessment against criteria

240. The procedure to review Plans in full includes substantive consultation requirements to ensure thorough public consultation has occurred. This provides beneficial safeguards given the breadth of roles and responsibilities Plans can place on persons or organisations.
241. However, these requirements are administratively burdensome. Under the status quo, this means that when there are more than minor changes to a part or part(s) of plans required, a full review of Plans must be undertaken, including the full consultation process. This can disincentivise updating parts of Plans before the full review cycle is due (i.e. five years) so as not to incur the administrative burden more than once within the five-year period. This can make Plans less up to date and useful.

²² In 2001, Cabinet agreed that Members of Parliament will always be persons likely to have interest in national provisions for emergency management and should expect to receive notification of the draft National CDEM Plan. Requiring the draft National CDEM Plan to be presented to the House of Representatives three months before it is made an Order in Council would provide sufficient time to consider and, if needed, debate or report on any aspects of the plan (refer CAB 100, 11 December 2001).

²³ Bush International Consulting (2023). Auckland Flood Response Review, p. 24.

Option Two – Enable targeted ‘more than minor’ amendments to the National CDEM Plan and CDEM Group Plans (primary legislation)

242. Under this option a **CDEM Group** can, at any time, review and amend any part or part(s) of a CDEM Group Plan made by it without needing to do a full review under section 56(1) or follow the process referred to in section 52.
243. For the **National CDEM Plan**, the Minister can, at any time, review and amend any part or part(s) of the National CDEM Plan without needing to do a full review under section 49 or follow the process referred to in section 46(4).
244. Consultation is still expected, albeit more targeted towards affected entities or ‘interested’ parties. Any ‘more than minor’ changes must be in accordance with contributions to decision-making processes by Māori (LGA section 81) and principles of consultation (LGA section 82) for CDEM Group planning and consultation process for secondary legislation (for National Plan). Section 65 (Duties to consider alternatives, assess benefits and costs, etc) still applies.
245. Enabling amendments without a full review is not a new approach. The Resource Management Act 1991 currently enables provisions to allow for a targeted review of national policy statements if making certain amendments (without needing to follow the full consultation process required under section 46).

Assessment against criteria

246. Under this option, for example, new hazards, changes in risk profile, or agency responsibilities can be updated more easily and more frequently (without undertaking a full review). This may also incentivise more regular reviews of plans.
247. This option would make it easier to implement ‘targeted’ changes to plans where there are known issues to address (and may be less burdensome than doing full reviews).
248. Any legislative change will need to be supported by guidance from NEMA related to implementation. This may take time to work through, particularly to ensure a balance between flexibility and certainty. More regular targeted reviews may be more difficult to sustain if they become too regular (e.g. constantly implementing changes).
249. This option may reduce costs, and resource to update national and regional plans as ‘more than minor’ proposed changes could be made between regular review periods which, subsequently, may reduce the burden of the full review process. This option may also reduce costs in the long-term as incremental updates may mean full reviews are not as costly (as parts will already be updated).

Option Three - The National CDEM Plan isn’t required to be made by Order in Council, but retains its legislative status (primary legislation)

250. Under this option, the National CDEM Plan would maintain its legislative status, but would no longer be updated by Order in Council. This would mean changes to the Plan:
 - would not require action by the Executive Council (currently National CDEM Plan needs approval by the Executive Council) and would not need to be drafted by PCO (but would still be required to be certified by PCO), and

- would be delegated to the Minister or Director of CDEM (which could reduce some administration related to the formal Order in Council process) but would still be subject to the scrutiny of secondary legislation through the regulations review committee.

Assessment against criteria

251. This option may remove some of the administrative burden that a formal process of Order in Council requires (including removal of the need to be approved by the Executive Council and drafting by Parliamentary Council). This may make the National CDEM Plan easier to update.
252. However, this may reduce engagement of the Executive Council with the National CDEM Plan (and associated roles and responsibilities) which could go against the intent that Parliament engage and exercise oversight of emergency management issues to enhance prominence of emergency management.
253. The roles and responsibilities set in the National Plan are quite broad (not necessarily technical), impacting a large range of actors. The scrutiny and approval of the Governor-General in Council through the Order in Council process is arguably a significant oversight power. If the Order in Council process is removed, due to the nature of roles and responsibilities that can be set out in the Plan, additional safeguards would be required which may negate the administrative efficiencies intended.
254. This option does not remove the need for consultation and continues to require scrutiny and parliamentary process.
255. Regardless of legislative status, any revised National CDEM Plan will require significant input from agencies, CDEM Groups and other groups which will take time to implement.
256. There may be additional administrative costs in the short term to remove the Order in Council process and follow the parliamentary process to do so. Over time this option may reduce some administrative costs associated with drafting by parliamentary council office and needing to go through the Order in Council process (but unclear how significant this may be).

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

257. As set out in the table comparing options below, Option 2 is likely to best address the problems with the lowest effort and meet the objective to provide for clear responsibilities and accountabilities at the national, regional, and local levels.
258. Option 2 enables updates to parts of plans to be updated without needing to undertake a full review (until needed under the current full review cycle every five years) to ensure arrangements are not left out of date. This would allow updates to happen on parts of plans, without needing to do a full review and subsequently the full consultation process required. Targeted changes may be easier to implement and less burdensome. This may reduce costs in the long-term as incremental updates may mean full reviews are not as costly. For example, if a new hazard is identified, or risk profile changes, a targeted amendment would enable this hazard or risk (and who is responsible for managing it) to be added to the relevant plan. Consultation would still be required but would be required with those interested parties in proposed amendments.

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Enable targeted “more than minor” amendments to the National CDEM Plan and CDEM Group Plans (primary legislation)	#3 - The National CDEM Plan isn’t required to be made by Order in Council, but retains its legislative status (primary legislation)
Effectiveness (weighted x2)	0	++ Plans could be updated more easily and frequently which may incentivise more regular reviews of plans.	0 Plan may be easier to update; may remove some of the administrative burden of an Order in Council process, but reduces engagement and would require additional safeguards which may negate any administrative efficiencies.
Ease of implementation	0	+ ‘Targeted’ changes may be easier to implement and less burdensome. Would require supporting guidance. This may take time to work through. More regular targeted reviews may be more difficult to sustain.	0 Does not remove need for consultation and continues to require scrutiny and parliamentary process. Any new revised National Plan will require significant input from agencies, and CDEM Groups and other groups and will take time to implement regardless of legislative status.
Affordability	0	++ May reduce costs and resource to update plans. May reduce costs in the long-term as incremental updates may mean full reviews are not as costly.	0 No significant change as costs for different processes may offset each other.
Overall assessment	0	7	0

Proactively Prepared

Section 2.7: Emergency management responsibilities for offshore islands

What is the policy problem or opportunity?

There is uncertainty about the emergency management responsibilities for offshore islands.

259. This section relates to Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels.
260. The Minister of Local Government is the territorial authority for offshore islands that sit within a regional council boundary, but do not form part of a territorial authority's district. Unlike other territorial authorities, the Minister is not required to be a member of a CDEM Group.
261. This means the CDEM Group, the regional council and the Minister of Local Government (as the territorial authority) all have various emergency management responsibilities for offshore islands – this creates uncertainty about who is responsible for what.
262. Most offshore islands are in the Bay of Plenty region. Currently, the Department of Internal Affairs (on behalf of the Minister of Local Government) has an operational arrangement with the Bay of Plenty CDEM Group, with a senior official co-opted onto the Coordinating Executive Group.

Stakeholder views

263. NEMA undertook targeted consultation with CDEM Groups. This issue was not included in public consultation because it is discrete in nature and relevant only to the Bay of Plenty and Canterbury CDEM Group areas. A proposal similar to the preferred option was also included in the previous Emergency Management Bill and did not attract substantive public feedback through written submissions to the select committee.
264. The Bay of Plenty CDEM Group opposed the preferred option. It raised concerns that an agreement may not result in sufficiently clear roles and responsibilities or lines of accountability. The Bay of Plenty CDEM Group's preferred option is to require the Minister of Local Government to be a member of the Group, represented by the Department of Internal Affairs.
265. The Canterbury CDEM Group broadly supported the preferred option, but considered that additional parties (such as the Department of Conservation and iwi representatives) should be involved in the agreement. The Canterbury CDEM Group considered that it wasn't necessary to have the Minister of Local Government represented on its Coordinating Executive Group.

What options are being considered?

Option One – Status quo

266. The Minister of Local Government is the territorial authority for offshore islands, supported by the Department of Internal Affairs (DIA), but is not required to be a member of the relevant CDEM Group.

Assessment against criteria

267. There is a gap in accountability for territorial authority responsibilities for emergency management under the CDEM Act.

Option Two - Make the Minister of Local Government responsible for all emergency management functions and duties for offshore islands (primary legislation)

268. This option would make a new CDEM Group, with the Minister of Local Government as the only member.

Assessment against criteria

269. While this would simplify responsibility and accountability for emergency management, it would be impractical and inefficient for the Minister of Local Government to perform all CDEM Group functions. Emergency management for offshore islands would be disconnected from the surrounding region. The costs for this option would need to be met within the central budget. The Department of Internal Affairs would need to hire or contract additional resource to implement its new functions.

Option Three - Require the Minister of Local Government as the territorial authority (represented by the Department of Internal Affairs) to be a member of CDEM Groups that have offshore islands within their boundaries (primary legislation)

270. This option would require the Minister of Local Government (represented by the Department of Internal Affairs) to be a member of the Bay of Plenty and Canterbury CDEM Groups.

Assessment against criteria

271. This option would mean the Minister of Local Government has the same functions as other territorial members of a CDEM Group, including participation in governance and implementation decisions. However, this may conflict with the Minister of Local Government's broader roles under the LGA (such as their powers of assistance and intervention). Implementing the additional functions of CDEM Group members would be relatively straightforward but impose a moderate cost to the Department of Internal Affairs.

Option Four - Make the Minister of Local Government and the relevant CDEM Group jointly responsible for emergency management in relation to offshore islands (primary legislation)

272. This option would Make the Minister of Local Government, the relevant regional council and CDEM Group jointly responsible for emergency management in relation to offshore islands where:

- the Minister of Local Government is the territorial authority for the island, and
- the island falls within the area of a CDEM Group.

273. The Minister of Local Government, relevant regional councils and CDEM Groups would be required to enter an agreement setting out the emergency management responsibilities of each party. This would be reviewed concurrent with the relevant CDEM Group Plan review. If an agreement cannot be reached within a reasonable time, the Minister for Emergency Management and Recovery would be required to make a determination.

Assessment against criteria

274. This option requires the interface between each party's emergency management responsibilities to be defined, while providing flexibility for agreements to reflect the specific requirements in the Bay of Plenty and Canterbury regions. As this option broadly reflects current practice, there should be no substantive additional costs. There may be some rebalancing of annual budgets to account for the new formal responsibilities.

Option Five – Make the relevant regional council responsible for the territorial authority emergency management functions for offshore islands (primary legislation)

275. Under this option, the Minister of Local Government would remain the territorial authority for offshore islands but would not have emergency management responsibilities.

Assessment against criteria

276. This option would clarify emergency management responsibilities by transferring these functions to the offshore island's regional council. However, the regional council would not be responsible for territorial authorities' hazard risk management functions under other legislation (such as land use and building management). This means the regional council would not have the levers to fully deliver on their emergency management functions.
277. This option may reduce administrative costs for the Department of Internal Affairs but would increase costs to the relevant regional councils. These costs could not be recovered as offshore islands are non-rateable.

What option, or combination of options, is likely to best address the problem?

278. As set out in the table comparing options below, Option 4 is likely to best address the problem and meet the objective to provide for clear responsibilities and accountabilities at the national, regional, and local levels.
279. This option ensures that the Minister of Local Government, like other territorial authorities, is engaged in regional emergency management activities. The Minister, relevant regional council and CDEM Group would have flexibility for agreements to reflect the specific needs of offshore islands that sit in the Bay of Plenty and Canterbury CDEM Group areas.
280. We consider that a legal requirement to define each party's responsibilities through an agreement would address the concerns raised by the Bay of Plenty CDEM Group – for example, the agreement could include participation by the Department of Internal Affairs in CDEM Group decision-making structures. Other parties with interests or roles in emergency management for offshore islands could also be engaged during the development and review of the agreement.
281. This option clarifies responsibilities, reflects the Minister of Local Government's broader role under the LGA, and has neutral costs.

How do options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Make the Minister of Local Government responsible for all emergency management functions and duties for offshore islands (primary legislation)	#3 - Require the Minister of Local Government as the territorial authority (represented by DIA) to be a member of CDEM Groups that have offshore islands within their boundaries (primary legislation)	#4 – Make the Minister of Local Government and the relevant CDEM Group jointly responsible for emergency management in relation to offshore islands (primary legislation)	#5- Make the relevant regional council responsible for the territorial authority emergency management functions for offshore islands (primary legislation)
Effectiveness (weighted x2)	0	-- Minister as single CDEM Group and unsustainable.	++ Achieves same level of participation as other territorial authorities but may conflict with Minister of Local Government's broader responsibilities.	++ Clarifies responsibilities, consistent with arrangements under the Local Government Act.	++ Clarifies responsibilities.
Ease of implementation	0	- Resource/capability constraints.	0 Implementation relatively straightforward.	0 Broadly reflects current practice.	-- Regional council would Contradicts Minister's duties under other legislation; discrepancy with responsibilities by regional councils.
Affordability	0	- Cost to Department of Internal Affairs to implement new functions.	- Cost to Department of Internal Affairs to implement new functions.	0 Minor administrative costs.	- Costs on regional council which cannot be recovered as offshore islands are non-rateable, some may not have the capacity/resource to carry out this work.
Overall assessment	0	-6	1	4	-1

Section 2.8: Stronger national direction and assurance

Strengthening the mandate to set expectations and monitor performance (problem 8.A)

What is the policy problem or opportunity?

Regulations are poorly suited as a legislative vehicle for detailed matters of operationalisation and implementation in the CDEM context. Consequently, NEMA has relied on non-legislative tools (such as guidance) to set expectations about administrative, operational, technical, procedural, or other detailed matters. The absence of mandatory requirements has led to inconsistent approaches to emergency management across New Zealand and a limited ability to monitor sector performance against measurable requirements.

- 282. This section relates to Objective 3: Enabling a higher minimum standard of emergency management.
- 283. The Director is responsible for developing guidelines, codes or technical standards for people and organisations with responsibilities under the CDEM Act. The Director is also responsible for monitoring their performance.
- 284. While minimum requirements for the performance of CDEM Act responsibilities can be set through regulations or recommended via non-legislative (non-mandatory) means, the current preference for non-legislative mechanisms relies on lifting system performance through voluntary compliance and goodwill. This has led to inconsistencies in approach across different regions and limitations on the ability to address underperformance.
- 285. The current Act allows certain mandatory requirements to be prescribed through regulations. However, regulations are a lengthy and resource-intensive process for a sector which needs detailed information (at times highly technical) to provide clarity on minimum requirements. Emergency management is also a sector which needs the ability to move quickly to lift performance or address identified shortcomings, and the scope to be responsive to New Zealand's evolving risk landscape.
- 286. The challenges in setting clear expectations have also impeded the Director's ability to monitor the sector's performance and, if needed, to address underperformance.

Stakeholder views

- 287. Strong support exists for greater national direction to address evident and concerning inconsistencies in performance across the CDEM sector. Setting clear national requirements was generally viewed as beneficial by sector actors to understand what is required to meet their obligations under the CDEM Act.
- 288. Many submitters expressed interest in being involved in the development of new requirements, and some even suggested priority topic areas. However, many were concerned by the anticipated (but unclear) compliance and administrative costs that could result, on top of other obligations being imposed by central government, and where these costs would fall.
- 289. Other submitters were concerned that new legal standards would step beyond NEMA's area of competence (this view was strongly held by the telecommunications sector) or

duplicate oversight mechanisms in other sectors (e.g. governance arrangements for local government or emergency services).

What options are being considered for problem 8.A - Strengthening the mandate to set expectations and monitor performance

Option One – Status Quo

290. Under the status quo, sector performance under the CDEM Act is likely to remain inconsistent across regions or take longer to address.

Assessment against criteria

291. This option would likely see continued reliance on non-mandatory mechanisms to lift performance and, drive consistency, and achieve interoperability of emergency management systems and processes across New Zealand.

Option Two – Increased guidance and strengthened governance (non-legislative)

292. Under this option NEMA would augment its work to update and develop guidance material (e.g. best practice guidance) and seek to play a more active assurance role. This option does not require legislative change.

Assessment against criteria

293. This is an efficient mechanism to communicate national direction across a wide range of issues. For example, it can address issues where a mandatory compliance requirement may not be suitable for all regions and contexts, and where 'best practice guidance' may be more appropriate. However, on its own, this option is insufficient to address the policy problem, namely due to the lack of enforceability. Rather it complements Option Three (rule-setting) by (i) increasing the effort given to information resources (non-legislative guidance) and (ii) increasing monitoring and assurance functions (strengthened governance activity).
294. There are additional compliance and administrative considerations associated with this option. However, this option only seeks to ensure existing responsibilities under the CDEM Act are being met and there are likely to be positive flow on impacts from clearer expectations on delivery.

Option Three - Enable a wider range of mandatory standards to be set through rules (primary legislation)

295. Under this option, the Minister would have delegated law-making powers to prescribe rules (as secondary legislation) for technical, operational, procedural and administrative matters related to the implementation and operation of the CDEM Act.

Assessment against criteria

296. This option provides a pathway for the Minister, under advice from the Director, to set rules (with legal effect) to prescribe detailed minimum requirements for statutory roles, duties and functions under the CDEM Act and its subsidiary instruments.
297. This option supports accountability and assurance, by allowing more detailed requirements and processes to be set in legislation. It also allows the legislative

framework to keep up to date with technical and operational advances in emergency management. It enables the law to be clear and certain, yet able to adapt to changing conditions while staying true to its purpose and constraints.

