

Submission on the Emergency Management Bill (no 2)

Executive Summary

To the Governance and Administration Committee,

Thank you for the opportunity to present our thoughts and reflections on the Emergency Management Bill. We make this submission on behalf of the Wellington Civil Defence Emergency Management (CDEM) Group, coordinated by the Wellington Regional Emergency Management Office (WREMO).

The Wellington Region Civil Defence Emergency Management Group (CDEM Group) is made up of those who work together to provide civil defence and emergency management to the region. This includes the nine councils (including the Wellington Region Emergency Management Office (WREMO), iwi/Māori, emergency services, lifeline utilities, government and non-government organisations and our communities.

This is a governance-level submission approved by our Joint Committee and Coordinating Executive Group Chairs and does not preclude individual Group members from making their own submissions.

Our Position

While we were somewhat surprised that this Bill was not more ‘transformational’ in nature, given the extensive reviews, commentary, and recommendations that have occurred over the last ten years, we are comfortable with the general direction of travel that this Bill represents. In particular, we are supportive of the principles which underpin the Bill, specifically:

- An **‘end-to-end risk and hazard management’** philosophy.
- A **whole-of-society approach**, where communities are seen as a critical part of the system and deliver services alongside official Emergency Management agencies.
- Ensuring **roles and responsibilities** up and down the Emergency Management system are more clearly defined, articulated, and understood.

We look forward to the delivery of the Emergency Management System Improvement Programme (EMSIP) work. We understand this will focus on empowering communities to better prepare for emergencies, deliver significant improvements to EM workforce capability and capacity, and provide the necessary tools to ensure a common operating picture is available to all agencies. We believe this is where true sector transformation can be delivered. To achieve this, it is critical that local councils are adequately resourced to enable these positive changes.

This submission:

- **Strongly supports** clearer national leadership, improved system standards, expanded civil liability protections, and recognition of community and iwi capability.
- **Supports** strengthened planning and risk reduction requirements, provided they align with existing planning and climate adaptation legislation.
- **Supports** clearer recovery roles, responsibilities, and transition arrangements, including explicit post-transition accountability and strengthened national coordination of recovery.
- **Supports with qualification** provisions relating to Chief Executives, adequate resourcing, planning architecture, and implementation timeframes.
- **Does not support** provisions that unintentionally increase executive liability, duplicate planning systems, or introduce compliance without guidance or adequate resources.
- **Does not support** raising expectations on councils to increase capability or deliver additional services without complementary funding.

Recommendations are structured issue-by-issue and directly linked to clauses in the Bill.

Issue 1: Purpose, principles, and system alignment (Clauses 3–5)

Position: Support with qualification

The Bill sets out five objectives intended to strengthen emergency management across Aotearoa. These objectives are broadly supported. However, the Bill does not clearly acknowledge climate change as a key driver of increasing hazard frequency and severity, nor does it explicitly align emergency management with land use planning and climate adaptation decision-making.

This matters operationally. Poorly aligned planning decisions increase exposure and vulnerability, which in turn increases the scale, duration, and complexity of emergency response and recovery. Emergency management bears the downstream consequences of land use decisions made elsewhere in the system.

Recommendation:

- Add a purpose or principles clause acknowledging climate change as a driver of hazard risk and the role of risk reduction and adaptation in reducing emergency management demand.
- Clarify that emergency management planning must align with relevant planning and climate adaptation frameworks, including the Planning Bill, National Policy Statement for Natural Hazards, National Adaptation Framework, and Climate Change Response Act amendments.

Issue 2: Role of Chief Executives and coordination of resources (Clause 44)

Position: Support with qualification

The intent to strengthen preparedness and improve coordination of resources outside of declared emergencies is supported. Clear executive leadership is important for ensuring emergency management capability is maintained between events.

However, placing primary accountability for coordination of emergency management resources on territorial authority Chief Executives creates material risks if it is not accompanied by clear standards, sufficient resourcing, and a realistic pathway to build and sustain professional emergency management capability.

Chief Executives already carry significant statutory, financial, and organisational accountability. The Bill expands this accountability into operational emergency management functions, while also introducing compliance orders and penalties. Without clarity and enablement, this risks blurring governance, executive leadership, and professional emergency management roles.

In practice, many councils do not currently have the staff capacity, funding, or time to develop and maintain a sufficient pool of suitably trained controllers and recovery managers. This is a known and systemic constraint, particularly for smaller councils. Imposing accountability without addressing this capability gap risks creating nominal compliance rather than genuine preparedness.