298. This approach is more reflective of a 'regulator' setting legal requirements. This means that cost issues, and consequences for non-compliance, need to be addressed upfront as new rules are made. Appropriate safeguards, for example a requirement to notify and consult with relevant persons and organisations, will therefore be needed as part of the rule-making process. However, as the proposed rules will deal with operational, technical, procedural and administrative matters, the scrutiny involved with an order in council is not required. Rules will be subject to review by the Regulatory Review Committee.
299. This option has a high implementation cost, both for NEMA to draft and consult on new rules and for relevant parties if action is required to meet standards or address identified performance issues. In the setting of new rules, investment will be needed by NEMA to raise awareness of, and support compliance with, new requirements.

Option Four - Give the Director CDEM the function of monitoring the performance of the emergency management system (primary legislation)

300. Under this option, the Director CDEM would be responsible for assessing whether the emergency management system is achieving the purpose of the CDEM Act.

Assessment against criteria

301. This option risks spreading the Director CDEM's mandate too widely (across all aspects of the emergency management system) and into areas that have their own regulatory or governance mechanisms (e.g. wildfire, pandemic).
302. Implementation is likely to be difficult and time-consuming given the extent of oversight expected of the Director CDEM and could result in undue/duplicative information requests.

What option, or combination of options, for problem 8.A is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

303. Option 3 (legislative change) supported by Option 2 (increased guidance and strengthened governance) is likely to best address the problems and meet support the objective to enable a higher minimum standard of emergency management. This allows for both legislative and non-legislative actions to be used to lift national direction setting and assist assurance functions.
304. The ability for the Minister to set mandatory 'rules' (Option 3), as secondary legislation, overcomes the constraints of regulations in the CDEM context (resource intensive, lacking adaptability, and a poor fit for detailed technical matters). Rule making is a more efficient and effective means of prescribing technical, operational and administrative details that require legislative effect. In introducing rule-making provisions, it will be important to set down key safeguards (including allowing for sector input) to ensure the merit and cost of any new rule can be appropriately considered through the rule-making process.

305. Non-legislative guidance (Option 2) is a least cost approach which can act to support the legislative change proposed in Option 3, including by enabling oversight and monitoring of nationally mandated requirements.

Proactively Released

How do the options for problem 8.A compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Increased guidance and strengthened governance (non-legislative)	#3 - Enable a wider range of mandatory requirements to be set through rules (primary legislation)	#4 – Give the Director CDEM the function of monitoring the performance of the emergency management system (primary legislation)
Effectiveness (weighted x2)	0	+	++	-
		Low cost, quick mechanism to provide greater national guidance, but depends on voluntary compliance. No firm mandatory standards against which to monitor performance.	Clear pathway to set rules, provide clarity on obligations, supports accountability.	Risks spreading the Director's mandate too widely; doesn't address issue that minimum national requirements need to be established/ monitored.
Ease of implementation	0	++	+	-
		Can leverage existing systems and processes. Allows flexibility of application, including for matters where adaptation to local contexts may be appropriate.	Approach is more reflective of a 'regulator' setting legal requirements.	May result in undue/duplicative information requests; implementation may take time due to extent of required oversight.
Affordability	0	+	-	+
		Additional costs for NEMA. Variable implementation costs for others (as voluntary compliance).	Higher implementation cost due to resourcing needed to develop rules, and for others to ensure compliance. Introduction of new rules will need to be accompanied by education and oversight.	Lower upfront costs compared to other options.
Overall assessment	0	5	4	-2

Strengthening the Director CDEM's power to intervene and address performance issues (problem 8.B)

What is the policy problem or opportunity?

The Director has limited powers of intervention under the CDEM Act to ensure performance against existing responsibilities.

306. This section relates to Objective 3: Enabling a higher minimum standard of emergency management.

307. The tools available to the Director CDEM to address non-compliance are:

- the power to require information, investigate or require a report on non-performance
- the ability to 'take over' if a CDEM Group or person is in 'default' ('taking over' is a significant step and unlikely to be appropriate for lower-level issues), or
- the ability to issue fines if there is a breach of a regulation made under the CDEM Act.

Stakeholder views

308. Most stakeholders acknowledged the need for improved performance but views varied on whether an enforcement-focused approach was the best way to address the problem. A common theme in submissions was that inadequate or non-performance of obligations was a resourcing issue that needed to be understood and addressed if compliance and enforcement was to be given greater emphasis.

309. Several submitters noted that obligations, standards and requirements would need to be clear and achievable within reasonable timeframes if compliance measures with attached penalties were to be introduced.

310. Submitters from the essential infrastructure sector noted that they are already subject to monitoring and assurance regimes under other legislation and considered that the proposals could introduce duplication. Some government agencies questioned whether applying the proposed powers of intervention to them would be overreach and beyond NEMA's mandate.

What options are being considered for problem 8.B - Strengthening the Director CDEM's power to intervene and address performance issues

Option One – Status Quo

311. Under the status quo, the problems with limited powers of intervention remain (as outlined above).

Assessment against criteria

312. 'Taking over' is a significant bar to cross and unlikely to deliver sound long-term outcomes. Resource constraints at the local/regional level are often the reason for non-compliance and the current all or nothing approach of the Director CDEM acting in default does not provide an escalatory compliance pathway.

Option Two – Provide the Director CDEM with the power to issue compliance orders (primary legislation)

313. If the Director reasonably believed that a party was breaching a legal requirement under the CDEM Act, they can issue a compliance order. Compliance orders would require the party to remedy the breach in a reasonable time, and may make recommendations about the measures that could be taken to remedy it. This option would require appropriate checks and balances and could potentially be limited to breaches by certain parties, or breaches of specific legal requirements.

Assessment against criteria

314. This option provides a mechanism for intervention when parties have not performed their legal responsibilities or have failed to meet standards set out in regulations or rules made under the Act. It provides parties with an opportunity to avoid prosecution (or the Director CDEM taking over) by addressing breaches within a reasonable time and offers an additional tool (step) in an escalatory compliance pathway. This is likely to drive greater (and faster) compliance with existing (and future) legal obligations under the CDEM Act.
315. The burden for implementation would fall to NEMA (to investigate, escalate, issue order, monitor and advise), although arguably this falls within NEMA's existing role. This option is likely to raise concerns from CDEM regulated parties (e.g. costs, administrative burden, may deter volunteers from taking on CDEM roles) and may see a preference for a collaborative (non-legislative) approach to national standard setting.
316. This option is likely to impose costs on NEMA to bolster its role as regulator. There would be some burden to non-compliant parties if action is required to address a breach in their legal obligations under the CDEM Act.

Option Three – Expand the Minister's existing powers of intervention (primary legislation)

317. Under this option, the Minister would have the power to intervene in certain situations outside a declared emergency or imminent threat of emergency, if there were concerns about the performance of legal responsibilities. For example, the Minister could be given the power to direct parties to carry out (or stop carrying out) their functions, duties, or powers during a transition period. As with the previous option, appropriate checks and balances on these powers would be required.

Assessment against criteria

318. This option strengthens the Minister's ability to seek assurance of performance outside an emergency and the ability to intervene and/or direct action. This option could provide a mechanism for intervention of last resort if there are issues of non-compliance. There are established precedents in other legislation such as the Resource Management Act 1991 or the Health Act 1956.
319. There is a risk of overreach, as the option arguably goes beyond a regulatory function to a command model (power to direct others to act). Limits around what sort of action could be directed may be required.
320. This option requires the Minister to have increased operational oversight, which may not be appropriate in all circumstance. While a new power would have checks and balances to protect against misuse, this could create significant discretion for the Minister to

determine adequacy of performance which could potentially be used to override local decision-making. Careful consideration would be needed in development of mandatory standards and other legislative responsibilities.

321. This option is likely to impose costs on NEMA to bolster its role as regulator and to support the Minister. There would be some burden to non-compliant parties (if action is required to address a breach in their legal obligations under the CDEM Act).

What option, or combination of options, for problem 8.B is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

322. As set out in the table comparing options below, Option 2 is likely to best address the problems and meet the objective to enable a higher minimum standard of emergency management.
323. Establishing a power for the Director to issue compliance orders would allow the Director to adopt a stronger national leadership role, linking standard setting and compliance action to the Director, and would promote accountability for parties with responsibilities under CDEM legislation. This approach would provide parties with an opportunity to avoid prosecution (or the Director taking over) by addressing breaches within a reasonable timeframe and offers an additional tool (step) in an escalatory compliance pathway.
324. Establishing a power for the Director, as opposed to the Minister, to intervene to address performance issues alleviates concerns about political overreach into operational decisions.

How do the options for problem 8.B compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Provide the Director with the power to issue compliance orders (primary legislation)	#3 - Expand the Minister's existing powers of intervention (primary legislation)
Effectiveness (weighted x2)	0	++ Provides mechanism for intervention; additional tool in escalatory compliance pathway; likely to drive greater (and faster) compliance.	+ Strengthens Minister's ability to seek assurance; mechanism for intervention of last resort; but risk of overreach.
Ease of implementation	0	+ Implementation burden on NEMA although implements NEMA's existing role; likely to raise concerns from CDEM regulated parties (costs, administrative burden, may deter volunteers from taking CDEM roles) who may prefer a collaborative (non-legislative) approach to national standard setting.	- Could create significant discretion for the Minister to determine adequacy of performance which could potentially be used to override local decision-making; requires the Minister to have increased operational oversight.
Affordability	0	- Cost on NEMA as regulator, and non-compliant parties.	- Cost on NEMA as regulator, and non-compliant parties.
Overall assessment	0	4	0

Proactively Released

Section 2.9: Strengthening local hazard risk management

What is the policy problem or opportunity?

Some CDEM Group Plans are failing to take a whole-of-region view and not going far enough to deliver on CDEM Groups' hazard risk management responsibilities.

325. This section relates to Objective 3: Enabling a higher minimum standard of emergency management.
326. One of the purposes of the CDEM Act is to encourage and enable communities to achieve acceptable levels of risk. Many of the CDEM Groups' hazard risk management responsibilities are driven through CDEM Group Plans. Each CDEM Group is required to develop a plan that states the hazards and risks to be managed by the Group, and the measures and practices that will be used to manage them. A person or organisation that is given responsibilities in a CDEM Group Plan must take all necessary steps to carry them out.
327. CDEM Group Plans are key instruments for setting regional emergency management policy and driving action across the 4 Rs before an emergency. The Inquiry found that some local authorities have not taken their emergency management role seriously, and are not sufficiently implementing or investing in readiness activities.
328. NEMA's assessment is that in practice, some plans focus mainly on the activities of the Group Office (council emergency management staff) instead of taking a whole-of-region view (e.g. assigning specific responsibilities to local authorities, emergency services, and other regional agencies, or drawing on local authorities' other hazard risk management functions). This means these plans are not meaningfully committing CDEM Groups or their members to deliver on their responsibilities.
329. Submissions on the previous Emergency Management Bill also highlighted that the links between CDEM Group Plans and other local government planning instruments (like district plans, regional policy statements, and long-term plans) are often missing or unclear.
330. The main drivers of this problem are:
- Regulatory failure – poor voluntary adoption of existing guidance by CDEM Groups, and limited focus on assurance by NEMA. The Act currently provides few levers to address noncompliance before a plan is approved. Where a plan is overdue for review, or a Group has approved a noncompliant plan, the Director has the power to step in (“act on default by others”) and complete the review at the CDEM Group's cost. This power may be seen as an extreme step, especially in the absence of lower-level interventions. Capability gaps – in some regions, it appears that relevant expertise within the local authority members of CDEM Groups (such as district planning and infrastructure teams) is not involved in the CDEM Group planning process.
 - Competing objectives at a governance level – CDEM Group members may be unwilling to commit to measures necessary to deliver on their hazard risk management responsibilities.

Stakeholder views

- 331. Most submissions supported greater national consistency and clearer expectations for CDEM Group Plans but highlighted the need to retain flexibility to address local circumstances, and for any new legislated requirements to align with other regulatory systems (such as land use planning). Some submissions suggested that this problem is partly caused by a disconnect between the Group Office and wider council functions.
- 332. Most submissions did not support the Minister having a general power to make binding recommendations during the Minister's statutory review of CDEM Group Plans. Some submissions suggested that CDEM Groups do not, or should not, have a role in risk reduction.
- 333. Some submissions raised other matters that may need to be addressed for effective implementation, such as stronger guidance on the relationship between CDEM Group Plans and other local government planning instruments, resourcing constraints, and the availability of evidence to support effective risk assessments.

What options are being considered?

Option One – Status Quo

- 334. Under the status quo, CDEM Groups and their members determine the most appropriate way to manage hazards and risks in their areas through CDEM Group Plans. In practice, plans often focus on the activities of the Group Office, instead of taking a strategic, whole-of-region approach.

Assessment against criteria

- 335. The arrangements in many CDEM Group Plans are currently inadequate to manage hazards and risks to an acceptable level. The Act provides few levers to improve the quality of planning.

Option Two – Provide clearer guidance about what it means to achieve an “acceptable” level of risk (non- legislative)

- 336. Under Option 2, guidance on risk assessments would be updated, aligning with any relevant standards set under other legislation where appropriate (such as the Resource Management Act 1991). This option does not require legislative change.

Assessment against criteria

- 337. Guidance on risk assessments already exists and could be updated, but it may not be possible to achieve full alignment with standards in other regimes, given differing purposes. As under the status quo, guidance alone would likely be ineffective at improving the quality of planning.
- 338. There would be minor administrative costs for NEMA to update guidance.

Option Three – Strengthen assurance of CDEM Group Plans (non-legislative)

- 339. Guidance would set clearer expectations about the form and content of CDEM Group Plans. NEMA would strengthen its quality assurance processes when reviewing draft

plans (prior to and informing the Minister's statutory review), for example by auditing against defined quality standards. This option does not require legislative change.

Assessment against criteria

340. This option encourages a higher minimum standard of CDEM Group planning by setting clearer expectations and reinforcing them through assurance activities. CDEM Group Plans must take account of guidelines and have regard to comments made by the Minister.
341. This option makes better use of the Director's existing powers. Guidance already exists and could be updated, so relatively straightforward to implement. However, assurance activities would only occur when each CDEM Group Plan is reviewed (5-year cycle).
342. There would be some administrative costs for NEMA to update guidance and strengthen assurance processes, and cost for CDEM Groups to address issues raised through review processes.

Option four – Enable the form and content of CDEM Group Plans to be prescribed through secondary legislation (primary legislation)

343. Under this option, the Minister would have the power to create national standards that set mandatory requirements for the form and content of CDEM Group Plans, including relevant standards that must be followed (such as risk assessment processes. These standards would be supported by guidance.

Assessment against criteria

344. This option provides for a higher minimum standard for CDEM Group Plans, and would achieve greater national consistency in the matters addressed by CDEM Group Plans across the 4 Rs.
345. Mandatory standards would build on existing expectations (currently set through guidance), better support CDEM Groups to understand what "good" looks like, and better ensure CDEM Group Plans are achieving their intended purpose. A standardised planning framework would also reduce some of the effort required by CDEM Groups.
346. However, there are likely gaps in capability for some CDEM Groups to meet standards. Requirements would be incorporated when CDEM Group Plans are next reviewed (5-year cycle). This option also reduces discretion for local authorities to decide what their plans will cover.
347. There would be costs for CDEM Groups to meet new requirements (one-off, every five years). CDEM Groups would retain discretion about the most appropriate/ affordable way to manage identified hazards and risks, but achieving a higher standard of hazard risk management would likely come at a higher cost.

Option Five – Strengthen the Minister's role in the CDEM Group planning process (primary legislation)

348. Under this option, the Minister would be given the power to:
 - direct a CDEM Group to commence a full or partial review of its CDEM Group Plan within a reasonable period of time, and

- require amendments to a proposed CDEM Group Plan if, in the Minister's view, the plan would not meet the requirements in the Act, or would be inconsistent with a requirement in the National CDEM Plan.

Assessment against criteria

349. CDEM Groups must currently have regard to comments made on proposed CDEM Group Plans during a statutory ministerial review process, but the Director CDEM's current power to act on default by others could only address issues *after* a noncompliant plan had been approved. This option would provide for targeted national intervention earlier, for example where provisions in a proposed plan would:

- fail to address matters that must legally be provided for
- create mandatory requirements that would be disproportionate to the level of risk, come at a significant cost the Crown, or otherwise be inappropriate under the circumstances, or
- contradict provisions in the National CDEM Plan (consistent with the Act's purpose to align local and national planning).

350. The Minister's power to require a full or partial review would ensure CDEM Group Plans are addressing serious failures or systemic issues in a timely way, without resorting to the Director's existing power to act on default by others (which would override the CDEM Group's decision-making role).

351. This option would require a moderate amount of time and effort for NEMA to implement new processes. There would be costs for CDEM Groups to complete an out-of-cycle CDEM Group Plan review or make amendments required by the Minister, and administrative costs for NEMA to advise the Minister and support any intervention. Making amendments to a draft plan would likely come at a lower cost to a CDEM Group than needing to revisit a completed but noncompliant plan.

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

352. A combination of Options 4 and 5 (primary legislation), supported by Option 3 (assurance) is likely to best address the problems and meet the objective to enable a higher minimum standard of emergency management.

353. **National planning standards** would set requirements for the structure, format, or content of CDEM Group Plans. When preparing a standard, the Minister would need to weigh up the need for national consistency and local variation, and consider whether the standards align with hazard risk management requirements under other legislation (supporting greater alignment between local planning instruments). The Minister would also be required to consult the public, local authorities, and CDEM Groups on the draft standards. CDEM Groups would retain discretion about the most appropriate measures to manage hazards and risks across the 4 Rs.

354. A greater level of **assurance** would support CDEM Groups during the development of their plans, prior to the Minister's statutory review. The Minister's **power to require amendments** would ensure proposed plans are legally compliant and integrated with hazard risk management arrangements at the national level. As a backstop, the Minister's

power to require a full or partial review of a CDEM Group Plan would ensure critical issues, such as those identified in reviews and inquiries, are addressed in a timely way.

355. This combination of options would provide greater certainty of expectations, improve consistency and efficiency, reduce costs overall, and improve the quality of plans and hazard risk management outcomes for communities.

Proactively Released

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Provide clearer guidance about what it means to achieve an “acceptable” level of risk (non-legislative)	#3 – Strengthen assurance of CDEM Group Plans (non-legislative)	#4 – Enable the form and content of CDEM Group Plans to be prescribed through secondary legislation (primary legislation)	#5 – Strengthen the Minister’s role in the CDEM Group planning process (primary legislation)
Effectiveness (weighted x2)	0	0 Difficult to establish meaning of “acceptable”.	+	++	++
			Clearer expectations reinforced through assurance activities.	Provides for a higher minimum standard; greater national consistency.	Provides for intervention where arrangements are insufficient; mechanism to ensure compliance issues are addressed; better ensures alignment with hazard risk management arrangements at the national level.
Ease of implementation	0	+	+	-	-
		Existing guidance can be updated.	Existing guidance can be updated; makes better use of the Director’s existing powers.	Likely gaps in capability for some CDEM Groups, new requirements would only be incorporated when plans are next reviewed.	Moderate amount of time and effort for NEMA to implement new processes.
Affordability	0	0	-	-	-
		Minor administrative costs for NEMA to update guidance.	Administrative costs for NEMA to update guidance and strengthen assurance; cost for CDEM Groups to address issues raised through review processes.	Cost for CDEM Groups to meet requirements; achieving a higher standard of hazard risk management would likely come at a higher cost.	Cost for CDEM Groups to complete an out-of-cycle CDEM Group Plan review; Administrative cost for NEMA.
Overall assessment	0	1	2	2	2

Section 2.10: Considering taonga Māori, and other cultural heritage during and after emergencies

What is the policy problem or opportunity?

The impact of emergencies on taonga Māori and other cultural heritage is often not given due consideration.

356. This section relates to Objective 3: Enabling a higher minimum standard of emergency management.
357. The CDEM Act focuses on protecting the safety of people and property, but people also care deeply about protecting other things that cannot (or not easily) be replaced. Loss of cultural heritage can compound the negative effect of emergencies on individuals and communities.
358. Māori have a special relationship with their ancestral lands, water, sites, wāhi tūpuna, wāhi tapu, and other taonga. Under Article Two of the Treaty of Waitangi, the Crown has an obligation to protect taonga. Overlooking the importance of taonga Māori in planning for and after emergencies can hinder effective collaboration, communication, and engagement with Māori, compromising the overall effectiveness and inclusivity of emergency management efforts.
359. The Inquiry found that the response did not consider communities' cultural context and submissions on the discharged Emergency Management Bill further raised concerns that the emergency management framework did not recognise or sufficiently account for the wider role of heritage in community recovery or CDEM Group planning.
360. The National CDEM Plan places some expectations on agencies (such as the Ministry for Culture and Heritage and Heritage New Zealand Pouhere Taonga) to assist and provide advice and support on matters relating to culture and heritage.
361. However, there are few explicit levers in the CDEM Act to require the consideration of cultural heritage, including taonga Māori. There is also currently little guidance for CDEM Groups to consider taonga Māori and other cultural heritage when carrying out their functions under the Act.

Stakeholder views

362. Most submitters on this issue agreed with the problem definition outlined in the discussion document and that the status quo needed to change. There were mixed preferences on which option for changes was most appropriate, but there was generally broad support for Options 2 and 3 as described in the discussion document.
363. Some parties strongly supported Option 3 and called for legislative changes while other submitters preferred approaches that would emphasise flexible, relationship-based approaches.

What options are being considered?

Option One – Status Quo

364. Taonga Māori and other cultural heritage are not always considered during and after emergencies as planning is limited and inconsistent. Negative impacts of an emergency on the social, economic, cultural and environmental well-being of the public are exacerbated.

Assessment against criteria

365. Taonga Māori and other cultural heritage is given limited and inconsistent consideration. NEMA has no clear understanding of the costs associated with the lack of planning. Research points to the national cost and cost to communities being worse after emergencies if those things that communities value are harmed or lost.

Option Two – Develop guidance on considering taonga Māori and other cultural heritage (non-legislative)

366. Under Option 2, NEMA would develop and issue guidance to build on existing material - such as expectations in the National Disaster Resilience Strategy and National CDEM Plan. This could outline good practice for how to integrate the consideration of taonga Māori and other cultural heritage in planning for emergencies. This option does not require legislative change.

Assessment against criteria

367. Guidance creates clearer expectations for planning, and could encourage greater consideration of taonga Māori and other cultural heritage by CDEM Groups. However, guidance is not mandatory and non-enforceable so may not be consistently considered or applied and may not translate into action before, during and after a response, especially in areas where organisations do not have cultural capacity and capability.
368. Cost for developing guidance would be relatively low as it would build on existing material and expectations through the National Disaster Resilience Strategy and National CDEM Plan. There will be some administrative costs to implement guidance, training and education programmes and keep them up to date. As guidance is voluntary, inconsistent application will mean that implementation costs will land more on some CDEM Groups than others.

Option Three – Strengthened planning expectations for taonga Māori and other cultural heritage through secondary legislation (secondary legislation)

369. Under Option 3, secondary legislation could prescribe how CDEM Group Plans must consider taonga Māori and other cultural heritage. These requirements, and supporting guidance, could support CDEM Group Plans to address matters such as:
- the risks taonga Māori and other cultural heritage face from hazards in the CDEM Group's area,
 - how mātauranga Māori-led approaches (using existing knowledge, understanding and skills) and other local knowledge will be used to consider taonga Māori and other cultural heritage as part of recovery planning, and

- how cultural heritage experts have been consulted during recovery planning and how they will be leveraged during recovery.
370. Primary legislative changes proposed under other issues will enable this option to be implemented:
- Minor amendments to clarify that the existing function of CDEM Groups and their members to “plan and carry out recovery activities” includes pre-emergency planning (part of section 2.5A above), and
 - Enabling the Minister to prescribe the form and content of CDEM Group Plans through secondary legislation (as outlined in section 2.9 above).

Assessment against criteria

371. Similar to Option 2, this would create clearer expectations and would support CDEM Groups having a better understanding of the cultural heritage of their communities which should lead to better protections for taonga Māori and other cultural heritage and to prevent the need for recovery itself. The mandatory nature of this option creates enforceable expectations which should translate to better consideration during and after emergencies and better outcomes.
372. This option has a longer lead in time and higher administrative costs than Option 2 due to requiring new secondary legislation.
373. There will likely be higher costs to some CDEM Groups depending on the nature of taonga Māori and other cultural heritage in their area, and on their existing planning practices. Where taonga Māori and other cultural heritage have been considered and planned for, there should be less unintended costs landing on individuals and communities.

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

374. As set out in the table comparing options below, Option 3 is likely to best address the problems and meet the objective to enable a higher minimum standard of emergency management.
375. Setting mandatory requirements for the content of CDEM Group Plans creates enforceable expectations while still providing flexibility for different CDEM Groups to consider the unique taonga Māori, cultural heritage and cultures in their areas. These requirements would support the Crown’s obligations under Article Two of the Treaty of Waitangi, to protect taonga.
376. This option would be progressed through the proposal to enable the Minister to prescribe the form and content of CDEM Group Plans through secondary legislation (as outlined in section 2.9 above).

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Develop guidance on considering taonga and other cultural heritage (non-legislative)	#3 - Strengthen planning expectations for taonga Māori and other cultural heritage (secondary legislation)
Effectiveness (weighted x2)	0	+	++
		Clearer expectations for planning, and support to improve protection, but not mandatory	Same benefits as Option 2, and expectation would be enforceable.
Ease of implementation	0	+	+
		Builds on existing guidance material and expectations; clear guidance is likely to encourage more implementation.	Same as option 2, but difficulty where organisations don't have capability/knowledge especially with mātauranga Māori-led approaches.
Affordability	0	0	-
		Some cost on NEMA to develop and implement guidance.	Costs for local authorities to implement; cost may be higher in some areas depending on their taonga/ heritage.
Overall assessment	0	3	4

Proactively Released

Section 2.11: Considering animals during and after emergencies

What is the policy problem or opportunity?

Emergencies can create irreparable loss or damage to things that the public values which can create negative consequences on the wellbeing and safety of the public. This is particularly true for the loss of pets, working animals, livestock, and wildlife. However, animals are often not given due consideration.

- 377. This section relates to Objective 3: Enabling a higher minimum standard of emergency management.
- 378. The loss of pets, working animals, and livestock during emergencies can cause emotional distress and trauma for owners and the loss of wildlife can have negative impacts on communities.
- 379. Emergencies can lead to animals getting trapped; however, the Act doesn't provide the power to enter premises to deal with them. People have put themselves and first responders in harm's way trying to solve this themselves, e.g. by refusing to evacuate.
- 380. The National CDEM Plan places some expectations on animal owners, or persons in charge of animals, to develop their own plans to care for their animals during emergencies. It also places some expectations on agencies (such as the Ministry for Primary Industries) to coordinate the provision of animal welfare services, planning for animal welfare in emergencies, and provide advice on matters relating to animal welfare.
- 381. While the CDEM Act has some levers to consider animals during and after emergencies, there is an opportunity to better integrate animals into planning. Research shows that the integration of animals into emergency management planning and arrangements is critical to human health and safety, as well as to the economy, biodiversity and ecosystem health.²⁴

Stakeholder views

- 382. Many submitters agreed with the problem definition and strongly highlighted the importance of animals, in many cases their links to humans and the strong need for change. Some submitters thought that the discussion document did not go far enough in prioritising the protection of animals in emergency management and that it did not include enough evidence. There were clear themes around the different and diverse needs of different areas, particularly rural communities.
- 383. While submitters had a range of views on the options in the discussion document, a majority of them clearly called for change and generally supported Options 3 and 4 for legislative change. Some raised concerns about option 4 and emphasised the need for safeguards around this. Some submitters were concerned about possible confusion of where to focus efforts and the possibility of diverting effort from protecting human life. Many submitters thought that animals should be prioritised above the protection of property.

²⁴ Australian Institute for Disaster Resilience (2024). Planning for Animals, p. 2. East Melbourne, Australia. knowledge.aidr.org.au/resources/handbook-animals-in-disaster/

What options are being considered?

Option One – Status Quo

384. Animals are not always considered before, during and after emergencies raising the possibility of negative outcomes. NEMA does not have a clear understanding of the costs associated with the loss or damage to animals and how these costs are distributed across the system.

Assessment against criteria

385. Plans are not always in place and communities are not always aware how animals will be managed ahead of time, which makes it more difficult during and after emergencies. People are more likely to put themselves in danger due to concerns and distress for their animals, for example by refusing to evacuate an unsafe area. Research points to the national cost and cost to communities being worse after emergencies when animals are harmed or lost.

Option Two – Develop guidance on considering animal impacts (non-legislative)

386. NEMA would develop best practice guidance for how to best integrate the consideration of animals in planning for emergencies. This option does not require legislative change.

Assessment against criteria

387. Guidelines create clearer expectations. However, they are not mandatory and non-enforceable so may not be consistently considered or applied and may not translate into action during and after a response. Guidelines would build on existing guidance material and expectations through the National Disaster Resilience Strategy and National CDEM Plan which would make implementation of this option easier and reduce some cost. There would be some costs to develop and implement guidance, training and education programmes and keep them up to date.

Option Three - Require CDEM Group Plans to consider the management of animals (primary legislation)

388. CDEM Groups would be required to set out in Group Plans how animals will be managed in an emergency.

Assessment against criteria

389. This would have the same benefits as Option 2 but these would be enforceable expectations that management of animals is considered as part of planning. Mandatory planning should lead to better outcomes during and after emergencies. This should ensure that the unique needs and considerations of the types of animals in different CDEM areas are planned for.
390. There would be up front cost and time for NEMA to develop and implement guidance. Relative to the other options, this option may have slightly higher costs for local authorities to implement, these will vary depending on what planning Groups are already doing. There may be some impacts to external stakeholders and emergency management providers in engaging with planning and possible flow on actions, but there are no direct requirements for them, and these are expected to be minimal.

391. If effective this option would support CDEM Groups in effective planning.

Option Four - Expand emergency powers to enter premises to mitigate unnecessary pain or distress to animals (primary legislation)

392. This option would provide powers in a state of emergency to enter premises if necessary to mitigate pain or distress to animals during an emergency or transition period. A person authorised with this power would be enabled to enter on, and if necessary, break into any premises or place if they believe on reasonable grounds that the action is necessary for urgent measures to mitigate pain or distress to an animal.

393. We consider that extending this power would be reasonable in terms of section 21 of the New Zealand Bill of Rights Act 1990, which protects against unreasonable search and seizure. This power would serve an important objective (mitigating pain or distress to animals in an emergency situations) and have appropriate safeguards in place, such as being limited to a state of emergency or transition period.

Assessment against criteria

394. Concern about pets and other animals can create unnecessary distress for owners, and in some cases lead them to put themselves in harm's way (for example, by refusing to evacuate or returning to an unsafe area after being evacuated).

395. While this option provides additional powers of entry, there were some concerns raised that it may cause confusion between where to prioritise efforts during a response and may risk diverting efforts away from protection of human life and safety first. This risk could be mitigated by ensuring that only responders who are experienced in rescue prioritisation are given this power. This risk could further be mitigated through guidance and training.

396. There are costs to Government to develop and implement legislation and supporting guidance. This option may require investment in training to implement it safely (particularly how to handle animals for evacuation purposes).

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

397. As set out in the table comparing options below, a combination of Options 3 and 4 is likely to best address the problems and meet the objective to enable a higher minimum standard of emergency management by increasing planning expectations and providing the necessary powers.

398. By creating enforceable expectations for CDEM Groups to state and provide for how animals will be managed during an emergency this should lead to better outcomes for the animals as well as to human wellbeing and health and safety, the economy, biodiversity and ecosystem health.

399. Providing emergency and transition powers to enter premises for the mitigation of pain or suffering to animals will mean responders have the appropriate powers to carry out the required actions during an emergency which will lead to improve outcomes for animals and to their owners and communities.

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Develop guidance on considering animal impacts (non-legislative)	#3 - Require CDEM Groups to consider in their Group Plans the management of animals (primary legislation)	#4 – Expand emergency powers to enable mitigation of pain or distress to animals (primary legislation)
Effectiveness (weighted x2)	0	+	++	++
		Clearer expectations, but not mandatory and non-enforceable.	Clearer expectations and enforceable.	Provides additional powers to mitigate pain and distress to animals.
Ease of implementation	0	+	+	0
		Builds on existing guidance/ expectations, but may not be applied in practice.	Relatively easy to implement if guidance and training is provided.	Possible difficulties/risks with safe handling of animals; may be mitigated in part through training.
Affordability	0	0	-	-
		Some costs to NEMA to develop and implement guidance.	CDEM Groups may incur higher implementation costs, may vary depending on what planning Groups are already doing.	Implementation costs may require investment in training to implement this safely.
Overall assessment	0	3	4	3

Proactively Released

Section 2.12: Reducing disruption to the infrastructure that provides essential services

What is the policy problem or opportunity?

400. This section relates to Objective 4: Minimising disruption to essential services.
401. Emergencies can disrupt the infrastructure that provides essential services (essential infrastructure), endangering lives or property and impeding response efforts. Failure of essential infrastructure may also be the cause of an emergency (e.g. dealing with the consequences of an extended power outage).
402. The CDEM Act recognises the need for essential infrastructure to continue operating in an emergency, defines certain infrastructure providers in the public and private sectors as “lifeline utilities”, and sets requirements for their readiness to respond in an emergency.²⁵
403. While some disruption to essential infrastructure may be unavoidable in an emergency (especially when assets are damaged), current lifeline utility arrangements are insufficient to ensure the timely restoration of services when disruption does happen.
404. As essential infrastructure becomes increasingly interconnected and interdependent, the impact from disruption is amplified – an outage in one sector can create knock-on disruption to other essential infrastructure. The vulnerability from these interdependencies was illustrated during Cyclone Gabrielle, where outages quickly cascaded across electricity, telecommunications, roading, water services, and fuel infrastructure.
405. Three key factors are contributing to the delayed restoration of essential infrastructure in an emergency:
- Narrow definition of “lifeline utility” in the CDEM Act (problem 12.A)
 - Inadequate planning for continuity of services (problem 12.B)
 - Barriers to cooperation and information sharing (problem 12.C)

Narrow definition of “lifeline utility” in the CDEM Act (problem 12.A)

The current test to recognise new lifeline utilities is ambiguous and excludes some types of infrastructure that provides essential services.

406. Increasing digital connectivity and other technological changes have expanded the range of services that underpin the normal functioning of society and changed how some lifeline utilities operate. Some providers of essential infrastructure are not recognised as lifeline utilities under the CDEM Act. This means they:
- are not required to keep functioning during and after an emergency,
 - do not need to participate in planning at the regional or national levels, and

²⁵ Some lifeline utilities are also covered by sector-specific resilience requirements under other legislation. For example, price–quality regulation sets minimum service quality standards for some entities in the electricity, gas and telecommunications sectors.

- are not covered by the duty to use or disclose information only for the purposes of the CDEM Act (this may prevent or deter agencies and lifeline utilities from sharing information with them).
407. To add a new entity (or class of entities) to the CDEM Act's Schedule of lifeline utilities, the Minister must be satisfied that disruption to their services would constitute a hazard. This test doesn't explicitly account for infrastructure that enables other essential infrastructure, or essential infrastructure whose disruption would worsen the consequences of (but not cause) an emergency.