There is also insufficient clarity in the Bill about what constitutes effective coordination, what standards apply, and how performance will be assessed. Without this clarity, Chief Executives cannot reasonably understand the pre-conditions for success or the downstream consequences of decisions made in complex, high-pressure situations.

Recommendations:

- Clarify in guidance and standards what “coordination of resources” means in practice, including reasonable expectations on Chief Executives and the extent of their accountability.
- Ensure the commencement of clause 44 is aligned with the release of supporting guidance, standards, and workforce capability frameworks, rather than a fixed 12-month timeframe.
- Recognise that effective accountability depends on access to suitably trained and experienced controllers and recovery managers, and provide funding mechanisms to support councils to build and sustain this professional capability.
- Align accountability and compliance provisions with a system uplift approach that prioritises capability development, mentoring, and assurance before enforcement.

Issue 3: Planning architecture – local and regional emergency management plans (Clauses 87–91)

Position: Support

The move to strengthen regional emergency management planning and clarify roles across the system is supported. A regional planning focus better reflects how hazards, infrastructure, lifelines, and communities function in practice.

Regional emergency management planning must also explicitly integrate lifeline utility providers. Infrastructure interdependencies mean that lifeline disruption frequently drives the scale and duration of emergencies and recovery. Planning frameworks should clearly articulate lifeline roles, coordination mechanisms, and prioritisation processes to support effective response and recovery outcomes.

Local plans remain important for community-level readiness and delivery, but duplication between local and regional plans should be avoided. Clear direction is required on purpose, scope, and hierarchy.

Recommendation:

- Retain a strong regional planning framework, supported by local delivery plans where appropriate.
- Ensure planning requirements align with spatial planning and natural hazard planning under the Planning Bill and NPS–Natural Hazards to avoid duplication and conflicting priorities.
- Reinstate a statutory requirement for Emergency Levels of Service (similar to former clause 57 from the previous Bill). This tool is a simple, proven way to manage expectations and create a shared language for capability trade-offs. It would set out what services will and will not be delivered at each emergency level and support planning consistency across regions.
- Reinstate an annual reporting requirement for lifelines and essential infrastructure providers (similar to former clause 58). This is a simple, low-cost assurance mechanism that supports self-regulation and shared understanding of capability across sectors.

Issue 4: Risk reduction duties and methodologies (Clauses 72–75, 91)

Position: Support with qualification

Strengthening risk reduction duties is supported. However, the Bill does not specify how risk is to be assessed or prioritised, nor does it require alignment with existing risk methodologies used in land use planning and climate risk assessment.

Risk reduction duties should explicitly recognise the role of lifeline utilities in reducing systemic risk. Alignment between emergency management risk assessment and infrastructure planning is critical to addressing cascading failures and improving community resilience.

Multiple, unaligned risk frameworks across legislation will lead to confusion, inefficiency, and poor decision-making.

Recommendation:

- Require consistent risk assessment approaches across emergency management, planning, and climate adaptation legislation.
- Ensure regional emergency management plans use shared hazard and risk information that is also used for spatial planning and land use decisions.

Issue 5: Community resilience, mana whenua partnerships, and a whole-of-society operating model (Clauses 3, 9–11, 27, 56–61, 87, 91, Welfare and planning provisions)

Position: Strongly support with qualifications

The Bill strongly signals the importance of communities, iwi Māori, and mana whenua in emergency management, which is strongly supported. Marae, iwi organisations, and community networks consistently deliver rapid, trusted, and effective support during emergencies. However, the Bill relies largely on high-level intent without clear mechanisms for how communities participate or how a whole-of-society approach works in practice.

In practice, most emergencies have strong involvement and local leadership provided by:

- community networks
- iwi and marae
- NGOs, faith groups, volunteers

These actors often act early and at scale, but currently operate in a grey zone of informal authority, unclear expectations, and inconsistent support. Without clear roles, authority, and resourcing, this creates risk for communities, emergency management agencies, and the wider public.

Key gaps identified:

1. Community roles are recognised but not operationalised
 - The Bill does not clearly set out what roles communities are expected to play across readiness, response, recovery, and risk reduction.
 - Informal and spontaneous networks are not formally integrated into emergency coordination.
 - Councils and regions lack guidance on enabling community action safely and consistently.
2. Partnership with mana whenua is clearly articulated, but the role of wider community groups is less clearly defined.

- The Bill appropriately strengthens partnership and co-delivery with mana whenua, recognising their established leadership, capability, and role in emergency management.
 - However, the Bill is less clear about how other community organisations, volunteer groups, and informal networks are expected to be enabled and coordinated, despite their critical role in welfare delivery, local response, and recovery.
 - A whole-of-society approach requires clear and complementary arrangements that support Treaty-based partnership and provide defined roles, expectations, and interfaces for the wider community sector.
3. Planning levers are underused
- Regional emergency management plans and welfare plans do not clearly require formal recognition or engagement of informal community networks.
 - This leaves communities operating outside the formal system, despite being essential to emergency outcomes.