Stakeholder views

408. Submitters showed strong support for the problem definition as described in the discussion document and generally supported Option 3 citing that this would improve on status quo.
409. Some submitters raised concerns about possible costs for essential infrastructure providers and noted their varied capacity and capability as essential infrastructure providers can vary drastically in their size.
410. Submitters presented ideas on what essential infrastructure providers or classes of them should be in and out of scope.

What options are being considered for problem 12.A - Narrow definition of "lifeline utility"?

Option One – Status Quo

411. Essential infrastructure providers that are not lifeline utilities are encouraged to voluntarily participate in business continuity planning.

Assessment against criteria

412. CDEM Groups and NEMA have few levers to incentivise voluntary participation. While some individual entities may choose to act in the same way as lifeline utilities (especially if they consider this will benefit them during an emergency), the status quo is ineffective at achieving consistent, sector-wide participation.
413. Entities who were not lifeline utilities but were choosing to act in the same way would not be covered by the CDEM Act's information-sharing protections. This would likely constrain how much information is shared with them by lifeline utilities, CDEM Groups, and NEMA (including for planning purposes).
414. Any costs to individual entities would be discretionary. However, the administrative cost to achieve an effective level of participation would be high. A voluntary approach also means the cost-of-service disruptions would continue to fall on other sectors of the economy, to a greater extent than the other options. Customers would likely experience different outcomes based on their service providers' voluntary level of participation.

Option Two – Add additional entities to the CDEM Act's Schedule of lifeline utilities (secondary legislation)

415. Additional classes of infrastructure that provides essential services (such as solid waste management services) would be made lifeline utilities and added to the Schedule of

lifeline utilities in the CDEM Act. But the test to become a lifeline utility would remain the same.

416. The CDEM Act already provides for this option under section 61 where the Schedule may be amended add an entity or description of an entity by the Governor-General through an Order in Council made on the recommendation of the Minister. Therefore, this is not considered a legislative option for the purpose of this RIS.

Assessment against criteria

417. Lifeline utility obligations would apply to entities in any additional sectors recognised by Order in Council. However, essential services would still be excluded if they didn't meet the current test to become a lifeline utility under the CDEM Act.
418. Implementation would be relatively straightforward once new sectors were recognised. However, the current test to recognise new lifeline utilities is ambiguous (whether disruption to the entity's services would constitute a "hazard"), which makes it difficult to apply in practice.
419. The Minister could exempt a lifeline utility from specific duties if they conflicted with or duplicated existing requirements under other regulatory regimes.
420. Compliance costs for new sectors would vary, largely depending on the existing maturity of entities' existing business continuity practices. These costs are expected to be low in most cases. Work to recognise each additional sector would have a small administrative cost to central government.
421. Although more infrastructure sectors that provide essential services would be required to keep functioning during and after an emergency or participate in readiness activities, some infrastructure sectors that provide essential services who fall outside of the current test would not. The cost of these services' disruption would continue to be experienced inconsistently across households, businesses, and communities based on their service providers' voluntary level of participation.

Option Three - Replace the lifeline utilities framework with an expanded, principles-based definition of "essential infrastructure" (primary legislation)

422. An organisation or class of organisations would be recognised as an "essential infrastructure provider" if they were responsible for infrastructure components (including assets, information, networks, systems, suppliers, people, and processes) necessary to deliver an essential service. The current requirements for lifeline utilities in the CDEM Act, as well as new requirements through the bill would apply to essential infrastructure providers.

Assessment against criteria

423. The principles-based definition in this option would enable obligations to apply to any infrastructure entity that provides an essential service. It would also account for other essential services that may emerge in the future.
424. The legal test to recognise new sectors would be clearer than in Option 2, and implementation would be relatively straightforward once they were recognised. There would be no cost to existing lifeline utilities (which would become essential infrastructure entities).

425. The Minister could exempt new entities from specific duties if they conflicted with or duplicated existing requirements under other regulatory regimes. Over time, better alignment could be achieved through other legislation adopting the same principles-based definition
426. As with Option 2, compliance costs for new sectors would vary, largely depending on the existing maturity of entities' existing business continuity practices. These costs are expected to be low in most cases. Work to recognise each additional sector would have a small administrative cost to central government.
427. This option would enable a wider group of essential infrastructure sectors to be recognised than Option 2, with resulting duties reducing the inconsistent outcomes (potentially including higher costs) felt by households, businesses, and communities.

What option, or combination of options, is likely to best address problem 13.A, meet the policy objectives, and deliver the highest net benefits?

428. As set out in the table comparing options below, Option 3 is likely to best address the problems and meet the objective to minimise disruption to essential services.
429. This option enables the necessary essential infrastructure providers to be captured, by replacing and broadening the current definition of "lifeline utility" which is too narrow in an increasingly digital and interconnected world. Options 1 and 2 would not address this issue – some infrastructure sectors that provide essential services would fall outside of the current test and would not be required to keep functioning during and after an emergency or participate in readiness activities. It would also account for other essential services that may emerge in the future.

How do the options for problem 12.A compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2– Add additional entities to the CDEM Act’s Schedule of lifeline utilities (secondary legislation)	#3 - Replace the lifeline utilities framework with an expanded, principles-based definition of “essential infrastructure” (primary legislation)
Effectiveness (weighted x2)	0	+	++
		Lifeline utility obligations would apply to entities in additional sectors, but essential services would still be excluded if they didn’t meet the test.	Enables obligations to apply to any infrastructure entity that provides an essential service.
Ease of implementation	0	0	+
		Test to recognise new lifeline utilities is ambiguous, which makes it difficult to apply in practice.	Test to recognise new sectors would be clearer.
Affordability	0	-	-
		Compliance costs for new sectors would vary depending on maturity of entities’ existing business continuity practices; these costs are expected to be low in most cases.	Compliance costs for new sectors would vary depending on maturity of entities’ existing business continuity practices; these costs are expected to be low in most cases.
Overall assessment	0	1	4

Proactive Release

Inadequate planning for service disruption (problem 12.B)

Some lifeline utilities have not planned sufficiently to manage disruption to their services.

- 430. When their services are disrupted, lifeline utilities (to be redefined as “essential infrastructure providers” under proposal 13A above) bear the cost to restore their own assets. However, this doesn’t reflect the wider social and economic costs felt by households, businesses, communities and other essential infrastructure sectors.
- 431. To mitigate these negative externalities, the CDEM Act gives these providers a general responsibility to ensure they can keep functioning during and after an emergency. While the CDEM Act requires lifeline utilities to share their plans for functioning during and after an emergency (continuity plans) with the Director on request, it provides few levers to set expectations about continuity planning or address issues when they are identified.
- 432. Lifeline utilities work hard to keep functioning and restore their services when disaster strikes, but this isn’t always supported by strong pre-event planning. For example, the Inquiry found that some lifeline utilities weren’t sufficiently prepared for power and telecommunications outages during Cyclone Gabrielle.

Stakeholder views

- 433. Submitters acknowledged the critical role of essential infrastructure providers during emergencies, the need for assurance of their ability to operate in emergencies, and the interconnected nature of the sector with the potential for cascading impacts due to interdependencies.
- 434. Submissions from the essential infrastructure sector noted that they are already subject to monitoring and assurance regimes under other legislation and considered that proposals to introduce new measures could introduce duplication. In general, essential infrastructure providers support clearer guidelines and standards and oppose the introduction of additional compliance measures. They also questioned whether NEMA has the resource or capability to determine what appropriate continuity planning would be across the variety of entities in the sector.

What options are being considered for problem 12.B - essential infrastructure providers’ continuity planning for emergencies?

Option One – Status Quo

- 435. Under the CDEM Act, current lifeline utilities are required to ensure they can function to the fullest possible extent (even though this may be at a reduced level) during and after an emergency and to make their business continuity plans available to the Director on request.
- 436. NEMA has limited understanding about the quality of essential infrastructure providers’ continuity planning and few levers to address situations where providers aren’t meeting their legal continuity planning duties.

Assessment against criteria

437. The status quo is not effective as NEMA has limited understanding of the quality of essential infrastructure providers' continuity planning and few levers to address non-compliance.

Option Two – Increase assurance of essential infrastructure providers' continuity plans (non-legislative)

438. The Director CDEM would set clearer expectations through guidance, increased monitoring of essential infrastructure providers' compliance with continuity planning obligations and make recommendations or publish information about concerns they have identified. This option does not require legislative change.

Assessment against criteria

439. Option 2 would provide clearer expectations to essential infrastructure providers and improve NEMA's understanding about the quality of continuity planning across the system. However, guidance would be adopted voluntarily, and the Director would continue to have few levers to address compliance issues when they are identified.
440. Implementation would be relatively straightforward, but it would take time to establish and embed a systematic approach to monitoring within NEMA.
441. Essential infrastructure providers would face minor compliance costs from implementing guidance and responding to requests for information. There would be little administrative cost for NEMA to implement this option.
442. The cost to deliver this option would fall disproportionately on central government, rather than the entities that are responsible for delivering essential services (which would directly benefit from increases in their own preparedness). This option risks being ineffective at strengthening continuity planning to the desired level, meaning the cost-of-service disruptions would continue to fall on other sectors of the economy.

Option Three – Provide for detailed continuity planning requirements to be set through regulations (primary legislation)

443. This option would create a new power for detailed continuity planning requirements to be set through regulations, enabling different requirements to apply to different classes of essential infrastructure providers. Regulations would provide the flexibility to account for equivalent requirements that already apply to specific classes of essential infrastructure providers under other regulatory regimes.
444. Failing to develop a plan (or meet any specific requirements) could result in the Director issuing a Compliance Order. Failure to comply with an Order could be addressed through civil proceedings seeking a Court order to comply.

Assessment against criteria

445. This option would enable mandatory requirements to address systemic issues and ensure a consistent minimum standard of planning for a specific class (or classes) of essential infrastructure providers. Failing to develop a continuity plan, or to meet any requirements set out in regulations, could result in the issuance of a Compliance Order,

requiring matters to be addressed within a specified timeframe, better incentivising compliance.

- 446. The risk of duplication or conflict with existing regulatory requirements would be identified and mitigated through consultation with relevant essential infrastructure sectors during the development of any regulations.
- 447. Additional compliance costs would be limited to the sectors covered by regulations and vary based on individual entities' existing level of continuity planning. There would be a cost to central government to develop regulations and establish a scheme for Compliance Orders.
- 448. This option would place obligations (and therefore new costs) only on classes of Essential Infrastructure Providers that haven't achieved an acceptable standard of continuity planning voluntarily. The costs of improving planning would directly benefit the entities that incur them. At the system level, achieving an equitable level of planning across all sectors would also reduce the overall cost of service disruption.

Option Four - Introduce specific continuity planning requirements in primary legislation (primary legislation)

- 449. Specific continuity planning requirements would be prescribed in the Act, applying consistent obligations to all essential infrastructure providers. As in Option 3, failing to develop a continuity plan (or meet any specific requirements) could result in the issuance of a Compliance Order.

Assessment against criteria

- 450. Under this option, the same continuity planning requirements would apply to all essential infrastructure entities. However, needing to cater for all sectors could make these requirements too high-level to achieve the intended outcomes.
- 451. Failing to meet continuity planning requirements could result in the issuance of a Compliance Order, requiring matters to be addressed within a specified timeframe, better incentivising compliance.
- 452. Prescribing requirements in primary legislation would provide little flexibility to account for classes of essential infrastructure providers that may be recognised in the future.
- 453. Compliance costs would depend on the level of prescription in primary legislation but may be disproportionately high for entities in sectors already subject to similar requirements in other regulatory systems. There would be a cost to central government to implement Compliance Orders and potentially civil proceedings for noncompliance with an Order.
- 454. This option would place the same planning obligations on all essential infrastructure providers. The costs of improving planning would directly benefit the entities that incur them. However, costs may be disproportionately high for entities subject to similar requirements in other regulatory systems. At the system level, achieving an equitable level of planning across all lifeline utilities would also reduce the overall cost of service disruption.

What option, or combination of options, is likely to best address problem 12.B , meet the policy objectives, and deliver the highest net benefits?

- 455. As set out in the table comparing options below, a combination of Options 2 and 3 is likely to best address the problems and meet the objective to minimise disruption to essential services.
- 456. A combination of Options 2 and 3 allows clearer expectations to be provided to essential infrastructure providers and a better understanding of continuity planning requirements, with new levers to address inadequate or noncompliance with obligations through Compliance Orders.
- 457. Establishing planning requirements in regulations as opposed to primary legislation, provides flexibility to account for the features of different classes of essential infrastructure providers and to adapt to changes in best practice over time. Consultation during the development of regulations will provide an opportunity for essential infrastructure providers to provide input into any requirements that may be subject to compliance measures.

Proactively Released

How do the options for problem 12.B compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Increase assurance of lifeline utilities' plans for functioning during and after an emergency (non-legislative)	#3 – Enable detailed planning requirements to be set through regulations (primary legislation)	#4 – Prescribe additional planning requirements in primary legislation (primary legislation)
Effectiveness (weighted x2)	0	<p>+</p> <p>Clearer expectations to lifeline utilities and better understanding of quality of continuity planning, but no new levers to ensure compliance.</p>	<p>++</p> <p>Mandatory requirements for class(es) of lifeline utilities would achieve greater consistency; Compliance Orders could incentivise compliance.</p>	<p>+</p> <p>Same requirements for all, but requirements too high-level to achieve the intended outcomes; Compliance Orders could incentivise compliance.</p>
Ease of implementation	0	<p>+</p> <p>Relatively straightforward implementation, but will take time to embed improved monitoring approach.</p>	<p>-</p> <p>Administrative effort for NEMA to develop regulations.</p>	<p>--</p> <p>Little flexibility to account for the features of different classes of lifeline utilities or adapt to changes.</p>
Affordability	0	<p>-</p> <p>Minor compliance costs for lifeline utilities.</p>	<p>-</p> <p>Additional compliance costs, varying based on individual entities' existing level of continuity planning.</p>	<p>--</p> <p>Would likely duplicate or conflict with some lifeline utilities' existing obligations under other regulatory regimes</p>
Overall assessment	0	2	2	-2

Proactively Prepared

Barriers to cooperation and information sharing (problem 12.C)

Ineffective cooperation and information sharing can delay restoration of the essential infrastructure provided by lifeline utilities.

458. Emergency management relies on strong relationships, coordination, and cooperative planning between lifeline utilities, CDEM Groups, emergency services and government agencies. The interdependencies between lifeline utilities mean that one organisation's investment in resilience may end up being ineffective if the essential infrastructure they depend on isn't similarly resilient. A cooperative approach is possible under the CDEM Act, and some lifeline utilities have well established and effective sector coordination arrangements. However, recent emergencies (including Cyclone Gabrielle) have exposed several barriers to effectiveness such as:

- lack of pre-existing relationships between lifeline utilities, CDEM Groups and other agencies,
- lack of a common understanding of responsibilities, or
- risks to lifeline utilities not always being well understood or planned for.

Stakeholder views

459. Submitters showed strong support for the problem definition in the discussion document, and many gave examples of current issues with cooperation and information sharing in the current system.
460. Opinions were divided as to the preferred options but there was general support for options that would reduce barriers, break down siloed approaches and reduce compliance burden and support better sharing of data. Some submitters raised questions on the details of options, and their planned implementation.
461. Submitters supported option 5 as a way to address information sharing issues, but raised concerns about potential issues around privacy considerations, and how increased penalties may have unintended consequences.

What options are being considered for problem 12.C - Barriers to cooperation and information sharing?

Option One – Status Quo

462. Under the status quo, NEMA continues to promote voluntary cooperation and joint planning between essential infrastructure providers, CDEM Groups, and other agencies.

Assessment against criteria

463. Voluntary and inconsistent application is likely to lead to costs that are inconsistently and disproportionately felt by some communities, individuals and organisations.

Option Two – Strengthen assurance and develop standards and guidance (non-legislative)

464. Option two would see NEMA undertake stronger assurance of current responsibilities, developing and updating guidance, information sharing agreements, and data standards. This option does not require legislative change.

Assessment against criteria

465. This option sets clearer expectations enabling organisations to reflect best practice voluntarily. However, the voluntary nature of standards/guidance is likely to result in inconsistent application by essential infrastructure providers and CDEM Groups across the country, and unlikely to influence essential infrastructure providers to share information where they are concerned about subsequent repercussions (e.g. commercial sensitivity).
466. Guidance/standards could build on current practice. But there would likely be a long lead in time to establish and embed a systematic approach to assurance.
467. This option requires NEMA resource up front for design and establishment. If standards/guidance is followed, could lead to longer term benefits for all parties. Inconsistent application, however, may result in a higher cost of disruption.

Option Three - Require CDEM Groups to involve the essential infrastructure providers in their areas in the development of CDEM Group Plans (primary legislation)

468. Lifeline utilities (which will be essential infrastructure providers under the Bill) are already required to participate in the development of CDEM Group Plans. However, there is no requirement for CDEM Groups to involve lifeline utilities in the development of plans. This option would require CDEM Groups to involve the essential infrastructure providers (previously lifeline utilities) in their areas in the development of CDEM Group Plans, meaning there would be a responsibility on both parties for essential infrastructure providers to be involved in planning.

Assessment against criteria

469. This option facilitates a common understanding of the interdependencies between the essential infrastructure providers in the same geographic area, and addresses both coordination and information sharing problems. Increased participation due to mandatory nature should increase effectiveness.
470. This option reflects existing requirements, including an existing duty on lifeline utilities to participate in the development of CDEM Group Plans, so may have limited effect.
471. There is likely duplication of effort for essential infrastructure providers with a national presence and an increased compliance burden for them.
472. There could be increased costs to CDEM Groups where they were not already involving lifeline utilities (however, CDEM Groups are already expected to do so in practice).

Option Four - Require essential infrastructure providers to contribute to sector response plans (primary legislation)

473. Under this option, the Director CDEM could require one or more classes of essential infrastructure providers to contribute to the development of plans for responding to and recovering from infrastructure disruptions of national significance, similar to the existing National Fuel Plan. These sector response plans could address:

- roles and responsibilities of the relevant essential infrastructure providers, CDEM Groups, NEMA, and other agencies,

- default information sharing and coordination arrangements for essential infrastructure providers of the same type, and
- any other matters that may be necessary to deal with a major disruption.

Assessment against criteria

474. This option could create clearer expectations about default coordination and information sharing arrangements for key classes of essential infrastructure providers (especially for those that operate at both the national and local levels).
475. The option also supports stronger relationships between essential infrastructure providers and other agencies and allows for more sector-specific detail than feasible in the National CDEM Plan which may be necessary and helpful for key sectors.
476. Sector response plans are an existing concept and can be developed voluntarily under current settings (the National Fuel Plan is an example). Making participation by essential infrastructure providers a mandatory requirement would make developing plans more feasible than the status quo.
477. There is an opportunity to integrate relevant provisions from other legislation into these plans, creating a complete picture of the powers and other arrangements that may be needed to deal with disruptions.
478. There would be costs for essential infrastructure providers, CDEM Groups, NEMA and other agencies to develop plans and keep them updated over time. It is unlikely that sector response plans would be required for all classes of essential infrastructure providers (e.g. if there are already effective coordination arrangements at the national level).
479. Costs would fall on some sectors and not others depending on what plans are developed. Sectors where the plans are more likely to be made may include essential infrastructure providers that have greater resources/ capacity to engage.

Option Five - Strengthen information sharing protections (primary legislation)

480. Under this option, the protections for how different information required to be provided by essential infrastructure providers would be made clearer and strengthened in legislation. This would be done in two ways.
481. Section 83 of the CDEM Act prohibits the use or disclosure of any information received under ss 60 or 76 other than for the purposes of the CDEM Act. This means that any person who receives this information may only use or disclose it for the purposes of the CDEM Act (s 83(1)). Minor amendments to this legislation along with strengthened guidance would make policy intent clearer that this protection applies to the information itself, and that third parties could not use the information for purposes outside of the Act, for example, for enforcement under another regulatory regime. This does not limit the use of information gained by other means, even if the content of that information is the same or substantially similar to something disclosed under ss 60 or 76.
482. This option would also clarify that technical advice provided by essential infrastructure providers under section 60(d) of the CDEM Act may not be used for enforcement purposes (even if they fell under the purpose of the Bill).

483. Stronger compliance measures are also being considered under broader offences and penalties work.

Assessment against criteria

484. Existing protections require technical advice provided under s 60(d) to be used or disclosed only for the purposes of the CDEM Act – which could include enforcement action. This may disincentivise the free flow of important information about the risks faced by essential infrastructure providers. Under this option, clarified and strengthened information sharing protections would address disincentives for essential infrastructure providers to share critical information immediately before and during an emergency. This will increase effectiveness of a response where relevant parties are more likely to have the required information.
485. The Act's general power to require information could still be used to investigate potential noncompliance. Clarifying current protections for how information required from essential infrastructure providers can be used will also further incentivise the free flow of critical information.
486. Upfront resource from NEMA would be required to design and implement changes as well as for supporting guidance and training.

Option Six – Prescribe technical data standards through rules (secondary legislation)

487. This option would create technical data standards through rules that would set the default form for information requested from essential infrastructure providers. This change would be enabled by the Minister's delegated law-making powers to prescribe rules (as secondary legislation).²⁶
488. Currently, under the power to request information in section 76 of the CDEM Act, the Director CDEM or the Group can specify the form that information is required to be given in. This option builds on this by creating pre-established technical standards for how this data is requested and shared. This would not override the CDEM Act's general power to require information from any person.
489. The Minister would prescribe the rules (as secondary legislation) following consultation with relevant parties.

Assessment against criteria

490. This option provides clearer expectations and a consistent, mandatory, nation-wide approach to information sharing, making it easier for organisations to share data and understand what is expected of them. It also supports the right information being shared in the right way, leading to a more effective and timely response.
491. However, this option may provide less flexibility than the status quo and may hinder current practice where it is already effective. Although, this could be mitigated through effective design and consultation with relevant parties in the design of standard setting.
492. This option would have a relatively long lead in time to design standards and to create secondary legislation through rules. Design would require consultation and buy in from stakeholders. If designed well, it will be simpler for essential infrastructure providers to

²⁶ Proposed in 9.A - Strengthening the Director's mandate to set expectations and monitor performance.

share in information and for this information to be used quickly. This should reduce duplication of effort by essential infrastructure providers where they have multiple variations of requests for the same information.

493. There would be upfront costs and resources required for NEMA to develop data standards and training/guidance.
494. There may also be implementation costs for CDEM Groups and essential infrastructure providers, but there would be a reduced compliance burden and duplication of effort over the longer term.

What option, or combination of options, is likely to best address the problem 12.C, meet the policy objectives, and deliver the highest net benefits?

495. As set out in the table comparing options below, a combination of Options 4, 5, and 6 is likely to best address the problems and meet the objective to minimise disruption to essential services.
496. Together, they form a package of change to enable better collaboration and sharing of information between essential infrastructure providers, CDEM Groups and NEMA by:
- creating clearer expectations about default coordination and information sharing arrangements for key classes of essential infrastructure providers (especially for those that operate at both the national and local levels),
 - removing disincentives for essential infrastructure providers to withhold critical information, and
 - enabling the right data being requested and shared in the right way allowing a more timely response through clearer expectations and a consistent, mandatory, nation-wide approach to information sharing.

How do the options for problem 12.C compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Strengthen assurance and develop standards and guidance (non-legislative)	#3 - Require CDEM Groups to involve essential infrastructure providers in the development of CDEM Group Plans (primary legislation)	#4 – Require essential infrastructure providers to contribute to national sector response plans (primary legislation)	#5 - Strengthen information sharing protections (primary legislation)	#6 - Prescribe data standards through rules (secondary legislation)
Effectiveness (weighted x2)	0	+	+	++	++	+
		Sets clearer expectations; addresses feedback; unlikely to influence essential infrastructure providers to share information.	Addresses both coordination and information sharing problems; support increased cooperation.	Clearer expectations; supports stronger relationships; allows for more sector-specific detail than feasible in National CDEM Plan.	Information sharing protections would address potential disincentives to share critical information; protects integrity of system and makes penalties proportionate.	Clearer expectations and a consistent, mandatory, nation-wide approach to information sharing; supports the right information being shared in the right way; but provides less flexibility.
Ease of implementation	0	-	-	+	0	0
		Unlikely that there will be consistent implementation.	Potential compliance burden on essential infrastructure providers with national coverage.	These plans are an existing concept; opportunity to integrate relevant provisions from other legislation.	Changes can be made through primary change and supported by guidance.	Longer lead in time; design would require consultation and buy in from stakeholders; should reduce duplication of effort.
Affordability	0	0	--	-	-	0
		Costs for NEMA to develop guidance; could lead to longer term benefits for all parties; inconsistent application may result in a higher cost of disruption.	Likely duplication of effort; possible increased costs to CDEM Groups.	Costs for essential infrastructure providers, CDEM Groups, NEMA and others to develop plans; costs will fall on some sectors and not others depending on what plans are developed.	Costs for NEMA to establish penalties and strengthen disclosure restrictions.	Costs for NEMA to prescribe standards; possible implementation costs for CDEM Groups and lifeline utilities essential infrastructure providers but would reduce compliance burden and duplication of effort over longer term.
Overall assessment	0	1	-1	4	3	2

Section 2.13: Managing access to restricted areas

What is the policy problem or opportunity?

The way the power available to restrict access to roads or public places under the CDEM Act is used has sometimes restricted the ability of lifeline utilities, marae, and other first responders to respond to an emergency.

497. This section relates to Objective 5: Having the right powers available when an emergency happens.
498. Under the CDEM Act (section 88), access to roads or public places can be restricted. The way the power available to restrict access is used has sometimes restricted the ability of lifeline utilities, marae, and other first responders to respond. The Inquiry found that some lifeline utility workers were repeatedly turned away from controlled access routes before finally being accredited, slowing their ability to restore power. This issue was exacerbated by delayed communication due to outages. Similar concerns were raised in select committee submissions on the discharged Emergency Management Bill.
499. There are also situations where wider access to restricted areas can be managed safely (such as enabling evacuated residents to return for a brief period), but this doesn't happen consistently in practice.
500. There is an opportunity to support CDEM Groups having a consistent pre-accreditation process, and through clear provisions in the CDEM Act on access restrictions and consistent documentation for CDEM Groups to use.

Stakeholder views

501. Most submitters supported better cordon management and the idea of an accreditation and ID pass system, and doing this in operational planning and readiness phase. Many noted there still needed to be flexibility and the ability during an emergency to make commonsense decisions about who should have access, depending on need and risk.
502. Some submitters were concerned about the administrative burden of accreditation and ID passes on CDEM Groups and organisations but some acknowledged the benefits of having more consistency and certainty prior to an emergency likely outweighed the costs.
503. Many who supported clarifying that classes and groups of people could be restricted from accessing certain areas (option 4) noted that safeguards were needed so access decisions were proportional, needs-based, and accountable. There was particular concern about this disproportionately affecting iwi/Māori.
504. There were many suggestions for what the guidance could do, how it should be implemented, and specific services and organisations that should be allowed access. This included ensuring Māori were involved in any accreditation system, including Māori wardens. This useful information should be revisited in guidance development.

What options are being considered?

Option One – Status Quo

505. Under the status quo, some key workers may continue to face delays in gaining access to restricted areas.

Assessment against criteria

506. Those exercising the power to close roads and public places have the flexibility to restrict or prevent access in a way that is proportionate to the risk. However, different risk tolerance or understanding of issues may lead to inconsistent use of this power in different areas. Also, those who may need access to restricted areas are not always identified ahead of time, leading to delayed response activities. Restricted access can cause indirect costs from efficiency lost in response.

Option Two – Develop national guidance and training on managing cordons (non-legislative)

507. Under Option 2, NEMA would develop national guidance on identifying essential workers, and provide training on managing cordons. This option does not require legislative change.

Assessment against criteria

508. Guidance, including a template accreditation process, can inform a more consistent approach to cordon management across the country and reduce duplication of effort. Cordon managers would have a greater awareness of who may be an essential worker. This could speed up accreditation.
509. Existing material and training from other jurisdictions with statutory authority for movement control can be utilised to develop guidance (for example, Local Authorities, Police, Fire Service, Biosecurity NZ, Environmental Protection Agency, NZ Transport Agency, Maritime NZ). Training for those managing cordons could take place during existing engagements.
510. Utilising existing materials and training would keep costs for NEMA low. Improved efficiency during a response can also prevent indirect costs.

Option Three – Prescribe the form of identification passes through regulations (secondary legislation)

511. Under Option 3, CDEM Groups or the Director CDEM would issue identification passes to accredited people and organisations before or during an emergency. The form of identification passes would be prescribed via regulations, standardising the passes across the country. Falsely claiming to be accredited would be an offence.

Assessment against criteria

512. This option would enable accreditation to happen in a nationally consistent way and enable faster access to restricted areas for pre-accredited people. At the same time, it sets a clearer expectation that CDEM Groups will have processes to identify and accredit relevant people and organisations.
513. However, this option does not prevent access delays for those that are not pre-accredited. A formal accreditation system could potentially be complex and

administratively burdensome. Access could be delayed rather than facilitated, especially if the accreditation process is not well resourced or implemented consistently across regions.

514. It would be relatively low effort and cost for NEMA to produce a form for CDEM Groups to use and to socialise the new form and support its use. Improved efficiency during a response can also prevent indirect costs. Some cost would be required for CDEM Groups/Controllers to implement accreditation process and establish and maintain ID pass system.

Option Four - Clarify that access can be restricted to any class or group of persons (primary legislation)

515. Under this option, the CDEM Act would explicitly enable those using the power to restrict access (section 88 of the Act) to any class or group of persons (or prevent access by any class or group of persons – for example, any organisation that has not been accredited by a CDEM Group).
516. Option 4 clarifies, rather than extends, the current power in section 88 to restrict access to make it clear that access could be restricted to a class or group of persons. For example, those accredited by the CDEM Group and who have ID passes issued using the form set out in regulations. Under general principles of New Zealand's administrative law, all powers under the CDEM Act need to be exercised in a proportionate, reasonable and non-discriminatory way.

Assessment against criteria

517. Section 88 is already broad enough to enable discretion by Controllers and constables to restrict access to classes of people, but this option makes this explicit in legislation. This change could prompt CDEM Groups to consider cordon management in readiness phase, and Controllers to consider whether closures should be full or partial, and who might need access.

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

518. As set out in the table comparing options below, a combination of Options 2, 3 and 4 is likely to best address the problems and meet the objective to ensure agencies have the right powers available when an emergency happens. In combination this will set a framework for more effective and efficient use of the power to restrict access by supporting CDEM Groups having a consistent pre-accreditation process, and through clear provisions in the CDEM Act on access restrictions and consistent documentation for CDEM Groups to use.

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Develop guidance and training on managing cordons (non-legislative)	#3 - Prescribe the form of identification passes through regulations (secondary legislation)	#4 – Clarify that access can be restricted to any class or group of persons (primary legislation)
Effectiveness (weighted x2)	0	++ More consistent approach; reduced duplication, greater awareness for cordon managers.	++ Faster access with pre-accreditation; consistency across country; clearer expectations.	+ Enable discretion by Controllers and constables.
Ease of implementation	0	0 Will require some effort but can utilise existing material.	- Feasible but some effort required for CDEM Groups/Controllers to implement accreditation process.	0 Would require minor updates to guidance.
Affordability	0	- Some cost on NEMA to implement; but indirect loss saved through improved efficiency in response.	- Small cost to NEMA to create form; some cost required for CDEM Groups/Controllers to implement accreditation process; reduced cost through improved efficiency in response.	0 No new costs.
Overall assessment	0	3	2	2

Section 2.14: Modernising the process to enter a state of emergency or transition period

What is the policy problem or opportunity?

The requirement for a physical signature to declare a state of emergency or give notice of a transition period is impractical in some situations.

- 519. This section relates to Objective 5: Having the right powers available when an emergency happens.
- 520. The CDEM Act requires a physical signature to declare a state of emergency or give notice of a transition period. During an emergency, this could delay crucial access to emergency powers needed to respond to the emergency, including those necessary to save or protect life and property. Obtaining a physical signature could also waste time and resources that could be better used doing something else.

What options are being considered?

Option One – Status Quo

- 521. Physical signatures are required to declare a state of emergency or give notice of a transition period.

Assessment against criteria

- 522. A physical signature ensures only authorised people are making declarations and notices and provides a physical record that authorised people have consciously considered the implications of their decisions. However, a declaration of a state of emergency can be delayed if the decision maker does not have a physical form or pen on hand or officials cannot physically retrieve it as proof of authorisation. This would delay access to powers needed to respond to the emergency.
- 523. The status quo lacks sector support. It is viewed as out of date and inflexible, especially for remote/rural areas where communications can be intermittent.
- 524. The status quo may not be feasible during emergencies where travel is extremely hazardous. CDEM staff have taken risks during emergencies to obtain physical signatures from mayors. Travel during the early transition period(s) can also be hazardous if the transport networks have been impacted by an emergency.
- 525. There is potential litigation risks and costs arising under health and safety legislation and through Inquiries, if CDEM staff are injured or killed through risking hazardous conditions to obtain signed declarations or notices.

Option Two – Enable authorised persons to use electronic signatures (primary legislation)

- 526. Authorised persons can use electronic signatures as an alternative to physical signatures.
- 527. This option has sector support, as it delivers a modernised, practical, and efficient process, which allows decision-makers to act quickly while still maintaining accountability and clear lines of responsibility.

Assessment against criteria

528. Option 2 minimises the risk of delays to the declaration of a state of emergency and therefore access to powers needed to respond to the emergency by removing administrative barriers.
529. As with physical signatures, an electronic signature can provide a documented record that authorised people have consciously considered the implications of their decisions. The option can also ensure only authorised people are making declarations and notices, provided appropriate security measures are taken.
530. Minimises the risk of CDEM staff being required to undertake unsafe travel to obtain a signature during a state of emergency or a transition period.
531. There is a high likelihood that authorised persons have electronic signatures already, due to the use of such signatures being common practice and authorised under the Contract and Commercial Law Act 2017.
532. However, electronic signatures would be vulnerable to communication outages. There may also be issues with cybersecurity, including the problematic nature of digitised signatures. Mitigating factors include security issues having to be addressed by local authorities which allow for electronic signatures and the addition of specific security requirements to be met before such signatures can be used in an emergency management context.
533. For authorised persons from local authorities, the costs should be negligible, as electronic signatures are commonly used. If persons from other organisations are to act as authorised persons, the costs should also be negligible (depending on whether they have existing electronic signatures and the type of signature). Potential litigation risks and costs arising under health and safety legislation and through inquiries are also minimised.
534. There may be costs associated with security requirements. To mitigate any such costs, the CDEM Act will provide for two options to achieve compliance. Sector engagement will be required for any rules setting out the details of those requirements (if needed).

Option Three - Enable authorised persons to declare a state of emergency verbally (primary legislation)

535. Option 3 would enable authorised persons to declare a state of emergency verbally where:
- other modes are unavailable or impractical (i.e. as a last resort option), and
 - declaring for the first time (but not for extensions or terminations)
536. This option would require the authorised person to provide a written record of the declaration as soon as practicable (including time, date, reasons for use).

Assessment against criteria

537. This option enables a declaration to be made as a last resort if other options are unavailable or impractical. However, in situations when there is a communication failure and written or electronic signatures are unable to be provided, verbal declarations may not be reliable or appropriate.