Recommendations:

- Clarify how community participation is empowered, enabled and supported across the 4Rs
 - Require regional emergency management and welfare plans to explicitly describe how communities, iwi, NGOs, and informal networks are enabled, supported, and coordinated across readiness, response, recovery, and risk reduction.
 - Roles should be defined in advance rather than improvised during events.
- Use mandated plans to enable and integrate informal community networks
 - Identify key community and voluntary networks.
 - Clarify roles, interfaces, and escalation pathways.
 - Build standardized systems and models to empower an informal and spontaneous community response and recovery
- Strengthen co-delivery beyond response
 - Embed community and iwi participation in pre-event planning and preparedness.
 - Enable communities to coordinate their efforts consistently.
 - Align mana whenua co-delivery with broader community and EM capability.
- Align community resilience with recovery and welfare arrangements

- Recognise that community networks are critical to welfare delivery, recovery coordination, and long-term resilience.
- Recovery and welfare provisions should explicitly enable community-led activity within defined coordination arrangements.

Issue 6: Animal management in emergencies (Clause 84)

Position: Support

The explicit inclusion of animal welfare and management in emergency planning and response is supported. Animal management has direct implications for human safety, evacuation compliance, and recovery outcomes.

Recommendation:

- Retain and clarify animal management responsibilities within emergency management planning and operations.

Issue 7: National leadership, coordination, and system stewardship (Clauses 8–16)

Position: Support with clarification

Strong national leadership, clear coordination, and effective system stewardship are essential for a resilient and high-performing emergency management system. Past events have consistently demonstrated the consequences of unclear national leadership, fragmented coordination across government agencies, and inconsistent system performance.

The intent of the Bill to strengthen national direction is supported. However, the Bill does not clearly articulate how national leadership is exercised in practice, nor does it explicitly recognise the National Emergency Management Agency (NEMA), despite NEMA being publicly described as the Government lead for emergency management and the steward, operator, and assurer of the system.

As drafted, the Director-General's functions in clauses 14–15 do not clearly translate into organisational leadership by NEMA, nor do they provide sufficient clarity about responsibility for cross-government coordination during significant emergencies and recovery phases. This creates ambiguity about who is accountable for system performance at the national level and how national leadership interfaces with regional and local capability.

Emergency management begins and ends locally. National leadership should enable, support, and coordinate regional and local delivery — not override it. For this to work, national roles, responsibilities, and authority must be explicit.

Recommendations:

- Review and amend clauses 14–15 to clearly align the Director-General’s statutory functions with NEMA’s expected role as the national leader, steward, and coordinator of the emergency management system.
- Explicitly recognise NEMA’s role in providing national leadership, system stewardship, and cross-government coordination, particularly during nationally significant emergencies and recovery.
- Clarify how national direction supports and enables regional and local emergency management capability, rather than duplicating or displacing it.
- Ensure national coordination arrangements are clear, visible, and operationally effective across readiness, response, recovery, and system assurance.

Issue 8: Civil liability protections (Clauses 202–204)**Position: Strongly support, with further extension**

The extension of civil liability protections beyond declared emergencies addresses a significant gap in the current legislation. This change is strongly supported.

However, uncertainty remains for actions taken in good faith outside formal declarations, particularly in early response and recovery phases.

Recommendation:

- Confirm that civil liability protections apply to good faith actions taken in the performance of emergency management functions, including preparedness, response, and recovery activities outside declared states.

Issue 9: Implementation, compliance, and resourcing (Part 6 – Clauses 181-201)**Position: Support with qualification**

The Bill introduces stronger compliance, enforcement, and penalty powers. Improving accountability and system performance is supported. However, these mechanisms are introduced without first defining minimum capability expectations, system standards, or what “good” looks like in practice.

Dedicated funding is essential if the capability uplift envisioned by the Bill is to be delivered in practice. Councils are operating in a constrained financial environment while concurrently implementing multiple major reforms, yet are being asked to significantly expand emergency management, welfare, planning, and workforce obligations without corresponding resourcing.

If emergency management is to be treated as a core local government service, this must be reflected in how it is funded and supported. Central government should establish dedicated, ring-fenced funding mechanisms to support capability development, including controller and

recovery manager workforce pipelines, welfare surge capacity, and community and iwi partnership delivery.