538. The extent of powers unlocked by a declaration (e.g. several powers that impede on person's rights) means that it may be inappropriate to allow for verbal declarations without several checks and balances in place to ensure appropriate access to powers.

539. There may be some implementation issues for this option, in particular how to:

- alert parties and the public that the declaration has been made,
- ensure the authorised person is making the declaration, and
- ensure post-validation of a verbal declaration or assurance that no other options were available at the time.

540. The costs for authorised persons with access to a satellite phone for their role would likely be minimal to zero.

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

541. As set out in the table below, Option 2 allows for sufficient flexibility needed in circumstances where a physical signature is dangerous or may cause a delay in access to powers needed. It also enables controls to be set for secure authorisations, such as rules for technology specifications, that can act as an appropriate check and balance for the extent of powers that declarations unlock.

542. While Option 3 is intended to be a last resort option, the scale of powers that declarations unlock mean that checks and balances must be in place to ensure appropriateness. However, the implementation issues with this would be difficult.

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Enable authorised persons to use electronic signatures (primary legislation)	#3 - Enable authorised persons to declare a state of emergency verbally (primary legislation)
Effectiveness (weighted x2)	0	++ Minimises risk of delays; provides documented record; ensures only authorised people make declarations and notices.	+ Provides added alternative of last resort for access to powers; not reliable and could create weaker accountability; alternative to verbal declaration already exists.
Ease of implementation	0	+ Electronic signatures are already widely used; security requirements can be specified in the CDEM Act, minimises risk of travel being required.	- Some implementation issues including how to alert parties and the public that the declaration has been made.
Affordability	0	+ Minimal to no costs; litigation risks are minimised.	0 Potential litigation risks and costs no longer exists; cost for authorised persons minimal to zero.
Overall assessment	0	6	0

Section 2.15: Mayor's role in declaring local states of emergency and giving notice of local transition periods

What is the policy problem or opportunity?

Overlapping powers in who can declare a state of emergency or give notice of a transition period over a district or ward may cause confusion and delays. Both CDEM Group appointees and mayors hold this responsibility for individual districts or wards.

- 543. This section relates to Objective 5: Having the right powers available when an emergency happens.
- 544. This overlap in role and powers creates uncertainty for those with responsibility to act, and for those responsible for advising decision-makers.
- 545. Although the CDEM Act envisages an elected member appointed by the CDEM Group as being primarily responsible for declaring a state of emergency or giving notice of a transition period (due to the order in which they are listed in the CDEM Act), the default practice is for mayors to declare for their own districts.
- 546. This issue was highlighted in the 2017 Ministerial Review *'Better Responses to Natural Disasters and Other Emergencies'* and clarity around mayoral declarations was also raised in the 2023 *Auckland Flood Response Review*.

Stakeholder views

- 547. Most submitters felt improved clarity was desirable or needed, with a strong preference for mayors to hold primary responsibility for declarations. This was viewed as consistent with public expectations of the role of a mayor and their knowledge of local communities. National consistency in approach was also raised.
- 548. Others were comfortable with the status quo, with many already having arrangements in place to give the mayor primary responsibility for declarations (either by default, being unitary authorities, or through their CDEM Group Plan). A minority felt this responsibility should rest with others appointed by a CDEM Group (not just elected officials) as this would support apolitical decision-making and benefit from other expertise.
- 549. Some concerns were raised over the training and support available to mayors or others carrying this responsibility.

What options are being considered?

Option One – Status Quo

- 550. Both an appointed CDEM Group representative (a mayor or regional council chair) and the mayor of the affected district can declare a local state of emergency or give notice of a local transition period over a single district/ward within the Group area (i.e. an overlap in powers).

Option Two – Mayors have primary responsibility for declaring a local state of emergency or give notice of a local transition period for their district or wards (primary legislation)

551. Under this option, mayors (or another elected representative designated to act on behalf of the mayor) would carry primary responsibility for declarations in their own districts. The CDEM Group appointee would continue to declare for the whole Group area and may declare for an area covering more than one district.
552. The CDEM Group appointee would still have the power to declare for a single district as a contingency. The Minister would retain their current ability to declare (in certain cases).

Assessment against criteria

553. This option would improve clarity over where primary responsibility lies. Mayors, who have local knowledge and are closest to their local communities, would have primary responsibility to declare for their district / ward(s). Contingencies remain available if the mayor is unable to act (at CDEM Group and Ministerial level).
554. Implementation would be relatively straightforward, but technical adjustments to certain CDEM Group Plans and guidance would be required which would incur administrative costs. Implementation should also consider education and support for mayors and others with the authority to act, to ensure familiarity with legal considerations and processes ahead of time.

Option Three – CDEM Groups have primary responsibility for declaring a local state of emergency or giving notice of a local transition period for a single district or wards in the Group area (primary legislation)

555. Under this option, mayors no longer declare for their district/ward. This responsibility would rest with the CDEM Group appointee(s).

Assessment against criteria

556. This option would improve clarity by giving clear responsibility and accountability to the CDEM Group appointee(s) across the Group area for declarations, including down to the individual ward level.
557. This may be more efficient and effective by requiring fewer elected officials to have the necessary capability to make a significant legal decision. However, CDEM Group appointee(s) may lack sufficient local knowledge and ability to accurately assess whether a declaration is required (in comparison to mayors).
558. This option is not widely supported by the sector, which sees risks in undermining the role of the mayor and public trust in the decision-making process if not taken by a recognised and elected local leader.
559. Implementation would be relatively straightforward from a technical perspective, with some administrative costs to update Group Plans and guidance. However, in practical terms, this option would require CDEM Group appointee(s) to hold sufficient familiarity with all districts and wards to be confident to declare. Public education would also be needed to explain the change in role of the mayor.

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

- 560. Option 2 is likely to best address the problem and meet the objective of ensuring the right powers are available when an emergency happens.
- 561. This option has broad support and largely reflects existing practice. It provides clarity, and removes the overlap, for this time-sensitive and critical decision-making function.
- 562. This option retains the ability for other elected representatives to act if a state of emergency has not been declared or transition period notified (i.e. backup/contingency arrangements are provided for).

Proactively Released

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Mayors have primary responsibility for declaring a local state of emergency or giving notice of a local transition period for their district or wards (primary legislation)	#3 - CDEM Groups have primary responsibility for declaring a local state of emergency or giving notice of a local transition period for a single district or wards in the Group area (primary legislation)
Effectiveness (weighted x2)	0	++ Improved clarity (overlap in roles) over where primary responsibility lies. Assigns this to locally recognised and elected official, with local knowledge of the impacted communities.	- Improved clarity (removes overlap in roles) however CDEM Group appointee(s) may lack local knowledge to assess whether a declaration is required; risks undermining role of mayor and public confidence in declaration decisions.
Ease of implementation	0	+ Relatively straightforward, and existing practice in many regions, but technical adjustments to certain CDEM Group Plans and NEMA guidance required. Education and support for mayors important.	- Would require CDEM Group appointee(s) to have sufficient familiarity with all districts and wards to be confident to declare. Public education would be needed to explain change in role of the mayor.
Affordability	0	- Low implementation costs.	- Low implementation costs.
Overall assessment	0	4	-4

Section 2.16: Providing greater oversight of States of Emergency and Transition Periods

What is the policy problem or opportunity?

A state of emergency or transition period unlocks access to emergency powers, such as the power to allow entry on private property, mandate evacuation, and close roads and public places. The access to such extraordinary powers requires appropriate oversight, yet formal reporting requirements are currently relatively light.

563. This section relates to Objective 5: Having the right powers available when an emergency happens.
564. In the New Zealand context, the ability to declare and thus unlock access to emergency powers, is available to authorised persons at the local level. States of emergency and transition periods are time-bound but can be extended multiple times.
565. At present only transition periods require formal reporting requirements upon termination. There is also no requirement to provide an interim report if access to emergency powers are retained for an extended duration. This limits visibility of how emergency powers are being utilised, whether they are being implemented appropriately, and whether their use points to wider or undue regulatory barriers to response and recovery.

Stakeholder views

566. Targeted consultation revealed broad support for greater reporting and improved transparency, to support governance and public confidence in declarations and use of emergency powers.
567. However, many stressed the need for new reporting requirements to consider the compliance burden – particularly the competing and complex demands faced by those on the ground dealing with post-event recovery. The adoption of simple, clear reporting templates or forms was recommended.
568. Only one consulted party opposed increased reporting, on the basis this would undermine local autonomy and responsiveness. This stakeholder was also concerned it could impact their relationship with local iwi, however some Māori stakeholders have requested a nationally consistent and timely process to report on the use of emergency powers.

What options are being considered?

Option One – Status Quo

569. There is no standing requirement to report on states of emergency. There is, however, a requirement to provide a written report following the end of a transition period if emergency powers have been used.
570. No interim reporting requirement exists if a state of emergency or transition period is extended multiple times. There are recent examples of local transition periods being in force for over a year.

Assessment against criteria

571. The limited use of formal reporting makes it difficult to ensure appropriate oversight and to identify recurring or problematic regulatory barriers.

Option Two – Increase reporting requirements for states of emergency and transition periods (primary legislation)

572. Under this option, reporting would be required following the end of a state of emergency as well as following a transition period.

573. Additional reporting requirements could also be set for states of emergency or transition periods. This could, for example, set a requirement to report after the third extension. This aligns with the current requirement for the House of Representatives to be notified upon the third, and any subsequent, extension of a local transition period.

Assessment against criteria

574. Option Two ensures increased oversight and supports good governance. Where local states of emergency or transition periods are of extended duration, reporting would better position central government to engage early with local authorities to support the transition to recovery. There would also be a greater ability to detect systemic or recurring issues, that may require intervention.

575. There would likely be a minor increase in administrative cost and compliance burden, but this is not considered disproportionate given the extraordinary nature of the powers made available. The compliance burden could be reduced through the use of templates or reporting forms.

What option, or combination of options, is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

576. Option Two is likely to best address the problem and meet the objective of ensuring the right powers are available when an emergency happens.

577. It addresses the need for formal oversight and transparency over the access to, and use of, emergency powers - proportionate to their extraordinary nature.

578. Increased transparency can also support greater understanding of the challenges faced in response and recovery, in the context of states of emergency and transition periods being needed and activated more often, and for longer durations.

How do the options compare to the status quo/counterfactual? (preferred option/s shaded green)

	#1 – Status Quo	#2 – Increase reporting requirements for states of emergency and transition periods (primary legislation)
Effectiveness (weighted x2)	0	++ Increased oversight, greater ability to detect systemic issues. Feedback indicates reporting will also be valuable for governance bodies at local level.
Ease of implementation	0	++ Processes already be in place to capture information. Compliance burden proportionate given extraordinary nature of powers.
Affordability	0	+ Minor increase in administrative burden, but processes should already be in place for documenting decisions and use of emergency powers at the local level.
Overall assessment	0	7

Section 3: Te Tiriti analysis for package of preferred options

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

579. The Minister's package of preferred options in the Cabinet paper is broadly the same as NEMA's preferred package. There are no issues with different preferences between the Agency's preferred options and the Minister's preferred option that impact this analysis. Refer to **Appendix A** for an overview of the preferred options for each issue.

Te Tiriti analysis for package of options in RIS and cabinet paper

580. Iwi Māori are increasingly impacted by emergencies. For example, 80% of marae are built on low-lying coastal land or flood-prone rivers. The complex legacy of colonisation, their intrinsic bond with te taiao (the natural world) and role as kaitiaki, cultural values, and economic vulnerabilities all influence the capacity of iwi Māori to deal with climate threats.

581. Partnering with Iwi Māori to build disaster resilience is essential to ensuring a resilient New Zealand. Iwi Māori have unique knowledge, skills, and resources to contribute to emergency management across the 4 Rs. These attributes are grounded in their experience responding to and recovering from emergencies in New Zealand for centuries. For example, iwi Māori:

- use local mātauranga to understand hazards and risks, and
- use their capacity, networks, and resources to manage risks and care for their communities through response and recovery.

582. While New Zealand's locally led approach to emergency management places emphasis on relationships between local authorities and iwi Māori, the Crown also has a role in supporting and enabling CDEM Groups and iwi Māori to engage and work together effectively.

583. Further discussion on iwi Māori role in emergency management is in Section 2.2: Strengthening the role of iwi Māori in emergency management.

584. The table below assesses the extent to which the package of preferred options upholds Te Tiriti o Waitangi and supports the Crown in meeting its Treaty obligations. Analysis of Te Tiriti implications is also included in the relevant sections above for Issues 2 and 10.

Identified Tiriti principles/obligations	Assessment
Kāwanatanga/Article One – right of the Crown to govern and make laws; good government	Issue 2 focusses on strengthening the role of iwi Māori in emergency management option 3 and option 4 aim to enhance relationships between iwi Māori and CDEM Groups by enabling iwi Māori involvement in planning processes and including iwi Māori as members of the Coordinating Executive Group (CEG) which significantly influences governance of emergency management. Option 3 further strengthens relationships at the national level through engagement with the Director CDEM. This approach enables the Crown to exercise its governance responsibilities

	<p>whilst supporting the Crown’s overarching obligation to act reasonably and in good faith, while accommodating regional differences.</p> <p>Issue 8, option 2 and option 3 related to stronger national direction and assurance would enable increased guidance, and mandatory standards would strengthen the mandate of the Director CDEM to identify areas where the relationship with iwi Māori could be strengthened , and direct action to address this or set expectations through guidelines to consider Māori interests including for things like ensuring cultural competency, and recognition of the role of marae and Māori organisations in response and recovery.</p>
<p>Tino rangatiratanga/Article Two – right of Māori to make decisions over resources and taonga which they wish to retain</p>	<p>Issue 10, option 3 relates to considering taonga Māori and other cultural heritage during and after emergencies, and seeks to support the Crown’s obligation under Article Two to actively protect taonga.</p> <p>This option would enable the development of secondary legislation to enhance recovery planning which may include for taonga Māori and other cultural heritage.</p> <p>Enabling the ability to require CDEM Groups to consider taonga Māori and other cultural heritage in recovery planning will mean that CDEM Groups and Local Authorities are required to consider these things which people care deeply about before an event happens. This should mean that groups are better prepared, will have established relationships and can more effectively protect taonga Māori and other cultural heritage during and after emergencies.</p> <p>The Ngāti Rangi Claims Settlement Act 2019 requires the Manawatū-Whanganui CDEM Group to have regard to Te Mana Tupua and Ngā Toka Tupua when developing, approving, or reviewing a CDEM Group Plan. These options would provide the Crown additional opportunities to consider Te Mana Tupua and Ngā Toka Tupua when exercising functions or powers relating to the Manawatū-Whanganui CDEM Group Plan.</p> <p>Issue 2 focusses on strengthening the role of iwi Māori in emergency management. Option 3 which involves engagement with iwi Māori on CDEM group Plans and option 4 which is appointing an iwi Māori member on the CEG are intended to enable better engagement and influence of iwi Māori in emergency management planning so decisions that may impact on Māori resources and taonga can reflect and provide for the needs of iwi Māori.</p>
<p>Ōritetanga/Article Three – the Crown’s obligation to New Zealand citizens are owed equally to Māori</p>	<p>The package of preferred options do not result in inequitable outcomes for Māori. Establishing requirements for engagement in planning ensures that iwi Māori interests are consistently and meaningfully considered across New Zealand. By standardising these engagement processes, the framework promotes consistency in how iwi Māori perspectives are incorporated into</p>

	<p>emergency management and planning at both regional and national levels. Such consistency strengthens the overall relationship between iwi Māori, local authorities, and the Crown, while supporting better outcomes for Māori communities and the wider population.</p>
Partnership	<p>Mandatory engagement of iwi Māori in national and local planning and participation on CEG establish a direct relationship between iwi Māori, local government, and the Crown, fostering collaboration in planning processes. This approach upholds the Treaty principle of partnership by requiring the Director CDEM and CDEM Groups to actively engage with iwi Māori in good faith when developing plans. These interactions are underpinned by the expectation that all parties act reasonably and in good faith, strengthening the commitment to collaboration and partnership.</p>

Proactively Released

Section 4: Costs and benefits of package of preferred options

Context

585. The cost (direct as well as wider social and economic) to New Zealand of recovering from disasters is increasing due to increased urban development, and the increasing frequency and severity of weather events. For example, modelling by the Treasury of a severe Wellington earthquake indicates that such an event could permanently lower GDP by three percent. Recovering would increase net Crown debt by 12 percent.
586. Forthcoming analysis²⁷ shows Government expenditure on natural hazards is primarily post-event, with 80 percent attributed to recovery, 12 percent to response, and two percent to readiness. Just six percent of spending was for risk reduction, up from just one percent in 2010. Natural hazards do not inherently result in disasters. Their impacts depend on human actions or inactions, and in particular pre-event risk reduction and readiness measures, and the resilience of communities and infrastructure. For every dollar spent on disaster preparedness, international evidence suggests at least \$4 can be saved in disaster response and recovery costs.²⁸ Analysis by NZIER in 2024 found the benefits of local flood protection were two to four times greater than costs across 55 projects.²⁹ Ultimately benefits are about saving lives and preventing serious injury. The 2024 value of statistical life (fatality) calculated by the Ministry of Transport, Waka Kotahi, is approximately \$15 million, and the 2024 value of statistical life (serious injury) is 0.776 million.³⁰
587. Assessing the future benefits of more effective emergency management is always uncertain because it is dependent on the unpredictable frequency and nature of future adverse events (and because of the difficulty of establishing a counter-factual benchmark). As set out in the limitations section of this RIS, evidence certainty is generally low to medium. Due to the limitations, it has not been possible to forecast and monetise all costs or benefits of the proposals. Given the number and breadth of the proposals and the many different actors they may impact (NEMA and other government agencies, 16 CDEM Groups (made up of 78 local authorities), iwi Māori, many communities, lifeline utilities) the impact of each proposal will vary considerably and depend on the particular circumstances of each of those actors and the region they are operating in.

Estimate of costs of the NEMA package of preferred options

588. The key government actors in the emergency management regulatory system where costs of the package of preferred options will fall are CDEM Groups (local authority members in each

²⁷ White, A., Comendant, C., Yee, D., and Moore, D. (forthcoming). Natural hazards-related public spending in New Zealand Tracking costs over time by the nature of spending. Sapere Research Group.

²⁸ Multi-Hazard Mitigation Council 2019. Natural Hazard Mitigation Saves: 2019 Report. National Institute of Building Sciences. Washington, DC.

²⁹ NZIER. 2024. Economics of Flood Risk Mitigation. A report for Greater Wellington Regional Council and Rivers Group of Regional Councils.

³⁰ [Social cost of road crashes and injuries | Ministry of Transport](#)

of 16 regions), NEMA, central government agencies, iwi Māori, and rural, disproportionately affected, and other communities, and lifeline utilities (essential infrastructure providers).

589. There will likely be additional (compared to the status quo) initial and ongoing costs for:

- CDEM Groups (local authority members in each of 16 regions): costs to do the legislatively required consultation and to update CDEM Group Plans based on new requirements and guidance (including increased community engagement).
- NEMA: costs to develop and update guidance, regulations/rules, and develop and undertake assurance processes, education of requirements and enforcement. Also cost to do required consultation on national planning.
- Other government agencies: to input to development of guidance and regulations/rules, and adjustment to operational practice and lead agency response plans.
- Iwi Māori, and rural and other community representatives: costs related to being members of CEG and working with communities they represent to input in the development of CDEM Group Plans.
- Disproportionately affected communities and iwi Māori: initial and ongoing costs related to engaging with CDEM Groups through consultation on CDEM Group Plans.
- Lifeline utilities to develop and maintain business continuity plans as prescribed in regulations.

Quantified costs

590. The collated preferred legislative options relevant to each of these actors is set out in the tables in **Appendix A**. For each issue some initial implementation costs (covering approximately four years) are estimated for NEMA, local government and other government agencies.

591. Key costs are associated with legislative options that require CDEM Groups to implement improved consultation on and development of CDEM Group Plans or other processes. Some legislative options are preferred on the basis that NEMA will be able to support the relevant regulated actors by developing and implementing non-legislative guidance, secondary legislation (regulations/rules), and doing assurance activities. As such the costs of NEMA developing, and CDEM Groups and other central government agencies inputting, to this non-legislative work are also estimated, although this work will be subject to resourcing.

592. There are large differences in size, resourcing, characteristics and current practices of the 16 CDEM Groups and their members local authorities (consider the difference between Auckland and the West Coast). There will also be significant differences as to how each of the legislative provisions will apply to each actor. Given this, there will be significant variations (unders and overs) from these crude estimates, and any indicative cost is likely to be underestimated.

593. The cost figures provided are only intended to indicate relative scale of costs for between actors and options for initial implementation. They should not be interpreted as what the

actual costs could be for any particular provision or actor or over the life of the new legislation which could be decades.

594. The direct costs of implementing legislative changes are primarily staff labour costs. Costs have therefore been calculated using 1FTE labour unit = \$200,000 as a proxy. 1FTE includes total labour cost and overheads over a year which may cover parts of multiple labour units (i.e. staff including leadership and project management, subject matter experts, management, governance, and support staff (e.g. legal and communications)), and may span multiple years. We also indicate where we consider there would be negligible relative cost compared to the status quo, i.e. if an activity was largely required already and/or costs are expected to be mostly absorbed in current resourcing.
595. Where there would be costs associated with NEMA's role as assurer, this is indicated. It is too difficult to quantify against each new requirement as the assurance framework for each is yet to be established and will likely overlap as a programme of work. Therefore, a total indicative estimate of assurance cost has been added.

Non-quantified costs

596. Costs for lifeline utilities, iwi Māori and communities are indicated qualitatively but not monetarised in **Appendix A**.
597. Additional costs for people and communities to engage with the new provisions (planning etc) have not been quantified as they will vary greatly and depend on many factors such as the extent to which those communities can and want to engage, current practice, and whether there are already representatives of those communities who are paid to do those roles.
598. Proposed options related to essential infrastructure providers are to enable an Order in Council process to identify a broader range of entities to come under the existing requirements of the CDEM Act; and for new regulations to specify business continuity planning requirements. How many essential infrastructure providers there will be and the business continuity planning requirements will not be known until these secondary legislative processes are undertaken. As such, costs of NEMA undertaking those processes are estimated but the costs of any future specified essential infrastructure providers implementing current requirements in the CDEM Act and existing or future essential infrastructure providers implementing new regulations are not quantified in this analysis. A regulatory impact analysis would be done for Cabinet to consider through the Order in Council and regulations processes when those are developed.
599. Discussion with current lifeline utilities suggest that many already have a high standard of business continuity planning (it is often in their best commercial interests to do so), so we expect costs from regulations specifying business continuity planning requirements to generally be low.
600. Where costs are expected to be ongoing, this is indicated but is also unable to be quantified in most cases.

601. There will also likely be indirect capital and operating costs, which cannot be quantified at this time, that arise from the outcome of consultation and planning and improved emergency management generally, for example, new community readiness or resilience initiatives or training programmes.

Non-quantified benefits

602. Benefits accrue mostly to the public generally in terms of improved life safety and improved economic, social and cultural outcomes resulting from a better planned, accountable and responsive emergency management system compared to the status quo. In some cases, benefits may accrue more to particular groups of people, for example, disproportionately affected communities. For central and local Government clarity of roles and responsibilities and better guidance can improve efficiency and reduce costs in the long-term.

603. These benefits overlap and cannot be calculated against the legislative provisions on a one-to-one basis. As such we indicate for each proposal whether the benefits are High, Medium or Low based on a description of the relative beneficial impact expected for communities.

604. The tables below summarise impacts for affected groups based on the package of options. The estimated impact for each of the preferred options is summarised in **Appendix A**.

Summary of costs and benefits - package of preferred options in the Minister's Cabinet paper and Agency RIS

Additional costs of the preferred option package compared to taking no action		
Affected group	Impact	
	Initial costs (monetised over approx. 4 years)	Ongoing costs (non-monetised)
CDEM Groups (local authority members)	<p>\$82.8 million</p> <ul style="list-style-type: none"> Implement new requirements and associated guidance. Updating CDEM plans. Engagement with disproportionately affected communities and iwi Māori. 	<p>low – medium</p> <ul style="list-style-type: none"> 5-yearly reviews of CDEM Group plans and ongoing engagement with iwi Māori and communities to maintain plans.
NEMA	<p>\$11.6 million</p> <ul style="list-style-type: none"> Develop/update guidance, regulations, and assurance processes. 	<p>low – medium</p> <ul style="list-style-type: none"> Stewardship of guidance and regulations; implementation support; assurance and enforcement.
Central government agencies	<p>\$7.8 million</p> <ul style="list-style-type: none"> Input to guidance, regulations, and assurance processes. Adjustment to operational practice and lead agency response plans. 	<p>low – medium</p> <ul style="list-style-type: none"> Input to reviews of guidance and regulations.
	Non-monetised initial costs	Ongoing costs (non-monetised)
Iwi Māori	<p>medium</p> <ul style="list-style-type: none"> Input to guidance and CDEM Group Plans; engagement with CDEM Groups. Represent iwi Māori interests on CEG. 	<p>low</p> <ul style="list-style-type: none"> Input to review of guidance and CDEM Group Plans; engagement with CDEM Groups. Represent iwi Māori interests on CEG.
Communities (incl. rural and businesses)	<p>medium</p> <ul style="list-style-type: none"> Input to guidance and CDEM Group Plans; engagement with CDEM Groups. Represent rural and other community interests on CEG. 	<p>low</p> <ul style="list-style-type: none"> Input to review of guidance and CDEM Group Plans; engagement with CDEM Groups. Represent rural and other community interests on CEG.
Lifeline utilities (essential infrastructure providers)	<p>medium-high</p> <ul style="list-style-type: none"> Implement new requirements for improved business continuity planning; implementation and training. 	<p>low</p> <ul style="list-style-type: none"> Maintain business continuity plans and training.

Additional benefits of the preferred option package compared to taking no action		
CDEM Groups (local authority members)	<ul style="list-style-type: none"> Clarity of roles and responsibilities and better guidance can improve efficiency and reduce costs in the long-term. 	High
Central Government (NEMA and other central government agencies)	<ul style="list-style-type: none"> Improvement to emergency management system. Better ability to assure system is fit for purpose. 	High
Iwi Māori	<ul style="list-style-type: none"> Improved ability to engage with the emergency management system, particularly in CDEM Group planning and other decision-making on CEG, leading to better outcomes when emergencies happen. 	High
Communities (including Māori, rural and other communities, disproportionately affected communities, businesses and the general public)	<ul style="list-style-type: none"> Improved ability to engage with the emergency management system, particularly in CDEM Group planning and other decision-making on CEG, leading to better outcomes when emergencies happen. The needs of those disproportionately affected by emergencies are identified and met. Greater confidence that the emergency management system is capable of responding to and actively managing hazards and emergencies Improved ability to engage with the emergency management system, particularly in CDEM Group Plans, leading to better outcomes when emergencies happen. 	High
Lifeline Utilities (essential infrastructure providers)	<ul style="list-style-type: none"> Clarity of responsibilities and better guidance can improve efficiency in business continuity planning and reduce costs after an emergency. 	High

Section 5: Delivering the options

How will the proposal be implemented?

605. As steward, operator and assurer of the emergency management system NEMA will support stakeholders through the transition and implementation phase, to the extent possible with its resources.

Who	What	Risk	Mitigation
NEMA/Government agencies/Parliament	Development and enactment of the legislation.	Risk of delay in development and enactment of legislation will delay realisation of expected benefits of improved system.	No mitigation proposed. Costs will fall on agencies as part of normal baseline government business.
Local government CDEM Groups)	Implement new requirements and associated guidance, including updating CDEM plans, engagement with disproportionately affected communities and iwi Māori.	Lack of resource, capacity and capability to implement all requirements fully and/or in a timely manner will delay realisation of expected benefits of improved system.	No mitigation proposed. Costs will fall on local government.
NEMA	Develop guidance and support. Develop regulations for new requirements. Develop assurance processes.	Lack of resource, capacity and capability to implement all requirements fully and/or in a timely manner will delay realisation of expected benefits of improved system. Timeliness will depend on whether there is existing guidance to update or new guidance is needed. Prioritisation may be necessary depending on available resource, which could result in delays in issuing and socialising new guidance or to step up assurance work.	Adequate resourcing to develop guidance, regulation and assurance processes will be sought through relevant Budget processes.
Other government agencies	Input to guidance, regulations, and assurance processes. Adjustment to operational practice and	Lack of resource, capacity and capability to engage.	No mitigation proposed. Costs will fall on agencies as part of normal baseline government business.

	lead agency response plans		
Iwi Māori	Engage with CDEM Groups and input to planning	Lack of resource, capacity and capability to engage.	No mitigation proposed. Costs will fall on iwi Māori.
Communities (incl. rural and businesses)	Consider new guidance and engage with CDEM Groups.	Lack of resource, capacity and capability to engage.	No mitigation proposed. Costs will fall on communities/local government.
Lifeline utilities	Implement new requirements (e.g. business continuity plans)	Lack of resource, capacity and capability for implementation will delay realisation of expected benefits of improved system.	No mitigation proposed. Costs will fall on lifeline utilities.

How will the proposal be monitored, evaluated, and reviewed?

606. NEMA will continue to exercise stewardship over the emergency management system and legislative framework.
607. NEMA has commenced building its national assurance function and support will be targeted first to areas with the highest need and risk. This will include key requirements in the CDEM Act, such as CDEM Group planning. Developing and implementing national mandatory standards and monitoring against these standards will provide assurance and improve consistency.
608. Assurance activities will likely include a national lessons framework and self-assessment tool which will allow CDEM Groups to proactively self-assess themselves. A national lessons framework will provide decision makers with the confidence that the emergency management system is working and adapting.
609. NEMA will monitor implementation of the proposals and the extent to which they meet the policy objectives, by:
- drawing on reporting and insights from ongoing exercise of NEMA's assurance function to inform review of policy
 - monitoring implementation and reviewing of products as they are produced (such as CDEM Group Plans)
 - conduct post-facto reviews of local and national emergency responses, and
 - regularly reviewing and revising guidance material.

Appendix A: Table of package of preferred options and costs/benefits

The below table provides the package of preferred options for each issue and outlines costs and benefits associated with the preferred option.

There is no difference between the preferred package in the Minister's Cabinet paper and this RIS.

Notes to table:

- Shaded areas are where costs are n/a to that actor; (PL) = primary legislation; (NL) = non-primary legislation (i.e. guidance, forms, regulations/rules).
- Costs associated with NEMA's role as assurer are indicated and a total indicative estimate of assurance cost has been added.
- Figures indicate costs for initial implementation (over approximately four years). Where costs are expected to be ongoing this is indicated, but not quantified.
- Costs for iwi Māori, communities, and essential infrastructure providers are indicated qualitatively but not monetarised as the extent to which these actors will engage in the system (e.g. planning) will vary greatly.
- Costs for essential infrastructure providers to undertake business continuity planning requirements as this will be subject to separate regulatory impact analysis as new providers are identified and requirements developed through secondary legislation.

Costs and benefits are expressed where this is possible on the following basis:

Indicative estimated costs				Benefits		
H - High	M - Medium	L - Low	N - Negligible	H - High	M - Medium	L - Low
3xFTE \$600,000	2xFTE \$400,000	1xFTE \$200,000	Negligible – activity is required to happen, or happens already, and/or costs can be absorbed in current resourcing	Compared to the status quo, will likely make a significant ongoing positive difference for the outcomes of people generally, or for most communities, during and/or after an emergency	Compared to the status quo, will likely make a moderate ongoing positive difference for the outcomes of people generally, or for many communities, during and/or after an emergency	Compared to the status quo, will likely make some ongoing positive difference for the outcomes of people generally, or for some communities, during and/or after an emergency

ISSUES	OPTIONS (preferred package)	COSTS (additional cost to the status quo)								BENEFITS Benefits to Communities
		CDEM Groups	\$000 Averaged over x16 Groups (unless specified otherwise)	NEMA	\$000	Government Agencies	\$000	Essential infrastructure providers (incl. local government) (non-monetised indication of costs)	Iwi Māori and communities (non-monetised indication of costs)	
#1: Meeting the needs of disproportionately affected communities	#2: NEMA develops guidance for CDEM Groups and disproportionately affected communities to enable engagement and planning for the needs of disproportionately affected communities (NL)	L - (initial) input to guidance	3,200	H - (initial) develop guidance	600	L - (initial) input to guidance X5 key agencies	1,000		Engagement with NEMA on guidance	M
	#3: Require CDEM Group Plans to identify, engage with, and plan for the needs of disproportionately affected communities and to set out how this will be done in CDEM Group Plans (PL)	M (initial) (ongoing)	6,400	L - assurance	-				Engagement with CDEM Group on plans	M
	#4: Require the Director CDEM to consult with representatives of disproportionately affected communities to inform national planning (PL)			L - (initial) consultation (ongoing)	200	N - (initial) assistance to identify communities	0		Engagement with Director CDEM on plans	M
#2: Strengthening the role of iwi Māori in emergency management	#2: Develop guidance to strengthen engagement between CDEM Groups and iwi Māori (NL)	M - (initial) input to guidance	6,400	H - (initial) develop guidance	600	M - (initial) input to guidance X1 TPK	400		Engagement with NEMA on guidance	H
	#3: Require CDEM Groups to engage with and involve iwi Māori during the development of CDEM Group Plans (PL)	M - (initial) depending on current practice (ongoing)	6,400	L - assurance	-				Engagement with CDEM Group on plans, depending on current practice	H
	#4: Require CDEM Groups to appoint at least one member with knowledge of mātauranga Māori and the interests and values of local Māori communities on CEG (PL)	L (initial) appointment for x4 CEG – (most CEG have iwi members already)	800						Participation, depending on current practice	H

ISSUES	OPTIONS (preferred package)	COSTS (additional cost to the status quo)								BENEFITS
		CDEM Groups	\$000 Averaged over x16 Groups (unless specified otherwise)	NEMA	\$000	Government Agencies	\$000	Essential infrastructure providers (incl. local government) (non-monetised indication of costs)	Iwi Māori and communities (non-monetised indication of costs)	
		(ongoing – member expenses)								
	#6: Require the Director CDEM to seek advice on Māori interests and knowledge to inform development of the National CDEM Plan (PL)			M (initial) consultation (ongoing)	400				Engagement with Director CDEM on plans	M
#3: Strengthening the role of the community in emergency management	#2: Develop and update guidance and strengthen public education for managing community offers of assistance (NL)	L - (initial) input to guidance	3,200	M (initial) Some existing guidance	400	L – (initial) input to guidance X2 key agencies MSD/DIA	400		Engagement on guidance	M
	#3: Require CDEM Groups to include in CDEM Group Plans how offers of assistance from people and communities will be managed in an emergency (PL)	L - (initial) (ongoing)	3,200	L - assurance	-				Engagement on plan	M
	#4: Require CDEM Groups to appoint to the CEG at least one member who has knowledge, experience or expertise in the interests and needs of rural communities relevant to the Group's area (PL)	L - (initial) appointment for 14 CEG (some CEG already have rural members) (ongoing) member expenses	2,800	N - support for appointment	0				Participation, depending on current practice	M
	#5: Require CDEM Groups to consider coopting one or more members who have connections with communities relevant to emergency management in the Group's area (PL)	L - (initial) appointment (ongoing) expenses	3,200	N - support for appointment	0				Participation, depending on current practice	M
#4: Clearer direction and control during an emergency	#2: Clarifying the agency dealing with the specific hazard to be responsible for management response to the emergency (PL)	L – (initial) adjustment to operational practice and updates to Group plans	2,000	M-L – (initial) adjustment to operational practice and National CDEM Plan	200	M-L – (initial) adjustment to operational practice and lead agency response plans (ongoing)	200			M
#5.A: Resolving overlapping CDEM Group and local authority roles and responsibilities	#2: Provide distinct responsibilities for CDEM Groups and their local authority members (PL)	N - (initial) depending on current practice does not change overall responsibilities - some realignment may be needed	0							L- M depending on current practice
#5.B: Providing for clear and consistent organisation and accountability for emergency management	#4: Make the chief executive of each territorial authority responsible for coordinating resources within their own district (PL)	N – for accountability, does not change overall responsibilities	0							L
#6: Keeping emergency management plans up to date	#2: Enable targeted “more than minor” amendments to the National CDEM Plan and CDEM Group Plans (PL)	N - (aimed at reducing cost)	0							L