Such funding must be in place before new compliance powers commence to ensure the system achieves genuine capability uplift rather than minimum compliance driven by resource constraints.

Local government is being asked to deliver a significant uplift across risk reduction, planning, community resilience, workforce development, and coordination. Yet the Bill does not clearly specify the baseline capability being enforced, nor does it ensure that guidance, standards, tools, and funding are in place before compliance provisions take effect.

Welfare delivery represents one of the most resource-intensive aspects of emergency response and recovery. Expectations for expanded welfare capability, coordination, and community engagement cannot be met without dedicated funding and clear national frameworks. If welfare surge capacity is not adequately resourced, system performance and public confidence will be undermined during major events.

The expansion of compliance and enforcement powers also includes broader information-gathering powers. These must be applied in a way that maintains trust and cooperation across the system.

Compliance should be used to drive consistent uplift across the system, not to penalise under-resourced organisations for structural gaps that have not yet been addressed at a national level.

Recommendations:

- Delay commencement of compliance and penalty provisions until national guidance, standards, and minimum capability expectations are issued.
- Clearly define the capability outcomes the system is expected to achieve before enforcing compliance.
- Align implementation timeframes with local government Long Term Plan cycles.
- Provide dedicated funding mechanisms to support capability uplift, rather than relying solely on compliance and enforcement.
- Ensure compliance tools are applied proportionately and used to support improvement, not punitive enforcement.
- Clarify that information-gathering powers (clauses 170–173) are bounded by publicly defensible privacy protections, including limits on commercial sensitivity and contextual protections for iwi and community data, to maintain trust.

Issue 10: Recovery roles, authority, and handover are unclear and incomplete

Position: Support with further qualifications

(Clauses 44, 27, 154, national recovery provisions, Director functions)

The Bill does not clearly define who is responsible for leading and coordinating recovery once a state of emergency or transition period ends, either locally or nationally. Recovery frequently continues for months or years, yet the Bill leaves responsibility implied rather than explicit.

This lack of clarity has repeatedly caused delays, confusion, and gaps in recovery following major events, including nationally significant emergencies. It also blurs the intended boundary between emergency management's transitional role and longer-term recovery leadership.

At a national level, the Bill does not clearly establish how recovery coordination across government agencies will be achieved following national declarations, nor does it anticipate the need for alternative recovery arrangements for nationally severe or catastrophic events.

Key problems to address

- Unclear ownership of recovery once transition ends
- No mechanism to transfer recovery leadership where event scale or complexity requires it
- Blurring of emergency management transition powers and long-term recovery leadership
- Weak and inconsistent coordination of recovery across government agencies
- No provision for alternative recovery arrangements in nationally catastrophic events

Recommendations

1. Make post-transition recovery responsibility explicit

Amend the Bill to clearly state that, when a local transition period ends (or a state of emergency ends where no transition is declared), responsibility for coordinating recovery resources and implementing recovery activities transfers to the Chief Executive of the relevant territorial or unitary authority.

2. Enable recovery leadership to be transferred where appropriate

Insert provisions enabling the Minister or an Emergency Management Committee to approve a formal transfer notice that allows post-transition recovery coordination and implementation to be transferred to another person or authority, such as:

- a regional recovery agency spanning multiple districts
- a dedicated recovery entity established for the event

The transfer notice should specify scope, timing, limits, and acceptance of responsibility.

3. Maintain a clear separation between transition powers and long-term recovery leadership

Clarify that emergency management recovery roles and powers are transitional. Leadership of longer-term recovery may transfer, while emergency management powers remain within the Act unless the receiving person is formally appointed under it.

4. Clarify recovery leadership following national emergencies

Amend the Bill to ensure that:

- Where no local or regional transition period is declared following a national declaration, recovery responsibility defaults to council Chief Executives unless formally transferred
- Recovery coordination responsibility is unambiguous at the end of national transition periods

5. Strengthen national coordination of recovery across government

Explicitly include in the Director of NEMA's statutory functions a duty to support coordination of recovery resources and activities across government agencies:

- during transition periods, and
- following the end of national or local transition periods

This function should be clearly stated in the Act, not left solely to the National Plan.

6. Plan for nationally severe or catastrophic recovery scenarios

Require the National Plan to recognise that standard emergency management arrangements may be insufficient for nationally severe or catastrophic events, and to outline how alternative recovery arrangements will be planned for and activated.

7. Make pre-event recovery planning a requirement by councils

The Bill should emphasise that pre-event recovery preparedness is a council responsibility involving detailed strategic, operational, and tactical planning in collaboration with partner agencies and communities, not just a high-level planning requirement.

Mayor Anita Baker, CDEM Joint Committee Chair



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