ISSUES	OPTIONS (preferred package)	COSTS (additional cost to the status quo)								BENEFITS
		CDEM Groups	\$000 Averaged over x16 Groups (unless specified otherwise)	NEMA	\$000	Government Agencies	\$000	Essential infrastructure providers (incl. local government) (non-monetised indication of costs)	Iwi Māori and communities (non-monetised indication of costs)	
#7: Emergency management responsibilities for Offshore islands	#4: Make the Minister of Local Government and the relevant CDEM Group jointly responsible for emergency management in relation to offshore islands (PL)	L - (initial) for relationship agreement development 1-2 CDEM Groups only	400	N - assurance		M – relationship agreement development X1 DIA	400		Input from mana whenua of affected islands to any agreements	L
#8.A: Strengthening the mandate to set expectations and monitor performance	#2: Increased guidance and strengthened governance (NL)	L - (initial) input to guidance (ongoing)	3,200	H (initial) develop priority guidance (ongoing)	600	L – (initial) input to guidance (will vary for agencies depending on topic and frequency)	200			H
	#3: Enable a wider range of mandatory standards to be set through rules (PL)	M - (initial) input to developing rules (ongoing implementation could be high depending on standards)	6,400	H (initial) if used frequently (ongoing to develop rules and additional cost for overall assurance of requirements)	600	M – (initial) input to guidance (will vary for agencies depending on topic and frequency)	400			H
#8.B: Strengthening the Director CDEM's power to intervene and address performance issues	#2: Provide the Director with the power to issue compliance orders (PL)	M – (initial) input to develop regulations and meeting requirements (will vary depending on current practice)	6,400	H (initial) develop regulations, process and design for enforcement; (ongoing) assurance	600	M – (initial) input to develop regulations and meeting requirements (will vary depending on current practice)	800	Input to regulations Implementation of requirements - depends on current practice		M
#9: Strengthening local hazard risk management	#3: Strengthen assurance of CDEM Group Plans (NL)	M – input to assurance process (ongoing - every 5 years)	6,400	H - (initial), update guidance and design processes M - assurance	600	N – some review from agencies may be required ongoing	0			H
	#4 – Enable the form and content of CDEM Group Plans to be prescribed through secondary legislation (PL)	M - (initial) input to regulations	6,400	H - (initial) for regulations	600	L – (initial) input to regulations X4 key agencies	800			H
	#5: Strengthen the Minister's role in the CDEM Group planning process (PL)	N – assuring current quality expectations (ongoing)	0	M - (initial) (ongoing monitoring and advice)	400	N – some review from agencies may be required ongoing	0			M
#10 Considering taonga Māori and other cultural heritage during/after emergencies	#3: Strengthen planning expectations for taonga Māori and other cultural heritage through secondary legislation (PL)	L-M - (initial) (likely some groups already include this in their plans) (ongoing)	6,400	H - (initial) – develop regulations	600	M – (initial) input to regulations X 2 key agencies TPK/MCH	800		Input to regulations	H
#11: Considering animals during/after emergencies	#3: Require CDEM Group Plans to consider the management of animals (PL)	M - (initial) (likely that some groups already include this in plans) (ongoing)	6,400	L - assurance	-	M – (initial) input to guidance X2 agencies MPI/MBIE	800		Input to regulations	M
	#4: Expand emergency powers to enter premises to mitigate unnecessary pain or distress to animals (PL)	N	0	N	0					M

ISSUES	OPTIONS (preferred package)	COSTS (additional cost to the status quo)								BENEFITS Benefits to Communities
		CDEM Groups	\$000 Averaged over x16 Groups (unless specified otherwise)	NEMA	\$000	Government Agencies	\$000	Essential infrastructure providers (incl. local government) (non-monetised indication of costs)	Iwi Māori and communities (non-monetised indication of costs)	
12.A: Narrow definition of “lifeline utility”	#3: Replace the lifeline utilities framework with an expanded, principles-based definition of “essential infrastructure” (PL)			H – (initial) identify new providers and do Order in Council process	600			No immediate cost from enabling entities to be identified		H
12.B: Strengthening lifeline utility business continuity	#2: Increase assurance of lifeline utilities’ business continuity plans (NL)			M - (initial) to produce guidance and establish monitoring processes); (ongoing) assurance	400	N – some review from agencies may be required ongoing	0	Engage in assurance process – depends on sector and current practice		H
	#3: Provide for detailed business continuity planning requirements to be set through regulations (PL)			H - (initial) do regulations and design enforcement processes L - assurance	600 -	L – (initial) input to regulations X2 agencies MBIE/TSY	400	Input to regulations Implement business continuity requirements - depends on current practice		H
12.C Barriers to cooperation and information sharing before and after an emergency	#4: Require essential infrastructure providers to contribute to sector response plans (PL)			N – BAU development of input to response plans	0	N – response plans are BAU intermittently developed by other government agencies	0	Input to plans		M
	#5: Strengthen information sharing protections (PL)			M - (initial)	400					L
	#6: Prescribe technical data standards through rules (NL)			M - (initial)	400	L – (initial) input to regulations X2 agencies MBIE/TSY	400	Input to standards		M
#13: Managing access to restricted areas	#2: Develop guidance and training on managing cordons (NL)	L - (initial) input to guidance Ongoing training costs	3,200	H - (initial)	600	L - (initial) input to guidance X4 key agencies MPI/MBIE/MSD/DIA	800	Input to guidance	Input to form	M
	#3: Prescribe the form of identification passes through regulations (NL)	N - (initial) input to form	0	L - (initial) develop form and Order in Council process	200	N - (initial) input to form)	0	Input to form	Input to form	L
	#4: Clarify that access can be restricted to any class or group of persons (PL)									L
#14: Modernising the process to enter a state of emergency or transition period	#2: Enable authorised persons to use electronic signatures (PL)	N	0	N	0					L
#15: Mayors' role in local state of emergency declarations and transition period notices	#2: Mayors have primary responsibility for declaring a local state of emergency or giving notice of a transition period for their district or wards (PL)	N	0	N	0					L
#16 Providing greater oversight of extended states of emergency	#2: Increase reporting requirements for states of emergency and transition periods (PL)	N	0	N	0					L

ISSUES	OPTIONS (preferred package)	COSTS (additional cost to the status quo)								BENEFITS
		CDEM Groups	\$000 Averaged over x16 Groups (unless specified otherwise)	NEMA	\$000	Government Agencies	\$000	Essential infrastructure providers (incl. local government) (non-monetised indication of costs)	Iwi Māori and communities (non-monetised indication of costs)	Benefits to Communities
and transition periods										
				Additional NEMA assurance (over 4 years)	2,000					
Indicative total monetised cost (over approx. 4 years)			82,800		11,600		7,800			

Proactively Released

Appendix B: Example modelled natural hazard risk scenarios

Table 1: Example modelled natural hazard risk scenarios

Modelled scenarios	Likelihood in the next 50 years	Modelled building/ infrastructure losses
Auckland volcanic eruption	10%	\$5bn–\$65bn (buildings only)
Large Taranaki eruption	1%	\$10bn–\$15bn
Hikurangi subduction zone M9.1 earthquake and tsunami	1%	\$144bn (buildings only)
Hutt River flood (above stopbank design event)	5%	\$5bn–\$10bn
Alpine Fault M8 earthquake	75%	~\$10bn
Cyclone Gabrielle equivalent event	80%	\$9bn–\$14bn (est. actual cost)

Appendix C: Current responsibilities under the CDEM Act

Central Government

1. The **Director of CDEM** is a statutory officer appointed by the chief executive of NEMA. They hold a range of emergency management functions and powers at the national level.
2. During a national state of emergency, the **National Controller** has access to a range of emergency powers and is responsible for directing and controlling resources made available for emergency management.
3. During a national transition period, the **National Recovery Manager** has access to a range of emergency powers and is responsible for directing and controlling resources made available for emergency management.
4. All **government departments** have the duty to keep functioning to the fullest possible extent during and after an emergency. They must also make their plan for functioning during and after an emergency available to the Director CDEM on request.

Local Government

5. There are 16 **CDEM Groups** across New Zealand. They are responsible for emergency management in their areas and have access to a range of powers (including emergency powers) that enable them to deliver on these responsibilities. CDEM Groups are either:
 - a **joint committee** formed by the local authorities in each region (represented by each council's mayor or chairperson), or
 - a **council committee** in some unitary authorities.
6. As members of a CDEM Group, **local authorities** (territorial authorities, unitary authorities, and regional councils) are collectively responsible for carrying out the Group's functions. Local authorities are individually responsible for planning and providing for emergency management within their own districts. They must also keep functioning to the fullest possible extent during and after an emergency.
7. The regional council member of the CDEM Group (or a unitary authority member, if applicable) is the **administering authority** and is responsible for providing administrative and related services on behalf of the Group.
8. Each CDEM Group must establish a **Coordinating Executive Group** made up of the chief executives of each local authority member and a senior representative from the Police, Fire and Emergency New Zealand, and a health and disability service provider. Other members can also be co-opted by the CDEM Group. Coordinating Executive Groups are responsible for providing advice to and implementing the decisions of their CDEM Group. Day to day, these responsibilities are usually carried out by a **Group Office** of local government emergency management experts.
9. During a state of emergency, **Group Controllers** have access to a range of emergency powers and are responsible for directing and coordinating the resources made available by departments, CDEM Groups, and other persons. CDEM Groups may also appoint one or more Local Controllers, who must follow any directions given by the Group Controller during an emergency.

10. During a transition period, **Group Recovery Managers** have access to a range of emergency powers and are responsible for directing and coordinating the resources made available to carry out recovery activities. CDEM Groups may also appoint one or more **Local Recovery Managers**, who must follow any directions given by the Group Recovery Manager during a transition period.

Lifeline utilities

11. Lifeline utilities are operators of infrastructure that provides certain essential services. They have the duty to:
- keep functioning to the fullest possible extent during and after an emergency
 - make their plan for functioning during and after an emergency available to the Director CDEM on request
 - participate in the development of the National CDEM Strategy, the National CDEM Plan, and CDEM Group Plans
 - provide free technical advice to CDEM Groups or the Director CDEM
 - ensure any information that is disclosed to them is only used or shared with another person for the purposes of the CDEM Act, and
 - perform any functions, duties, or requirements set through regulations, the National CDEM Plan, or a CDEM Group Plan.

Emergency services

12. Emergency services include the New Zealand Police, Fire and Emergency New Zealand and providers of health and disability services. They must participate in the development of the National CDEM Strategy and CDEM plans and provide an active member for each Coordinating Executive Group.

Appendix D: Themes arising from public consultation

Key themes arising from the submissions on the discussion document include:

- Gaps in training and available resources are contributing to issues at a local level.
- Better collaboration is needed to bring iwi, communities, and others into the CDEM model.
- Civil liability protection supports the reality of a response, especially in remote areas. It will encourage more community members to become involved. However, blanket indemnity has risks and may conflict with other legislation, such as the Health and Safety at Work Act 2015.
- Differing views on the best model for overall leadership in response.
- Support for setting more national standards but mixed views on scope and compliance measures.
- Support for legislative changes to information sharing and cooperation requirements for lifeline utilities, but that effective design is difficult.

Key themes from engagements with key stakeholders were:

- Support for better clarity around responsibilities and governance structures, including around recovery management.
- Support for greater use of national standards and also taking into account cost implications and where they lie.
- A need for national standards to be mindful of regional variations and requirements, e.g. differences in needs and ratepayer bases of Auckland and Chatham Islands.
- Support for clarity around command and control in response.
- For group and local controllers – support for clarity on their functions and powers and support for change in legislation.
- Identification of gaps in power of controllers but concerns that people holding the powers have the training and competence since they are often volunteers.
- Support for addressing regional inconsistencies in iwi representation on CDEM Group Joint Committees and CEG, to ensure equity across the country.
- Recognition that marae are critical points of community support during emergencies and so they need to be resourced appropriately for their roles.
- Calls for improving risk-based mitigation, informed by mātauranga Māori.
- Remove delays in providing post-event funding and streamline processes for iwi Māori reimbursement.



Cabinet

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.

Report of the Cabinet Economic Policy Committee: Period Ended 25 July 2025

On 28 July 2025, Cabinet made the following decisions on the work of the Cabinet Economic Policy Committee for the period ended 25 July 2025:

Out of scope

ECO-25-MIN-0117

**Strengthening Emergency Management:
Legislative Reform**

CONFIRMED

Portfolio: Emergency Management and Recovery

Out of scope

Rachel Hayward
Secretary of the Cabinet



Cabinet Economic Policy 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.

Strengthening Emergency Management: Legislative Reform

Portfolio **Emergency Management and Recovery**

On 23 July 2025, the Cabinet Economic Policy Committee:

- 1 **noted** that in November 2024, the Cabinet Economic Policy Committee noted that the intent of the Civil Defence Emergency Management Act 2002 (CDEM Act) remains sound but legislative reform is required [ECO-24-MIN-0269];
- 2 **agreed** to the following objectives for reform of the CDEM Act:
 - 2.1 strengthen the role of communities and iwi Māori in emergency management;
 - 2.2 provide for clear responsibilities at the national, regional, and local levels;
 - 2.3 enable a higher minimum standard of emergency management;
 - 2.4 minimise disruption to essential services; and
 - 2.5 ensure agencies have the tools to do their jobs effectively when an emergency happens;
- 3 **noted** that public consultation on a discussion document titled *Strengthening New Zealand's Emergency Management Legislation* was open from 15 April to 20 May 2025, and that 324 submissions were received, mostly substantive in nature;
- 4 **noted** that the proposals in the paper under ECO-25-SUB-0117 have been informed by the submissions received, as well as engagement, inquiries and reviews;
- 5 **agreed** to the following policy proposals, whose indicative detail is set out in Annex 1 to the paper under ECO-25-SUB-0117:
 - 5.1 require engagement with communities that may be disproportionately affected by emergencies;
 - 5.2 strengthen the role of iwi Māori in emergency management;
 - 5.3 strengthen the role of the community in emergency management;
 - 5.4 clarify direction and control during an emergency;
 - 5.5 resolve overlapping CDEM Group and local authority roles and responsibilities;

- 5.6 clarify local lines of accountability for emergency management;
- 5.7 enable roles and responsibilities and other matters to be updated in plans via targeted amendments;
- 5.8 strengthen the mandate to set expectations;
- 5.9 strengthen the mandate to intervene and address performance issues;
- 5.10 strengthen local hazard risk management via CDEM Group plans;
- 5.11 clarify CDEM Group recovery planning expectations;
- 5.12 provide for consideration of animals before, during and after emergencies;
- 5.13 widen and future-proof the definition of lifeline utility;
- 5.14 strengthen essential infrastructure providers' planning for service continuity;
- 5.15 remove barriers to cooperation and information sharing between essential infrastructure providers;
- 5.16 improve how access to restricted areas is managed;
- 5.17 modernise the process to declare a state of emergency or give notice of a transition period;
- 5.18 clarify mayors' roles in declaring local states of emergency and giving notice of local transition periods;
- 5.19 strengthen oversight of states of emergency and transition periods;
- 5.20 limit civil liability in relation to warnings;
- 5.21 increase penalties of existing prosecutable offences;
- 6 **invited** the Minister for Emergency Management and Recovery (the Minister) to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decision, including any necessary consequential amendments and savings and transitional provisions;
- 7 **authorised** the Minister to make decisions on any matters arising from legislative drafting that align with the overall policy intent of the paper under ECO-25-SUB-0117, in consultation with relevant Ministers as required;
- 8 **authorised** the Minister and the Minister of Local Government to make decisions on the emergency management functions of the Minister of Local Government as the territorial authority for certain offshore islands;
- 9 **noted** that relevant decisions arising from related work across government, and in particular the following matters, will be incorporated into the Emergency Management Bill (the Bill) as appropriate:
 - 9.1 decisions on accountabilities across the National Resilience System;
 - 9.2 s9(2)(f)(iv)

- 10 **noted** that the Minister intends to report back to Cabinet ahead of the Bill's introduction with additional Bill proposals, if required;
- 11 **agreed** that the Bill will bind the Crown;
- 12 **invited** the Minister to report back to the Cabinet Legislation Committee to seek approval to introduce the Bill;
- 13 s9(2)(f)(iv)

Rachel Clarke
Committee Secretary

Present:

Hon David Seymour
Hon Nicola Willis (Chair)
Hon Chris Bishop
Hon Simeon Brown
Hon Brooke van Velden
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston
Hon Mark Mitchell
Hon Todd McClay
Hon Tama Potaka
Hon Simon Watts
Hon Andrew Hoggard
Hon Nicola Grigg
Hon Mark Patterson
Hon James Meager
Hon Scott Simpson
Simon Court MP

Officials present from:

Office of the Prime Minister
National Emergency Management Agency
Officials Committee for ECO